

# Senators Back Jaworski On Interference by Nixon

NYTimes

By LESLEY OELSNER MAY 22 1974  
Special to The New York Times

WASHINGTON, May 21—The Senate Judiciary Committee passed today a resolution of support for Leon Jaworski, the special Watergate prosecutor, in response to his complaint yesterday that President Nixon was attempting to undercut his authority.

Only one committee member, Senator Edward M. Kennedy, Democrat of Massachusetts, dissented from the resolution, and he did so on the ground that the committee should take firmer action to protect Mr. Jaworski.

Mr. Kennedy contended that the committee should hold public hearings on the Jaworski complaint, because, he said, the President has "violated" the charter spelling out the special prosecutor's duties and authority.

The resolution said simply that Mr. Jaworski "is acting within the scope of the authority conferred upon him" and that the committee "commends" him for his "fidelity" to his duties.

The committee resolution, approved during a closed emergency session this afternoon, came amid growing speculation that Mr. Nixon might be preparing to order the dismissal of Mr. Jaworski, in much the same manner that he ordered the dismissal of Mr. Jaworski's predecessor, Archibald Cox.

Earlier today, two of the President's aides brushed aside any such suggestion.

Mr. Nixon's chief defense counsel, James D. St. Clair, said that "in the first place, there wouldn't be any basis" for a dismissal. He said he had not thought the dismissal question through any further.

Gerald L. Warren, the deputy White House press secretary, sidestepped a question about

Continued on Page 28, Column 4

Continued From Page 1, Col. 6

Mr. Jaworski's dismissal when it was first raised at a White House briefing this morning. Later, though, he too said that the President was not considering Mr. Jaworski's ouster.

The Senate Judiciary Committee passed its resolution when it met later in the day, intending, according to one member, to give Mr. Nixon a warning that he could not interfere with the prosecution and get away with it.

Another member suggested that the idea of public hearings—supported by four Senators besides Mr. Kennedy—was rejected in large part because the committee did not want to create a "diversion."

The incident that led to the day's speculation and committee action was the filing of a legal brief by Mr. St. Clair in the proceedings before United States District Judge John J. Sirica over the special prosecution's subpoena of tapes and records of 64 White House conversations relating to the Watergate cover-up.

The brief, filed secretly last week and made public by Judge Sirica yesterday, contended in effect that Mr. Jaworski could not pursue in court his attempt to obtain Presidential records.

The brief asserted that the dispute between Mr. Jaworski, who wants the material for use in the trial of the cover-up case,

and Mr. Nixon, who considers the material privileged, was an "intra-branch" matter not subject to court rulings.

Judge Sirica, who yesterday ordered Mr. Nixon to comply with the prosecution subpoena, said in his written order that the White House argument about an intra-branch dispute was an attempt by Mr. Nixon to "abridge" the prosecutor's independence.

He said that it violated the regulations outlining Mr. Jaworski's duties, regulations that have the force of law, as well the assurances of the President and his aides that Mr. Jaworski would have full independence.

Later yesterday, after the judge's ruling, Mr. Jaworski wrote the Judiciary Committee about the development, contending that the White House argument would make a "farce" of his office's charter.

Mr. Jaworski's letter raised concern here in large part because of the apparent parallels to the situation last fall that led to the dismissal of Mr. Cox.

## Both Sought Tapes

Mr. Cox was in the midst of litigation with the President over a prosecution subpoena for tapes of nine Watergate-related White House conversations, just as Mr. Jaworski is currently in litigation over a subpoena of White House tapes.

Then, after the United States Court of Appeals ordered Mr. Nixon to comply with the subpoena for the nine conversations, Mr. Nixon ordered Mr. Cox to cease his litigation. When Mr. Cox refused, Mr. Nixon ordered his dismissal.

As far as is known in the current developments, President Nixon has not ordered Mr. Jaworski to stop litigating.

And, as Mr. St. Clair described it today, the "intra-branch" argument in his brief was simply a legal argument. "I have a right to present every

argument helpful to the President's cause," he said.

Mr. St. Clair did not put that contention in his original brief, which was part of the public record. He put it into the brief that he had submitted after Judge Sirica had closed the proceedings to the public.

And, as Judge Sirica and Mr. Jaworski noted, the special prosecutor had been assured by Mr. Nixon's aides, at the time of his appointment, that he would be permitted to contest the President in the courts if he felt it necessary.

## Danger of Damage Noted

Some observers suggested another possible parallel. The tapes covered by the original prosecution subpoena, the one that led to Mr. Cox's dismissal, contained material that was apparently damaging to the President—at least from a public relations viewpoint—as indicated by the public reaction to the recently-released White House transcripts, which contained edited versions of conversations covered by that subpoena.

The tapes sought by Mr. Jaworski in the present subpoena cover 63 conversations between Mr. Nixon and several former aides (the 64th conversation being one in which Mr. Nixon apparently did not participate). It may be, some observers have suggested recently, that these tapes contain material that is equally damaging.

Mr. Jaworski himself sought secrecy for the lengthy memorandum he submitted to the court to explain why he considered the subpoenaed material necessary to his case.

Sources close to the dispute have said that Mr. Jaworski was acting in part out of an "abundance of caution"—that he did not want to release information, just as the House Judiciary Committee was beginning its hearings into Mr. Nixon's possible impeachment, that might be viewed by the public as the "final straw" in the case against the President.

\* 13? MNT