Jaworski: Safeguarding the Watergate Evidence

widely reported. far less adamant on the subject than with Mr. Jaworski convinced that he is mittee. But I come away from a chat impeachment inquiry now being conducted by the House Judiciary Com-Jaworski, from casually turning over the fruits of his investigation to the the Watergate special prosecutor, Leon 10 mm

He does not want his own investiga-tion either to block the impeadament proceeding or to prolong it beyond rea-son. My sense is that he and the com-mittee counsel, John Doar, can work out a compromise on all evidence in-

what comes naturally to the 39 representatives who make up the Judiciary Committee. That is leaking to the press any newsy items given to the full committee. At the heart of the problem there is mittee.

Jaworski believes that he has solid cases against many of the major figures implicated in Watergate. He expects to bring indictments in the next few weeks and to go to trial on at least some of the cases in March convictions. He believes he is going to get early the question of pretrial publicity. Mr. Such leaks would immediately raise

Judiciary Committee leaked before trial, the defendants would have a But if evidence handed over to the

> ready-made argument that the cases to the inadvertent consequences of higher-ups, not excluding the Presi-dent. If the detendants believe they can get off on a plea of prefrial publicity, they are that much less likely to talk now

mation to the committee unless he was assured it would be treated on the same confidential basis is required for criminal indictments. He could not properly give that inforecutor bound by an understanding that he will disclose only such evidence as

tapes and other documents received under court order could not be turned over to another congressional committee without judicial approval. access federal ourts specifically refused to grant! Senate Watergate committee he tapes. So, in fairness, the

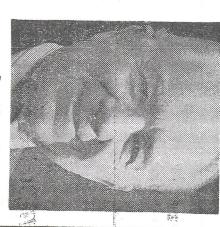
While sensitive to all these considerations, Mr. Jaworski is perfectly alert

to talk now.

In addition, there is the question of own responsibilities as a prosecutor grand jury confidentially. Wit dawor with a special congressional mandate, ski has obtained information as a pros. It is does not argue that his trial publicity. Moreover, Mr. Jawarski cooperate with the impeachment in is using evidence against many of the gurry. He nuterstands that the mate-higher-rine. with a special congressional mandate, Mr. Jawonski does not argue that his task is more important than an immany many months before it could, working on its own andss the same beachment proceeding. mpeachment proceeding. He knows it would take the House committee rial he has gathered is relevant to an the House committee

The more so as some of the information has already been submitted to the gathered for the grand flury. Sumgrand jury It thus belongs to the maries of the material could be judge hearing the Watergate case. Siven to Mr. Doar with the proviso that Watergate tase John Sirica. They were turned questioning witnesses but not for direct white House tapes. They were turned release to the indicinary could be speeded court order after a judicial test. The and confidentially preserved. In these conditions, there is an obsision middle way for cooperation between Mr. Jawarski and Mr. Doar They can together go to Judge Sirica and ask for a ruling on evidence gathered for the grand jury. Summaries of the material could be given to Mr. Doar with the proviso that

white House in a court case. But it seems very likely that the courts will uphold the primacy of an impeachment proceeding, which is specifically As to the White House tapes and associated documents Mr. Doar will undoubtedly have to suppoen a them and, ordained in the Constitution, over any



Leon Jaworski

erably by indentifing for him the tapes and papers that ought to be subpoccould shorten Mr. Doar's labers considprivilege the White House might argue. In the meantime, Mr. Jaworski

maed.
What all this says is that accommodation can be made between requireso much Mr. Jaworski, as making arrangements inside the House committee so that the professional staff can acquire evidence on a confidential ments of the Watergate special prosepasis. ment proceeding. The problem is not cutor and the needs of the impeach-

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