

JAWORSKI IS SAID TO WEIGH ACTION

Subpoena to White House
on Watergate Documents,
Reported Studied

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WASHINGTON, March 19—Leon Jaworski, the special Watergate prosecutor, is reported to be considering issuing a subpoena to force the White House to deliver documents that have been withheld from the Watergate investigation.

According to sources familiar with the investigation, the decision to subpoena the evidence may have already been made, but public disclosure of such a move would come only if the White House refused to honor the subpoena.

A spokesman for Mr. Jaworski's office labeled such suggestions "sheer speculation," but added:

"We have made it clear that whenever and wherever there is any evidence not turned over to us, which is needed for trial, we will resort to court process."

Sources close to the investigation had reported as early as last week that Mr. Jaworski was "prepared to litigate for" the evidence, some of which was requested as long ago as August, 1973.

Such a decision on Mr. Jaworski's part could lead to a serious confrontation and significantly affect the current impeachment inquiry. The evidence that has thus far been denied Mr. Jaworski's office includes some of the same information the White House has refused to deliver to the House Judiciary Committee's impeachment inquiry.

It may also include some of the same information requested by the former special prosecutor, Archibald Cox, in October, shortly before he was dismissed by the White House.

In a letter to the Senate Judiciary Committee on Feb. 14, Mr. Jaworski first reported the White House refusal to cooperate with his investigation by providing requested evidence. All the materials received by Mr. Jaworski up to this point had been voluntarily surrendered by the Administration.

In his letter of Feb. 14, Mr. Jaworski reported to the committee that the White House had continued to withhold evidence bearing on the Watergate break-in and cover-up, campaign contributions by the dairy industry and the International Telephone and Telegraph Corporation and other unidentified material. Some of the material was requested as long ago as August and October, 1973, by Mr. Cox.

The Watergate evidence was withheld, he noted then, even though he had assured the President's lawyer, James D. St. Clair, that it would conclude his office's requests for information on that subject.

Following that letter, Mr. Jaworski continued to negotiate with Mr. St. Clair for the release of the evidence and then, early this month, began consideration of a subpoena.

In the meantime, on Feb. 25, counsel for the House impeachment inquiry requested evidence from the White House, including specific tapes of Presidential conversations before and after March 21, when President Nixon says he learned of the Watergate cover-up. The information asked for in that request overlaps information requested but denied to the special prosecutor's office.

Both the special prosecutor and the impeachment inquiry are also at odds with the White House over requests for permission to review the White House files of such former Presidential aides as H. R. Haldeman and John D. Ehrlichman. The review has been requested by each in order to determine existence of material relevant to their investigations and have led to the White House statements labeling the requests "fishing expeditions."

A decision by Mr. Jaworski to subpoena the evidence could have a major impact on the impeachment proceedings. Because of a fear of becoming bogged down in judicial processes and of forcing a confrontation on a scale that could be damaging to government, the House Judiciary Committee is extremely hesitant to issue a Congressional subpoena.

Should Mr. Jaworski be successful in obtaining the evidence by subpoena, it would enhance the committee's chances of getting the same evidence without subpoena. An alternative possibility was seen yesterday when Federal District Judge John J. Sirica ordered evidence gathered by a Watergate grand jury turned over to the committee. That evidence includes some information the committee has been seeking from the White House as well as the accumulated fruits of 21 months of investigative work.

The Judiciary Committee's right to receive the material requested of the White House was supported today by Common Cause, a self-styled public interest lobby. In a letter to the chairman of the House Judiciary panel, Representative Peter W. Rodino, Democrat of New Jersey, chairman of Common Cause, John W. Gardner, said the President had no constitutional authority to withhold evidence from an impeachment inquiry.

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