

White House Hits Tactics Of Jaworski

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The White House accused Special Prosecutor Leon Jaworski yesterday of interweaving the Watergate criminal prosecutions and congressional impeachment proceedings in a way that is "manifestly unfair" to President Nixon.

In legal briefs filed with the Supreme Court yesterday, the President's lawyers asserted that surrendering 64 more tape recordings to the prosecutor for trial evidence would result in the House Judiciary Committee getting fresh information it could not otherwise obtain.

"The courts may not be used, either deliberately or inadvertently," James D. St. Clair, the Nixon defense attorney declared, "as a back-door route to circumvent the constitutional procedures of an impeachment inquiry and thus be intruded into the political thicket in this most solemn of political processes."

Countering in his own argument to the justices, Jaworski conceded that the evidence he seeks is involved in impeachment as well as pending criminal prosecutions but said this only

Back Page Col. 4

From Page 1

strengthens his case.

"The President cannot be a proper judge," the prosecutor maintained, "of whether the greater public interest lies in disclosing evidence subpoenaed for trial, when that evidence may have a material bearing on

whether he is impeached and will bear heavily on the guilt or innocence of close aides and trusted advisers."

Together, the White House and the special prosecutor filed more than 450 pages of legal arguments and supporting documents with the Supreme Court yesterday, to help the justices prepare for oral argument of the first two Watergate questions to reach the high court, now scheduled for July 8.

At issue in the historic proceedings are whether the president must surrender the tape recordings for use in the Watergate coverup trial in September and whether the grand jury had the right to identify Mr. Nixon as a member of this conspiracy to defraud the country, without indicting him.

The White House brief charged the special prosecutor with trying to strengthen the "fusion" between Watergate and impeachment "by the unsubstantiated, unprecedented and clearly unconstitutional device of naming the president as an unindicted co-conspirator in the criminal cases."

Jaworski only devoted a lengthy footnote of his 153-page principal brief to defending the grand jury's action, saying it was "reasonable" for the jurors "to designate all participants in the conspiracy as co-conspirators" and there is "no constitutional impediment to such action."

"In deference to the office of the presidency and sensitive to the practical difficulties in indicting an incumbent president," the prosecutor explained, "the grand jury named him as an unindicted co-conspirator."

The Supreme Court was still deliberating late yesterday whether to add a third issue to the Nixon cases, at the request of the White House: whether the high court should review Watergate grand jury records to determine if there was enough evidence to name Mr. Nixon as a co-conspirator.

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