

Chairman Ervin's

Here are edited texts of the individual Senate Watergate Committee report statements by chairman Sen. Sam. J. Ervin (D-N.C.) and vice chairman Sen. Howard Baker (R-Tenn.).

SOME PERSONAL OBSERVATIONS OF SENATOR SAM J. ERVIN, JR., RESPECTING WATERGATE

I ask and endeavor to answer these questions: What was Watergate? Why was Watergate? Is there an antidote which will prevent future Watergates? If so, what is that antidote?

Before attempting to answer these questions, I wish to make these things plain:

1. I am not undertaking to usurp and exercise the power of impeachment, which the Constitution confers upon the House of Representatives alone. As a consequence, nothing I say should be construed as an expression of an opinion in respect to the question of whether or not President Nixon is impeachable in connection with the Watergate or any other matter.

2. Inasmuch as its Committee on the Judiciary is now studying whether or not it ought to recommend to the House the impeachment of the President, I shall also refrain from making any comment on the question of whether or not the President has performed in an acceptable manner his paramount constitutional obligation "to take care that the laws be faithfully executed."

3. Watergate was not invented by enemies of the Nixon Administration or even by the news media. On the contrary, Watergate was perpetrated upon America by White House and political aides, whom President Nixon himself had entrusted with the management of his campaign for re-election to the Presidency, a campaign which was divorced to a marked degree from the campaigns of other Republicans who sought election to public office in 1972. I note at this point without elaboration that these White House and political aides were virtually without experience in either government or politics apart from their association with President Nixon.

4. Life had not subjected these White House and political aides to the disadvantaged conditions which are glibly cited as the causes of wrongdoing. On the contrary, fortune smiled upon them. They came from substantial homes, possessed extraordinary talents, had had unusual educational opportunities, and occupied high social positions.

5. Watergate was unprecedented in the political annals of America in respect to the scope and intensity of its unethical and illegal actions. To be sure, there had been previous milder political scandals in American history. That fact does not excuse Watergate. Murder and stealing have occurred in every generation since earth began, but that fact has not made murder meritorious or larceny legal.

What Was Watergate?

President Nixon entrusted the management of his campaign for re-election and his campaign finances to the Committee for the Re-election of the President, which was headed by former Attorney General John N. Mitchell, and the Finance Committee to Re-elect the President, which was headed by former Secretary of Commerce, Maurice Stans. Since the two committees occupied offices in the same office building in Washington and worked in close conjunction, it

seems proper to call them for ease of expression the Nixon Re-election Committees.

Watergate was a conglomerate 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 to accomplish these successive objectives:

1. To destroy insofar as the presidential election of 1972 was concerned the integrity of the process by which the President of the United States is nominated and elected.

2. To hide from law enforcement officers, prosecutors, grand jurors, courts, the news media, and the American people the identities and wrongdoing of those officers and employees of the Nixon Re-election Committees, and those White House aides who had undertaken to destroy the integrity of the process by which the President of the United States is nominated and elected.

To accomplish the first of these objectives, the participating officers and employees of the Re-election Committees and the participating White House aides of President Nixon engaged in one or more of these things:

1. They exacted enormous contributions—usually in cash—from corporate executives by impliedly implanting in their minds the impressions that the making of the contributions was necessary to insure that the corporations would receive governmental favors, or avoid governmental disfavor while President Nixon remained in the White House. A substantial portion of the contributions were made out of corporate funds in violation of a law enacted by Congress a generation ago.

2. They hid substantial parts of these contributions in cash in safes and secret deposits to conceal their sources and the identities of those who had made them.

3. They disbursed substantial portions of these hidden contributions in a surreptitious manner to finance the bugging and the burglary of the offices of the Democratic National Committee in the Watergate complex in Washington for the purpose of obtaining political intelligence; and to sabotage by dirty tricks, espionage and scurrilous and false libels and slanders the campaigns and the reputations of honorable men, whose only offenses were that they sought the nomination of the Democratic Party for President and the opportunity to run against President Nixon for that office in the presidential election of 1972.

4. They deemed the departments and agencies of the Federal Government to be the political playthings of the Nixon Administration rather than impartial instruments for serving the people, and undertook to induce them to channel federal contracts, grants, and loans to areas, groups, or individuals so as to promote the re-election of the President rather than to further the welfare of the people.

