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Jaworski: Nixon Donors Sought Jobs

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A Watergate grand jury has "circumstantial and direct evidence" that large contributors to President Nixon's 1972 re-election campaign sought or were promised federal jobs in return for their donations, Special Watergate Prosecutor Leon Jaworski said yesterday.

Jaworski made the disclosure in papers filed with U.S. District Chief Judge George L. Hart Jr. to explain why the special prosecutor's office needs access to correspondence between President Nixon and former Commerce Secretary Maurice H. Stans

concerning federal job appointments. The President has claimed executive privilege on that correspondence.

The grand jury is investigating possible violation of bribery, conspiracy and campaign contribution laws in connection with the 1972 presidential re-election campaign, and Jaworski says the Nixon-Stans correspondence it has subpoenaed is "highly relevant" to that probe.

"Circumstantial and direct evidence before the grand jury and known to the special prosecutor indicates *prima facie* (on its face) that certain large campaign contributors either promised contributions in consideration of ap-

pointment to a federal post or were promised a position in return for a contribution," Jaworski said in the papers filed yesterday.

That evidence, according to the legal brief, has come from several persons, including former and current White House aides H. R. (Bob) Haldeman, Laurence M. Higby, Peter Flanigan, Frederick V. Malek and Stanton Anderson.

Haldeman and Higby, for example, have testified "before the grand jury concerning White House consideration of ambassadorial appointments in general and several appointments in particular," Jaworski said.

See STANS, A8, Col. 2

STANS, From A1

Along with the legal brief, Jaworski filed an appendix that he described as "relatively detailed as to the nature of the allegations being investigated and the persons believed to have been involved in potentially criminal activities."

However, that appendix was sealed by Judge Hart at Jaworski's request since it included secret grand jury testimony relating to the allegations.

The Nixon-Stans correspondence has been delivered to Judge Hart, but he has not examined it pending his ruling on the executive privilege issues. Sources have said that there are about 10 to 15 documents at issue, ranging in length from one page to several pages.

Hart has already ordered turned over to the grand jury three briefcases of Stans' files that Stans had said were his personal papers and sought to keep from the grand jury for that reason. Hart rejected that argument, saying the files related to the fund-raising conducted by Stans for the re-election campaign while he was Commerce Secretary and after he left that office.

While saying that the grand jury has evidence of contributors seeking or being promised federal jobs,

Jaworski made a point of telling Hart that the special prosecutor's office is not yet prepared to state "Who, if anyone, may have committed violations arriving out of the circumstances. It needs the subpoenaed documents to assist it in reaching such conclusions.

"Therefore, we wish to make it plain that this memorandum does not intend to aver that Mr. Stans, or any other person for that matter, has violated any federal law. It is intended solely for the purpose of demonstrating *prima facie* on its face that the subpoenaed documents are relevant to the grand jury's ongoing investigation and should therefore be produced," Jaworski said.

In his claim of executive privilege, the President said the documents should remain secret to protect the disclosure of candid reports on job recommendations to a President from his advisers.

Jaworski rejected that contention in his legal brief filed yesterday.

"The interest in free discussion by government officials cannot outweigh the interest in the integrity of government itself," Jaworski said.

In addition, said Jaworski, President Nixon's claim of executive privilege on the correspondence was made too late to be effective. Pres-

ident Nixon has already waived any privilege on documents relating to the appointments of four specific ambassadors and turned those documents over to the grand jury because of what the White House has described as "certain unusual circumstances" surrounding those four appointments.

Once the President has waived privilege on any such job appointment—re-

lated documents, he has automatically waived privilege on all such documents, Jaworski argued.

"If a person holds a valid privilege, he has a choice to stand on it or not. If he elects to disclose, the boundaries of the disclosure are no longer within his exclusive control," Jaworski said.

If the documents are not produced, said Jaworski, "the grand jury would be

relegated to dependence upon the sometimes vague, conflicting and possibly self-serving recollections of the participants."

"Forcing the grand jury to rely upon inferior evidence," Jaworski added, "does a disservice to the administration of justice by needlessly increasing the risk that the guilty may go free or the innocent be wrongly indicted."