

Recommendations of Senate

Following are excerpts from the recommendations of the Senate Select Committee on 1972 Presidential Campaign Activities:

RECOMMENDATIONS

I. The committee recommends that Congress enact legislation to establish a permanent office of public attorney which would have jurisdiction to prosecute criminal cases in which there is a real or apparent conflict of interest within the executive branch. The public attorney would also have jurisdiction to inquire into (with power to gain access to executive records) the status and progress of complaints and criminal charges concerning matters pending in or involving the conduct of federal departments and regulatory agencies. The public attorney would be appointed for a fixed term (e.g., 5 years), be subject to Senate confirmation, and be chosen by members of the judicial branch to ensure his independence from executive control or influence.

II. The committee recommends that, in connection with its revision of the federal criminal code, Congress should treat as a separate federal offense, with separate penalties, any felony defined in the code (except those felonies that specifically relate to federal elections) that is committed with the purpose of interfering with or affecting the outcome of a federal election or nominating process.

III. The committee recommends that Congress enact legislation making it unlawful for any employee in the executive office of the president, or assigned to the White House, directly or indirectly to authorize or engage in any investigative or intelligence gathering activity concerning national or domestic security not authorized by Congress.

IV. The committee recommends that the appropriate congressional oversight committees should more closely supervise the operations and internal regulations of the intelligence and law enforcement "community." In particular, these committees should continually examine the relations between federal law enforcement and intelligence agencies and the White House, and promptly determine if any revision of law is necessary relating to the jurisdiction or activities of these agencies.

V. The committee recommends that Congress amend:

(1) The false declaration prohibition of 18 U.S.C. 1623 to make it equally applicable to congressional proceedings under oath.

The false declaration prohibition of 18 U.S.C. 1623 (c) in effect provides that, to sustain a perjury conviction regarding statements made under oath to a court or grand jury, or in a civil deposition, the government must only show that two statements made under oath, in any of these forums, are inconsistent.

This provision should be made equally applicable to congressional proceedings under oath. There is no policy justification for granting proceedings in other forums a greater protection from perjury than given congressional investigations.

VII. The committee recommends that the appropriate committees of Congress study and reconsider Title III of the Omnibus Crime and Safe Streets Act of 1968 for the purpose of determining whether the electronic surveillance provisions contained in that act require revision or amendment.

The committee's investigation has revealed numerous incidents of unlawful violations of privacy through electronic surveillance, some of which directly or indirectly under federal branch auspices in whose trust Congress placed the protection of privacy under the provisions of Title III of the Safe Streets Act of 1968. The restrictions contained in that act have proved to be inadequate to protect individuals against unjustified invasions of privacy. A thorough re-evaluation of this legislation, including a factual investigation of federal wire-tapping practices is necessary.

Campaign Financing Proposals

I. The committee recommends that the Congress enact legislation to establish an independent, nonpartisan federal elections commission which would replace the present tripartite administration of the Clerk of the House, Secretary of the State, and GAO Office of Federal Elections and would have certain enforcement powers.

II. The committee recommends enactment of a statute prohibiting cash contributions and expenditures in excess of \$100 in connection with an election for nomination and election for federal office.

III. The committee recommends en-

actment of statute requiring each candidate for the office of president or vice president to designate one political committee as his central campaign committee with one or more banks as his campaign depositories.

IV. The committee recommends enactment of a statutory limitation on overall campaign expenditures of presidential candidates. The committee proposes a limit on expenditures of 12 cents times the voting age population during a general election.

V. The committee recommends enactment of a statutory limitation of a \$3,000 on political contributions by any individuals to the campaign of each presidential candidate during the pre-nomination period and separate \$3,000 limitation during the post-nomination period.

VI. The committee recommends that the Internal Revenue Code be amended to provide a credit in a substantial amount on individual and joint federal income tax returns for any contribution made in a calendar year to a political party or any candidate seeking election to any public office, federal, state, or local.

VII. The committee recommends against the adoption of any form of public financing in which tax monies are collected and allocated to political candidates by the federal government.

VIII. The committee recommends enactment of a statute prohibiting the solicitation or receipt of campaign contributions from foreign nationals.

IX. The committee recommends that no government official whose appointment required confirmation by the

Senate or who was on the payroll of the executive office of the president be permitted to participate in the solicitation or receipt of campaign contributions during his or her period of service and for a period of one year thereafter.

X. The committee recommends that stringent limitations be imposed on the right of organizations to contribute to presidential campaigns.

XI. The committee recommends that violations of the major provisions of the campaign financing law, such as participating in a corporate or union contribution in excess of the limit, and making a foreign contribution, shall constitute a felony.

III. Recommendations

The recommendations which follow are an effort by the select committee to help prevent the recurrence of im-

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proper, unethical and illegal activities that took place in the 1972 campaign. Of central importance to these recommendations is the creation of an independent federal elections commission, similar to the proposal in S. 3044 already passed by the Senate, with full enforcement and subpoena powers to monitor and enforce the election laws. This proposal is discussed more fully elsewhere in this report.

1. The committee recommends that Congress enact criminal legislation to prohibit anyone from obtaining employment, voluntary or paid, in a campaign of an individual seeking nomination or election to any federal office by false pretenses, misrepresentation or other fraudulent means for the purpose of interfering with, spying on, or obstructing any campaign activities of such candidate. Furthermore, such legislation should make it unlawful for anyone to direct, instruct, or pay anyone to join any such campaign by such means or for such purposes as are outlined above . . .

2. The committee recommends that Congress enact legislation to make it unlawful to request or knowingly to disburse or make available campaign funds for the purpose of promoting or financing violations of federal election laws . . .

3. The committee recommends that Congress enact new legislation which prohibits the theft, unauthorized copying, or the taking by false pretenses of campaign materials, documents, or papers not available for public dissemination belonging to or in the custody of a candidate for federal office or his aides . . .

4. The committee recommends that Congress should make it unlawful for any individual to fraudulently misrepresent by telephone or in person that he is representing a candidate for federal office for the purpose of interfering with the election . . .