

D.J.R. Bruckner

Government surveillance grows and grows

The level of popular tolerance of harsh law enforcement is rising. People seem increasingly insensitive to the personal danger of giving government broader power to define crime, conduct unchecked investigations, store data, create special punishments for special classes, detain people without bail and even without charge, and to use illegally gathered information to prosecute.

Atty. Gen. John Mitchell now seeks a national preventive-detention law applied to people accused of bombing, kidnaping, loan sharking, racketeering, robbery, dope peddling, assaults during hijackings, or the attempt or conspiracy to commit any of these acts; a suspect could be held 60 days without bail if the government certified him "a likely danger to the community." The key word in all this is still "accused."

In 1970 Congress passed a crime-control act for Washington, D.C., allowing 60 days preventive detention, even of people with no prior record of convictions, and it authorized no-knock searches by police. That same year, Congress applied the no-knock provision nationally in narcotics cases. It also passed an organized crime law which allows use of illegally obtained evidence in court after five years, thus setting a statute of limitations on constitutional guarantees; that law also allows imposition of 25-year sentences on "dangerous special offenders," which appears to mean that the seriousness of the crime depends on who commits it. The same law expands jail terms of people refusing to testify before grand juries and limits the personal immunity of such witnesses.

So far the government has preventively detained only four accused people in Washington, and one has escaped. Their detention was determined in secret hearings which Sen. Sam Ervin (D-S.C.) has denounced as "Star Chamber proceedings." Do you know where else detention and secret hearings are used? In juvenile cases and in insanity hearings.

Mitchell claims the government has the right to order electronic surveillance of domestic dissidents without court permission, and the Justice Department has a series of active cases now which its own lawyers admit they would have to drop if they had to reveal their bugs and wiretaps. Six months ago Robert Mardian was appointed Assistant Attorney General for Internal Security, an office left over from the 1950s Communist-hunting days. When he took it over it had 42 lawyers; it now has 63 and borrows more from other divisions; it has assumed control of Justice's intelligence network on civil disturbances.

The October, 1969, antiwar march in Washington reminded Mitchell, his wife said, of "the Russian Revolution." Now, Mitchell tells reporters that many of the leaders of every big antiwar march "have Communist-related oriented backgrounds." He added that "some sideliners" sympathize with unruly demonstrators and fault the police, referring specifically to "some members" of the U.S. Senate. On May 10 Mitchell told law enforcement officers in California that the May Day tribe of demonstrators in Washington during the first week of the month reminded him of "Hitler's Brownshirts" and said that he and the

president hoped law officers everywhere would follow the example of the Washington police in dealing with mass demonstrations.

Everywhere? Think about it. The Washington police swept up more than 10,000 people in three days, including passersby, people going to work, and demonstrators. Hundreds were held more than 24 hours without being charged. Twice judges ordered them released unless charged, so prosecutors and police had to openly fabricate charges against many. All this happened while there was no declaration of a state of emergency (and thus no suspension of constitutional protections) although Mitchell ever since has tried to give the impression the government was under siege. This is not to question police work, but the directives of those in charge of the law—Mitchell and the prosecutors.

All this is out in the open. Go look in the dark corners of American society, too. One of the documents stolen from the media, Pa., office of the FBI advises agents to promote a scheme by local police to recruit Boy Scouts as informers on unusual activities in the community; one document talks about aggressive police contact with juveniles as "pre-prevention of pre-offenders."

A Philadelphia girl was writing a book on these Media papers. The other night the FBI raided her apartment, seizing all her xerox copies and notes. If you are not an informer, you will be forced to inform. First Justice, then Congress, issues subpoenas for reporters and their notes. Last month, armed with a magistrate's warrant, Palo Alto, Calif., police raided

the Stanford University student newspaper office in search of what they said they thought might be a photograph of a criminal act.

There are worse things. In San Diego, a rally to support Angela Davis was held in a Catholic Church hall. The Bishop has asked the pastor's (Jesuit) religious superior to investigate, and to transfer some priests out of the parish. The pastor said that the FBI infiltrated the rally and then talked to the Bishop about it.

In Boston, the FBI last month advised the Archbishop that a peace rally scheduled for a Catholic hall was potentially dangerous and subversive. In the Virgin Islands, an Army intelligence agent was assigned to secretly discover information about a Western Union messenger to justify his supervisor's firing him. You don't have to get anywhere near an arrest situation or a court to find the government passing judgment on you, and passing that judgment along to others.

Sure, we are all Americans, and free. But it is time to remember the unhappy history of so many societies in this century, and to wonder where we are going. Civilization, as Ervin told the Senate last week, has to take certain risks. The risk that someone will violate a law is part of the condition of the free obedience to the law; when you take away the risk, you take away the freedom, and then you will not need the law.

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On the right . . . William F. Buckley Jr.

Nixon will run again in 1972

LOS ANGELES—Traveling about, you run into an extraordinary number of people who believe that Richard Nixon will not run for reelection. No doubt they think this because of the great precedent set by Lyndon Johnson (although Harry Truman did the same thing). But even if you remind them how unusual was the abdication of LBJ, they will tell you that Nixon will go the same way.

