

Senate Has Its Own Idea On Prober

Washington

More than half the Senate joined yesterday in sponsoring a bill directing the courts to name a new Watergate prosecutor independent of the President.

The legislation, backed by 53 senators and introduced by Birch Bayh (Dem-Ind.), differs sharply from the proposal outlined by President Nixon at his press conference last night.

The Senate bill specifies that the new prosecutor will be selected by Chief Judge John J. Sirica of the U.S. District Court here and will be totally independent of any direction from the executive branch and can be fired only by Sirica.

Under the President's plan, the new prosecutor will be named by the acting attorney general and will be under the general supervision of the Justice Department. The President will retain the legal right to dismiss him.

Bayh, in a statement after the President's press conference last night, said he considers Justice Department appointment of a special prosecutor who can be fired

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by the President "totally inadequate" to insure a independent and thoroughgoing investigation. He said he will press for passage of the Senate bill, as will other key sponsors.

The same point was made earlier in the day by Senator Philip A. Hart (Dem-Mich.), one of the leading sponsors. Hart said he was backing the independent prosecutor bill in the full knowledge that Mr. Nixon probably would name a new prosecutor of his own.

Hart said the concept of a prosecutor under executive branch supervision and in a position to be dismissed by the President was no longer adequate to reassure the American people that there will be a full, searching investigation of the Watergate situation and related allegations of crime.

The President's decision to allow the acting attorney general to name a new prosecutor appears certain to set off a battle in Congress over the character of the prosecutor's powers and his relationship to the President and Justice Department. Many Republicans will rally behind the President's plan,

arguing that it will assure an adequate new investigation, and that the independent prosecutor isn't needed.

But Hart, Bayh and other leading sponsors of the bill are gearing up for a major effort to push the measure through within the next few weeks.

Among the co-sponsors were five of the eight members of the Watergate committee and seven Republicans.

Under the bill, both the prosecutor and his deputy would be appointed by Judge Sirica. They would have a full congressional mandate to investigate the Watergate break-in, the allegations of "dirty tricks" during the 1972 election campaign and all related matters.

The prosecutor would be entirely free of presidential control and could be dismissed only by Judge Sirica, and then only for "willfully" violating the provisions of the bill or committing "extraordinary improprieties."

Bayh told the Senate that allowing the President to name a new prosecutor in Archibald Cox's old spot, and giving the President power to fire the new incumbent, would be an unaccept-

able alternative and wouldn't help stem the national erosion of confidence in the President and in the process of justice.

Senator John V. Tunney (Dem-Calif.) said he hopes the Judiciary Committee will bring the bill out in ten days to two weeks.

In a statement from Brussels, where he is fulfilling a speaking engagement, Senator Edward M. Kennedy (Dem-Mass.) — like Bayh and Tunney a member of the Judiciary Committee — said the prosecutor must be court-appointed and "totally, completely and unquestionably free from White House influence" because "it is the influence, interference, and other actions of the White House and the President which have carried the nation to the brink of a constitutional crisis."

Most of the 51 senators sponsoring the bill yesterday were northern Democrats. The seven Republicans were Charles McC. Mathias of Maryland, Clifford P. Case of New Jersey, Mark Hatfield of Oregon, Jacob K. Javits of New York, Richard S. Schweiker of Pennsylvania, Robert W. Packwood and Lowell Weicker of Connecticut.