

The New Plumbers

By William Safire

WASHINGTON, Oct. 7—Vice President Agnew, coming off the floor in a blind rage, cannot see his true opponents and is flailing away at the referee and the spectators.

His opponent is the power of the state to deny an individual citizen his rights. His opponent is a Justice Department that will abuse the new immunity statutes to coerce testimony to "get" a big fish. His opponent is a prosecutor who will spread a pronouncement of guilt to every lawyer in the case so that his prejudicial judgment cannot help but see print, and thereby tamper with the jury's opinion.

To challenge the abuse of power is to fight the good fight; a Federal judge has given him the weapon of subpoena power to defend himself with, a scalpel to cut into the grey areas of law enforcement, but the Vice President is using it like a bludgeon to fight the wrong fight—that old grudge fight against the press.

Instead of focusing the nation's attention on the real principle at stake in the historic Agnew case—that every man has a right to unbiased examination and an unprejudiced jury—he has foolishly muddled the waters. The leakers in power are venal; the leakers in the press are not.

Government officials and officers of the court who willfully use leaks to get an indictment or a conviction reduce our civil liberty; newsmen, the recipients of the leaks, have a right to protect sources within reasonable limits, which in turn protects civil liberty.

Watergate's lesson number one has been that no law enforcement official may use improper means to achieve his ends. Mr. Agnew, as a victim who has real power, can blaze back at improper prosecution on behalf of all of us.

Watergate's lesson number two has been that an obsessive fear of "the press as the enemy" leads to wiretaps, "plumbers," national security break-ins, and the chain of events now draped around the Administration, making every action it takes sound like the clanking movement of Marley's ghost.

With the unprecedented power that is now his to investigate leaks, the Vice President and his lawyers can strike a blow for, and not against, individual freedom—to grill those investigators and prosecutors at the United States Attorney's office and Justice Department, and the attorneys they blackjacked, to discover not only what was leaked but how the process of justice can be corrupted by men whose object is to convict rather than to do justice.

This is a once-in-a-lifetime opportunity to expose a growing menace to

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liberty: the Government power to "get" anybody it wants.

What is the Vice President doing with that opportunity? Petulantly, he is picking on some of the people who picked on him, as if this is a nice time to settle old scores, or as if this is a good time to bring on a constitutional confrontation of rights that are better accommodated than resolved.

Some of the press can be vicious, but infinitely more pernicious is a media paranoia by men in power. Are the old plumbers, Krogh, Young, Hunt and Liddy, to be replaced by new plumbers—Agnew, Best, Topkis, and London?

Time still remains for the Vice President to admit he has made a mistake

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—he is man enough for that—to drop the sideshow of subpoenaing the press, and to get on with the counterattack against the scalp-hunters' abuse of power.

His decision here is crucial, because it will say whether he is fighting for personal political survival and will use whatever means he can to protect himself, or if he understands the principle involved and will fight for a cause bigger than any man.

If Spiro Agnew fights for principle, for the individual's rights against the abusive power of reputation-conscious prosecutors, he will win; not only that, but he will have a place in history, and perhaps that mysterious resuscitation that so often comes to men universally pronounced politically dead.

But if he fights for Agnew alone, indulging personal piques, stepping on other liberties to expand his own, rallying the professional haters to a narrow and mean-spirited cause, he will lose.

If he chooses that course—and I cannot believe, on sober second thought, that the Vice President will—then he will deserve to lose. And nobody will look at him with more scorn or more sadness than the people who believe him to be a man of principle.