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Jaworski: In Cox's Footsteps

When Special Prosecutor Leon Jaworski filed a brief last Monday arguing that not even the President has the right to break the law in the name of national security, the last lingering doubts about him by the ardent young lawyers he inherited from the deposed Archibald Cox were removed.

Since arriving in Washington Nov. 5, Jaworski had approved in detail everything being done under Cox, reiterating demands for presidential papers which triggered Cox's dismissal. But there remained the possibility that Jaworski, a Houston corporation lawyer not known for challenging the establishment, would swallow the White House argument that some covert operations of the plumbers unit should remain shrouded for reasons of national security. His brief filed in federal court erased that possibility.

This means the prosecution is continuing its potentially explosive investigation of the plumbers under Jaworski precisely as it did under Cox, demanding documents that are supposed to reveal covert operations—the possible next shock in the Watergate affair. In the opinion of high Justice Department officials, Cox's insistence on probing the plumbers was a major reason for President Nixon's determination to sack him.

In sum, Jaworski has been a grim disappointment to the White House. Presidential aides had hopes he would fire some of Cox's liberal lieutenants

and bring in his own men, narrow the prosecution down to the Watergate burglary itself and quickly vote out some new Watergate indictments. So far, he has made no change of importance in Cox's operations.

Since even the most intractable hardest-liners at the White House do not want a dangerous confrontation with Jaworski, Mr. Nixon's lawyers have indicated to him that all of the material about the plumbers denied Cox will be made available (though, at this writing, it has not yet been delivered to the prosecutors).

Jaworski's posture has been nearly as surprising to Cox's old lieutenants. On the eve of his arrival here, they believed that Mr. Nixon—though at tremendous cost to his presidency—had tamed the prosecution with his Saturday night massacre of Oct. 20. Through his attitude from the first day on the job, Jaworski indicated that the Saturday night massacre had accomplished nothing.

A footnote: White House aides still hope that Jaworski will soften the investigation once the furor finally dies down. In the meantime, they will search for evidence to indicate that at least something was accomplished in firing Cox. For instance, if any Watergate indictments are returned within the next two weeks (as the White House devoutly hopes), Nixon aides will argue that this shows Jaworski

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means business while Cox was just out to get the President.

As part of the effective oil squeeze being applied by the Arab world, Italy is being pressured to halt refueling of the U.S. 6th Fleet in Italian ports—a step that would further aggravate the severe fuel shortage afflicting the U.S. military.

Italy, as a NATO partner, has resisted Arab pressure so far. But U.S. officials fear the Italians may eventually follow the course of Singapore, which stopped refueling the U.S. 7th Fleet in the Pacific when faced with Arab threats of cutting off its own oil shipments. Even without an Italian cut-off, the military now is taking 300,000 barrels of oil a day out of the civilian economy and thereby contributing to possible economic dislocations.

A footnote: If the Draconian fuel conservation measures for the U.S. military are extended indefinitely by the Arab squeeze, high Pentagon officials fear a decline in operational preparedness of the U.S. armed forces. Particularly vulnerable: Air Force readiness if flying time or the number of pilots is permanently reduced.

Sen. William Saxbe of Ohio, President Nixon's attorney-general designate, has privately disowned his public statement that he might well close the reopened investigation of the Kent State killings.

In public Saxbe has expressed opposition to the decision by Elliot Richardson as Attorney General in reopening the emotionally charged case (thereby echoing the private White House view) and asserted that as Attorney General he might stop the investigation. But in private, he recently informed Sen. John V. Tunney of California that this was an on-going investigation which could not be halted.

That reassured liberal Democrat Tunney, who as a member of the Senate Judiciary Committee is considering confirmation of Saxbe. But the Kent State confusion increases apprehension by Republican senators who fear that the longer his confirmation is delayed, the more likely the garrulous Saxbe will talk himself into deep trouble.