

The Watergate Reform

Capitol Hill was alive yesterday with the memory of Watergate as the Senate put its final touches on a package of reforms developed in response to the scandal. The most striking feature of the Senate bill is the creation within the executive branch of a new and permanent special prosecutor and the most interesting aspect of its history is the Administration's sharp last-minute reversal of its strenuous opposition to that feature.

The bill contains additional provisions designed in the hope of assuring integrity in government. For example, one provision would preclude high campaign officials from serving as Attorney General or Deputy Attorney General and another would require high Federal officials to make full disclosure of their finances. Another would establish a special office in the Department of Justice to handle the ordinary run of Federal crimes. But the creation of a permanent special prosecutor was the most direct response to Watergate.

Attorney General Levi had opposed the special prosecutor concept, in another context, as a reflection on the integrity of the Department of Justice. But in insisting on a new organization, the Senate was asserting that the lesson of Watergate was not so much that there was a defect to be cured within existing institutions, as that the scandal had revealed basic defects in the Federal criminal justice structure that only a new institution could correct. The Administration finally accepted the Senate's position as inevitable.

As the Senate has designed the office, it will have jurisdiction over crimes alleged against the President, Vice President, members of the Cabinet, the Federal judiciary and the Congress. The jurisdictional definition would also include the highest level of White House aides, Under Secretaries and F.B.I. and C.I.A. directors.

Though the prosecutor would be independent, the Senate has attempted to guard against abuses of prosecutorial power. The principal safeguard is the limitation of the prosecutor to a three-year, non-renewable term. Malfeasance in office or extraordinary impropriety would be grounds for Presidential removal of the prosecutor.

The bill constitutes a sharp departure from the practices of the past; but the problems that sparked it and the tendencies it seeks to curb posed significant threats to the nation. The greatest danger in the creation of this office is that it could conceivably fall into the hands of an unscrupulous or overzealous person who might do needless injury to reputations, human beings and institutions. That is an aspect of this generally commendable effort that the House should examine most carefully as it completes work on this resonant echo of Watergate.