5. They branded as enemies of the President individuals and members of the news media who dissented from the President's policies and opposed his re-election, and conspired to urge the Department of Justice, the Federal Bureau of Investigation, the Internal Revenue Service, and the Federal Communications Commission to pervert the use of their legal powers to harass them for so doing.

6. They borrowed from the Central Intelligence Agency disguises which E. Howard Hunt used in political espionage operations, and photographic equipment which White House employ-

Personal View



By James K. W. Atherton—The Washington Post

ees known as the "Plumbers" and their hired confederates used in connection with burglarizing the office of a psychiatrist which they believed contained information concerning Daniel Ellsberg which the White House was anxious to secure.

7. They assigned to E. Howard Hunt, who was at the time a White House consultant occupying an office in the Executive Office Building, the gruesome task of falsifying State Department documents which they contemplated using in their altered state to discredit the Democratic Party by defaming the memory of former President John Fitzgerald Kennedy, who as the hapless victim of an assassin's bullet had been sleeping in the tongueless silence of the dreamless dust for nine years.

8. They used campaign funds to hire saboteurs to forge and disseminate false and scurrilous libels of honorable men running for the Democratic presidential nomination in Democratic Party primaries.

Various officers and employees of the Nixon Re-election Committees and various White House aides engaged in one or more of these acts to make the concealment (of the Watergate break-in and involvement of White House and Nixon campaign aides) effective and thus obstruct the due administration of justice:

1. They destroyed the records of the Nixon Re-election Committees' antedating the bugging and the burglary.

2. They induced the acting director of the FBI, who was a Nixon appointee, to destroy the State Department documents which E. Howard Hunt had been falsifying.

3. They obtained from the acting director of the FBI copies of scores of interviews conducted by FBI agents in connection with their investigation of the bugging and the burglary, and were enabled thereby to coach their confederates to give false and misleading statements to the FBI.

4. They sought to persuade the FBI to refrain from investigating the sources of the campaign funds which were used to finance the bugging and the burglary.

5. They intimidated employees of the Nixon Re-election Committees and employees of the White House by having their lawyers present when these employees were being questioned by agents of the FBI, and thus deterred

these employees from making full disclosures to the FBI.

6. They lied to agents of the FBI, prosecutors, and grand jurors who undertook to investigate the bugging and the burglary, and to Judge Sirica and the petit jurors who tried the seven original Watergate defendants in January, 1973.

7. They persuaded the Department of Justice and the prosecutors to take out-of-court statements from Maurice Stans, President Nixon's chief campaign fund raiser, and Charles Colson, Egil Krogh, and David Young, White House aides, and Charles Colson's secretary, instead of requiring them to testify before the grand jury investigating the bugging and the burglary in conformity with the established procedures governing such matters, and thus denied the grand jurors the opportunity to question them.

8. They persuaded the Department of Justice and the prosecutors to refrain from asking Donald Segretti, their chief hired saboteur, any questions involving Herbert W. Kalmbach, the President's personal attorney, who was known by them to have paid Segretti for "dirty tricks" he perpetrated upon honorable men seeking the Democratic presidential nomination, and who was subsequently identified before the Senate Select Committee as one who played a major role in the secret delivery of "hush money" to the seven original Watergate defendants.

9. They made cash payments totaling hundreds of thousands of dollars out of campaign funds in surreptitious ways to the seven original Watergate defendants as "hush money" to buy their silence and keep them from revealing their knowledge of the identities of the officers and employees of the Nixon Re-election Committees and the White House aides who had participated in the Watergate.

10. They gave assurances to some of the original seven defendants that they would receive presidential clemency after serving short portions of their sentences if they refrained from divulging the identities and activities of the officers and employees of the Nixon Re-election Committees and the White House aides who had participated in the Watergate affair.

11. They made arrangements by which the attorneys who represented the seven original Watergate defend-

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ants received their fees in cash from moneys which had been collected to finance President Nixon's reelection campaign.

12. They induced the Department of Justice and the prosecutors of the seven original Watergate defendants to assure the news media and the general public that there was no evidence that any persons other than the seven original Watergate defendants were implicated in any way in any Watergate related crimes.

