

Jaworski Refused the

By William Claiborne
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When a national search was under way last May for the first Watergate special prosecutor, Texas trial lawyer Leon Jaworski was approached about taking the job but the White House found him unwilling.

Jaworski said yesterday he did not want the job then because there was no guarantee of independence.

Although it was not known at the time that Jaworski had been approached before Archibald Cox was named prosecutor, Jaworski had publicly expressed his own ideas about who should investigate the Watergate scandals.

At a Law Day assembly in Beaumont, Tex., on May 3, Jaworski proposed that a "no holds barred" bipartisan investigating commission be created by Congress. Its members, Jaworski recommended, should be named by House Speaker Carl Albert and Chief Justice Warren E. Burger of the Supreme Court, who, he said, were "representatives of the two branches of government not under investigation."

His suggestion, Jaworski opined, recognized the "unfairness" to the American people of "charging an appointee of the President's, one who is under his direction, with an independent investigation of the affairs of the presidency."

The irony of Jaworski's May 3 proposal being echoed now on Capitol Hill—in vehement protest to President Nixon's appointment of a new special prosecutor—befits the contrasts and complexities of the man.

He is a strong law-and-order advocate who frequently has assailed some defendant rights decisions of the Supreme Court and who was particularly outspoken against the campus disorders of the late 1960s.

Yet in 1962, when he accepted an appointment by then-Attorney General Robert F. Kennedy to prosecute Mississippi Gov. Ross Barnett for criminal contempt in blocking the admission of James Meredith to the University of Mississippi, Jaworski withstood icy stares from some of his Houston friends and a spate of threatening telephone calls that compelled the police to put guards around his home.

A banker sent him a note

saying, "Every mentally mature person knows you are participating in the Mississippi affair to curry favor with the administration . . . I hope your daughter has a nigger baby."

Jaworski prosecuted the case vigorously and, ultimately, argued the case before the Supreme Court at the side of then Solicitor General Archibald Cox. The contempt proceedings against Barnett eventually were dismissed, which moved Jaworski to observe in the Harvard Law Record, "The howls that deafened me when I was getting ready to prosecute Barnett had no echo when the calm operation of our system of justice let him off."

A federal judge in Texas is said to have observed of the 68-year-old Jaworski, "Leon didn't court success, he swept her off her feet." If that was the case, Jaworski began doing it at an early age.

At 19, he was the youngest student ever to graduate from Baylor University and

he subsequently became the youngest licensed attorney in Texas history. He then breezed through George Washington University, earning a master's degree, and at the age of 20 set up law practice in Waco, Tex., where he had been raised in a devout Evangelical home.

His first courtroom case, he said, was defending a man accused of operating a still in Moonshine Valley, near Waco. He later defended a black man charged with the murder of a white couple, a case that caught the eye of a Houston attorney and won Jaworski a job with the prestigious law firm now called Fulbright, Crooker, Freeman, Bates and Jaworski. Its senior partner is Jaworski.

In his nearly half-century before the bench, Jaworski served as a colonel in the Army Judge Advocate General's Corps, prosecuted top-secret military cases in this country during World War II, served as a prosecutor in the postwar Nazi war crimes trials in Hadamar and

Darmstadt and became a counsel and confidant to President Lyndon B. Johnson.

In the 1960 campaign, he successfully defended Johnson against lawsuits that would have kept him from running simultaneously for the U.S. Senate and the vice presidency.

Jaworski subsequently received appointments to five presidential commissions, including the President's Commission on Law Enforcement and the Administration of Justice and the President's Commission on the Causes and Prevention of Violence.

He was elected president of the American Bar Association in 1970 and during that term let it be known that he believed a breakdown in respect for law threatened to result in a dictatorship.

Jaworski also served as president of the influential American College of Trial Lawyers; and in 1964 was mentioned widely as a possible U.S. Attorney General.

Jaworski said yesterday he will resign from his law firm and give up the directorships of a number of Texas banks and corporations to avoid conflicts of interest.

Jaworski denied that former Gov. John B. Connally, now a Republican, had recommended him for the special prosecutor's post. He also said he played no active role in the 1972 presidential campaign, but he declined to say how he voted in that election. Connally was traveling in Europe and could not be reached.

Harold Barefoot Sanders Jr., a former aide to President Johnson and a friend of Jaworski, said yesterday that the new prosecutor was not associated with the Texas Democrats for Nixon movement and did not appear to involve himself in any way in that campaign.

Sanders called Jaworski "an aggressive, highly intelligent man with a keenly developed legal mind and the capacity to bring together various points of view."



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tion as special prosecutor.