

President Term Cut Weighed

Panel Asks Tapes to Study Need for Law

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The Senate Watergate committee "might recommend" limiting U.S. presidents to one term in office in hopes of preventing future Watergate-type scandals, according to papers filed here yesterday in support of its renewed legal attempts to get five White House tapes.

The tapes are necessary, the Senate committee said, so that it will have available all evidence concerning the Watergate affair before it decides if such "far-reaching legislation is necessary."

In its 32-page memorandum filed in U.S. District Court, the Senate committee also said the President should not be allowed to "pick and choose" what materials he makes available to Congress.

"It would be highly unfair . . . to permit the President to toy with the investigatory process by withholding the best evidence available . . .

"So long as the executive is allowed to resist full disclosure of evidence bearing on its own wrongdoing, public confidence in the self-corrective processes of government will remain at low ebb," the committee said in another portion of its memorandum.

In addition to its consideration of a one-term limit on Presidents, which would require a constitutional

amendment, the committee also said it was considering limiting the participation of a President in a campaign to choose his successor.

Also possible, the committee continued, is a proposal for a radical new campaign financing system that would "severely curtail the amount of private monies that could be contributed."

"It would be folly to proceed to the enactment of such far-reaching legislation without knowing if the abuse has been great enough to warrant it," the committee said.

On the other hand, the committee said, "If it is concluded that the President and his closest subordinates were involved in serious wrongdoing relating to the 1972 presidential campaign . . . it would be equally foolish to refrain from needed legislation."

An earlier attempt by the Senate committee to gain access to the five White House tapes was dismissed by U.S. District Chief Judge John J. Sirica, who ruled that the committee did not have standing to sue the President.

That ruling was appealed, and Congress passed a new law specifically permitting such a suit to be filed. After passage of that law, the U.S. Court of Appeals remanded the case to the lower court without ruling and it has been reassigned to U.S. District Judge Gerhard Gesell.

The suit was not amended

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to include a recent Senate subpoena for more than 500 Watergate-related documents and tapes from the White House. President Nixon has refused to comply with that subpoena.

Basically, said Chief Committee Counsel Samuel Dash, the suit for the five tapes is an attempt to establish the "legal ability of the committee to enforce its subpoenas."

He said this case is "clearly framed" and that if it goes in the committee's

favor the precedent will be clearly established for the committee to proceed on any other subpoenas.

Most of the memorandum filed yesterday by Senate committee lawyers dealt specifically with the unit's standing to sue the President, the court's power to decide whether the Presi-

dent must comply with subpoenas issued by the Senate committee and the President's claim of executive privilege for the materials.

Four of the tapes subpoenaed by the Senate committee were turned over to the special prosecutor after Judge Sirica ruled against a claim of executive privilege.

The Senate committee said, however, that it has an "informing function" which that special prosecutor does not have and there is no assurance that the materials turned over to the prosecutor will be made available to Congress or the public.

"Public revelation of all Watergate facts is needed to deter repetition in the future of wrongdoing by governmental officials," the committee said.

On several instances in the memorandum, the committee's lawyers pointed out that the unit was acting

with the full support of Congress in the form of the new legislation permitting the suit and backing the subpoenas.

Earlier, attorneys for the President had contended that the original Senate suit and subpoenas were based on a limited Senate resolution that did not intend to "empower the committee to take the unprecedented and unauthorized action that led to the (original) litigation."

Senate lawyers said in the memorandum that the court was the proper forum in which to resolve the issues, since other available remedies such as civil contempt proceedings or impeachment "are not appropriate."

"If the courts were to refuse to decide such cases, the use to decide such cases, the Congress would be forced to choose between the emasculation of its power to investigate executive wrongdoing or the use of provocative sanctions against the President in a trial of strength that would threaten near intolerable stress on the constitutional fabric," the committee said.

While the committee

would not expand on the type of legislation it might recommend, it made it clear that it wanted all the evidence available.

"Where wrongdoing in the highest executive offices has possibly occurred, it is vital that Congress be able to consider intelligently the need for corrective legislation to prevent its recurrence.

"If . . . the courts were to hold that the executive may suppress evidence relating to official wrongdoing, the power of the legislature to investigate such wrongdoing would be effectively destroyed," the committee continued.

In rejecting the President's claim of executive privilege, the committee commented: "Where possible criminal conduct of the President or his close associates is involved, this interest in confidentiality is overwhelmed by the public interest in preventing the concealment of official wrongdoing."