

Jaworski claims option in Nixon case

WASHINGTON — Leon Jaworski believes he is not bound to seek an indictment of Richard Nixon and retains the option to drop further prosecution, according to sources close to the special prosecutor.

They say Jaworski could decide either way on the future prosecution of the for-

mer president. "It's a 50-50 situation as far as he is concerned," one source said.

The Jaworski view is at odds with the conventional wisdom in both the White House and Congress. Leaders of both parties in the House and Senate and Ford aides say Jaworski's charter requires him to act on evi-

dence acquired during the Watergate investigation.

But Jaworski was reported unconcerned with conventional wisdom. "He'll make his own decision and he doesn't care what this town thinks," a source said.

The only thing for sure is that the special prosecutor has made no decision about Nixon.

Certainly, everyone from President Ford to most members of Congress would be delighted if Jaworski did not prosecute Nixon. He resigned Aug. 8 after being threatened with impeachment and conviction by Congress.

"This is a no-win situation

for us," one Ford aide said.

In his only press conference so far, Ford said he is retaining the option to pardon Nixon but won't act until the matter reaches his desk. At the same time, Ford said "Mr. Jaworski has an obligation to take whatever action he sees fit in conformity with his oath of office."

Many observers saw that as Ford's endorsement of Jaworski's proceeding with the case.

Traditionally, prosecutors can decide not to seek an indictment when they determine that the evidence is inadequate to aim a true bill from a grand jury, or, the grand jury can rebuff a prosecutor's request for an in-

dictment.

However, the federal Watergate Grand Jury impeached in 1972 named Nixon as an unindicted co-conspirator in returning charges against top Nixon aides who go on trial later this month in connection with the cover-up of the Watergate scandal.

The grand jury acted after Jaworski explained that Nixon was president and thus immune from grand jury actions.

Subsequently, Jaworski obtained further evidence of Nixon's personal involvement in obstructing the FBI investigation of White House involvement in the burglary of Democratic national headquarters.