TRUTH AND UNTRUTH

Political Deceit in America

Paul N. McCloskey, Jr.

SIMON AND SCHUSTER · NEW YORK

Copyright © 1972 by Paul N. McCloskey, Jr.
All rights reserved
including the right of reproduction
in whole or in part in any form
Published by Simon and Schuster
Rockefeller Center, 630 Fifth Avenue
New York, New York 10020

First printing

SBN 671-21201-X Casebound edition
SBN 671-21219-2 Touchstone paperback edition
Library of Congress Catalog Card Number: 70-185064
Designed by Eve Metz
Manufactured in the United States of America

Acknowledgments

This book is dedicated to the preservation of political disagreement and activism in America. Its inspiration stems as much as for any other reason from the respect and affection I hold for a number of friends of differing political views—for example, Senators Frank Church and Marlowe Cook, Bob Dole and Bob Packwood, Bill Brock and Mac Mathias; Congressmen Gerry Ford and Don Riegle, John Rousselot and Jerry Waldie, Jim Collins and Pete Biester; Ambassadors George Bush and Edwin Reischauer; lawyers Lewis Butler and John Ehrlichman, Carl Spaeth and William Rehnquist; newsmen Adam Clymer and Kevin Phillips. The pairing of good people of differing political philosophy could go on for pages. Disagreement without loss of respect is a necessary ingredient of democracy.

These thoughts would never have been written but for the profane insistence of Charles Daly of Harvard University and Larry L. King of East Texas, the research of Barrie Ramsay of Stanford Law School and the patience of Cubby McCloskey of McLean, Virginia.

The premises and conclusions are solely my own; I regret only the inability to argue the case more ably.

Contents

FOREWORD	9
PART I-TRUTH AS THE NECESSARY ELEMENT	
1. Faith in Government	25
2. The Need for Skepticism in Government	32
3. Truth as an Element of Faith	42
PART II-THE EXECUTIVE	
4. Limitation of Executive Authority	53
5. Executive Privilege: A Means of Concealing Truth	68
6. The SST: A Classic Case in Presidential Deceit	7:
7. National-Security Secrecy	8
PART III-THE CONGRESS	
8. Congressional Politics: Secrecy, Senility and Seniority	9'
9. Briefings of Congressmen	11
10. The "Mistaken" Bombing of Laotian Villages	129
PART IV-CONSTITUTIONAL UNTRUTH	
11. "All Men Are Created Equal"	13
12. Racial Discrimination: Political "Reality" Forces a	
Retreat in Leadership	15
13. Retreat in Mississippi	16

PART V-THE JUDICIARY 14. The Principle of Judicial Independence 175 185 15. The Conservative Attack on the Courts PART VI-THE PRESS 16. The Role and Responsibilities of a Free Press 203 17. News Management and the Attack on the Press 217 PART VII-THE PEOPLE 18. Apathy—Our Greatest Enemy 235 245 19. The Citizen's Obligation 258 INDEX

Foreword

Since this book will appear during a Presidential campaign, the publishers have requested a brief listing of the reasons for my own particular challenge to the President.

As a junior member of Congress from a suburban district in California, favored with a lovely wife, four healthy children, a good house, and reasonable prospects for employment back home as a lawyer after leaving government service, there would seem to be little reason to make any challenge at all to a political system which bestows on a member of Congress the greatest of privileges and benefits.

There could be no more rewarding work than that of the careful legislative craftsmanship required in Congress to end the war in Vietnam, the seniority system in Congress, and racial discrimination. It was my hope to participate for some years in this challenging work and in the development of new national policies in land use and environmental protection. I would like nothing better than to continue to serve in the House of Representatives where both the greatest need and the greatest opportunity exist for competent making of laws that will set and implement new national goals and priorities, as well as simplify the overwhelmingly complex structure of tax laws and overlapping bureaucracy which has evolved in recent times and now threatens to crush us with its weight and complexity.

Why then the challenge?