IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1973

Mr. Ervin (for himself, Mr. Baker, Mr. Gurney, Mr. Inouye, Mr. Montoya, Mr. Talmadge, and Mr. Weicker) submitted the following resolution: which was ordered to be placed on the calendar

NOVEMBER 7, 1973
Considered and agreed to

RESOLUTION

Relating to S. Res. 60.

1  Resolved, That—

2  SECTION 1. By S. Res. 60, Ninety-third Congress, first
3  session (1973), section 3 (a) (5), the Select Committee on
4  Presidential Campaign Activities was and is empowered to
5  issue subpoenas for documents, tapes, and other material to
6  any officer of the executive branch of the United States Gov-
7  ernment. In view of the fact that the President of the United
8  States is, as recognized by S. Res. 60, an officer of the
9  United States, and was a candidate for the office of President
10  in 1972 and is therefore a person whose activities the select
11  committee is authorized by S. Res. 60 to investigate, it is
the sense of the Senate that the select committee's issuance
on July 23, 1973, of two subpoenas duces tecum to the Pres-
ident for the production of tapes and other materials was
and is fully authorized by S. Res. 60. Moreover, the Senate
hereby approves and ratifies the committee's issuance of
these subpoenas.

Sec. 2. On August 9, 1973, the select committee and its
members instituted suit against the President of the United
States in the United States District Court for the District of
Columbia to achieve compliance with the two subpoenas re-
ferenced in section 1 above, and since that time, in both the
district court and the United States Court of Appeals for the
District of Columbia Circuit, have actively pursued this litiga-
tion. It is the sense of the Senate that the initiation and pur-
suit of this litigation by the select committee and its members
was and is fully authorized by applicable custom and law,
including the provisions of S. Res. 262, Seventieth Congress,
first session (1928). In view of the entirely discretionary
provisions of section 3(a)(6) of S. Res. 60, it is further
the sense of the Senate that the initiation of this lawsuit did
not require the prior approval of the Senate. Moreover, the
Senate hereby approves and ratifies the actions of the select
committee in instituting and pursuing the aforesaid litigation.

Sec. 3. The select committee and its members, by issuing
subpoenas to the President and instituting and pursuing litiga-
tion to achieve compliance with those subpoenas, were and are acting to determine the extent of possible illegal, improper, or unethical conduct in connection with the Presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the select committee and its members were and are engaged in the furtherance of valid legislative purposes, to wit, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United States is elected and, in that connection, the informing of the public of the extent of illegal, improper, or unethical activities that occurred in connection with the Presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the committee’s subpoenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.