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Prosecutor Can Go To Court For Any Watergate Evidence

WASHINGTON (AP) — Acting Atty. Gen. Robert H. Bork testified Monday that special Watergate prosecutor Leon Jaworski has White House assurances he can go to court for any evidence, including presidential tapes, if President Nixon refuses to hand it over.

"He's free to go to court," Bork said.

Bork told a House Judiciary subcommittee he believes Asst. Atty. Gen. Henry E. Petersen

has already drawn up a demand for White House documents not previously produced but said he doesn't know what they are.

Bork also said he believes Jaworski will seek new Watergate indictments in what Bork hopes will be a month or less.

Bork said Jaworski was assured of the freedom to go to court for any evidence during a meeting with White House chief of staff Alexander M. Haig Jr., and White House lawyers J. Fred Buzhardt and Leonard Garment.

"Everybody agreed to it," Bork testified. "That means to me, that if he did it, he would not be fired."

But Bork said he personally had not discussed with Nixon the assurance that Jaworski could go to court for evidence.

Nixon fired Jaworski's prede-

cessor Archibald Cox, when Cox refused to go along with a presidential order to seek no further White House tapes or documents.

Bork also said he opposes all five proposals before Congress for creation of a separate Watergate prosecutor and is against a congressional hand in naming or confirming the prosecutor.

Word that President Nixon would not fire Jaworski unless at least six of the eight congressional leaders he has promised to consult agreed was reported to the House subcommittee by Rep. Wiley Mayne, R-Iowa.

Mayne said presidential adviser Melvin R. Laird told him at lunch that the President had taken that position.

See PROSECUTOR, Page A-5

PROSECUTOR

(Continued From Page A-1)

Former Watergate Prosecutor Archibald Cox told the House hearing he believes Jaworski will run into the same conflict with the President that he did — and said that is why Congress should make the prosecutor independent.

Cox said he believes the presidential papers he said he was fired for seeking are essential to any Watergate prosecution including Jaworski's.

Cox said he believes which way Congress should establish independence for a Watergate prosecutor is less important than the need for Congress to act quickly so the prosecution can proceed.

"It is time to get on with it," he said.