

David S. Broder

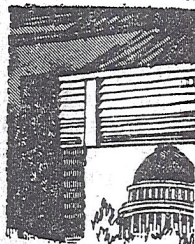
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## Congressional Buck Passing

**T**HE CONGRESSIONAL MOUNTAIN has labored and brought forth a second Watergate mouse. The first landmark piece of legislation that resulted from the great scandal was the Federal Campaign Finance Act of 1974.

It was hailed in Congress and on the nation's editorial pages. But when the Supreme Court got around to examining the law, it decided that several of its key provisions were unconstitutional infringements on the freedom of speech. A similar caution is in order on the near-unanimous praise being lavished on the Watergate Reorganization and Reform Act of 1976.



The bill creates a permanent independent office of special prosecutor within the Department of Justice, to be headed for a single three-year term by someone appointed by the President and confirmed by the Senate. The prosecutor will have jurisdiction to investigate and prosecute any possible violations of federal criminal law by the President, Vice President, senior administration officials, members of Congress and the judiciary.

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**O**NE THING THAT is offensive about the bill is the proviso that the special prosecutor cannot be anyone who, in the previous five years, held a "high-level position of trust and responsibility" in a political party or the personal organization of any candidate for Federal office.

I do not know what word except "contempt" expresses my attitude toward a set of practicing politicians who accept as valid the premise that anyone affiliated with politics is automatically unfit to conduct one of the highest responsibilities of government — the administration of justice.

If politicians can't be trusted to administer justice, then why in the world should we trust them to collect taxes, or provide for the national defense, or decide whether our children fight in a war?

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**T**HE DANGEROUS NOTION in the bill is the assumption that the safety of our republic lies in finding non-political "good men," who can be trusted with powers we would not trust to politicians.

That is an absolute perversion of the doctrine of the American Constitution. Such men of perfect virtue are as rare as Plato's "philosopher-kings." Rather than depending on godlike virtue in public servants, the American Constitution protects freedom by holding officials accountable for their actions.

But the special prosecutor, under this law, is accountable to no one. For all practical purposes, he is a free agent, exercising extraordinary power without check. He is, in short, the very kind of official which Watergate should have warned us against.

Instead of passing such showboat legislation, Congress could be employing its constitutional powers to judge and expel those of its own members, who have been charged with almost every kind of abuse of power and breach of law. It can also investigate alleged improprieties in the executive branch.