

Abuse of Executive Power Hit

By Lawrence Meyer
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The "abuses associated with Watergate" were caused in part by a serious and possibly illegal concentration of power in the presidency, a panel of public administration experts has concluded in a report made to the Senate select Watergate committee yesterday.

"Centralization of power in the presidency has increased over the years to the present extreme situation in which the prevailing view is that the whole government should be run from

the White House," the panel said.

Although the panel recommended a number of basic changes in the White House and much of the rest of the federal government, it rejected any profound constitutional shifts in the American form of government or in procedures for removing the President and Vice President from office or in their term of office.

On impeachment of the President, the panel advocated educating the American public to "the original intent of the founders who

considered "crimes against the state or society as well as indictable crimes" to be impeachable offenses. And, although it acknowledged that a constitutional amendment may be necessary, the panel recommended that serious misconduct in a presidential election campaign also be considered an impeachable offense.

The panel also urged creation of an independent federal office of permanent special prosecutor with authority to investigate elec-

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The report also cited a tendency "to appoint political executives to preside over duly legislated programs when such appointees were clearly out of sympathy with the programs . . . and sometimes had a clear mandate from above in the hierarchy to 'gut' these programs."

Continuing scandals in campaign financing. Although these scandals are not new, the report stated, "there is no precedent for the magnitude of the abuses revealed in the aftermath of Watergate." The panel recommended combining public and private financing of campaigns, coupled with limitations on how much individuals may contribute and full disclosure of contributions of \$10 or more.

In a broader, philosophical vein, the report stated that the Senate select Watergate committee's televised hearings last summer were an "education" for millions of Americans.

"Unfortunately," the panel added, "they were taught a great many things that should have not been there to learn . . . Very few of the top witnesses indicated any sense of understanding or appreciation of democratic ideals or principles. Almost none mentioned any special considerations of public service for the public interest apart from the President's interest. They had not learned in secondary school or in college or in law school that there is something special and different about public office and public responsibility." A major portion of the report deals with the evolution of the White House staff system from a device to aid the President into a means for him to directly run the federal bureaucracy. Based on testimony during the Senate Watergate hearings, the report said, White House assistants appear to have become "self-starters" in making policy.

The report quoted former presidential domestic adviser John D. Ehrlichman as saying, "In the Nixon White House there is no one else who is going to have the time to supervise, make assignments, decide what should be looked into . . . It would be impossible for the President, or any one person in his behalf, to keep informed of everything being done by the staff, even in areas of major current interest or concern."

Another apparent doctrine of the Nixon White House that the panel derived from testimony is that "department and agency heads must obey orders from White House staff even in those areas where statutory powers are vested in them, and they are legally accountable for the actions taken."

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tion fraud and to assist grand juries in returning indictments "wherever appropriate." The office should be filed on a nonpartisan basis, subject to Senate confirmation of the nominee for a fixed term of six years, the panel said.

Concerning campaign financing, the panel recommended a mix of government appropriations and contributions by individuals to political candidates, with corporate contributions and large cash donations forbidden.

These and many other recommendations were made in a 139-page report commissioned by the Senate Watergate committee as part of the preparation of its own final report and recommendations, due by May 28. The 12-member panel of government experts was drawn from the National Academy of Public Administration, a private, nonpartisan group that studies and reports on problems of government and public administration.

The panel's report states that many of the problems it found in the federal government did not begin with the Nixon administration but had their foundation in past administrations. "Watergate is thus both an aberration and extension of earlier trends," the report stated. "It may also be a culmination of some, if not all, of those trends."

Among the trends criticized by the report are:

- A centralization of power in the presidency in which principal presidential assistants have virtually become "assistant Presidents."

The presidential staff system, designed to provide the President with assistance, has instead become "an instrument of control," the report said. Contrary to a 1939 executive order still in effect, White House aides have been interposed between the President and department and agency heads.

In addition, the report stated that the McCormack Act of 1951 "implicitly" prohibits the President from delegating authority to members of the White House staff, a practice frequently employed under President Nixon.

- A movement to run the federal government "like a corporation . . . with all powers concentrated at the top and exercised through appointees in the President's office and loyal followers placed in crucial positions in the various agencies of the executive branch." This corporate model "would have effectually destroyed public accountability except in the President himself," the report stated.

- Increasing use of the Attorney General by the President not just as a legal adviser but also as a personal and political aide. The panel suggested that the trend toward politicizing the Justice Department should be reversed by putting all its personnel under the Hatch Act, barring their participation in partisan politics, and making United States attorneys and their legal staffs part of the career civil service.

In addition, the report recommended taking the Justice Department out of the process of nominating federal judges, substituting a panel of distinguished lawyers and citizens for that.

- Increasing and disturbing politicization of the White House staff and the civil service. "As with other public employees," the report stated, "the first duty

of White House employees is to the nation, not to incumbent President or to a political party."

- Insufficient experience among top-level administration officials because of too frequent rotation. The panel said that persons with "exceedingly thin" qualifications and experience were "placed in the highest, most difficult managerial positions."

"Agency heads," the report stated in citing another apparent doctrine, "should understand that when a request comes from the White House, they must accomplish it without questioning the merits. Even suggestions from the President's principal assistants are to be construed as orders coming directly from the Oval Office."

To control abuses of civil liberties by the executive branch, the report called for the appropriate congressional oversight committees to "give special attention" to the FBI, CIA and Internal Revenue Service. The report also recommended legislation barring the White House from "conducting intelligence activities itself."

The panel was headed by Frederick C. Mosher, a former government administrator who is now professor of government and foreign affairs at the University of Virginia.

Other members included Alan K. Campbell, dean of Syracuse University's Maxwell School of Citizenship; Frederic N. Cleaveland, provost of Duke University; Thomas W. Fletcher, former deputy mayor of the District of Columbia and now president of National Training Development Services; Roger W. Jones, former chairman of the Civil Service Commission, and now a board member of the National Civil Service League, and James M. Mitchell, director of the Brookings Institution's advanced study program.