They reason that Nixon is above all else a shrewd politician, that early next spring he will know more surely than anyone that the presidential chapter of his life is closing ineluctably; and that therefore he will seek to adjust himself accordingly. He will (they are saying) thereupon announce that he will not run again, so as to devote himself (the script is LBJ's exactly) to presiding over the orderly liquidation of the of the Vietnam war. That way (they argue) he can present the next President with a pacified world, a dollar that has ceased to shrink in value, and an unemployment figure on the decline. This is good earnest money on the public esteem of one's countrymen, and a bid for high marks from the historians—better by far than to have everything you accomplish washed away in the bitterness of a campaign, and the ignominy of defeat.

All very well.

Except that anyone who talks that way knows nothing at all about Richard Nixon. Mr. Nixon, it is commonly accepted, is a driven man. But after all—they remind you—he did not try to take the nomination in 1964: does he not permit his sense of mission to adjust to political reality? Yes he does. But in fact he went as far as he thought he could to get the nomination in 1964, and it was only after the Governors' Conference in Cleveland that he realized that Goldwater could not be stopped.

But the existing situation is black and white. Either he runs for re-election or he does not. There are those, of whom Johnson is an excellent example, who

could not stand the prospect of rejection by the voters. Nixon is not the same kind of man. He will be greatly offended, greatly disappointed, if the voters reject him. But the prospect of that hurt, that disappointment, would never cause him to take a position simply because it would spare him the possibility of that hurt; much as a fatalistic bomber pilot would not, if he thought that duty commanded otherwise, avoid a particular target merely because he knew that anti-aircraft fire was heaviest in that area.

Mr. Nixon will run even if his Gallup rating has dropped to 20 per cent. He will run very hard, very emotionally (because he believes that the issues are in part emotional, as indeed they are, having much to do with the place of the human heart in contemporary politics).

It is altogether another question whether he retains his old political knowhow. We are dealing with someone who has never lost a Republican primary. Will it be so in 1972? Will he run as strong as an incumbent President as he did as aspirant? Will he know how to bring alive the issues the voters care most about at this moment? Will he be significantly challenged?

Congressman Paul McCloskey of California, as everybody knows, intends to challenge Mr. Nixon in New Hampshire, McCarthy-style. Mr. McCloskey is running, in fact, on the single issue of Vietnam, and gives no indication of what he will do if Vietnam is simply not much of an issue by March of 1972. My own guess is that Mr. McCloskey will in that event find another issue to run on, the fever having got him. There is talk in California (it is uninformal talk) that Ronald Reagan will challenge Nixon. It is uninformal because Mr. Reagan knows that you cannot challenge an incumbent Republican President, as a general rule; and as a practical matter, never when the differences between your own and his

programs would strike most of the voters as exiguous.

The other conjecture—that Mr. Nixon will ask Mr. Reagan to come along as Vice President—is more interesting. It may be that Mr. Agnew's day will be over; that like Manolete, he will have killed the bull which, however, also will have succeeded in killing him. In that event, Mr. Agnew would not be able to deliver the help in

marginal states that Reagan could deliver. Moreover, unlike the men around FDR, Mr. Agnew is the kind of person who would step aside without a thought if he believed that by doing so he would help the national ticket. But he would not step aside in deference to someone less appealing than he to the southern and border states, whose vote is critical. So who else, if not Reagan?

Letters

Opinion Polls

If the Emerald is going to conduct student opinion polls, I hope someone on the staff learns a little about sampling theory. The recent survey of student opinion on social issues can hardly be called a reflection of student opinion. It was even biased by giving female students' opinions more weight than male opinions. It would take a short book to explain all of your errors, but listed below are a few of the errors and potential errors. I hope it will be assistance in conducting future surveys.

1) Pigger's Guide only lists approximately 75 per cent of the students registered Fall term and does not include students enrolling Winter or Spring terms.

2) If you are going to divide the sample equally between male and female, then list the responses separately; or if you combine them, please weight responses by the proportion of males and females in the population.

3) No mention was made of non-responses. I assume you did have some non-responses.

4) Was the sampling done by telephone? If it was then you exclude students without telephones.

5) The inferences drawn about "protection of academic freedom" were ridiculous. The response reported could have been a normal rejection of authority rather than reflections of the firing of Wainer, the refusal to hire Leggett or the withdrawal of teaching privileges from Joseph Schoenfeld. My guess is that half the students do not even know who these individuals are.

There is an excellent course in sampling offered by the College of Business Administration. I suggest one of your staff members enroll.

James L. Davis
Graduate, Accounting

It is over

I humbly request that all letters pertaining to the past election be filed and that we reserve political space for future elections.

It is over and now may we let it die a peaceful death. May the winners fulfill their promises and be responsive to the students of this university during their term of office.

PEACE.

Gil Feibleman
Soph. Econ.

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