

Senate Committee Urges

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Culminating 18 months of investigation and hearings that constituted the most intensive congressional inquiry into alleged White House corruption in American history, a unanimous Senate select Watergate committee released its final report yesterday calling for major reforms to prevent a recurrence of the Watergate affair.

The report, which in its present form consumes 2,300 pages spread over three volumes, contains more than 35 proposals for legislation, including:

- A judicially appointed and Senate approved permanent "public attorney" with prosecutorial powers similar to those of the special Watergate prosecutor.

- Curbs on White House officials preventing them from engaging in intelligence-gathering activities.

- Closer congressional oversight of existing investigative agencies.

- Re-examination of federal laws permitting wiretaps.

- A flat prohibition on anyone in the executive office, including the President, receiving and examining income tax returns of other persons.

- A variety of changes in federal election laws barring fraud and misrepresentation, theft of campaign documents, and spending campaign funds for illegal purposes.

- Creation of a federal elections commission with "substantial" powers to supervise the enforcement of federal election laws.

- Tightening existing laws that bar

use of federal agencies to aid the election of political candidates.

- Expansion of the Hatch Act, the federal law barring federal civil servants from engaging in partisan political activity, to include the Attorney General and all Justice Department officials.

In the only recommendation that caused an open split in the committee, the report asserted that public financing of federal elections should not be adopted. Sens. Daniel K. Inouye (D-Hawaii) and Joseph M. Montoya (D-N.M.), filed a statement of "individual views" arguing for public financing.

The committee was created by the Senate by a vote of 77-0 on Feb. 7, 1973. The resolution establishing the committee gave it full investigative

'Public Attorney'

powers and wide latitude to examine the 1972 presidential election, the Watergate break-in and cover-up and any matters found to be relevant to those subjects.

Although events have moved past the Senate committee—with the return of indictments against former White House and administration officials, the successful prosecution of some of those officials and the impeachment proceedings in the House of Representatives—the Senate committee held center stage throughout its nationally televised hearings last summer.

Those hearings, which heard testimony from 62 witnesses in 52 days of public sessions, provided the first detailed public account of how the Watergate break-in and subsequent cover-up was conceived and conducted.

No other administration or White House in American history has been subjected to the searching scrutiny that the Senate Watergate committee conducted across a wide range of the Nixon administration's activities.

The committee spent \$2 million to conduct its inquiry, interviewing more than 1,000 persons across the country in the course of the investigation. The printed record of the committee's hearings and exhibits already covers 5,858 pages in 13 volumes, with more printed volumes expected of previously undisclosed evidence and executive sessions with witnesses.

The entire record of the Senate Watergate committee, which used a computer to keep track of testimony and

See COMMITTEE, A12, Col. 1

COMMITTEE, From A1

evidence, has been made available to the House Judiciary Committee for its impeachment inquiry and to the special Watergate prosecutor. Evidence released earlier this week by the Judiciary Committee showed a heavy reliance on materials collected and testimony taken by the Senate committee.

The committee's final report, which documents illegal and improper activities by officials of the Nixon re-election committees and the White House, explicitly states that no evidence has been found "suggesting any complicity in wrongdoing on the part of the Republican National Committee or the Democratic National Committee or its principal officers during the presidential campaign of 1972."

In addition, the report noted that "some instances of improper activity" directed at President Nixon's campaign were found. "The results of these investigations, however, show no pattern of illegal, improper or unethical activities carried out or condoned by any Democratic aspirant or Democratic campaign organization."

The report covers in detail what the committee found in pursuing investigations of its three main areas—the Watergate break-in and cover-up, campaign "dirty tricks" during the 1972 election, and campaign financing.

The report includes findings either publicly released or leaked previously concerning:

- Attempts by White House and Nixon re-election committee officials to "politicize" the federal bureaucracy to further President Nixon's 1972

- The relationship between

campaign contributions made by dairymen in 1971 to the Nixon campaign and an administration decision to raise government milk price supports.

- An examination of campaign financing activities in the presidential campaigns of Sens. Hubert H. Humphrey (D-Minn.) and George S. McGovern (D-S.Dak.) and Rep. Wilbur Mills (D-Ark.).

- The payment of \$100,000 by representatives of billionaire Howard Hughes to President Nixon's friend, Charles G. (Bebe) Rebozo.

Although earlier drafts of the report contained an analysis of testimony by key witnesses and questioned the credibility of former Attorney General John N. Mitchell, and

former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman, the final report has omitted these passages because all three men had been charged by a federal grand jury in connection with the Watergate cover-up.

The report does not attempt to assess whether President Nixon was implicated in the Watergate cover-up. Because of the pending impeachment proceedings in the House of Representatives, committee members reportedly decided that an analysis of President Nixon's possible role in the cover-up and other alleged crimes might compromise their role as jurors if the Senate has to try Mr. Nixon.

During a Friday press conference at which the report was released, committee chairman Sen. Sam J. Ervin Jr. (D-N.C.) was asked of the deletion of analysis had weakened the report.

