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Watergate Reforms

Under the leadership of Senator Ervin of North Carolina, the Senate Watergate committee has concluded a year and a half of admirable work by agreeing upon a set of bipartisan recommendations for strengthening Federal law and creating new institutions of the Federal Government to lessen the risk of future scandals. In the present agony of impeachment the need for reform is obvious, and the means are now at hand.

The committee's most important proposal is for a permanent special prosecutor who would be chosen by a panel of three judges and serve a fixed five-year term. As the committee points out, the appointment of a special prosecutor proved necessary to cope with the present scandals and with the Teapot Dome scandal of fifty years ago because, in both instances, the Justice Department was too deeply compromised for the public to be certain that it would conduct a thorough inquiry.

President Nixon's dismissal of Archibald Cox and his attempt to abolish the office of special prosecutor last October demonstrated that such an officer has to have assured independence and must not be a Presidential appointee. The committee's recommendation deserves enactment by Congress; the only questionable aspect is whether the prosecutor should also serve, as the committee suggests, as an ombudsman for administrative complaints arising against all executive departments and agencies. Such a wide-ranging assignment might tend to entangle the special prosecutor in too many small disputes and distract him from dealing with rarer but more substantive abuses.

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The committee's second institutional innovation would be creation of a Federal Elections Commission, a proposal already approved by the Senate in this year's campaign reform bill. However, the House Administration committee has voted for a mockery of a commission with six of the seven seats occupied by members of Congress and Congressional appointees. The Watergate committee's report ought to reinforce pressure for a genuinely independent commission. Otherwise, it would be better to leave supervision where it now is—with the Controller-General—but shift legal enforcement from the Justice Department to the new Special Prosecutor.

In the only recommendation that divided the committee, the majority opposed public financing of Federal elections on both constitutional and practical grounds. Public financing has already been approved by the Senate and is essential to a thoroughgoing reform of the electoral system. On this issue, we believe that the committee dissenters, Senators Inouye of Hawaii and Montoya of New Mexico, have the better of the argument.

Among the laws that the committee would amend or enact are several to protect the integrity of political campaigns against various "dirty tricks." It would, for example, become a crime for anyone to obtain employment in any campaign for Federal office for the purpose of interfering with or spying upon the candidate. Those who financed such undercover agents would also become criminally liable.

In an effort to break the unhealthy practice of using the Justice Department as a political command post, the committee urges that all officials of that department, including the Attorney General, be placed under the restrictions against political activity imposed by the Hatch Act on ordinary civil servants. We think that this, too, is a practical and needed reform.