

S. RES. 194

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1973

Mr. ERVIN (for himself, Mr. BAKER, Mr. GURNEY, Mr. INOUE, 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

1 the sense of the Senate that the select committee's issuance
2 on July 23, 1973, of two subpoenas duces tecum to the Pres-
3 ident for the production of tapes and other materials was
4 and is fully authorized by S. Res. 60. Moreover, the Senate
5 hereby approves and ratifies the committee's issuance of
6 these subpoenas.

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

24 SEC. 3. The select committee and its members, by issuing
25 subpoenas to the President and instituting and pursuing litiga-

1 tion to achieve compliance with those subpoenas, were and
2 are acting to determine the extent of possible illegal, im-
3 proper, or unethical conduct in connection with the Pres-
4 idential campaign and election of 1972 by officers or
5 employees of the executive branch of the United States Gov-
6 ernment or other persons. It is the sense of the Senate that,
7 in so doing, the select committee and its members were and
8 are engaged in the furtherance of valid legislative purposes,
9 to wit, a determination of the need for and scope of corrective
10 legislation to safeguard the processes by which the President
11 of the United States is elected and, in that connection, the
12 informing of the public of the extent of illegal, improper, or
13 unethical activities that occurred in connection with the
14 Presidential campaign and election of 1972 and the involve-
15 ment of officers or employees of the executive branch or
16 others therein. It is further the sense of the Senate that the
17 materials sought by the committee's subpoenas are of vital
18 importance in determining the extent of such involvement
19 and in determining the need for and scope of corrective
20 legislation.