

Bayh, Hart Push Bill for Prosecutor

By Mary Russell

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Sen. Birch Bayh (D-Ind.) a chief sponsor of a bill to have the U.S. District Court appoint a Watergate special prosecutor, said yesterday he will push for the legislation despite the fact that two District Court judges have come out against it.

District Court Judge Gerhard A. Gesell, in his Wednesday ruling that former Watergate Special Prosecutor Archibald Cox was illegally fired, called proposed

legislation to have the court appoint a prosecutor "most unfortunate."

"The courts must remain neutral. Their duties are not prosecutorial," Gesell said.

Chief Judge John J. Sirica agreed. "I do not know of any judge who thinks it's a good idea," Sirica said.

Bayh said yesterday the judges' comments "don't help us, but they don't hurt us either. I don't care if they're for it or not. We'll pass a bill, and I'm sure they'll administer it ably."

Sen. Philip Hart (D-Mich.)

said, "Those of us who believe this bill is constitutional intend to continue to persuade our colleagues to pass this bill."

Hart made the comments in answer to testimony of Henry S. Ruth, deputy to Leon Jaworski, the new special prosecutor.

Ruth told a Senate Judiciary hearing, "If I were a senator I would give very serious consideration" to the feelings of Judges Gesell and Sirica before going ahead with the bill.