

Jaworski Is Resigning;
Says Task Is Completed

WXPost OCT 13 1974
**Suggests
Deputy as
Successor**

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Watergate Special Prosecutor Leon Jaworski submitted his resignation yesterday, saying that most of the legal work in his controversial office had been completed.

The man who supervised prosecution of top Nixon administration aides and fought in court for the tape-recorded conversations that led to Mr. Nixon's resignation wrote Attorney General William B. Saxbe that he will resign Oct. 25.

He suggested that Saxbe name Henry Ruth, Jaworski's deputy, to head the team of lawyers that will complete the historic prosecutions of former White House aides H. R. Haldeman, John D. Ehrlichman, former Attorney General John N. Mitchell and others.

The development came suddenly but Jaworski's aides said they had known for several weeks he wanted to resign and return to Texas.

There was no public hint that Jaworski was leaving the post he held for 11½ months because of any disagreement with the Ford administration. His letter praised Saxbe, observing that the Attorney General had not interfered with his actions in any way.

The only point of likely controversy appeared to be the choice of a successor. In the past, some Republican members of Congress have expressed resentment of Jaworski's staff, regarding them as too eager to investigate and prosecute, and there was speculation some might oppose Ruth's succession.

The White House gave no indication whether it would accept or reject Jaworski's suggestions.

White House Press Secretary Ron Nessen said yesterday that Saxbe will choose a successor before the Oct. 25 resignation becomes effective, but "only after thorough consultation with the President and with the President's approval."

Nessen noted that Ruth's name had been put forward, but said the President will not

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Associated Press

Leon Jaworski, with his wife, Jeannette, jokes with reporters in New York City.

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decide on a successor before talking with Saxbe, who was in Ohio yesterday.

"The President feels very deep gratitude to Mr. Jaworski for his devoted service in office," Nessen said. "The President realize that Mr. Jaworski accepted this appointment at a very critical time and at extreme personal sacrifice to himself."

Jaworski, a 69-year-old prominent Texas attorney who is a Democrat, was appointed to the controversial post last Nov. 1, after his predecessor, Archibald Cox, had been fired for insisting on issuing subpoenas for President Nixon's tape recordings.

Although taking virtually no part in court room activity, Jaworski had directed the prosecution force that produced indictments of seven former Nixon administration and re-election campaign officials.

It was the sequestering of the jury Friday in their cover-up conspiracy trial that apparently provided the timing for Jaworski's resignation. Aides said he did not want to create any major development of uncertainty until that jury was locked up.

Aides insisted there were no grounds for feeling that Jaworski was disgruntled with his job or his treatment by officials in the Ford administration. Staff members interviewed yesterday did not even express surprise at the announcement.

However, they indicated there would be a considerable drop in staff morale if Ruth

does not get the post, and one staffer predicted Ruth himself would resign if he is passed over.

One aide noted that some congressmen who readily accepted Jaworski had strong objections to his staff. "There are always some who say that Jaworski is okay but there are guys on the staff who are pushing too hard," he said.

His associates also pointed out that Jaworski had abandoned a law practice paying more than \$200,000 a year to take the position last November.

Jaworski took pains to emphasize that he was not quitting because of any disagreement over President Ford's pardoning of former President Nixon.

"The provision in the Constitution investing the President with the right to grant pardons, and the recognition by the United States Supreme Court that a pardon may be granted prior to the filing of charges are so clear, in my opinion, as not to admit of doubt," he wrote to Saxbe.

Although Jaworski is leaving at the time the biggest Watergate trial begins, associates said his departure should have no material effect on that case. The prosecution of Haldeman, Ehrlichman, Mitchell and two others has been developed primarily by a staff headed by Associate Special Prosecutor James F. Neal, and Jaworski was not expected to play any significant courtroom role.

Jaworski also observed that he will not be involved in the remaining major activity—the investigation into allegations that President Nixon raised

milk support prices in 1971 in exchange for campaign contributions.

Jaworski took himself out of that case for two reasons. He is a long-time friend of one of the main figures involved. And his former law firm in Houston represents a group of milk producers which is suing another group which allegedly raised money for the Nixon campaign.

He wrote Saxbe: "The bulk of the work entrusted to the care of this office having been discharged, I am confident that such of our responsibilities as remain unfulfilled can well be completed under the leadership of another special prosecutor."

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Jaworski made his final decision late last week, aides said. He told a few close friends on Friday and dictated a series of letters—to Saxbe and presidential counsel Philip W. Buchen—and sent memos to all of his staff.

Then he left for a weekend in New York. Greeted by reporters, he said, "I'm feeling great. I'm enjoying New York." Asked if the woman with him was his wife, Jaworski quipped: "You better believe it. It's not a go-go dancer. It's my wife."

Perhaps the hardest decision Jaworski might have encountered was one he never had to make: whether to secure an indictment of Mr. Nixon in the Watergate cover-up case.

