

Leon Jaworski Expected to Be Cox Successor

Texan Asked To Take Job

By Susanna McBee

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Leon Jaworski of Houston, who was a friend of President Lyndon B. Johnson and served in 1971 and 1972 as president of the American Bar Association, is expected to be named today as the new Watergate special prosecutor.

Jaworski, 68, a conservative Democrat and a strong law-and-order advocate, was asked yesterday to take the job that Archibald Cox held until President Nixon fired him Oct. 20 for refusing to give up his court pursuit of the White House Watergate tapes.

Reached last night at their home, Jaworski's wife, Jeannette, commented, "It's a terrible job. I just feel sorry for him."

Jaworski received two calls, one of them from acting Attorney General Robert H. Bork, on Tuesday. Yesterday he flew to Washington to hold meetings at the White House and the Justice Department.

He did not see the President, but did meet with Bork; Sen. William B. Saxbe, who is expected to be nominated by Mr. Nixon as the new Attorney General; Assistant Attorney General Henry E. Petersen; and several White House aides—Alexander M. Haig Jr., J. Fred Buzhardt and Leonard Garment.

The Justice Department refused last night to confirm or deny that Jaworski is the administration's

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choice for the prosecutor's job. But at 6 p.m. department spokesman John W. Hushen said that Bork was "getting closer" to an announcement.

Bork later said, without confirming Jaworski's name, "I think the guy I picked is ideal."

Mrs. Jaworski said, "It's not supposed to be announced yet. It probably will be in the morning." Both she and her husband's secretary confirmed that he was asked to accept the position.

President Nixon, in announcing that Bork would name a new prosecutor this week, promised full White House cooperation but added that he would not provide the prosecutor with presidential documents and would not expect him to go to court for them as Cox did.

Bork, however, has said he feels the prosecutor should have "no strings" on him and that he would consider his own position "intolerable" if the prosecutor's independence were compromised. Bork has also said he thinks the prosecutor should be free to pursue evidence by using the courts.

Jaworski was a counsel to the Warren Commission that investigated President Kennedy's death and a member of the President's

Commission on the Causes and Prevention of Violence, set up after the assassinations of the Rev. Martin Luther King Jr. and Robert F. Kennedy.

He also was a member of President Johnson's Commission on Law Enforcement and the Administration of Justice (the so-called National Crime Commission).

In 1967 he joined four other commission members in a partial dissent from the group's final report. Jaworski and the other dissenters argued that the commission should have criticized Supreme Court rulings which they said made it more difficult for police to do their jobs.

One decision that particularly rankled Jaworski was the 1966 Miranda ruling in which the high court threw out the confession of a rape and kidnaping suspect who was not advised of his right to counsel.

In 1969 Jaworski said the violence commission report should have taken a stronger stand against campus disorders.

The new prosecutor-designate has prosecutorial experience, the prime requisite that Bork and White House officials said any candidate for the job must have.

From 1962 to 1965 he was a special assistant U.S. attorney general and prosecuted former Mississippi Gov. Ross R. Barnett, who was cited for contempt of



LEON JAWORSKI

... an LBJ friend

court for trying to prevent the registration of James H. Meredith, the first black student to enter the University of Mississippi.

Jaworski was understood to have discussed his views that he should not be precluded from any action, including use of the courts, to carry out a full investigation and prosecution.

He is known to believe that the prosecution staff should keep an arms-length position from the Justice Department and to hope that the staff will remain intact and work for him.

He has told friends, however, that if he finds any partisanship among staff members, "it'll be removed."

During the Johnson administration, Jaworski was mentioned from time to time as a leading candidate

to be named Attorney General, but he never got the job.

In Texas he has a record as a brilliant trial lawyer. A longtime friend of Lyndon Johnson, he was employed in the 1960 campaign to defend Johnson against two suits filed to prevent him from running simultaneously for vice president and senator. The cases went to the Supreme Court, and Jaworski won them both.

That same year he won a third case for Johnson by turning back a legal attempt to enjoin the Texas Democratic electors from casting their ballots for the Kennedy-Johnson ticket.

In 1961 Johnson wrote an introduction to Jaworski's book, "After Fifteen Years," about the lawyer's experience as chief prosecutor at the Nazi war crimes trials in Hadamar and Darmstadt. In the introduction Johnson called Jaworski "my friend and counselor."

Jaworski, who is a registered Democrat, has never revealed how he voted in the last election. He thus fills another White House requirement that the new prosecutor should be someone who is not perceived as a partisan.

The new prosecutor faces an uncertain future because Congress is considering legislation to create a court-appointed prosecutor who could not be fired by the President and who presumably would supersede the man named by the administration.