

# Can't Aid Probe of Nixon In Congress—Jaworski <sup>1/13/74</sup> Ha

N. Y. Times News Service  
Washington — Leon Jaworski, citing legal restrictions, has indicated he will not make the mass of material collected by his office available to the congressional inquiry into the impeachment of President Nixon.

The Watergate special prosecutor, in one of several separate meetings with the press, said he was eager to cooperate with the inquiry but that he could "see no way at the present time" to allow the congressional committee or its staff access to material that his office had obtained from the White House.

"When we make a request of the White House for tapes or documents or other information in connection with our investigation," Jaworski said, "we relate that request to the grand jury procedures — we have no right to access to that information otherwise. Because of that, we are bound by the rules of secrecy attached to that information."

## No Judgment Yet

Jaworski acknowledged that the existence of an impeachment inquiry meant that the Watergate grand juries could avoid, if they wanted, any consideration of an indictment of the President on the grounds that the matter should be handled by the impeachment process.

But Jaworski said "Our mandate specifically includes the President, and those in-

vestigations are still in progress.

"No judgment has been made at the present time."

Jaworski told United Press International yesterday that he would present any incriminating evidence against Nixon to a grand jury without waiting for a final ruling on whether it is possible to indict an incumbent President.]

John Doar, special counsel to the impeachment inquiry, declined comment on Jaworski's statements.

## Subpena Power

It seems clear, however, that, without access to the special prosecutor's information, the inquiry will require subpoena power if it is to look more deeply into the President's activities than the Watergate-related congressional investigations have done, on the basis of their public record findings.

Rep. Peter W. Rodino Jr. (D-NJ), chairman of the House Judiciary Committee, has said that subpoena power will be needed for the inquiry, and committee members suggest that a House vote will be sought shortly after Congress reconvenes Jan. 21.

The White House has indicated it will resist any attempts by the impeachment inquiry to subpoena White House documents similar to those turned over to the special prosecutor and the courts. Jaworski's view of his legal

position on the matter of information is that he is bound by the grand jury rule of secrecy until the grand juries disband.

In a meeting with The Associated Press yesterday, Jaworski said he had met twice with Doar, who he said made no requests for specific material.

"To whatever extent we can cooperate legally and properly with the House committee we would," Jaworski said.

But grand jury evidence "is a matter between Mr. Doar and the court," the prosecutor said, and only a judge could authorize the giving of grand jury evidence to the House committee.

Even if he couldn't give the House committee tapes or documents, Jaworski said, he could indicate to Doar what he should try to get from the White House.

Jaworski was asked whether he could conceive of any need for seeking testimony from Mr. Nixon. "That could be so," he replied. "You are raising something that could conceivably happen." However, he declined to elaborate.

Jaworski said he got all the information he asked for from the White House except for a few items not yet located. But, he emphasized, "Don't let the conclusion be drawn that these things have been handed to me on a silver platter."