

Escape Hatch for the Democratic Chairman

ESSAY

By William Safire

WASHINGTON — Phillip Burton, Democratic Congressman from California, is the most important man in Congress today, not only because he runs the Democratic caucus, but because he holds the biggest I.O.U. in town.

The political demand note that Mr. Burton can brandish is from Robert Strauss, chairman of the Democratic National Committee. Thanks to some fast footwork labeled "campaign spending reform," Mr. Strauss owes Mr. Burton his job, his reputation, perhaps even his freedom.

Here is how it came to pass. Last summer, Chairman Wayne Hays of the House Administration Committee introduced an odd amendment to the elections bill under consideration.

The new provision would lead to the reduction of the statute of limitations on violations of the Campaign Spending Act from five years to three. Chairman Hays told other members of the committee that the idea "came from outside," but that he supported it.

A Republican—Bill Frenzel of Golden Valley, Minnesota — thought this looked suspicious. The new wrinkle would make it difficult to prosecute violations of the law that took place in 1970 and 1971 — why were the Democrats so anxious to protect those years?

Shortly after that meeting Phil Burton came to call on his colleague who had objected to the amendment. Congressman Frenzel tells me he gained the clear impression that it was Mr. Burton who was the man who induced Chairman Hays to put in the escape hatch, which Phil Burton confirms.

"At that time," Bill Frenzel recalls now, "I didn't think of Bob Strauss. Nobody even mentioned his name. I remember thinking it was a minor point. I had no idea it would turn out to be so important."

Over Mr. Frenzel's mild objections, Chairman Hays pushed Mr. Burton's escape hatch through committee on a voice vote. It became part of the "campaign reform."

A few months later it became known that the Ashland Oil Company had made two cash payments totaling \$55,000 to Democratic National Chairman Robert Strauss in 1970. On December 30, 1974—two days before the new campaign "reform" with its shortened statute of limitations became law — the company pleaded

guilty to such illegal campaign contributions.

Mr. Strauss has insisted that he thought Ashland's illegal cash contribution was a "personal" gift from the firm's president, and thus legitimate. That was substantially what Nixon Finance Chairman Maurice Stans said in a case not set aside by the rejiggering of the law; he was forced to plead guilty to a misdemeanor and now awaits sentencing.

Democrat Strauss, however, does not face sentencing or anything else; a leak the other day from the Special Prosecutor's office informs us that the file on Mr. Strauss has been sent back to the Department of Justice and that the Special Prosecutor washes his hands of the whole affair.

"There is no question," some faceless source assures Washington reporters, that an aggressive prosecution of the Democratic National Chairman would have taken place—except for one slight problem. The statute of limitations was switched, you see, from five years back to three, which means that violations in 1970 and 1971 have slipped through the escape hatch. But how come the Special Prosecutor was able to move in time to nail the giver—Ashland Oil—and not the Democratic receiver?

Other questions arise. Why was Phil Burton so anxious to give automatic amnesty to violators in those years? Mr. Frenzel says Mr. Burton told him at the time: "Why let everybody worry? When the old law is gone, let's forget about it." A genuinely humane attitude, but who was Mr. Burton thinking about? Both Chairman Strauss and Congressman Burton vigorously and believably deny contact on this; Wilbur Mills is silent.

I do not raise these questions because I think Robert Strauss belongs in jail. He does not. He is a man of good humor and good sense, a courageous politician whose appearance as a character witness for John Connally helped convince twelve Democrats on the jury of his old friend's rectitude. His actions in 1970 should not be judged by the post-Watergate political morality. Ex post facto law is wrong, and the unprecedented application of long-neglected laws is unfair.

But let us not raise a double standard to which the unwise or dishonest can repair; 1972 Republican Fundraiser Stans should not be imprisoned if 1970 Democratic Fundraiser Strauss is sprung by a quick fix in the law.

Philip Burton—King Caucus himself—holds a big I.O.U. from his party's chairman. One day he will cash that in, while the rest of us behold in wonderment all that can be accomplished in the name of "campaign spending reform."

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