

## Senate Duty...

In the crisis brought about by the Watergate scandals, the Senate has three vitally important duties to discharge. They are to help find the truth, to evaluate the harm done and to correct the weaknesses which have been exposed to the extent that laws can remedy them.

The Senate acted to perform the first of those duties when it approved the resolution offered by Senator Percy, Republican of Illinois, calling upon the President to name a special prosecutor from outside the executive branch to take charge of the Watergate investigation.

As is the unadmirable custom in the Senate of doing most of its business by the rule of unanimous consent, the resolution was called up and—when no one objected—was passed, although only four members were present on the floor. Senator Curtis, Republican of Nebraska, tried yesterday to soften the impact of the Senate's action by belated protests. His *ex post facto* grumbling is significant only because he is a stalwart supporter of the White House and his complaints reflect the angry opposition of President Nixon. At a Cabinet meeting Tuesday the President reportedly excoriated Senator Percy and insisted that the decision about a special prosecutor be left with Attorney General-designate Richardson.

Mr. Nixon makes a deep error, however, if he attributes to Senator Percy's Presidential ambitions a demand which actually arises from the ranks of his own party. The Percy resolution was co-sponsored by ten Republicans including Barry Goldwater and Robert Dole, the former G.O.P. national chairman, and had the tacit support of the party's Senate leadership. Like its counterpart, the Anderson resolution in the House of Representatives, it articulates a sentiment expressed by Republicans of every ideological viewpoint around the country as well as in Congress.

In any event, from the standpoint of timing, the decision on a special prosecutor cannot be delayed until Mr. Richardson takes office. His confirmation hearing is a week away and his actual assumption of office may be much more distant. Since critical decisions have to be made about the fast-developing Watergate investigation, it is essential that such a prosecutor totally free of association with this Administration be appointed at once.

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In the separate task of evaluating the harm that has been done, the Senate select committee chaired by Senator Ervin, Democrat of North Carolina, has an important long-range duty to perform. Many of the nefarious activities in connection with the 1972 interference with the electoral process may be improper but not illegal, or only of marginal importance in a criminal trial. Without trespassing on the domain of the courts or the rights of the accused, the committee is best positioned to pull together the whole story in all its ramifications.

Last year's inquiry by the Senate Judiciary Committee into the connections between the Nixon campaign organization's fund raising and the settlement of the I.T.T. antitrust case was handicapped by lack of knowledge of the pervasiveness of the whole interlocking conspiracy. The same White House cast of characters involved in Watergate played important roles in that murky affair, including convicted Watergate conspirator E. Howard

Hunt Jr., who interviewed Mrs. Dita Beard, the elusive I.T.T. lobbyist, on behalf of the White House. He also showed up in the Ellsberg case, which we discuss below. What is clearly needed is a comprehensive investigation by the Ervin committee of the activities of the Justice Department and the White House staff.

With regard to remedial action, the financing of political campaigns is the place to begin. Last year's campaign expenditure law has helped significantly to open up political money-raising to public inspection, but much more is plainly needed to control and channel the infusion of money into politics. The Watergate scandals were financed in part by that tide of \$100 bills which was raised in mysterious ways and spent in worse ways. The Senate still has a job to do in stricter regulation of this corrupting flow of money.

## ...White House Ethics

Coming on the heels of the Watergate revelations, blatant White House misconduct in the case of Dr. Daniel Ellsberg deepens the picture of an Administration in moral blinders. President Nixon's request in 1971 for a special staff investigation into unauthorized disclosures of Government information may not in itself have been either improper or unusual, but everything else about the episode was.

A report of the Federal Bureau of Investigation—which was already at work on the subject when the President ordered John D. Ehrlichman to make a private study—now reveals that the former Presidential aide chose for the purpose G. Gordon Liddy and E. Howard Hunt Jr., whose method then was simple burglary, the same method they used later in the Watergate case. To compile a "psychiatric profile" of the defendant in the Pentagon Papers case, these two industrious White House investigators broke into the office of Dr. Ellsberg's psychiatrist in a search for evidence of emotional instability. As though that were not reprehensible enough—especially with the case already in the courts—Mr. Ehrlichman, on learning of the incident, was content to warn the culprits "not to do this again." He did not report their crime either to the authorities or to the Federal court that was to try Dr. Ellsberg.

When Mr. Ehrlichman and his principal, the President of the United States, did get in touch with that court, it was for a quite different purpose. That purpose, shocking under the circumstances, was to offer the judge, William Matthew Byrne Jr., the directorship of the F.B.I.

Judge Byrne might well be an admirable choice for this post, the more so since he refused to entertain the offer while presiding over a case in which the President clearly took intense interest. What is important is not the judge's qualifications—or even the decision he must now make on whether or not to dismiss the case against Dr. Ellsberg. It is rather the insensitivity, to use the mildest possible word, of Mr. Ehrlichman and the President in making such an offer in the midst of a trial already so heavy with political overtones.