

# SENATORS PUT OFF PROSECUTOR BILL

## Debate Canceled on Plan for Watergate Aide to Be Appointed by Court

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WASHINGTON, Dec. 11 —

Senate Democratic leaders decided today to delay indefinitely action on a bill to empower the courts to appoint a special prosecutor for the Watergate criminal investigations.

Senate sources said the decision amounted to a vote of confidence in Leon Jaworski, the special prosecutor who was appointed by President Nixon on Nov. 5 to succeed Archibald Cox.

A bill sponsored by Democratic Senators Philip A. Hart, of Michigan, and Birch Bayh, of Indiana, with 53 other co-sponsors, was due for debate tomorrow. At about 6 P.M. today, the majority leader, Mike Mansfield, of Montana, acted to keep the bill on the calendar but canceled tomorrow's scheduled debate.

The action means that the bill could be scheduled for debate again almost immediately if thought to be necessary.

According to Senate aides, the strategy that developed today was to keep the bill as leverage against the Administration in case Mr. Jaworski's position was threatened by the White House.

### Several Factors Weighed

The thinking, according to aides, was that Mr. Jaworski was doing an honest, straightforward job, that the staff assembled by Mr. Cox, the former special prosecutor who was dismissed by Mr. Nixon Oct. 20, was satisfied with Mr. Jaworski and that there were constitutional problems with the bill.

"They are not killing the bill," one aide said. "It's all ready to go. The leadership can call it up immediately. They have enormous flexibility.

"If they [Administration

leaders] start monkeying with Jaworski short of firing him, serious consideration will be given to taking up the bill at once."

Democratic leaders, aside from expressing confidence in Mr. Jaworski, feared that the court-appointed prosecutor would pose a constitutional question. Many Senators believe the issue might at best slow down Mr. Jaworski's work by posing court challenges and at worst lead to his dismissal by President Nixon.

Much of the legal argument rests on the obligation of the executive branch of the Government to sign all indictments and prosecute crimes.

By giving his authority to a man appointed by the courts, a question arises over erosion of constitutional powers of the President.

### Two Other Proposals

This argument was one of the main buttresses of the Republicans who supported two other bills. One of them would have had the special prosecutor appointed by the President with Senate confirmation. The other would have had the Attorney General appoint the prosecutor with dismissal subject to a veto by Congress.

Senator Bayh's staff said he was considering further action in an attempt to revive the bill tomorrow.

The Hart-Bayh bill was first proposed in the explosion of public indignation over the dismissal of Mr. Cox and the resignation of former Attorney General Elliot L. Richardson and his deputy, William H. Ruckelshaus. Since that time, Mr. Jaworski has taken hold in the job and seems to have satisfied most critics who felt he was too close to the White House.

"The best guess by some of the professionals in the Senate is that the bill won't see the light of day without additional momentum," one aide said.

That momentum, the aide explained, would be some White House move against Mr. Jaworski.

The acting Attorney General, Robert H. Bork, has written a set of guidelines for Mr. Jaworski that he has stated have the approval of the White House. These include consultation with eight Congressional leaders before any move is made either to dismiss Mr. Jaworski or to limit the range of his investigation.