



CONGRESSMAN'S REPORT

MORRIS K. UDALL • 2d District of Arizona
House Office Building, Washington, D.C. 20515

Volume XII, No. 5
September 14, 1973

"The hardest challenge in politics is to win without proving that you are unworthy of winning."

--Adlai Stevenson

The Legacy of Watergate--Despair or Reconstruction

Court clerk, county attorney, Arizona Supreme Court justice -- my father spent his adult life in what he deeply believed was an important and honorable calling. "Public service" he called it, and I was proud.

To most Americans, however, public service is known by a less complimentary term, "politics." I've spent 17 years of my life in various public positions in Arizona and Washington and today I'm sad to report that throughout our country my profession (politics) and your most important possession (self government) are in some trouble.

Millions of Americans have simply stopped believing that their government and the men and women they've elected are going to handle inflation, meat and gasoline shortages, taxes, medical care and a host of other problems. The end result of this distrust is a mixture of apathy, resentment and downright hostility. Note some of the symptoms of this distressing national mood:

- * A great sustaining American strength has been our keen desire to believe in, support, and trust our presidents. Yet the most memorable new phrase to emerge from the five Lyndon Johnson years -- rightly or wrongly -- was "credibility gap." That's really a polite way of saying that your government lies to you.
- * Twice this year President Nixon has taken television time to solemnly deny to his fellow citizens any involvement on his part in the Watergate burglary and cover-up. Yet if the various polls are accurate, nearly two-thirds of the American people don't believe him.
- * Last year about 45% of all eligible adults failed to turn up at the polls, the lowest turnout in almost 25 years. In many cases, our backward laws prevented them from voting. But most simply didn't care enough or didn't believe their vote would make any difference.
- * The men and women of the Arizona Legislature are a pretty decent and honest lot in my estimation. They leave their families and their jobs for half the year to wrestle with a half-a-billion dollar budget and the tough problems of a growing state. For their long hours and personal sacrifice they are paid \$6,000. Last year Arizonans vetoed a ballot

measure that would have raised legislative salaries to \$10,000. In effect, the voters said that the President of the Senate is worth less than the Capitol janitor.

- * A 1965 Gallup poll found that almost two-thirds of the American people gave those of us who serve in Congress generally high marks for integrity. But by 1973, a survey ranked Members of Congress barely above used car dealers on an index of national trust.

THE WHITE HOUSE "HORRORS"

As we left the turbulent 1960's it was clear that our government was held in low esteem; many felt that things could not possibly get worse. They not only could but did.

Between 1969 and 1972, the Nixon White House took on a whole crew of bright young Americans from good homes and schools, who professed the highest religious and patriotic values. While on your payroll, these White House aides planned burglaries, forged documents, and illegally wiretapped reporters and even fellow White House staffers. They tried (and may have succeeded) in using the Internal Revenue Service, the FBI and other non-political agencies to harass citizens they had put on an "enemies list," and attempted to sabotage primary campaigns of Democratic presidential candidates. Among other activities:

- * Complicated arrangements were made so that Howard Hunt (later convicted in the Watergate burglary) could get top security clearance, CIA assistance and access to vital State Department cables in order to convincingly forge a cable purporting to show that the late President John F. Kennedy had arranged the murder of another head of state, the late President Diem of South Vietnam. The almost unbelievable rationale for this macabre exercise: Kennedy's brother, Senator Edward Kennedy, was feared as a possible 1972 presidential candidate; so his dead brother, and thus his whole family, would have to be discredited.
- * The counsel to the President and the head of the President's Domestic Policy staff discussed whether incriminating documents should be thrown into the Potomac River or otherwise destroyed. They asked Patrick Gray, the Acting Director of the Federal Bureau of Investigation (our most vital independent, professional law enforcement agency), to commit a criminal act by personally destroying those documents. And, incredibly, he destroyed them.
- * When J. Edgar Hoover, then head of the FBI, refused to participate in a scheme involving wholesale domestic wiretapping and burglary, these men established an independent White House "plumbers group" paid for with your tax dollars. Among other things, this group arranged and carried out the burglary of a physician's office in order to further the prosecution of one of his patients.
- * The former Secretary of Commerce, then the chief fundraiser for the President's campaign organization, pressured honest businessmen holding federal contracts for

large sums of money. In order to avoid disclosure of these gifts, the businesses were asked to make these illegal contributions in cash rather than by check.

