

## James Kilpatrick

# A Regrettable But Right Step

**M**ORE THAN two years ago, in his final report as chairman of a Senate select committee, Senator Sam Ervin addressed himself to the task of devising an "antidote for future Watergates." Just this past week, the Senate got around to compounding a prescription.

By a vote of 91-5, the Senate approved the Watergate Reorganization and Reform Act of 1976.



Time may prove that the five dissenters were right. Senators Curtis, Fannin, Hruska, Laxalt, and Scott of Virginia, all of them conservative Republicans, felt the bill is unconstitutional. They object to its encroachment upon executive authority, and because the principle of separation of powers is a sound principle, their criticism cannot be brushed aside.

All the same, the 91 senators who voted "yea" instead of "nay" had the better of the argument. The bill would create new machinery — perhaps too much new machinery — for the investigation and prosecution of federal crimes by persons in federal office. I suspect that none of the 91 believes the machinery is perfect, but the very existence of these new offices will be beneficial. The bill symbolizes a moral imperative: Public office must be seen as a public trust.

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**T**HE BILL APPROVED by the Senate would create a single Office of Special Prosecutor within the Department of Justice. The Special Prosecutor would be nominated by the president and confirmed by the Senate for a non-renewable three-year term. He would be highly paid. He would employ his own independent staff. He could be removed only for "extraordinary improprieties." His writ would run to possible federal offenses committed by a president, vice president, cabinet member, high executive official, member of Congress, or federal judge.

In addition, the bill would create an Office of Government Crimes under the attorney general, with authority over lesser public employees, lobbying violations, election offenses, and the like. We also would have within the Department of Justice an Office of Professional Responsibility, with authority over the conduct of Justice employees themselves.

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**W**ILL THIS BE the "antidote?" No, indeed. Sam Ervin had it right two years ago when he wrote that "law alone will not suffice to prevent future Watergates." Laws may deter, and laws may punish, but the law "does not make men good." Only when our public offices are filled by men and women of "intellectual and moral integrity" will government be protected against the poison of corruption.

No such millennium is in sight. Divine law is a fine thing, but so long as men are less than angels we need statutory law here on earth. The Senate's Watergate Reform Act is a regrettable but useful step in the right direction.