

'The Presidency Is a Public Trust'

Mr. Flowers: Some of the things that bother me most are troubling to all people who fear that big government can encroach on the freedom of the people.

The institutions of this country have been set up by the people to serve them, to carry out those functions that are necessary to a peaceful and a free society. They are not created to serve the interests of one man or one group of men or the political gain of anyone.

Such institutions as the FBI, the Department of Justice, the CIA, and the Internal Revenue Service are given great power because the people, through Congress, have needed those institutions to guard and protect them and their liberty.

Yet there has been evidence before us that the White House had an organized effort to get the IRS to audit and harass enemies of the administration. The government, in its role of tax collector, must be above any political use; it cannot be an instrument of power, of punishment and of political advantage. The power of the IRS reaches into every life, and it is a chilling thought that it might be a political instrument to get the enemies of the government. My friend, Mr. Railsback, spoke of this last night, that to him, as a Republican, the use of the IRS to get your enemies is a frightening prospect. In my state, in 1970, we have evidence of the White House leaking tax information contrary to law in an apparent attempt to affect the governor's campaign that year.

There has been evidence that the FBI—the nation's police—was used to spy on those who disagreed with the administration; that the CIA was used to supply equipment and assistance to a sort of private police group to break into a doctor's office, and possibly to carry out other activities for the political gain of the administration.

And, even more troubling, there is evidence that when the Justice Department and the FBI sought to investigate the Watergate burglary and the Fielding burglary, the President and his associates systematically misled those agencies, withheld the truth from them and furnished false proof. And most troubling to me, in the spring of 1973, Assistant Attorney General Petersen, who was really the Acting Attorney General since Mr. Kleindienst had recused himself, met repeatedly with the President and told the President what the investigation had shown as to the involvement of Haldeman, Ehrlichman, Dean, and others. He urged the President to help in dealing with the investigation, and the President assured him that the information would be kept confidential.

Yet not only did the President relay this information to Haldeman and Ehrlichman who were the ones under investigation, but helped them use it to structure a plan to defend themselves. And the President did not give Petersen the information that he himself already had. In fact, by Petersen's testimony, when he asked the President if he had information about the Fielding break-in, he was told no, even though the President had been told the facts by Dean and Ehrlichman.

The power of the presidency is a public trust, and the people must be able to believe and rely on their President. Yet there is evidence before us that shows that the President has given solemn public assurances to the people, involving the trust and faith of his office, when those assurances were not true, but were designed to deceive the

Out of the thousands of words spoken during the televised impeachment hearings of the House Judiciary Committee, two brief fragments strike us as having come very close to defining both the nature of the case against President Nixon and the responsibilities of the man in the Oval Office. One of these statements on the exercise of presidential power and responsibility came from Rep. Walter Flowers (D-Ala.) in his opening remarks July 25. The second came in a colloquy between Rep. Hamilton Fish (R-N.Y.) and Albert Jenner, minority counsel to the Judiciary Committee, July 29.

people and to mislead the agencies of the government who were investigating the charges against Mr. Nixon's men. If the trust of the people in the word of the man to whom they have given their highest honor is betrayed, if the people cannot know that their President is candid and truthful with them, then the very basis of government is undermined.

Finally, Mr. Chairman, there is the problem of the basic relationship between the President and the Congress. This committee has struggled to act fairly, to reach the truth; yet when we have just requested, then sub-

poenaed the evidence we needed, it has been refused or given to us in a form that we perhaps cannot rely on fully.

However, in our rush to recognize and identify all of these problems — which I insist we must do—let us not forget that they exist for the most part because of what human beings did or failed to do—in contradiction of their duties and responsibilities under our system . . .

The Preamble to our Constitution starts off: "We the People of the United States," and surely there is no more inspiring phrase than this "We, the People of the United States," not we the public officials of the United States, not we the certified experts, we the educators, or we the grown-ups over 21 or 25, not we the privileged classes, but just simply, "We, the People . . ." We acting in our communities across the nation can pull our fragmented society together. At the grassroots of this complex and industrialized nation we can renew the moral fiber of America. We, young and old alike, can create an America in which men and women and young people speak to one another in trust and mutual respect. We, sharing common objectives, working toward common goals, can bring our nation to a path of confidence and well-being. We can provide a soul and

character so vitally needed in our native land.

We are the people of the United States and we can do these things. And we here in this room are the representatives of the people of the United States and more, particularly the representatives of the representatives of the people and we have an awesome task that no one else can do for us.

Let me close by paraphrasing something Harry Truman was supposed to have said once—"I try never to forget who I am and where I come from and where I'm going back to"—and I cannot forget that I must get up every morning for the rest of my life and live with my decision on these terrible alternatives.