

A History of Notable Senate Investigations **prepared by the United States Senate Historical Office**

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Senate Select Committee on Presidential Campaign Activities *(The Watergate Committee)*

Origins

Early on the morning of June 17, 1972, five men broke into the Democratic National Committee headquarters at the Watergate hotel and office complex in Washington, D.C. A security guard alerted the metro police, who arrested the burglars, who carried more than \$3500 in cash and high-end surveillance and electronic equipment.

While the burglars awaited their arraignment in federal district court, the FBI launched an investigation of the incident. The dogged reporting of two *Washington Post* journalists, Bob Woodward and Carl Bernstein, raised questions and suggested connections between Nixon's reelection campaign and the men awaiting trial in federal district court. The White House denied any connection to the break-in and in November 1972 President Richard Nixon won reelection in a landslide.

On January 10, 1973, the trial of the Watergate burglars and two accomplices began. After weeks of testimony, Chief Federal District Judge John Sirica expressed skepticism that all the facts in the case had been revealed. Five men pleaded guilty and two were convicted by a jury. Judge Sirica urged those awaiting sentencing to cooperate with the soon-to-be-established Senate select committee.¹

Process

On February 5, 1973, Senator Edward Kennedy offered Senate Resolution 60 to establish a Select Committee on Presidential Campaign Activities to investigate campaign activities related to the presidential election of 1972. Traditionally the sponsoring member presides over an inquiry. Majority Leader Mike Mansfield wanted to avoid the possibility that the committee would seem unduly partisan because of Kennedy's presidential aspirations, and instead offered the chair to Senator Sam Ervin of North Carolina. Well-qualified to head the investigation, Senator Ervin was a former North Carolina Supreme Court justice, a self-proclaimed "country lawyer" with a degree from Harvard Law School, and widely regarded as the Senate's constitutional expert. At 76 years old he did not aspire to the presidency. His reputation among his Senate colleagues was, according to Secretary of the Senate Frank Valeo, "unassailable." As chairman of the Constitutional Rights Subcommittee of the Judiciary Committee, Senator Ervin had investigated a number of issues important to the Watergate scandal, including surveillance and wiretapping.²

On February 7, 1973, the Senate voted unanimously to create the select committee. The resolution empowered four Democrats and three Republicans to subpoena witnesses and materials, provided them with a \$500,000 budget, and required them to submit a final report by February 28, 1974. The resolution granted the committee the power to investigate the break-in and any subsequent cover-up of criminal activity, as well as "all other illegal, improper, or

unethical conduct occurring during the Presidential campaign of 1972, including political espionage and campaign finance practices.”³

Public Relations

Emphasizing the educational function of congressional investigations, the committee’s chief counsel, Samuel Dash, coordinated an aggressive media strategy. The print news media focused Americans’ attention on the issue with hard-hitting investigative reports, while television news outlets brought the drama of the hearings to the living rooms of millions of American households, broadcasting the proceedings live for two weeks in May 1973. The Public Broadcasting System (PBS) broadcast the hearings during prime time on more than 150 national affiliates, earning higher ratings than regularly scheduled entertainment programming. Only one month after the hearings began, an overwhelming majority of Americans—97 percent—had heard of Watergate. Of those, 67 percent believed that President Nixon had participated in the Watergate cover-up.⁴

Investigation

The Senate Watergate committee has been credited with reviving public confidence in congressional investigations, which had declined during the McCarthy inquiries of the 1950s. Several factors contributed to the committee’s overall success including extensive media coverage, sustained public interest, the meticulous work of investigators, the cooperation of key witnesses, and the continuing support of the full Senate. Public support for the investigation remained strong even when a series of confrontations between the Watergate committee and the White House provoked a constitutional crisis.

Throughout the inquiry President Nixon rebuffed the committee’s requests for access to information. Claiming a constitutional separation of powers, he refused to allow his aides to testify. Senator Ervin insisted that executive privilege could not be extended to cover criminal behavior and he threatened to authorize the sergeant at arms to arrest White House aides who refused to testify.⁵ Conceding to public pressure, the president allowed his aides to cooperate but continued to deny the committee access to presidential papers. Nixon repeatedly declared that he knew nothing about the Watergate burglary, but one former aide testified that the president had approved plans to cover up White House connections to the break-in. Another aide revealed that the president maintained a voice-activated tape recorder system in various rooms in the White House.

