

# Senate Unit Backs Jaworski Demand

Washington

The Senate Judiciary Committee voiced its confidence in Watergate Special Prosecutor Leon Jaworski yesterday and said it stands behind his determination to subpoena whatever evidence he considers necessary from President Nixon.

Senator Birch Bayh (Dem-Ind.) called the stand, affirmed by a 14-to-1 vote, "an effort to say, 'Mr. President, back off, live up to the commitments you made . . .'"

The committee met at the Capitol in a closed, emergency session after Jaworski protested Monday that the White House was trying to

"undercut" his independence.

Several committee members pressed for open hearings on the issue, but they were rejected by a vote of 9 to 5.

"I think the majority feeling was — although I didn't share it — that public hearings would be an overreaction at this time," Senator John V. Tunney (Dem-Calif.) told reporters.

In a letter to committee members Monday, Jaworski said that White House legal counsel James D. St. Clair had claimed at secret legal proceedings this month that the special prosecutor had no right to contest Mr. Nixon's decisions in the courts.

Jaworski said this "would make a farce" of the independent charter given him last fall after the President ousted the original Watergate prosecutor, Archibald Cox, in the first showdown over Mr. Nixon's Watergate tapes.

The only dissenting vote to yesterday's committee resolution came from Senator Edward M. Kennedy (Dem-Mass.), who favored sterner action in the form of public hearings at which White House and Justice Department officials would have been called on the carpet.

Kennedy said he voted against the resolution "to register my strong belief that it was an inadequate response to the serious and substantial problem" Jaworski had raised.

White House deputy press secretary Gerald L. Warren

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said yesterday that Mr. Nixon has no intention of firing Jaworski, but some members of the Senate committee were openly skeptical.

"We consider this matter very serious," Bayh said. "We are not going to sit idly by if he fires Mr. Jaworski. They say history won't repeat itself, but we've had history repeat itself. We've had two special prosecutors and two promises of independence. One prosecutor has been fired. And both promises of independence have been violated."

Jaworski, however, seemed satisfied with having registered his protest.

St. Clair had initially told the committee that he would be unable to attend the meeting since he expected to be tied up at the House Judiciary Committee's impeachment inquiry, but later he relented, and agreed to make himself available, apparently at the pointed urging of Senate Judiciary chairman James O. Eastland (Dem-Miss.)

The President's lawyer had taken the position that he was free to raise any argument he considers pertinent, including the contention that Jaworski, as a member of the executive branch, cannot subpoena the President.

The White House contention was made during arguments before U.S. District

Judge John Sirica, who ruled Monday in favor of Jaworski. Sirica said the attempt to "abridge" the independence of Jaworski violated the law, and in the same ruling ordered the White House to turn over 64 more tapes. The White House will appeal Sirica's ruling.

The resolution that the committee finally adopted was a watered-down version of one offered by Senator Sam J. Ervin Jr. (Dem-N.C.)

It was approved only after elimination of a section declaring that the President "does not possess any arbitrary power" to withhold evidence, but on the contrary, has a "special obligation" to comply with subpoenas unless those subpoenas are held invalid by the courts.

Instead the committee simply declared that Jaworski has been "acting within the scope of the authority conferred upon him by the agreement of the President and the Department of Justice with the Senate Judiciary Committee at the time of his appointment in seeking to obtain from the President by request or subpoena, taped recordings or other evidence which he believes to be relevant to prove or disprove criminal charges being investigated by grand juries or to prove or disprove allegations of informations or indictments awaiting trial in the court."

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