

Jaworski Aide Resigning In Apparent Nixon Protest

Lacovara, the Watergate Prosecutor's Counsel, Will Leave Before Cover-up Trial—Others Consider Departing

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By JOHN M. CREWDSON

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WASHINGTON, Sept. 9—A chief aide to Leon Jaworski, the special Watergate prosecutor, gave notice today that he was resigning in what was an apparent protest over the pardon given by President Ford to Richard M. Nixon.

Philip A. Lacovara, counsel to the special prosecutor since July, 1973, shortly after the office was established, sent Mr. Jaworski a letter saying he intended to leave at the end of the month.

A statement from the prosecutor's office cited only "recent developments" as a basis for the action, but sources within the prosecution force said that Mr. Lacovara's decision was directly related to Mr. Ford's decision to relieve Mr. Nixon from all Federal prosecution.

The resignation, which some sources said they expected to be the first of several departures from the prosecutor's office over the pardoning of the former President, followed reports of day-long meetings of lawyers and other aides there to discuss the effect of the pardon on the prosecution's work.

Mr. Jaworski was to have made a decision soon, by some reports within the week, whether to seek an indictment of Mr. Nixon in connection with the Watergate cover-up and possible income tax violations, two of the several areas in which he was believed to have had potential liability.

Rebozo Dealings

Several sources referred today to a 74-page report compiled by the Jaworski staff that was devoted entirely to evidence and allegations concerning President Nixon's underpayment of Federal income taxes.

Some of the topics covered in the document that relate to Mr. Nixon's financial dealings with Charles G. Rebozo, his longtime business associate, were reported to remain under investigation.

Other members of Mr. Jaworski's staff were said by associates today to be considering resigning. Some were angered by the Nixon pardon, viewing it as undercutting, although in a constitutional fashion, the prosecutor's charter to investigate the Watergate affair fully.

Others were said to have been prepared to remain for several years, if necessary, to

develop and prosecute a case against Mr. Nixon, but were not less inclined to stay on.

Two Jaworski aides who were describe as members of the "senior to intermediate" staff, a category that includes Mr. Lacovara, were reportedly distressed this morning and indicated that they, too, were considering resignation.

One reportedly said later he would stay on now, and another gave assurances that he would "think it over" before making a decision.

One source said that as far as he knew, Henry M. Ruth, Mr. Jaworski's deputy, was not considering leaving. Other sources said that more defections, if they came, were likely to be among the younger lawyers.

Another source close to the prosecutor's office said today he had understood that Mr. Jaworski might offer his resignation in the near future, although not to protest the pardon.

A spokesman for the prosecutor said yesterday that Mr. Jaworski believed that act was within the limits of President Ford's constitutional authority.

The source described Mr. Jaworski as "anxious to get back to Texas," where he practiced law for years before taking the special prosecutor's post last November, and said that because the pardon had foreclosed the possibility of Mr. Nixon's indictment and trial, "the last momentous event" that Mr. Jaworski would have been involved in, he no longer had reason to remain in Washington.

Other associates dismissed the source's account as speculation. One noted that Mr. Jaworski had been eager to return to Texas "since the day he got to Washington," and another maintained that the prosecutor intended to stay on at least through the end of the impending Watergate cover-up trial, and possibly longer.

"He still thinks it's a very important trial, even without Nixon," one associate said.

Ehrlichman Subpoena

That trial, in which six of Mr. Nixon's former White House and campaign aides are to be defendants, will apparently begin as scheduled on Sept. 30, the day after Mr. Lacovara's resignation is to take effect.

Mr. Lacovara, who is described by friends as having

been a brilliant law student with a politically conservative background, could not be reached for comment today on his announced resignation. He was said to agree, however, with those who saw the Nixon pardon as an unwarranted intrusion into the special prosecutor's domain, which, according to Mr. Jaworski's charter, includes the investigation of all

"allegations" against the former President.

[United Press International reported Monday that Mr. Lacovara said Mr. Ford's action alone had caused his decision to quit. "I like to think of myself as a serious person and I do not do things lightly," he said. "I gave it a good deal of thought. We all have to do what we think is right."]

Mr. Lacovara graduated from of Law in 1966 and ranked first in his class. Before joining the Watergate prosecution force he was special counsel to former New York City Police Commissioner Patrick V. Murphy, and an assistant to Supreme Court Justice Thurgood Marshall while Mr. Marshall was Solicitor general.

For the Sept. 30 trial, Mr. Nixon has been subpoenaed by John D. Erlichman, one of the defendants and formerly his top domestic adviser in the White House, to testify in behalf of his defense.

The full pardon conferred on Mr. Nixon exempts him from prosecution for any Federal offenses he may have committed during the more than five and seven months of his Presidency.

Cross Examination

The prosecution is not expected to call Mr. Nixon as its own witness because, in the words of one Jaworski aide, his public statements on Watergate would not make him a credible witness.

The prosecutors will, however, have an opportunity to subject the former President to cross-examination if he appears.

Although one prosecutor said yesterday that he believed Mr. Nixon would be "dynamite to cross-examine," that prospect was not viewed as particularly beneficial to the prosecution by another Jaworski associate.

"It's impossible," he explained, "to get someone to give a direct answer to a question if he doesn't want to." He predicted that Mr. Nixon's testimony at the trial would amount to "a garble" of information.

At least one lawyer in Mr. Jaworski's office, however, said today he was prepared to sacrifice the prosecution of Mr. Nixon in return for his inability to invoke the Fifth Amendment, which he noted would permit the prosecutors unlimited access to White House tapes and other Presidential documents, which yesterday were returned to Mr. Nixon's control.