

Jaworski Takes Office; Independence Is Stressed

By ANTHONY RIPLEY

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WASHINGTON, Nov. 5 — Leon Jaworski was sworn in today as the new Watergate special prosecutor and called his oath of office "more important, perhaps, than any I have taken in my lifetime."

The grayhaired Houston trial and corporate lawyer thus replaced Archibald Cox, a Harvard University Law School professor, who served from May 25 to Oct. 20 as chief investigator of one of the major scandals in American political history.

President Nixon, around whom the investigation swirls, retains the ultimate power to dismiss Mr. Jaworski as he did Mr. Cox. This time, however, it is tempered by the President's agreement to consult eight influential members of Congress first and "ascertaining that their consensus is in accord with his proposed action."

The phrase was included in the order signed by the Acting Attorney General, Robert H. Bork, on Friday setting up the terms of Mr. Jaworski's job. Otherwise, the description of his job is identical to that of Mr. Cox's post, according to Mr. Bork.

8 to Be Consulted

The eight to be consulted are the majority and minority leaders of the House and Senate, and the chairman and ranking members of the Judiciary committees of both houses of Congress.

The issue of the special prosecutor's independence continues, however, to concern members of Congress. During the weekend, Mr. Jaworski told reporters that he thought a move to limit his independence in any way would not be made without first consulting the eight Congressional leaders.

Mr. Bork, testifying before the House Judiciary Committee today, made the same point.

He said that President Nixon "will not exercise his constitutional power to discharge the special prosecutor or to limit his independence in any way without first consulting" the eight Congressional leaders.

Though the first agreement to consult and gain a consensus on dismissal is written into the job description, the second agreement, to consult on issues of independence, is not.

Meets Petersen

Mr. Jaworski, who arrived here from Texas shortly before noon, met with Henry R. Petersen, Assistant Attorney General in charge of the Criminal Division, who has been temporarily in charge of the investigation for the last 16 days, and with members of Mr. Cox's former staff of 80.

Shortly after 3 P.M. Mr. Jaworski went to the United States Court of Claims Building a block from the White House and was sworn in by Judge Byron G. Skelton. Judge Skelton is an old friend from Temple, Tex.

Unlike Mr. Cox, who was sworn in with members of the former Kennedy Administration watching, Mr. Jaworski was accompanied by Mr. Petersen, Mr. Bork and Henry S. Ruth Jr., the deputy special prosecutor. Judges from the Court of Claims also watched.

The White House had complained of partisan bias on the part of Mr. Cox in the stormy days that followed his dismissal. Senator Hugh Scott

of Pennsylvania, the Republican minority leader, had called the staff "hostile, adversary" and "hardly nonpartisan."

But none of that feeling was on the air as Mr. Jaworski came into the courtroom.

Mr. Bork introduced him and said that neither the nation nor he could be "more delighted," and that "this is a happy day for all of us."

He spoke of Mr. Jaworski's "extensive experience and undoubted integrity."

Mr. Jaworski took the oath on a small Bible and spoke briefly about the oath's importance and his long friendship with Judge Skelton.

Asked about the Bible, he said he had borrowed it and added, "I have a feeling I will need it in the days to come, more than ever before."

He said he did not foresee any staff changes at this time, then left to begin work.

Mr. Bork, in his testimony before the House Judiciary Committee, said, "It is clear and understood on all sides that he [Mr. Jaworski] has the power to use judicial processes to pursue evidence if a disagreement should develop."

Before Mr. Jaworski was appointed, Mr. Bork said, the two men met with Mr. Petersen, the White House chief of staff; Alexander M. Haig Jr.; the President's counsel, Leonard Garment, and J. Fred Buzhardt Jr., Special counselor to Mr. Nixon.

'Power to Go to Court'

"I stated to the gentlemen who were sitting with Jaworski and myself that it must be understood he has the power to go to court," Mr. Bork testified.

Representative Elizabeth Holtzman, Democrat of Brooklyn, asked him, "What did they say?"

"Yes," Mr. Bork replied.

He said that Mr. Petersen had already drawn up a list of documents to be sought from the White House.

Pressed on the matter later by reporters, Mr. Bork said he did not know if Mr. Petersen's list was a new one or an old list that had earlier been sought by Mr. Cox.

He also discussed the dozen or more bills in Congress that would set up an independent prosecutor, having him appointed by the courts or confirmed by Congress.

He said that "such a course would almost certainly not be valid and would, in any event, pose more problems than it would solve."

It would cause delay, confusion and disruption of the investigation, he said, echoing criticisms made by many Republicans and some Democrats. Fifty-five Senators and more than 100 Representatives have co-sponsored bills calling for a court-appointed special prosecutor.

He said if Congress had that power to appoint a special prosecutor it could be argued that Congress could "abolish the Department of Justice and enforce the laws itself."

However, Jack G. Day, chairman of the American Bar Association's criminal justice section, told the Senate Judiciary Committee that Congress had the power and that there could be no independence "without severance" from the executive branch.