

Symbol Of Justice

By Anthony Lewis

BOSTON, Jan. 25—In a corridor outside the Attorney General's office in Washington there hang portraits of the past Attorneys General of the United States. They go back to Edmund Randolph, who served President Washington from 1789 to 1794.

Last week the Justice Department held a ceremony for the unveiling of the latest painting. It was of Richard G. Kleindienst, Attorney General 1972-73. Mr. Kleindienst was there, along with 150 friends and department employees.

The present Attorney General, Edward H. Levi, told the audience that when he came to the department last year, "I was struck by the rich vein of affection I found for Richard Kleindienst." Mr. Kleindienst spoke of our "government of law and not of men" and said the Justice Department was "the protector of that law."

Less than two years ago—on May 16, 1974—Richard Kleindienst stood in a Washington courtroom and pleaded guilty to a violation of Federal criminal law. Memories are seemingly so short, these days, that the facts of that case may be worth recalling.

At his Senate confirmation hearings in 1972, Mr. Kleindienst was questioned about Justice Department anti-trust action against the International Telephone and Telegraph Corporation. A principal issue was whether the White House had intervened in the department's handling of the litigation. Mr. Kleindienst swore that it had not. On March 8, 1972, he testified:

"In the discharge of my responsibilities as acting Attorney General in these cases, I was not interfered with by anybody at the White House. I was not importuned; I was not pressured; I was not directed."

In fact—as a White House tape later showed—President Nixon had telephoned Mr. Kleindienst about I.T.T. on April 19, 1971. In a conversation

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sprinkled with curses, Mr. Nixon directed him to drop a pending appeal to the Supreme Court and to leave I.T.T. alone.

"My order is to drop the god-damned thing," Mr. Nixon said. "Is that clear?" Mr. Kleindienst replied: "Yeah, I understand that."

That conversation took place less than a year before Mr. Kleindienst denied under oath that he had had any White House orders on I.T.T. And he had not forgotten the pungent telephone call; as he made clear later, it was an event engraved on his memory. He just lied about it. Telling the truth would have kept him from becoming Attorney General.

When the truth came out in 1974 Mr. Kleindienst was allowed to plead guilty to a misdemeanor instead of the felony of perjury, and he was given a suspended sentence. That result was widely criticized as too lenient, but there were complicated reasons for acceptance of the plea by the Watergate special prosecutor, Leon Jaworsky. In any event, that cannot change the facts—or their implications for our system of law.

Richard Kleindienst is not an evil man. There is no evidence that, like his President, he wanted to subvert the American system. He is said to be personally kind, and it is doubtless true that some in the Government who lived through real evil remember him with affection. He is just a weak man, insensitive, and unfaithful to the principles of his profession.

It is the symbol that matters. An Attorney General of the United States, the country's highest law officer, lied to the Senate on a matter crucial to his office. He knowingly and deliberately violated his oath.

"If the Government becomes a law-breaker," Mr. Justice Brandeis warned, "it breeds contempt for law." Except for the President himself, there can be no more powerful symbol of "the Government" in that sense than the Attorney General. Personal forgiveness is one thing. It seems to me quite another for the Justice Department to honor an Attorney General who attained his office by committing a crime.

If it were Richard Kleindienst alone, one might excuse the episode as an isolated one, motivated by kindness. But those of us who saw the end of Watergate as a powerful new American commitment to law have to admit

now that our optimism was excessive. For all around us are signs that official lawbreaking continues to be treated with a nudge and a wink, not with the special concern that Brandeis rightly demanded.

The man responsible for so much abuse sits in San Clemente, making television contracts and offering homilies about the American spirit. Our intelligence agencies foreign and domestic, have admitted committing numerous crimes; but has anyone yet been charged with personal responsibility for one? Has President Ford even expressed regret at that lawlessness?

Senator Mathias, Republican of Maryland, found it "remarkable" that the President in his State of the Union message had "failed to address the fact that these agencies must be made to act lawfully." It is easy to denounce private crime, as Mr. Ford did. But it is more important, now, for Government to commit itself to law.