13. They inspired massive efforts on the part of segments of the news media friendly to the administration to persuade the American people that most of the members of the Select Committee named by the Senate to investigate the Watergate were biased and irresponsible men motivated solely by desires to exploit the matters they investigated for personal or partisan advantage, and that the allegations in the press that presidential aides had been involved in the Watergate were venomous machinations of a hostile and unreliable press bent on destroying the country's confidence in a great and good President.

One shudders to think that the Watergate conspiracies might have been effectively concealed and their most dramatic episode might have been dismissed as a "third-rate" burglary conceived and committed solely by the seven original Watergate defendants had it not been for the courage and penetrating understanding of Judge Sirica, the thoroughness of the investigative reporting of Carl Bernstein, Bob Woodward, and other representatives of a free press, the labors of the Senate Select Committee and its excellent staff, and the dedication and diligence of Special Prosecutors Archibald Cox and Leon Jaworski and their associates.

Why Was Watergate?

Unlike the men who were responsible for Teapot Dome, the presidential aides who perpetrated Watergate were not seduced by the love of money, which is sometimes thought to be the root of all evil. On the contrary, they were instigated by a lust for political power, which is at least as corrupting as political power itself.

They gave their allegiance to the President and his policies. They had stood for a time near to him, and had been entrusted by him with great governmental and political power. They enjoyed exercising such power, and longed for its continuance.

They knew that the power they enjoyed would be lost and the policies to which they adhered would be frustrated if the President should be defeated.

As a consequence of these things, they believed the Presidents' reelection to be a most worthy objective, and succumbed to an age-old temptation. They resorted to evil means to promote what they conceived to be a good end.

Their lust for political power blinded them to ethical considerations and legal requirements; to Aristotle's aphorism that the good of man must be the end of politics; and to Grover Cleveland's conviction that a public office is a public trust.

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 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.

On the contrary, they apparently believed that the President is above the Constitution, and has the autocratic power to suspend its provisions if he decides in his own unreviewable judgment that his act in so doing promotes his own political interests or the welfare of the nation. As one of them testified before the Senate Select Committee, they believed that the President has the autocratic power to suspend the Fourth Amendment whenever he imagines that some indefinable aspect of national security is involved.

I digress to reject this doctrine of the constitutional omnipotence of the President. As long as I have to mind to think, a tongue to speak, and a heart to love my country, I shall deny that the Constitution confers any autocratic power on the President, or authorizes him to convert George Washington's America into Gaius Caesar's Rome.

The lust for political power of the presidential aides who perpetrated Watergate on America blinded them to the laws of God as well as to the laws and ethics of man . . .

As we contemplate the motives that inspired their misdeeds, we acquire a new awareness of the significance of Cardinal Wolsey's poignant lament:

"Had I but serv'd my God with half the zeal I serv'd my King, he would not in mine age Have left me naked to mine enemies."

The Antidote For Future Watergates

Is there an antidote which will prevent future Watergates? If so, what is it?

The Senate Select Committee is recommending the enact of new laws which it believes will minimize the danger of future Watergates and make more adequate and certain the punishment of those who attempt to perpetrate them upon our country.

Candor compels the confession, however, that law alone will not suffice to prevent future Watergates. In saying this, I do not disparage the essential role which law plays in the life of our nation. As one who has labored as a practicing lawyer, a judge, and a legislator all of my adult years, I venerate the law as an instrument of service to society. At the same time, however, I know the weakness of the law as well as its strength.

Law is not self-executing. Unfortunately, at times its execution rests in the hands of those who are faithless to it. And even when its enforcement is committed to those who revere it, law merely deters some human beings from offending, and punishes other human beings for offending. It does not make men good. This task can be performed only by ethics or religion or morality.

Since politics is the art or science of government, no man is fit to participate in politics or to seek or hold public office unless he has two characteristics.

The first of these characteristics is that he must understand and be dedicated to the true purpose of government, which is to promote the good of the people, and entertain the abiding conviction that a public office is a public trust, which must never be abused to secure private advantage.

The second characteristic is that he must possess that intellectual and moral integrity, which is the priceless ingredient in good character.

When all is said, the only sure antidote for future Watergates is understanding of fundamental principles and intellectual and moral integrity in the men and women who achieve or are entrusted with governmental or political power.