

Three Attorneys General

By William Safire

WASHINGTON—"Everybody did it" is no excuse for wrongdoing, but the Church committee reports demonstrate conclusively that the seeds of Watergate were planted and nourished in two Democratic administrations.

Using the Senate committee's findings, let us observe a trio of Attorneys General at their individual moments of truth.

1. *Nicholas Katzenbach and the bugging of hotel rooms of Martin Luther King.* Ben Bradlee, then head of Newsweek's Washington bureau, alerted Mr. Katzenbach to the way F.B.I. officials were peddling salacious King tapes to newsmen in 1964. In his moment of truth, the Attorney General's response was "clearly inadequate," concludes the committee. In fact, he permitted the official wire-tapping of Dr. King to go on for four months after receiving the warning of a smear campaign using unofficial "bugs."

When Mr. Katzenbach's complicity in the bugging of Dr. King was first suggested in this space a year ago, he exploded with a letter using all the libel code words.

But Church committee counsel confronted him with documentary evidence that he had been informed of the placement of microphones in Dr. King's suites. Three F.B.I. memos saying so bore Mr. Katzenbach's handwritten initials, and there was a separate handwritten note from him—dated and filed in sequence with a bugging notification—telling Director Hoover, "Obviously these are particularly delicate surveillances and we should be very cautious. . . ."

Mr. Katzenbach's reaction to this evidence was to insist he couldn't remember what his note was referring to—maybe it was some other surveillance that day. Nor could he remember initialing any of the bugging notifications, but — under oath — he added artfully: "If they are my initials and if I put them on, then I am clearly mistaken. . . ."

The Church staff report on Dr. King (written with admirable evenhandedness by Old Kennedy Hand Michael Epstein) permits the clear conclusion that (a) the wiretapping of Dr. King was originally Robert Kennedy's idea, not J. Edgar Hoover's, and (b) the systematic program of snoop-and-smear could probably not have taken place without the sometimes tacit, sometimes explicit, toleration of Nicholas Katzenbach.

2. *Ramsey Clark and the Doar plan to spy on dissidents.* Under heat from the Johnson White House, to crack down on black power groups and new left peaceniks, Attorney General Clark

told his henchman, John Doar, to come up with a plan to bring the full power of government to bear on gathering intelligence about dissenters.

The Doar plan—forming the "Inter-division Information Unit," described last year in this column—was submitted, urging that agencies as disparate as the Narcotics Bureau, the Poverty Program, the I.R.S. and the Post Office Department be tapped to "funnel information" into a computer that a later Clark study said would create a "master index on individuals, or organizations."

Mr. Clark, in that moment of truth in 1967, approved the Doar plan, spawning the infamous I.D.I.U., which

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—in the Church committee's words—"was the focal point of a massive domestic intelligence apparatus . . . resulting in excessive collection of information about law-abiding citizens."

3. *John Mitchell and the Huston plan.* Thanks to the fine work of impeachment counsel John Doar, we have been treated to many lengthy denunciations of this proposal of a young man in the Nixon White House to combat dissidents with illegal "black bag jobs," mail openings and eavesdroppings. It turns out that in making his scandalous suggestions, Tom Huston was not aware that most of them were already standard operating procedure for intelligence agencies under Presidents Kennedy and Johnson.

In his moment of truth, in the face of White House pressure urging him to approve the Huston plan, what did Attorney General John Mitchell do? Writes the Church committee: "C.I.A. Director Helms shortly thereafter indicated his support for the plan to the Attorney General, telling him 'We had put our backs into this exercise.' Nonetheless, Mitchell advised the President to withdraw his approval. Huston was told to rescind his memorandum. . . ."

These three moments are not cited to suggest Attorneys General Katzenbach and Clark were devils and Mitchell was a saint. But they might be remembered in reviewing what each of the trio is doing today:

Mr. Katzenbach, making no apology for his role in the King case, is taking down \$300,000 per year in pay and benefits as I.B.M.'s general counsel. Mr. Clark, posing as a civil libertarian, is a candidate for the Democratic nomination for Senator from the state of New York. Mr. Mitchell, acquitted at one political show trial and convicted at another, has seen his career ruined and now faces jail.

Equal justice under law?