The disclosure of these sleazy tales has heavily damaged the Nixon Presidency. The low morale and lack of confidence in our system has had a direct effect on our fickle economy and the problems our already shaky dollar is facing abroad.

DECLINE AND FALL, OR RECONSTRUCTION

The Senate committee on Watergate will finish its hearings soon and make its report. A Special U.S. Prosecutor and several grand juries are at work and we may have further indictments. Those already indicted will be tried.

It's all pretty sickening and sad, and there are some who think the decline and fall of the American dream is underway. But there's an old saying well worth remembering now: "When stuck with a lemon, make lemonade."

We've made the best out of adversity in other times. In the early 1960's, for example, I joined a scattering of colleagues in advocating laws requiring senators and representatives to file annual disclosure statements of assets and outside business interests and income. For years these bills went nowhere. Then Representative Adam Clayton Powell and Senator Thomas Dodd loudly and publicly abused and profited from their congressional positions. Almost overnight our long sought legislation was approved and permanent congressional ethics committees, empowered to make and enforce high standards of conduct, were established.

You might want to thank me for my part in these laws (and I'd welcome the applause) but the real thanks should go to Powell and Dodd.

So I suggest we treat Watergate not just as a tragedy, which it is, but as an opportunity to find out what's gone wrong with our political system and how we can cleanse and reinvigorate it. I have a program of reconstruction and here's what it looks like.

EFFECTIVE ELECTION LAWS

In 1971, I helped lead the fight for a new federal election law and it vastly improved the ridiculous non-law we'd had for two generations. But Watergate suggests that we must refine it further in at least three major aspects:

- * **Contributor Limits.** In 1972, one man, Chicago multi-millionaire Clement Stone, gave the Nixon presidential campaign \$2 million. A General Motors heir, Stewart Mott, gave George McGovern more than a half million dollars. I say that no American should have this kind of clout in picking a President or any other official of government. A major reform I have sponsored would limit to \$2500 the amount any

person could give a candidate for President and would set a \$1000 ceiling on contributions to candidates for House and Senate.

- * **Enforcement** of federal campaign finance laws has always been in the hands of politicians: the Attorney General of the United States, or appointees of politicians, i.e. the Clerk of the U.S. House and Secretary of the Senate. It is no accident that in all the years the 1925 election laws were on the books not a single prosecution was filed. My bill would place enforcement of federal election laws in a nonpartisan Federal Elections Commission equipped with lawyers, accountants and computers. The public would finally know from whom money is raised, where it is spent and that willful violators would be punished.
- * **Partial Public Financing of Federal Elections.** President Theodore Roosevelt suggested public financing back in 1907 I don't think we can jump immediately to a system where the government foots all the bill for every candidate, but my legislation answers most major objections usually made to public finance proposals. Money would be set aside to match small individual contributions (\$50 or less) up to a certain limit. Free prime time television segments would be given to candidates, provided they used the time for live broadcasts and substantial discussions of campaign issues. This would really do three things: 1) Frivolous candidates would be eliminated by the ever wise voter who would not provide the needed contributions to be matched; 2) The focus on small contributions would turn candidates away from the fat cats with political axes to grind; 3) Free TV time would cut campaign costs.

Such a mixed system of small, private donations matched with public funds would cost a little more than \$1 per registered voter, a bargain when the end product is honest government.

ENDING THE EMBASSY AUCTION

All Americans would like to believe that our Presidents carefully search for the best qualified man or woman for major federal positions. Where ambassadors are concerned, however, this idea is an old, sick joke.

In every administration in modern times several dozen choice embassy appointments have gone to large campaign contributors. This policy has now reached disgraceful proportions, and it cries out for action. In December of 1972, the Committee to Re-elect the President, with a \$4 million surplus in the bank, solicited and received a \$300,000 contribution from Mrs. Ruth Farkas of New York. A few days later, Mrs. Farkas was named U.S. Ambassador to Luxemborg. Few believe she was the best qualified person for the post or that her donation was unrelated to her appointment.

