

Hill Pushes for Another Prosecutor

Senate GOP Heads Unanimous

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Senate Republican leaders unanimously urged President Nixon yesterday to name a new Watergate special prosecutor as quickly as possible.

Under the leadership proposal, the new prosecutor—like Archibald Cox, whom Mr. Nixon fired last weekend—would be under the general supervision of the Attorney General and indirectly the President himself and therefore could be fired in the same way.

The White House is known to be cool to the idea of another special prosecutor, and the Republican congressional proposal was regarded as evidence of the continuing pressure on Mr. Nixon to take some step to soften the public outcry over Cox's ouster.

Also yesterday, Republicans on the Senate Judiciary Committee headed off a move by Democrats to hold an immediate hearing on Cox's dismissal and to demand that the President reinstate him until a new, fully independent prosecutor can be named.

Instead, the committee decided in a closed meeting to begin hearings Monday morning with Cox as the first witness.

The hearings also will consider legislation that several committee members are preparing to introduce Friday which would "authorize and direct" U.S. District Court Judge John J. Sirica to appoint a special prosecutor and a deputy prosecutor who could be fired only by Sirica.

The Republican leadership's proposal would conflict head-on with the bill allowing for court appointment of the prosecutor. The leaders informed Mr. Nixon through White House aide Bryce Harlow that if the President follows their advice, his action will help still public clamor over the Cox firing.

Their recommendation was agreed to at a morning meeting in the office of Senate Minority Leader Hugh

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Scott (R-Pa.) shortly before the Judiciary Committee met.

Present at the leadership meeting were Scott, Minority Whip Robert P. Griffin (R-Mich.), Senate GOP Policy Committee Chairman John Tower (R-Tex.), and GOP Conference Secretary Wallace F. Bennett (R-Utah). Sen. Norris H. Cotton (R-N.H.), chairman of the conference, did not attend.

An aide to one of those present said the person to replace Cox would presumably be of the highest integrity who would command public confidence. Though the President would have the power to fire the prosecutor, he might then face the same storm of public protest as occurred after the Cox dismissal, the aide said.

The GOP leaders agreed that until a new prosecutor is named, Henry E. Petersen, head of the Justice Department's criminal division, should continue with the mandate he was given this week by acting Attorney General Robert H. Bork to pursue the Watergate case.

If the President declines to name a special prosecutor, the leaders agreed, the U.S. District Court should insure that the special grand juries already convened will continue their investigation.

At the Judiciary Committee meeting, the 14 members present unanimously agreed that a special prosecutor should be appointed. But there were arguments over when hearings should be held, whether the resolution demanding Cox's temporary reinstatement ought to be passed, and whether the proposed bill for a court-appointed prosecutor is constitutional.

Sen. Strom Thurmond (R-S.C.) moved to postpone the hearings until next Wednesday, while most committee Democrats wanted to start them yesterday afternoon or this morning. Sen. Robert C. Byrd (D-W.Va.) offered the compromise motion, that was accepted, to begin Monday

The resolution calling for Cox to be named as an interim appointee met opposition from Republicans Marlow W. Cook of Kentucky

and Roman L. Hruska of Nebraska.

Cook proposed amending it to take out Cox's name. Sen. Birch Bayh (D-Ind.) strongly objected, arguing that a resolution without naming Cox would be a mere endorsement of anyone the President might choose.

"Well, if you want to pin a medal on Cox, why don't you go ahead and do it?" Cook asked.

The impasse was broken without a vote when Hruska exercised the prerogative each member has of postponing consideration of a new measure for one week. Later he and Sen. James O. Eastland (D-Miss.) said they thought the resolution needed more study. The postponement, in effect, killed the resolution.

Bayh and Sen. Edward M. Kennedy (D-Mass.) expressed disappointment afterward. They both argued that it was not unreasonable to think the President might name Cox again since he had changed his mind and decided finally to turn the White House Watergate tapes over to Sirica.

The bill authorizing Sirica



SEN. ROBERT C. BYRD
... offers compromise

to name a special prosecutor and his deputy, who would serve for two-year renewable terms, was challenged by Hruska, who argued that it might in effect create "a fourth branch of government" with officials really accountable to no one.

Bayh, however, insisted, "Just saying we're going to appoint a new special prosecutor isn't going to do the job. It has to be one that cannot be fired."

Kennedy argued that the bill would be constitutional under the "necessary and

proper" clause and under Article II, Section 2 of the Constitution.

The clause empowers Congress "to make all laws which shall be necessary and proper" to execute all the other powers that Congress and the government have. Article II, Section 2 provides that Congress can vest appointment power in the President or heads of departments.

Both Eastland and Rep. Peter Rodino (D-N.J.), chairman of the House Judiciary Committee, have voiced reservations about the measure's constitutionality.

It picked up important support yesterday when Sen. Charles McC. Mathias (R-Md.) agreed to become a sponsor, the first Republican to do so, joining Democrats Kennedy, Bayh, Byrd, John V. Tunney of California, Philip A. Hart of Michigan, and Sam J. Ervin Jr. of North Carolina.

On the House side of the Capitol, Rodino said he has referred a bill calling for a special prosecutor to a Judiciary subcommittee headed by William L. Hungate (D-Mo.) and expects that hearings will be held on it next week.

Rep. John J. Rhodes (R-Ariz.), chairman of the House Republican Policy Committee, said his committee has had meetings with White House aides in the last two days to report that the "overwhelming majority" of House GOP leaders favors appointment of a special prosecutor.

The impact on President Nixon of all the congressional pressure for a new prosecutor could not be assessed last night despite the fact that Capitol Hill was full of rumors yesterday that Mr. Nixon would appoint one within 24 hours.

White House adviser Harlow told a group of reporters yesterday morning that congressional pressure had a significant impact on the President's decision to release the Watergate tapes to the court. Republican leaders were "pretty uptight," he conceded.