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SENATE APPROVES PROSECUTOR POST

Vote Is 91-5 for Investigator
to Look Into Wrongdoing
at Top of Government

Special to The New York Times

WASHINGTON, July 21—Three years after its highly publicized Watergate hearings, the Senate approved today legislation creating a permanent independent special prosecutor to investigate wrongdoing by government officials at the highest level.

The bill, which passed, 91 to 5, now goes to the House, where at least two subcommittees are considering various parts of the legislation.

Proponents of the legislation, which is the Watergate Reorganization and Reform Act of 1976, said they were hopeful that some version of the legislation, would be passed by Congress before it adjourns later this year.

Before passing the bill, the Senate approved by voice vote an amendment that would bar a President from appointing any of his top national campaign officials as Attorney General or Deputy Attorney General—a practice that has been followed by several Presidents in the past.

"It's time to get partisan politics out of the Justice Department," said Senator Lloyd Bentsen, a Texas Democrat, who proposed the amendment. It was not known whether this provision would survive in the House or in a Senate-House conference.

Ervin Introduced Bill

The bill approved today is the first legislation to stem directly from the investigations of the Nixon Administration and the recommendations by the Senate Watergate committee headed by former Senator Sam J. Ervin Jr., a North Carolina Democrat. Mr. Ervin introduced the initial version of the bill before retiring at the end of 1974.

"I believe the provisions will go a long way toward preventing such abuses in the future," Senator Abraham A. Ribicoff, Democrat of Connecticut and floor manager of the bill, said of the legislation.

In addition to creating a permanent special prosecutor, the bill would require annual financial disclosures by high Government officials, including the President, Vice President, Cabinet members, top officials of the Executive Branch and members of Congress, starting in 1978.

The bill also would create an Office of Government Crimes in the Justice Department to investigate misdeeds by lower level Federal employees and violations of lobbying and campaign laws.

Also, an Office of Congressional Legal Counsel would be established to represent Congress in litigation involving the powers of Congress.

Ford Endorsed Prosecutor

The creation of a permanent special prosecutor became relatively noncontroversial after President Ford advocated the approach at a news conference last Monday.

Initially, the Administration had opposed a number of provisions in the bill, which had been drafted over an 18-month period by the Senate Government Operations Committee. Some senators speculated that Mr. Ford endorsed the idea of a prosecutor on the ground that the Senate was about to pass the legislation anyway and that it could be politically damaging for the President to oppose it.

Under the bill, the special prosecutor would be appointed by the President and confirmed by the Senate for a three-year term. The prosecutor could not have held a high position in a national political campaign for five years before his appointment and he could serve only one term as prosecutor.

Once in office, the prosecutor could be removed by the President only for "extraordinary improprieties" and his removal could be challenged in the courts.

The prosecutor would be authorized to investigate any alleged illegal acts by the President, Vice President, Attorney General, Director of the Federal Bureau of Investigation, top officials of the Executive Branch, as well as members of Congress and the Federal judiciary.

Another provision of the bill would require for the first time personal financial reports from the President, Vice President, other high Federal officials and members of Congress. These would be filed with the Comptroller General. The reports would include the source of any item of income of more than \$100 as well as any gifts, including transportation or entertainment, aggregating \$500 or more from a single source.