Congress must make substantial political donors ineligible for major appointments.

JUSTICE AT THE DEPARTMENT OF JUSTICE?

The thin fabric of mutual confidence which holds this country together rests on an unwritten belief that most of the time there really is equal justice for all. The United States Attorney

General plays a key role in this process. He recommends the appointment of federal judges, heavily influences whether the great and small are to be indicted, decides whether anti-trust cases against big corporations are to be pressed or abandoned, and makes a host of other decisions at the heart of our system of justice.

Throughout most of our history Presidents have made this office a special place headed by a lawyer or judge of unquestioned integrity and national stature. Yet starting in the 1950's Presidents of both parties have appointed a whole line of Attorneys General in violation of this sound tradition. Herbert Brownell and Robert Kennedy were fine men. John Mitchell may yet be exonerated. But none of them should have been Attorney General. Each was a presidential campaign manager. Their appointments lessened public confidence in federal justice.

The President has the right to have the office of Attorney General filled by a friendly person who shares his broad philosophy, but Congress and the American people should insist that we return this office to a status where the first priority at the Department of Justice is justice.

PRESERVING GOVERNMENT PROFESSIONALISM

We can lament it, and I do, but in this complicated world, government for better or worse plays a large part in our lives. It's all burdensome enough when people believe that the weight of taxes and citizenship falls equally on rich and poor, black and white, east and west. A European politician is quoted as saying that when in power "the law is for your political enemies and favors are for your friends." If the day comes when Americans adopt such a philosophy, our government is in deadly trouble. And there are frightening indications that we've been heading in that direction:

- * The Bureau of Labor Statistics (BLS) has for two generations enjoyed an exceptional and professional standing among economists and government leaders. Its monthly statistics on employment, consumer price index, etc. have been widely accepted by business and government communities. Millions of dollars in business transactions are made in reliance on them. Because of its independence BLS has been a thorn to each recent President as he understandably attempted to put the best face on the current economic situation. This wasn't very good for a President caught in false optimism but it was wholesome for the country. But when the BLS figures contradicted the Nixon game plan in 1970 and 1971 the White House simply fired some key economists. The message was clear: professional economists at BLS were to "get on the team," that is, produce statistics that backed the administration's line.
- * Internal Revenue Service (IRS) wrings over \$250 billion out of Americans every year. Most of it is paid voluntarily if not cheerfully. It's a phenomenon seen in few countries where cheating the tax collector is considered good sport. Our tax system rests on a fragile faith that IRS may sometimes be arbitrary or unreasonable; it's also professional and non-political. Yet these high White House officials, for petty advantage and revenge, were ready to pervert this professional agency and destroy the crucial confidence of the American people in their tax system. They suggested that their

"enemies," i.e. American citizens who had committed the sin of opposing White House policy, ought to be "given trouble" by the IRS.

- * And so it is with the FBI, where the President's own counsel attempted to corrupt its investigation as it appeared to be coming close to home. And even the National Park Service was politicized when a presidential political advance man was named Director of the National Park Service, breaking a continuous important tradition of professionalism.

Men of good will in both parties must find ways to keep inviolate the professionalism and impartiality of key bureaus and agencies.

POLITICS: A TOUCHY ART

John Kennedy used to say that mothers still wanted their sons to grow up to be Presidents like Lincoln and Jefferson, but they didn't want them to become politicians in the process. Yet Lincoln and Jefferson succeeded in leading their country through difficult times only because they were skilled politicians.

I've said that politicians as a group are in disrepute these days and Americans have always tended to put them down. But insofar as the responsibility for Watergate goes, politicians are taking a bum rap. It was not GOP Senators like Barry Goldwater, Hugh Scott, or Robert Dole or the fine Republican congressmen with whom I spend my days, who ordered the burglary at the Watergate, or composed an enemies list or tried to politicize the FBI. These men know the difference between an "enemy" and a political opponent (who can be your warm friend). Rather it was largely the non-politicians in the White House who got the President and the country in trouble.

Politics is a touchy and difficult art, and some of us sometimes fail to do our best. But there's no way a free people can settle their problems without putting their affairs in the hands of men and women who can face the voters and put together programs a majority can support.