Ervin, who provided pungent insights and comic relief with his folksy North Carolina stories throughout the long hearings, was quick to respond to the question.

"There are two ways to indicate a horse," Ervin replied. "One is to draw a picture that is a great likeness. And the

other is to draw a picture that is a great likeness and write under it, 'This is a horse.' We just drew the picture."

In his own statement of "individual views," however, Ervin asserted, "Watergate was perpetrated upon America by White House and political-Nixon himself had entrusted with the management of his campaign for reelection to the presidency, a campaign which cal aides, whom President was divorced to a marked degree from the campaigns of other Republicans who sought

election to public office in 1972."

Ervin's individual comments were a scathing condemnation of "various illegal and unethical activities in which various officers and employees of the Nixon re-election committees and various White House aides of President Nixon participated in varying ways and degrees..."

Ervin said the officials involved tried to destroy the integrity of the electoral process in 1972; that they tried to hide from law enforcement officers, the courts, the public and the news media who had participated and what was done; that they "exacted enormous contributions"—many of which were illegal—from corporate officers by implied threats; that they used the money for surreptitious activities and to spread "scurrilous and false libels and slanders" against "honorable men", and that "they deemed the department and agencies of the federal government to be the political playthings of the Nixon administration rather than impartial instruments for serving the people."

In searching for an explanation of the Watergate affair, Ervin said that these Nixon re-election committee and White House officials were blinded to ethical considerations by "their lust for political power."

"They had forgotten, if they ever knew, that the Constitution is designed to be a law for rulers and people alike at all times, and under all circumstances; and that no doctrine involving more pernicious consequences to the commonwealth has ever been invented by the wit of man than the notion that any of its provisions can be suspended by the President for any reason whatsoever," Ervin said.

Of the seven members of the committee—Sens. Ervin, Inouye, Montoya, Herman E. Talmadge (D-Ga.), Howard H. Baker Jr. (R-Tenn.), Edward J. Gurney (R-Fla.) and Lowell P. Weicker Jr. (R-Conn.)—only Talmadge did not file individual views.

The report was adopted by a vote of 6-0 last Wednesday. Gurney, whose indictment on federal charges of bribery and perjury related to campaign contributions from the housing industry was announced that same day, did not participate in the committee's final deliberations.

Baker's statement of individual views expresses reservations about some of the committee recommendations—



SEN. DANIEL K. INOUE



SEN. JOSEPH M. MONTOYA

In a statement of "individual views," they favor public campaign financing.

principally about the constitutionality of having the Chief Justice of the Supreme Court designate three retired federal circuit court judges who would appoint the "public attorney."

In addition, Baker, who conducted his own investigation into the possible role of the Central Intelligence Agency in the Watergate affair, emphasized the report's call for closer congressional supervision and examination of governmental intelligence-gathering activities.

As Baker's questions during the hearing often indicated, his concern in his own statement focused on governmental theory and philosophy. "The presidency," Baker said in the report, "has become splendid, and it has become increasingly isolated. Surrounded by the trappings of privilege and the sanctuary of security, both national and personal, the presidency is indeed the most equal of all the equal branches."

Certain elements of "what has come to be known as a 'strong' presidency... I do not believe to be desirable," Baker said.

He urged repeal of the 22d amendment to the Constitution, which limit a President to two terms, in order to make a second-term incumbent more politically responsive.

He urged a move back toward presidential reliance on his Cabinet officers, rather than White House aides, for advice. "Strong persons in strong positions are a significant force for good or evil," Baker said, "and I believe that the opportunity for good is greatly expanded and the possibility of a 'yes' man syndrome is greatly diminished in the Cabinet situation."

The most notable find of the

committee, according to Baker, was the discovery that President Nixon was automatically recording his conversations in two offices and on several telephones. "I am not sure I understand why the tape recording facilities were installed, but I find the practice objectionable and not in keeping with the grandeur of the presidency," Baker said.

Gurney, in his individual views, stated that he is "totally opposed to the committee's recommendation for a public attorney with prosecutorial powers outside of the executive branch of the government. The President of the United States must be held responsible for the business of the executive branch, including prosecution of criminals."

Gurney said he opposed "the creation of a czar who could literally hound and intimidate governmental officials in the proper exercise of their responsibilities."

Weicker's individual views, released June 30, are longer than those of the other five senators' combined and received extensive coverage when first released.

Although the committee

report avoids drawing conclusions about criminal activity by individuals for the most part, it cast doubt on assertions by witnesses and President Nixon that money paid to the Watergate defendants was merely for legal fees and family support and not to buy their silence.

"None of those who authorized or participated in the making of those payments used their own money," the report said. "To the contrary, they used campaign funds contributed by others who had no knowledge that their money was being employed to pay the legal fees of the Watergate defendants and to support their families."

