

2 Prosecutor Bills Reported

By Mary Russell

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The Senate Judiciary Committee yesterday reported out without recommendation two rival bills seeking to establish a Watergate special prosecutor by law and protect him from arbitrary removal.

The committee took the unusual step of reporting two bills because it was divided over the two approaches and it decided to let the Senate as a whole make the choice.

One bill, supported by a majority of the nine Democrats on the 16-member committee,

calls for court appointment of the prosecutor and would allow his dismissal by the court only for gross impropriety.

This proposal, sponsored by Sens. Philip A. Hart (D-Mich.), Birch Bayh (D-Ind.) and Edward M. Kennedy (D-Mass.), is similar to one recently approved by the House Judiciary Committee.

The other bill, sponsored by Sen. Robert A. Taft (R-Ohio), has the approval of the White House. It calls for the Attorney General to appoint the prosecutor and would allow the Attorney General to dis-

miss him for three causes—neglect of duty, malfeasance or violation of the special prosecutor act.

The dismissal, however, would not take effect for 30 days, during which time the Attorney General would have to notify both houses of Congress of his intention to fire the prosecutor. The prosecutor could challenge his dismissal in District Court. If the dismissal became effective, the court would appoint an interim prosecutor until the At-

See PROSECUTOR, A6, Col. 1

PROSECUTOR, From A1

torney General appointed a new one.

The drive to establish the independence of the Watergate special prosecutor by law is Congress' response to the firing of Special Prosecutor Archibald Cox by order of President Nixon on Oct. 20.

The Senate bill to have the prosecutor appointed by the court picked up 55 quick co-sponsors, but in the weeks that followed doubts were raised about the constitutionality of the court appointment, and two District Court judges, John J. Sirica and Gerhard A. Gesell, announced their opposition to the idea.

Proponents of the court-appointment bill admit they have lost some ground, but they feel that not all those who opposed their bill are happy with the Taft-White House version.

Sen. Chares Percy (R-Ill.), who wanted the President to appoint the prosecutor subject to the advice and consent of the Senate, is expected to push for his version when the bills come up on the Senate floor the week of Dec. 3.

Taft is considering introducing a floor amendment that would allow Congress to veto any dismissal of the prosecutor during the 30-day notification period. Taft said he feels this would strengthen the administration bill and pick up more votes.

In deference to those who want Senate confirmation, acting Attorney General Robert H. Bork has "an understanding" with Judiciary Chairman

James O. Eastland (D-Miss.) that Eastland can hold informal hearings on the qualifications of the special prosecutor and the Senate could pass a resolution approving or disapproving of his appointment.

Meanwhile, Kennedy said new limits placed on the current Watergate special prosecutor, Leon Jaworski, makes speedy enactment of the court-appointment bill "all the more essential."

Kennedy was referring to the announcement by Bork that President Nixon won't limit the jurisdiction of the special prosecutor except with the support of a consensus of eight House and Senate leaders.

The announcement "permits the President and the Attorney General, in consultation with a few members of Congress, to limit or remove entire areas of the special prosecutor's investigation," Kennedy said in a statement.

The Judiciary Committee has put off until next Wednesday a decision on whether to call former Attorney General Elliot L. Richardson and White House chief of staff Alexander M. Haig Jr. to explore charges by the President and Haig that Richardson lied to the committee in describing the Cox firing and his own resignation.

Sen. Charles McC. Mathias (R-Md.), to whom the President made the charge, is anxious to hear from them. However, Sen. Roman Hruska (R-Neb.) blocked the move by parliamentary maneuver requiring the committee to wait seven days before deciding.