President Nixon's troubles stem in some substantial part, I believe, because he was surrounded by ruthless men without extensive political experience. This problem was compounded by his tendency to isolate himself from the press, from other elected office holders and from wide-ranging contacts with businessmen, educators and other groups.

It's pretty heady stuff to have a band play whenever you walk into a room and to have your own jets and helicopters available to meet your every whim for travel. But the one thing that doesn't come with the job, and yet is desperately needed, is what mayors and congressmen and governors get every day: exposure to people who aren't afraid to criticize or offer frank advice.

Presidential safety is far different from the days when Lincoln could ride his horse through Washington. Maybe it's just not feasible for them, along with the rest of us, to walk the streets now and then, try to catch a cab at rush hour or get caught in a holding pattern over Chicago's O'Hare Airport on a stormy day. But if that's the case, at least we could urge presidential

candidates to promise regular press conferences, and open doors for Congressional leaders, governors, mayors and lots of ordinary, plain speaking citizens.

ARIZONA: POLITICS WITH HONOR

Of all the fallout of Watergate, the result which angers and distresses me the most is the cynicism the deeds of this small group have caused among our young people (and some of their elders as well).

This cynical attitude is based on a lie, especially in Arizona where our political contests and traditions have had a decency few states can match.

Lyndon Johnson and Barry Goldwater fought a rough, but decent campaign for the Presidency, and many legislative battles in the Senate. Sen. Carl Hayden was with Johnson, his fellow Democrat, on most of those fights. But at the funeral of Carl Hayden I sat between prominent Arizona Republicans while Lyndon Johnson and Barry Goldwater spoke the eulogies for this great man they both loved and revered. In my lifetime the great Arizona Democrats, men like Hayden and Ernest McFarland, my brother Stewart, were men of integrity who ran clean campaigns and had abiding friendships with the politicians on the other side.

Similarly, the Arizona GOP runs campaigns with integrity and Senator Goldwater has spoken out against Watergate misdeeds. Decent, honorable men such as Congressman John Rhodes in the state party leadership can and do have serious disagreements on government policy with me. At the same time we can have close, personal friendships.

I have had Arizona ancestors and relatives in both political parties serve in all kinds of public offices from the President's Cabinet to local school boards. Not one has been touched with a breath of scandal or abuse of public trust. My greatest desire is to retire from public office someday with a record that will enhance that tradition.

To the people of Arizona I affirm my belief in what this country is and what it can be. This is not a time for despair or disillusion. It is a time for all of us -- Democrat, Republican, or Independent -- to stand together as we find and apply the lessons of Watergate. Together we can rebuild, strengthen, and purify our institutions and the spirit of civility and restraint that makes them work.

If we can do all that, I have a hunch we may owe the White House bunglers and burglars a debt of gratitude. Maybe their unintended 200th birthday present to this nation will be a rebuilt confidence in ourselves and our government that might keep us going well into our second 200 years.

REAFFIRMING OUR SPIRIT

In this letter I've talked a lot about the mechanics and processes we must apply to make the most from this tragedy, but there is something even more important -- something Congress can do little about.

What we need more than new laws or reorganized institutions is a rebuilding of our national spirit. No one ever went to jail for violating the spirit of our law, but it is precisely that elusive essence which has made our government endure.

The cold print of the Soviet constitution reads with the same noble phrases and ideals as ours. The difference lies in a gentle, civil attitude and spirit toward each other and our constitution. Our political system is a fragile plant kept alive in each generation through that spirit and our dedication to it.

We reinforce these vital attitudes with a set of rituals which may seem burdensome and even silly to some. No law requires that, having lost a close election, you call an opponent and congratulate him. There are no statutes requiring us to rise at football games for the national anthem on a day when you might deeply resent some current policies of the government, nor that you arise for a judge entering his courtroom when you dislike the man in the robes or deplore his last six decisions.

But these rituals are a way of saying to each other, "The things which bind us together as fellow Americans in this system of government are far more important than the things that divide us."

A long time ago, one of my favorite judges, Learned Hand, put this truth in these words:

"I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it."

A handwritten signature in black ink, reading "Mo Udall". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.