"Also relevant is the clandestine nature of the payoffs which were made with the \$100 bills and placed in 'drops' by an unseen intermediary using a code name. Even the President recognized that the payoffs smacked of cover-up. In an April 27 meeting with (Assistant Attorney General) Henry Peterson, the secret payments of money to the Watergate defendants were discussed:

"Peterson: . . . Once you do

and softer language substituted:

According to minority counsel Fred D. Thompson, the majority and minority staffs have been negotiating with each other for the past two to three weeks over the contents of the report. The final report, according to Thompson, represents compromises made by both sides. "We agreed to the changes that were made," Thompson said. "I have no complaints."

Ervin, Inouye and Montoya also expressed pleasure at the Friday press conference over the bipartisan atmosphere that the committee was able to maintain throughout most of its proceedings.

Ervin's general instructions to the staff were that the report should not contain specific allegation of wrongdoing by individuals.

Although the committee was empowered to make recommendations, its mandate from the Senate prohibited it from reporting bills to the floor for action by the full Senate. As a result, individual members or other committees will have to introduce legislative proposals if the committee's proposals are to be enacted.

The committee's first recommendation is the establishment of a "public attorney." In explaining the need for such an office, the report said, "The evidence gathered by the select committee indicates that unmonitored executive investigative and prosecutorial agencies may be reluctant to expose wrongdoing in the executive branch."

The public attorney, the report said, would be not only a "special prosecutor but an ombudsman having power to inquire into the administration of justice in the executive branch."

The public attorney would be appointed by three retired circuit court judges designated by the Chief Justice and would be subject to Senate confirmation. The report recommended that the public attorney be removable only by "the appointing authority" for "gross improprieties" and would serve a term of five years.

"He should be ineligible for appointment or election to federal office for a period of

two years after his term expires or he resigns or is removed," the report said.

The committee also recommended that Congress "enact legislation making it unlawful for any employee in the executive office or the President, or assigned to the White House, directly or indirectly to authorize or engage in any investigative or intelligence-gathering activity concerning national or domestic security not authorized by Congress."

In explaining this recommendation, the report said, "The evidence received concerning the establishment, by direction of the President of a special investigative unit in the White House (the plumbers) and the operations of the plumbers illustrates the danger to individual rights presented by such a secret investigative activity."

In addition to the plumbers, which conducted the Ellsberg break-in, the White House also sponsored other surveillance activities, including wiretapes conducted by nongovernment employees retained by the White House.

In connection with wiretapes, the report stated that when electronic surveillance is conducted, "In net, the need is for prior judicial approval under guidelines the will protect national security."

In its recommendations on campaign financing, the committee specifically argues against "The adoption of any form of public financing in which the tax monies are collected and allocated to political candidates by the federal government."

Quoting Thomas Jefferson, the report said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

"The committee's opposition is based, like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the First Amendment. Furthermore, "the report said, "we find inherent dangers in authorizing the federal bureaucracy to fund, and excessively regulate political campaigns."

Instead, the committee recommends 100 per cent tax credits for political contributions up to a certain level of perhaps \$25 or \$50, a \$3,000 limitation on the amount that an individual could contribute to any presidential candidate before he is nominated and a \$3,000 limitation for the post-nomination period. It also recommends a statutory limit of 12 cents per eligible voter that a presidential candidate could spend.

In addition, the committee recommended barring cash contributions of more than \$100, and barring any government official whose appointment required Senate confirmation or who worked in the executive office of the presidency from soliciting or receiving campaign contributions during that person's service and for one year after.

The federal elections commission proposed by the committee would replace the tripartite system of the clerk of the House, Senate secretary and Government Accounting Office's Federal Elections office. The federal elections office would be nonpartisan, made up of seven members appointed by the President—with no more than four from one party—from recommendations of the Senate and House majority and minority leadership.

With some exceptions, the committee adopted the provisions of a bill now pending in the Senate that would establish a federal elections commission.

Citing attempts by the Nixon White House to use the Internal Revenue Service for retribution against political "enemies," the committee also recommended that all persons in the executive office of the presidency, including the president, "should be prohibited from receiving directly or indirectly any income tax return."

In addition, the report recommended that the President and his aides should be given only the name of a person or group being investigated by the IRS and the general nature of the investigation rather than having access to the IRS's "sensitive case reports."

it in a clandestine fashion, it takes on the elements—

"President: Elements of a cover-up.

"Peterson: That's right, and obstruction of justice. (Edited presidential conversations, p. 1281)."

At other points in the report, assertions that persons may have committed criminal acts have been either softened or eliminated.

In the campaign financing section, for example, a discussion involving a \$109,000 contribution Humphrey made to his own presidential campaign, has been softened to remove the implication that Humphrey broke the existing law.

In another instance, a draft report's assertion that the "vigorous" fund-raising efforts of the Nixon re-election committee reached the point of "extortion" has been altered to eliminate the extortion charge.

Language in the report suggesting that a campaign pledge from dairymen to the Nixon campaign was "apparently directly linked to a favorable milk price support decision" has been eliminated