

Ervin Unit Seeks Scandal's Overview

By Susanna McBee

Washington Post Staff Writer

Besides probing illegal, improper, and unethical activities during last year's election, the Senate Watergate Committee has begun a long-range look at what the scandal means in the whole structure of American government.

It hopes that a section of its final report on Watergate will become a modern version of "The Federalist" papers.

The 85 Federalist papers, written in 1787 and 1788 mainly by Alexander Hamilton, James Madison, and John Jay, are considered the definitive intellectual defense of the Constitution, which came under strong attack immediately after its publication.

A letter has been sent by the Watergate Committee's chief consultant, Arthur S. Miller, to more than 100 "outstanding students of the constitutional order." The scholars—law professors, historians, philosophers, economists, journalists—represent a wide range of views within the political establishment.

They are being asked to submit papers on what extent, if any, "the machinery of government may need alteration."

Miller, who is also a professor of constitutional law at George Washington University, said some of the scholars "may think the system is self-correcting; others may think major corrective surgery is needed."

His letter asks each of them for their "considered judgment, not on the day-to-day activities of the committee, but on the long-range implications of the revelations concerning Watergate, the increase in relative power of the Executive, ways and means that Congress can increase its institutional capacity to be a more effective instrument of governance, the possible politicization of the Department of Justice, and related questions."

Miller said the replies from the academics and some former public officials will be considered for the "overview" section of the Watergate Committee's final report, which is due by next Feb. 24.

"We're not committing ourselves to accepting any or all of the suggestions," Miller said. "But somebody has to think of the long-range implications in the light of Watergate, campaign financing practices, and the matter of dirty tricks."

"The committee particularly wants to know what changes in the law—statutory or constitutional—might be necessary," he added.

Replies from the scholars are being sought by Oct. 1. A conference of about 10 experts is tentatively set for the week of Sept. 17 at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. The 10 are expected to discuss the constitutional issues raised by Watergate with a group of resident scholars at the Center.

Some of those who received Miller's letter are columnist William F. Buckley; Norman Podhoretz, editor of Commentary magazine; Dr. Walter H. Judd, former Republican congressman from Minnesota; Homer Ferguson former U.S. Military Court of

Appeals judge; Dean Rusk, former Secretary of State; Paul A. Freund, Harvard law professor, and Neil H. Jacoby, UCLA economics professor.

Others include Thomas I. Emerson, Yale law professor; historian James MacGregor Burns; historian Henry Steele Commager; John Kenneth Galbraith, Harvard economics professor; Noam Chomsky, linguistics professor at the Massachusetts Institute of Technology; Arthur Larson, Duke University law

professor and author of "A Republican Looks at His Party," and urban expert Irving Kristol.

Others are Alexander Heard, chancellor of Vanderbilt University; historian Arthur Schlesinger Jr.; sociologist David Riesman; Harry McPherson, former special assistant to President Johnson; Clark M. Clifford, former Defense Secretary; and Harvey Wheeler, Thomas Cronin, and Rexford G. Tugwell—all of the Center for the Study of Democratic Institutions.