Chairman Ervin requested access to the tapes, believing that they would either corroborate or repudiate testimony that the president had knowledge of, and approved efforts to cover up, the Watergate break-in. Senate Resolution 194 authorized the committee to “issue subpoenas for documents, tapes and other material to any officer of the executive branch,” and the committee subpoenaed the tapes. Nixon refused to comply, citing executive privilege and separation of powers. Senator Ervin rebutted that “the select committee is exercising the constitutional power of the Senate to conduct the investigation, and the doctrine of the separation of powers of Government requires the President to recognize this and to refrain from obstructing the committee.” Vice Chairman Howard Baker (R-TN) proposed that the committee take the president to court. On August 9, 1973, the committee took the unprecedented step of suing the president in federal district court for access to the tapes and other documents. The court dismissed the action for lack of jurisdiction and appeals affirmed the lower court’s ruling.⁶

In early 1974 Special Prosecutor Leon Jaworski asked the committee to postpone releasing its final report so as to not unduly influence the criminal cases he was preparing against former White House staff. The House Judiciary Committee launched an impeachment inquiry. In light of these developments, members of the Senate committee voted unanimously on February 19, 1974, to conclude public hearings and complete the committee's remaining tasks in private sessions.⁷

Outcome

The committee submitted its final report including legislative recommendations on June 27, 1974. On July 24 the Supreme Court ruled unanimously in a separate case, *United States v. Nixon*, that the president must surrender the tapes to the special prosecutor. President Nixon complied and the recordings revealed that he had approved a plan to cover up the White House connection to the Watergate burglary. Based on this evidence, the House Judiciary Committee adopted three articles of impeachment. Before the full House could vote, Nixon resigned on August 9, 1974.⁸

The Watergate committee's final report recommended legislative action in three areas: regulation of campaign activities and contributions; the establishment of a permanent special prosecutor; and the creation of a permanent congressional legal service. Some, though not all, of these recommendations became law. In 1974 Congress amended the Federal Election Campaign Act. The revisions imposed limitations on expenses and contributions, required regular reporting by election committees, and established a means for public financing of presidential nominating conventions and primary elections. Congress passed the Ethics in Government Act in 1978. The bill required financial disclosure by executive and judicial branch officials and established the Office of Government Ethics as an oversight agency. It also created mechanisms for the appointment of a special prosecutor.

In the years following the Watergate investigation Congress passed legislation aimed at strengthening the legislative branch's oversight powers. In 1974 Congress overrode a presidential veto and revised the Freedom of Information Act, providing the public and the media with new tools to access information held by the executive branch. The 1976 Government in Sunshine Act required federal agencies to hold their meetings in public.

The Senate Watergate investigation remains one of the most significant congressional inquiries in U.S. history. Over the course of this 16 month investigation committee members maintained bipartisan accord, garnered public support, and expanded congressional investigatory powers to produce lasting legislative reform.

¹ Stanley Kutler, *The Wars of Watergate: The Last Crisis of Richard Nixon*, (New York: Alfred Knopf, 1990), 253-254; Keith W. Olson, *Watergate: The Presidential Scandal that Shook America*, Lawrence: University of Kansas Press, 2003, 60.

² Congressional Quarterly, *Congressional Quarterly's Guide to Congress* (Washington, D.C.: CQ Press, 2000) volume 1, 250; Don Oberdorfer, *Senator Mansfield: The Extraordinary Life of a Great American Statesman and Diplomat* (Washington, D.C.: Smithsonian Books, 2003), 433; "Francis R. Valeo, Secretary of the Senate, 1966-1977," Oral History Interviews, Senate Historical Office, Washington, D.C., 598.

³ Olson, *Watergate*, 70-72; Senate Select Committee on Presidential Campaign Activities, *The Final Report of the Select Committee on Presidential Campaign Activities*, 93rd Cong., 2d sess., 1974, xxvi.

⁴ "Samuel Dash," Oral History Interviews, Historical Society for the District of Columbia Circuit, Washington, D.C., 157-158; Olson, *Watergate*, 90; Gallup poll, "Watergate," June 1-4, 1973, *The Gallup Poll: Public Opinion 1972-1977*, George Gallup, (Wilmington, DE: Scholarly Resources, Inc.: 1978), 128.

⁵ Sam Ervin, *The Whole Truth: The Watergate Conspiracy*, (New York: Random House, 1980), 66-67; Karl Campbell, *Senator Sam Ervin: The Last of the Founding Fathers*, (Chapel Hill: The University of North Carolina Press, 2007), 285.

⁶ Congress, Senate, *Senate Resolution 194*, 93rd Cong., 1st sess., 1973; Ervin *The Whole Truth*, 218; *Final Report of the Select Committee*, 1082-1083.

⁷ Ervin, *The Whole Truth*, 262.

⁸ *CQ's Guide to Congress*, 263-264; Ervin *The Whole Truth*, 229-239.

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