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JUN 22 1974

'The Public Owes a Lot to Leaks'

Archibald Cox, who overnight became a revered martyr when the President fired him as the Watergate Special Prosecutor, is the latest to join the swelling chorus of those deploring "leaks" in Washington. But Cox should be the last man to complain. Without leaks, he would not be a national hero today.

Had there been no leaks about Watergate, there would have been no criminal investigation; and had there been no investigation, there would have been no Archibald Cox as Lord High Prosecutor. As Leon Jaworski's predecessor, Cox achieved both dismissal and immortality by demanding documents that Mr. Nixon refused to turn over.

Now, however, Cox, who has been away from the Washington scene for some time, seems to have forgotten the constructive, indeed indispensable, role that leaks have consistently played in unraveling the greatest scandal in the country's history.

Nobody should know better than Cox that so-called leaks are an inevitable part of the Washington scene. As the first special prosecutor, Cox, a former solicitor general of the United States, conducted himself impeccably and imposed the same conscientious standards on his large staff.

Yet, as the White House complained, there were some leaks even from his office. The biggest leak of all, in fact, came from Cox himself who, to his credit, was the first to acknowledge it. He privately told Sen. Edward Kennedy (D-Mass.) and Sen. Philip Hart (D-Mich.) that former Attorney General Richard Kleindienst had secretly confessed to misleading a Senate committee about his role in the ITT anti-trust case.

But, as is usually the case with leaks, no real harm was done, for the information came out anyway (as it had to) when Kleindienst later pleaded guilty to not telling the truth about his orders from President Nixon.

It is generally assumed (but not proved) that the present leaks about Secretary of State Henry Kissinger's involvement in White House wiretaps originated either in the House Judiciary Committee headed by Rep. Peter Rodino (D-N.J.) or in Jaworski's operation. In fairness to Rodino and Jaworski, however, it should be noted that, like Cox, they have conscientiously tried to maintain the integrity of their operations. But they both have large staffs, and Rodino has a committee with 38 members who are privy to secret information. In the circumstances, as every practical politician in Washington knows, leaks are inevitable.

Cox was far wide of the mark in alleging that the leaks and stories about Dr. Kissinger are a throwback to the "heyday" of McCarthyism. The complaint against Sen. Joe McCarthy was not that he used leaks but that he invented false charges against others, along with twisting and maliciously distorting such tips as came his way. That is a long way from a responsible press publishing important leaks after first making sure they are accurate and reliable.

When Sen. Hugh Scott (R-Pa.), the Minority Leader of the Senate, also condemned the recent Kissinger news stories as McCarthyism, Sen. Lowell Weicker (R-Conn.) took sharp issue, saying, "The press has every right to ask questions. Everybody is sitting here saying they believe in freedom of the press, but . . . There is no 'but' to the First Amendment." And he added:

"I think I understand what McCarthyism is, and it seems to me that equating dissent or the asking of questions with disloyalty and treason runs far closer to McCarthyism" than what Scott had in mind.

Some of the officials making the greatest noise about leaks are themselves among Washington's prominent sieves. That includes Sen. Scott, Sen. Barry Goldwater (R-Ariz.), Sen. Strom Thurmond (R-S.C.) and Vice President Gerald Ford, who says the nameless leakers are trying to "undercut" both Mr. Nixon and Dr. Kissinger.

The biggest show of indignation, however, comes from the White House,

which itself is by all odds the leakiest institution in Washington. The President's men are experts at it. After they got through leaking against former Vice President Spiro Agnew, he was a terminal case.

When the White House is the victim of leaking, though, it is equally adept at staging what humorist Russell Baker calls its well-rehearsed "shame-on-the-leakers!" act. As he says, the aim of that routine "is to change the subject so that everybody will stop thinking about the main plot line and start worrying about the evils of journalism."

It is not hard to see why the Nixon apologists are so worked up on the subject, for it is leaks that, in addition to Watergate, exposed the secret illegal bombing of Cambodia, the eye-opening Pentagon Papers, the hidden "tilting" against India, the My Lai massacres, the falsifying of Air Force records, the collusion with ITT and the multibillion-dollar overruns on military contracts. The fact is, the public owes a lot to leaks.

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