

# Senate Judiciary Backs Jaworski

5/22/74

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The Senate Judiciary Committee voiced its confidence in Watergate Special Prosecutor Leon Jaworski yesterday and said it stood behind his determination to subpoena whatever evidence he considers necessary from President Nixon.

Sen. Birch Bayh (D-Ind.) called the stand, affirmed by a 14-to-1 vote, "an effort to say, 'Mr. President, back off, live up to the commitments you made . . .'"

The committee met at the Capitol in a closed, emergency session after Jaworski protested Monday that the White House was trying to undercut his independence.

Several committee members pressed for open hearings on the issue, but they were rejected by a vote of 9 to 5.

"I think the majority feel-

ing was—though I didn't share it—that public hearings would be an over-reaction at this time," Sen. John V. Tunney (D-Calif.) told reporters.

In a letter to committee members Monday, Jaworski said that White House counsel James D. St. Clair had claimed at secret legal proceedings this month that the special prosecutor had no right to contest in the courts Mr. Nixon's decisions.

Jaworski said this "would make a farce" of the independent charter given him last fall after the President ousted the the original Watergate prosecutor, Archibald Cox, in the first showdown over Mr. Nixon's Watergate tapes.

The only dissenting vote to yesterday's committee resolution came from Sen.

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Edward M. Kennedy (D-Mass.), who favored sterner action in the form of public hearings at which White House and Justice Department officials would have been called on the carpet.

Kennedy said he voted against the resolution "to register my strong belief that it was an inadequate response to the serious and substantial problem" Jaworski had raised.

White House deputy press secretary Gerald L. Warren said yesterday that Mr. Nixon had no intention of firing Jaworski, but some members of the Senate committee were openly skeptical.

"We consider this matter very serious," Bayh said. "We are not going to sit idly by if he fires Mr. Jaworski. They say history won't repeat itself, but we've had history repeat itself. We've had two special prosecutors and two promises of independence. One prosecutor has been fired. And both promises of independence have been violated."

Jaworski, however, seemed satisfied with having registered his protest. He had been standing by in an anteroom when the committee met, but in the end neither he nor St. Clair was called to give his views.

"I appreciate the time they gave the matter and the resolution they passed," the prosecutor said as he left the Capitol.

St. Clair had initially told the committee that he would be unable to attend the meeting because he expected to be tied up at the House Judiciary Committee's impeachment inquiry, but later he relented and agreed to make himself available, apparently at the pointed urging of Senate Judiciary Chairman James O. Eastland (D-Miss.).

The President's lawyer took the position that he was free to raise any argument he considers pertinent, including the contention that Jaworski, as a member of the executive branch, cannot subpoena the President.

"Mr. Jaworski and I have a difference of opinion," St. Clair told reporters. "I heartily disagree with him." The resolution the com-

mittee finally adopted was a watered-down version of one offered by Sen. Sam J. Ervin Jr. (D-N.C.).

It was approved only after elimination of a section declaring that the President "does not possess any arbitrary power" to withhold evidence, but on the contrary, has a "special obligation" to comply with subpoenas unless those subpoenas are held invalid by the courts.

Instead, the committee simply declared that Jaworski has been "acting within the scope of the authority conferred upon him by the agreement of the President and the Department of Justice with the Senate Judiciary Committee at the time of his appointment in seeking to obtain from the President, by request or subpoena, taped recordings or other evidence which he believes to be relevant to prove or disprove criminal

charges being investigated by grand juries or to prove or disprove allegations of informations or indictments awaiting trial in the courts."

In place of the excised section indirectly chiding Mr. Nixon, the committee added a line Ervin composed on the spot to commend Jaworski "for his fidelity to the duties imposed upon him . . ."

The committee also agreed to send a letter to Attorney General William B. Saxbe to remind him of his pledges at confirmation hearings last fall to safeguard Jaworski's independence and of his duty to enforce Justice Department regulations guaranteeing it.

The new controversy was touched off by Jaworski's subpoena of the tapes and other records of 64 White House conversations bearing on the Watergate cover-up.

U.S. District Court Judge

J. Sirica Monday ordered Mr. Nixon to surrender them all for Sirica's private inspection in connection with the forthcoming Watergate cover-up trial. He gave the White House until Friday to appeal the decision.

The White House has given no indication whether it will comply with Jaworski's latest subpoena, even in the face of a Supreme Court decision affirming it.

Senate Minority Leader Hugh Scott (R-Pa.), who is also a member of the Judiciary Committee, told his colleagues at a GOP policy luncheon yesterday that he thought it possible—though he did not know—that Jaworski might be approaching the same kind of ultimatum that Cox rejected.

One Republican senator who attended the luncheon said afterward, however: "If they fire Jaworski, that's the ball game."