

Watergate Prosecutor Bill Shelved

By Spencer Rich

Washington Post Staff Writer

The Senate Democratic leadership yesterday shelved the independent Watergate prosecutor bill for this year, announcing that it won't be called up for debate until 1974 at the earliest.

The decision was made by Majority Leader Mike Mansfield (D-Mont.), a sponsor, after a meeting of the Senate Democratic Policy Committee. Two of the bill's chief sponsors, Sen. Edward M. Kennedy (D-Mass.) and Sen. Birch Bayh (D-Ind.) strongly objected.

"The Policy Committee consensus was that Leon Jaworski is doing a good job and that there is no need right now to press the bill forward and possibly upset Jaworski's work," said one of those present at the Policy Committee meeting.

Jaworski, a Texas Democrat and former president of the American Bar Association, was named special prosecutor by acting Attorney General Robert H. Bork after President Nixon fired Archibald Cox from the job Oct. 20.

However, a bloc of 55 senators led by Kennedy, Bayh, Philip A. Hart (D-Mich.) and John V. Tunney (D-Calif.) introduced legislation to have the U.S. District Court here name an entirely independent prosecutor free from any possibility of White House dismissal. They said that was the only way the public could be assured that the White House wasn't influencing the prosecutor to go easy.

Bork's pledges of non-interference with Jaworski and the appearance of complete independence and vigor on the part of Jaworski, however, have undercut support for the bill, and one

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key sponsor conceded yesterday. "I know we've lost votes."

Referring to the Hart bill, and a substitute measure which had been slated to come to the floor with it for debate today, Mansfield said, "Neither of these bills will be called up this session. They will remain on the celerier. They may be called up in the second session."

Sen. Charles H. Percy (R-Ill.) and Howard H. Baker (R-Tenn.), co-sponsors of a substitute of their own, which would leave the naming of a special prosecutor to the President, hinted they might try to force the bill to the floor today, perhaps in cooperation with some of the backers of the court-appointment bill.

But Hart, the latter's chief sponsor, said he accepted Mansfield's action, and it appears unlikely that Percy could prevail against Mansfield, whose action also had the support of GOP Leader Hugh Scott (R-Pa.).

Mansfield's action probably means the bill won't come up in the House either. It had been slated for House debate this week, but sponsors wanted the Senate to pass it first by a big margin to give their own measure some momentum. The bill had been considered to have less support in the House than the Senate.

"I personally have been tremendously impressed with Mr. Leon Jaworski," said Mansfield, adding that Jaworski is doing "an outstanding job."

The bill won't be dropped altogether. It will be held in reserve on the Senate calendar, and probably would be called up if the President moved to fire Jaworski or curb his freedom of action. A presidential move of that sort would give major added support for passage.

In addition to Jaworski's performance, the court-appointment bill also was undercut by statements from U.S. District Court Chief Judge John J. Sirica and District Court Judge Gerhard Gesell opposing the court-appointment method. As of yesterday, it wasn't absolutely certain the Hart bill still had enough votes to prevail over the substitutes.

Among those apparently inclined toward putting the measure aside, according to a participant in the policy meeting, were Majority Whip Robert C. Byrd (D-W.Va.), Harold Hughes (D-Iowa), J. W. Fulbright (D-Ark.), John Pastore (D-R.I.)—all sponsors of the bill—and Ernest F. Hollings (D-C.S.). However, no vote was taken of the 14-member group and no firm commitments were made or sought. Mansfield mulled over the situation and made his decision a few hours later.

The action on the prosecutor bills coincided with a decision by the Senate Judiciary Committee to hold a hearing today on the nomination of Sen. William B. Saxbe (R-Ohio) to be Attorney General.

The action may prompt some committee members to question Saxbe closely on the issue of full independence for Jaworski. Saxbe has said that he has a high regard for Jaworski, that he respects his own mandate, and that he intends to run the Justice Department and let Jaworski run the prosecution force.

Saxbe's appointment now seems assured after today's hearing. Committee Chairman James O. Eastland (D-Miss.) told reporters he thinks a favorable vote might come after the hearing and that Saxbe could be confirmed by the end of the week.