

Hill Studies Bar to Future Watergate

By William Greider

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Two years ago, Watergate was a raging fire in Washington and the corridors were noisy with alarms at the abuse of presidential power. Now, Watergate is cold ashes and quiet and Congress has moved on to other things.

But yesterday several of the old "firemen" got together in a Senate hearing room to discuss what still might be done in the way of reforms to prevent another epic scandal from happening in the future. They disagreed amiably among themselves on what ought to be enacted and were not terribly optimistic that anything at all will be done.

"There seems to be a lethargy which follows revelations to the public," lamented Samuel Dash, the law professor who was chief counsel for those televised hearings of the Senate Watergate committee back in 1973.

Sen. Lowell P. Weicker Jr., the Republican who spoke so forcefully against

the abuses of a Republican President, remarked that two years have passed, the abuses have been well known to Congress, but none of the reform proposals have been enacted.

"That's the great tragedy," Weicker said, "and I've got to confess to you that it's got me going up the wall."

Sen. Howard H. Baker Jr., who was vice chairman of the Senate Watergate committee, agreed that reforms are still needed to prevent another Watergate but, as time passes, Baker feels better and better about how the Congress and the country dealt with the crisis.

"The country's a lot better off than I thought it was," Baker said. "The system's a lot stronger than I ever gave it credit for."

This time Baker and Dash were appearing as witnesses rather than interrogators, testifying at a hearing of the Senate Government Operations Committee, chaired by Sen. Abraham A. Ribicoff (D-Conn.) to consider omnibus reform legislation.

The reform proposals in

the bill cover a range of issues from financial disclosure by Presidents to soliciting campaign contributions by federal executives. But the central issue is whether Congress should create a permanent "public attorney" empowered to investigate crimes by high government officials and to act as special prosecutor if the Jus-

tice Department fails to move on the cases.

Baker insisted that a permanent special prosecutor would threaten the constitutional power of the executive branch though he agrees that, as things stand now, "the federal government was and remains poorly equipped for investigating and prosecuting crimes allegedly committed by high-ranking executive branch officials."

Baker's solution would be to create a new assistant attorney general's office within the Justice Department to investigate crimes by the government itself. If the attorney general tired to quench them or cover up, the assistant would be required to report the case to Congress.

"Ultimately we have to trust people in public office to do the right thing," Baker said.

The next witness, Dash, argued that the Watergate affair taught a different lesson. "Our system in this country was built on distrust of powerful leaders," he said. What's needed is an institutional arrangement where someone makes sure that the law enforcers are obeying the laws themselves.

"I don't want to name any names," Dash said, "but we have seen some of the best career men in the Justice Department, some of the men with the best reputations for integrity, bend because of the power that was over them."

Dash's idea of a "public attorney" would itself be subject to controls against abuses of power. The attorney would be appointed for five years by the Supreme Court and could act as prosecutor only after a federal court had decided that the Justice Department was dodging the case.

"Very frankly," Dash said, "there is really no way we can depend on the Justice Department to enforce the law in certain kinds of cases."



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Sen. Baker, left, and Watergate committee counsel Samuel Dash at Senate hearings on post-Watergate reforms.