Conspiracy charges against the former President widely regarded as inevitable after his resignation, but Jaworski resolved to put off any decision until after a jury had been sequestered for the trial of Mr. Nixon's former top aides and campaign advisers. Then President Ford took the burden off the special prosecutor's shoulders last month with a blanket pardon for any crimes his predecessor may have committed.

Jaworski said he was not consulted about it, but he made no criticism of it either. The White House had asked him for a rundown on all the other investigations under way that might conceivably involve Mr. Nixon and for an assessment of how long it would be before the former President could be brought to trial "if" indicted.

Some associates said that Jaworski was shrewd enough to guess from those inquiries that a Nixon pardon was in the wind. In any case, the prosecutor made no effort to get the White House to wait. Several aides suggested that Jaworski was "relieved" when the pardon came through.

Now it looms as one of the biggest potential obstacles to successful prosecution of the cover-up case. Jaworski had taken the position that the pardon would have no impact on the trial, but according to several sources close to the

case, the jury, which was sequestered Friday, includes some persons who told U.S. District Court Judge John J. Sirica that they thought it unfair to prosecute Mr. Nixon's former subordinates now that he himself has been pardoned.

Whether that feeling will be reflected in the jury's verdict is anybody's guess. One lawyer thinks the reactions to the Nixon pardon, which Sirica is keeping under seal, are going to be "a problem, a big problem" for the prosecution. Another, more skeptical, thinks that "really what they (the jurors) were saying was that Nixon ought to be in there as a defendant, too."

Ever since the pardon, Jaworski has been under pressure to go ahead and indict Mr. Nixon anyway, thereby setting up a court test of Mr. Ford's action. In the fallout over Cox's firing last autumn in the "Saturday Night Massacre," Acting Attorney General Robert H. Bork actually strengthened the special prosecutor's charter.

In an order signed by Bork, reflecting Mr. Nixon's own assurances, a provision was added to the charter stating that "the President will not exercise his constitutional powers... to limit the independence" of the special prosecutor without the President's first consulting a designated list of House and Senate leaders.

Some lawyers and legal scholars have argued that the pardon had just such a limiting effect and was therefore invalid. Yesterday, however, Jaworski disputed that contention at length and said he thought it would be "intellectually dishonest" for him to adopt it.

The revised charter, Jawor-

ski maintained in his four-page letter to Saxbe, was not meant to "enlarge" the special prosecutor's powers, but simply to insure that there would be no more encroachments on those given to Cox.

As a result, Jaworski said, "for me to procure an indictment of Richard M. Nixon for the sole purpose" of obtaining a court test on the pardon "would constitute a spurious proceeding in which I had no faith..."

When Jaworski took over the job last November, the special prosecutor's office was still in a turmoil with not a few of its lawyers highly skeptical of the Texan's ability and determination to fill Cox's shoes. Jaworski soon won them over although his style was not at all like that of the Harvard professor.

As one aide put it, "Archie

was a gentleman and he always assumed the people he dealt with (at the Nixon White House) were gentlemen. But if you rubbed your thumb in Leon's eye, he'd knee you back in the groin."

Jaworski also kept the staff he inherited at the same jobs they had been doing. He brought in no key aides of his own. Three or four other staffers may be leaving in the next few weeks, according to informed sources, but none is a senior member and all are reportedly planning to resign not because of Jaworski's resignation but because they, too, feel their work is done.

"There are a few investigations still going on," added one Jaworski aide, "but none of them will be abandoned."

Within a few weeks after taking the job, Jaworski began running into renewed White House resistance to continued production of tapes and documents. He threatened subpoenas and got some of what he needed.

But then Mr. Nixon hired a new lawyer, James D. St. Clair, and the White House unilaterally decided that the prosecutors had been given enough. Jaworski obtained the cover-up indictment last March 1 and was instrumental in dissuading the Watergate grand jury from indicting the President.

At the same time, however, he and his staff worked up the secret grand jury report on Mr. Nixon's involvement and secured court approval of its delivery to the House impeachment inquiry. The grand jury also voted to name Mr. Nixon an unindicted co-conspirator.

Jaworski then turned his attention to the cover-up trial subpoena for dozens of more White House tapes, winning the Supreme Court's unanimous backing in a historic decision last July 24.

The subpoena, Jaworski pointed out yesterday, forced Mr. Nixon to release the recordings including the June 23 1972, tape "which served as forerunner to his resignation."

The biggest criticism Jaworski drew for his work stemmed from the plea-bargaining that led to former Attorney General Richard G. Kleindienst's conviction on a misdemeanor and a suspended 30-day sentence. There have also been complaints that he and his staff have only scratched the surface in nailing 15 corporations and 20 executives for illegal political donations.

Jaworski seemed pleased yesterday at the prospect of just two more weeks to go. "There wasn't a whole lot of joy involved in it," he told Washington Post special correspondent David Berliner in New York. "It's been a year though it seems like three or four years really."

The special prosecutor and his wife had spent the afternoon at the Metropolitan Opera's matinee performance of "Turandot," in which the princess orders the execution of several suitors who fail to answer her riddles.

"I fared a little better than they did, I think," Jaworski said.