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Jaworski Can Sue President, He Says

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Watergate Special Prosecutor Leon Jaworski told a House Judiciary subcommittee yesterday that the White House had given him assurances that he had the "right to sue the President" to get presidential tapes or documents relevant to his investigation.

Jaworski said he received the assurance Oct. 31 in a White House meeting with Chief of Staff Alexander M. Haig Jr. Jaworski said Haig consulted with the President before giving the assurance.

Jaworski said he had already sent the President two letters requesting tapes, documents and "everything" he needed, but declined to go into details.

Any effort not to cooperate or signs of dodging my requests in an unreasonable way," Jaworski said, would be reported to the congressional leaders Mr. Nixon agreed he would consult before firing the new special prosecutor. They include the House and Senate Majority and Minority Leaders and the chairmen and ranking minority members of the House and Senate Judiciary Committees.

Jaworski said he was uncertain whether it was necessary for Congress to write legislation establishing a new special prosecutor. If such legislation were consti-

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tutionally questionable, "it could well stall the effective labors of the special prosecutor's office for an extended period of time," he said.

The subcommittee remained unconvinced by Jaworski's assurance of his independence, and tentatively agreed after his appearance to write legislation establishing a prosecutor appointed by the court.

The appointment would be made by a panel of three District Court judges, who would be chosen by the 19 members of the District Court sitting as a whole. The subcommittee tentatively agreed to the proposal by Rep. Dan Edwards (D-Calif.) on a 5-to-4 vote which split along strict party lines, with Democrats voting for the court appointment, Republicans against.

Edwards said the fact that Jaworski had "no real assurances" and "no real commitment" from the President that he would be independent was a greater risk than the possibility that the legislation might not be constitutional.

"Jaworski's got himself in a real bind. He's only got vague assurances he's in control," Edwards said.

While Jaworski was testifying on possible legislation to establish an independent prosecutor, Rep. Robert Kastenmeier (D-Wis.) reminded him that the President, in his Oct. 26 press conference, had said he would not provide the special prosecutor with documents or tapes and did not anticipate a time when the prosecutor would go to court to get them. Kastenmeier asked Jaworski if he thought the President had changed his mind, and Jaworski said, "Yes, sir."

Jaworski said he was first telephoned on Tuesday, Oct. 30, by Haig about taking, Oct. job. He said he told Haig that unless he had assurances of his independence beyond those given to fired Special Prosecutor Archibald Cox "I would not be available," he testified.

Jaworski, testifying on the Hill for the first time since his appointment, said Haig told him to come to Washington the next day and then gave him the assurances, though Jaworski admitted he never talked to the President and did not get the assurances in writing. He said he did not talk to the President because he was worried about the propriety of it.

Jaworski said he thought all the investigations Cox had undertaken were properly within the scope of the special prosecutor, including the break-in at the office of Daniel Ellsberg's psychiatrist and the campaign contributions of the milk producers.

Jaworski also said he thought looking into Mr. Nixon's purchase of his San Clemente property and government expenditures on that property were within the scope of his jurisdiction, though he had not decided whether to look into these matters.

In testimony Tuesday before the Senate Judiciary Committee, former Attorney General Elliot L. Richardson testified that President Nixon was "pretty wrought up" over reports that Cox was looking into San Clemente and ordered Cox to tell the press he was not investigating the matter.

Jaworski said yesterday, "I think I have the right to go after things Cox may may not have gone after."

Jaworski testified that presidential counsel J. Fred Buzhardt had told him that the White House had been slow in supplying material to Cox because "there was not the manpower to go into things as promptly as possible" and because the material was filed in such a way that it was difficult to locate.

Jaworski said he offered assistance to make a search of the files, and "I pointed out we do have a grand jury in session and we do have to move forward."

The subcommittee is expected to report a bill to the full Judiciary Committee by next Tuesday, and final committee action is expected by the end of next week.