

Senate Votes Percy Resolution

Special Prosecutor Asked

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With Republicans taking the lead, the Senate demanded by voice vote yesterday that President Nixon appoint a special outside prosecutor, instead of Attorney General-designate Elliot L. Richardson, to conduct the government's Watergate investigation.

Approval of the resolution, sponsored by Sen. Charles H. Percy (R-Ill.) with a dozen other Republicans and six Democrats, reflected widespread feeling on Capitol Hill that, only an

investigation conducted by someone outside the President's immediate circle can reassure the American people that a complete and full investigation free of coverups is being conducted.

"Should the executive investigate itself?" asked Percy in presenting the resolution to the Senate.

"The office of the Attorney General would be the logical one to hold the investigation, but I'm going on the resolution calling for an outside one," said Sen. Barry Goldwater (R-Ariz.).

Goldwater, who cosponsored the Percy resolution

along with Sens. Bob Dole (R-Kans.), James L. Buckley (Cons.-R.N.Y.), and Charles McC. Mathias Jr. (R-Md.), among others, said, "I'd like to see it conducted by someone not connected with the government." Like Percy, Goldwater said the call for an outside prosecutor wasn't intended in any way to question Richardson's integrity.

Goldwater earlier told
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wire service reporters that he didn't think President Nixon had prior knowledge of the Watergate incidents, but "if it was shown that the President has been at all dishonest about this, then I think that impeachment would certainly come. Whether I would vote for it or not I couldn't say."

Sen. Strom Thurmond (R-S.C.) expressed similar sentiments yesterday, telling a news conference he foresees impeachment proceedings if Mr. Nixon is shown to have known about Watergate in advance or to have covered it up.

Although Percy's resolution was passed with only a handful of senators on the floor, it was cleared first with leaders of both parties. It incorporated proposals made by scores of House and Senate members yesterday, following President Nixon's televised announcement to the nation Monday night that Richardson would have full responsibility for the Watergate probe and would be free to appoint a special prosecutor if he chose.

Late yesterday, Sens. George D. Aiken (R-Vt.), Norris Cotton (R-N.H.) and Carl Curtis (R-Neb.) angrily protested the Senate's passage of the resolution without re-

ferred to committee and with only a few senators on the floor.

Curtis said he wanted to offer an amendment making clear that ex-Sen. John J. Williams (R-Del.), a famed investigator who isn't a lawyer, would be eligible to head the probe. However, a plan to reconsider the earlier vote fell apart, though it may be revived today.

In the House, a similar resolution was introduced by Rep. John B. Anderson (R-Ill.), chairman of the House Republican Conference, and 16 other Republicans.

"At least as important as the fact of full disclosure is public understanding and acceptance that such disclosure has indeed taken place, that nothing remains hidden," said Anderson. "The best way to accomplish this is through the appointment of an independent special prosecutor."

The Anderson resolution was referred to the House Judiciary Committee. Chairman Peter W. Rodino Jr. (D-N.J.) told reporters that he had instructed the committee staff to try to draft by the end of the week an alternative proposal setting up machinery to appoint a special prosecutor.

Capitol Hill response to the President's televised address was mixed. In the speech, the President said

that John W. Dean had been ousted from the White House staff, John Ehrlichman and H. R. Haldeman, his two top aides, were resigning, and Richardson, now Secretary of Defense, was moving over to the post

of Attorney General with a mandate to conduct a complete and full Watergate investigation.

The President disclaimed any foreknowledge of the Watergate incident and said it was not until March 21 that he became convinced he should personally take over the investigation and purge anyone engaged in wrongdoing or coverups.

Most members of Congress said they were happy the first steps had been taken by Mr. Nixon, and that he had assumed overall responsibility. But many said that there had been so much coverup already over the past 10 months, that the only way to restore public confidence was to take the prosecution of the case out of the direct White House line of command.

"He should have said there will be a special prosecutor, from the outside, promptly, for public reassurance, to avoid even the possibility people will think coverup," said Senate Democratic whip Robert C. Byrd (W.Va.).

Byrd said Richardson will be pressed strongly on this point during confirmation hearings on his appointment as Attorney General, which start next week. "I feel that he [Richardson] will announce [such an appointment] even before the hearings," Byrd said.

"He should have brought in an outside man," said Sen. Henry M. Jackson (D-Wash.).

Senate Majority Leader Mike Mansfield (D-Mont.) said he had no objection to a special prosecutor, but stressed that the Senate's own Ervin Committee investigation as well as grand jury and court probes of the Watergate scandals should also continue. "I do not think that the President was aware of what was going on until just about the time he made his statement last month," Mansfield said.

House Majority Leader Thomas P. O'Neill (D-Mass.) said the President's speech "admitted to the nation that a scandal of great magnitude has occurred within his own Republican Party and his own Republican administration. He has recognized that there occurred payoffs, bugging, coverups, denials, fraud, lying, bribery and break-ins ... I believe Mr. Richardson should ask the deans of five of the nation's leading law schools to agree

upon a special prosecutor to fill that crucial office."

Calls for appointment of a special outside prosecutor, either by the President or by Richardson, also came from Ralph Nader, former Supreme Court Justice Arthur J. Goldberg, Sen. Walter Mondale (D-Minn.); Sen. Clifford P. Case (R-N.J.); American Bar Association President Robert W. Meserve, Rep. John Brademas (D-Ind.), and many other Senate and House members.

Percy mentioned Derek Bok, president of Harvard, and Edward Levi, president of the University of Chicago, as possible nominees to the job.

Goldberg mentioned three possibilities: Stanley Fuld, retiring chief judge of the New York State Court of Appeals; Roger Traynor, retired California chief justice; Joseph Weintraub, retiring chief justice of New Jersey.

Reaction to the President's speech was much the same from other parts of the nation as on Capitol Hill: praise of the President for finally taking the initiative but, particularly from Democrats, demands for further assurances of complete cleanup. Alf Landon, 1936 GOP presidential nominee, said in Topeka, Kans., according to wire reports, that the President's actions "may save the presidency from a permanent loss of credibility."

Ohio Gov. John Gilligan (D) said the White House resignations "answer no questions but simply raise new ones."