

SF Examiner
Jaworski's
Firm Stand on
Nixon Evidence

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WASHINGTON — Special Watergate prosecutor Leon Jaworski said yesterday he will present any incriminating evidence about President Nixon to the Grand Jury without waiting for a final ruling on whether it is possible to indict an incumbent President.

Taking a much more aggressive public stance than his predecessor Archibald Cox—whom Nixon fired in October—Jaworski told reporters at his first formal news briefing:

"If I came across something involving the President, I would feel an obligation to present it to the Grand Jury."

Jaworski was asked if he would permit an indictment to be handed down against the President and then let the courts decide whether there was legal grounds for doing so.

"Yes, it's conceivable," he said, adding that the same applied to the possibility of naming Nixon as an unindicted co-conspirator.

Jaworski was asked if he could foresee any need to seek testimony from the President. After a long pause, he replied:

"That could be so . . . You're raising something that could conceivably happen."

Jaworski noted that among the evidence in his possession are tapes of presidential conversations, and that it might become necessary to ask the President to explain matters on the tapes.

"I'm under no personal restraints of any kind," he

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said. "I can arrive at my own judgment."

The White House declined to comment on Jaworski's statement. An aide said the White House already had explained in court briefs its position that the President cannot be indicted until he is impeached and convicted by the Senate.

• Although the White House so far has turned over every tape and document it has found that Jaworski requested, "Nothing was handed me on a silver platter . . . they haven't volunteered anything."

• He will not give to the House Judiciary Committee's impeachment investigation White House material that he receives, and cautioned the Senate Watergate Committee against release of any report that might jeopardize the prosecution.

• Although he did not offer a "deal" to John D. Ehrlichman, Nixon's former No. 2 aide, last Thursday, there was some preliminary plea bargaining with Ehrlichman's attorney. (10 JAN

• He has made no changes in the staff of 78, including 37 lawyers, he inherited from Cox, and he is sticking by his Dec. 31 statement that indictments may be forthcoming in January or February.

"Any report that I am being held hostage by the staff is absolute poppycock," Jaworski said. "At my age and place in life, it is somewhat foolish to suggest that I would even permit myself to be put in that position."

Jaworski, 68, of Houston, past president of the American College of Trial Lawyers and the American Bar Association, sat at a conference table for separate half-hour briefings with several groups of reporters.

Jaworski's predecessor Cox refused to discuss in any way whether his investi-

gation also included the President.

"Fortunately Mr. (Robert H.) Bork (former acting Attorney General who hired Jaworski) spelled out very clearly our right to investigate the President and we're not holding back on anything and we don't intend to," Jaworski said.

Attorney General William B. Saxbe said Friday he does not believe a President can be indicted, even for a felony. Saxbe also said he would let Jaworski decide whether he could pass evidence his office might develop to the House Judiciary Committee which is investigating grounds for impeachment.

Jaworski told newsmen:

"This office has obtained from the White House a large number of documents, quite a number of tapes, some in reference to telephone conversations, some in reference to visits with the President."

"All of these were the result of our serving notice on the White House we were aware of this particular item and that we wanted it for the Grand Jury.

"There was no such thing as 'Do you want this? Do you want that?' Nothing was handed me on a silver platter."

Jaworski said he personally monitored the items and was satisfied that one of the items was irrelevant. The other was "a rather lengthy tape" and after listening to it, he said, "I called for it and I have been assured I would get it."

Jaworski said he spoke Thursday with Joe Ball, Ehrlichman's West Coast lawyer, and "there was discussion of possible disposition of the case, with no offers being made."

He said he approved of plea bargaining with Watergate defendants, "if they're willing to enter the right kind of plea, yes."