

Jaworski Denies He Plans to Resign, and Aide
Doubts wide Defections by Staff

Strategy Session Held By Defense Lawyers

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By ANTHONY RIPLEY

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WASHINGTON, Sept. 10 — Leon Jaworski personally denied today rumors that he was about to resign in the wake of a pardon for former President Richard M. Nixon.

"There is no substance to that rumor," the special Watergate prosecutor said in a telephone interview. "I have no plans for resigning at the present time."

His statement, he acknowledged, did not bar the possibility of his resignation later for reasons other than the Presidential pardon. He has long made it known that he wanted to clear up the Watergate case as quickly as possible and return to his Texas home.

At the White House, meanwhile, copies of a long legal memorandum setting forth arguments why Mr. Nixon could not be tried was made public today. It was prepared by a lawyer for Mr. Nixon and was among the papers studied by President Ford before announcing the pardon of Mr. Nixon.

Rumors about Mr. Jaworski's future arose as Philip A. Lacovara, counsel to the special prosecutor, announced he was leaving to enter private law practice. He had been planning the announcement for some time and sources at Mr. Jaworski's office said that President Nixon's pardon may have only accelerated the move.

Wide Defections Denied

Last Saturday, William H. Merrill, who had headed the investigation into the burglary at the office of Dr. Daniel Ellsberg's former psychiatrist, announced his departure to join a Detroit law firm. Mr. Merritt, who had been planning the move for some weeks. Today, a spokesman for Mr. Jaworski denied rumors that circulated among Congressmen about widespread defections in the special prosecutor's staff following the pardoning Sunday of Mr. Nixon.

One source close to the special prosecution force said the reaction among the staff to the pardon was "a human one not unlike those of other Americans" but said he knew of no indications of massive departures.

that the situation for the Sept. 30 Watergate cover-up conspiracy trial had been markedly changed.

The announcement today that President Ford was considering clemency for other figures in the Watergate affair was described as a "bombshell" by Plato Cacheris, one of the lawyers for former Attorney General John N. Mitchell.

Lawyers for the six defendants at the trial held a short, regularly scheduled meeting

this morning to discuss strategy, Mr. Cacheris said. None of them knew of the White House announcement until after the meeting broke up.

"As far as I'm concerned, [clemency] is the right thing to do in light of everything that's transpired," Mr. Cacheris said.

Suspended Sentence Pleas

The Ford announcement clearly opened the way for further negotiated pleas, which have been a mark of the Watergate case thus far. Those pleading guilty now might have stronger grounds to argue for suspended sentences in view of Mr. Nixon's pardon.

John J. Wilson, attorney for H. R. Haldeman, former White House chief of staff, said that the news of the clemency study by the White House came as a "complete but very pleasant surprise."

Another lawyer in the case told The Associated Press, "I've got to reassess everything."

A spokesman for the special prosecutor said that Mr. Jaworski had been struggling with philosophical and legal questions about indicting a former President when the pardon was announced. He was nowhere near a decision, the spokesman said, and had not planned to make any move until after a jury had been chosen in the cover-up conspiracy case.

Mr. Jaworski's concern over the problem of a fair trial for a man as well known as Mr. Nixon in an issue as widely known as Watergate was outlined in a letter to the Ford White House sent Sept. 4.

That same day, Mr. Jaworski received a 17-page "Memorandum to the Special Prosecutor on Behalf of Richard M. Nixon" submitted by Herbert J. Miller Jr., a lawyer for the former President.

The same memorandum went to the White House and was studied by President Ford before granting the pardon on Sunday. The White House made copies public today.

In the memo, Mr. Miller argued that the changes for a fair trial had been "completely and irrevocably eliminated" by "recent events."

"The simple fact is that the national debate and two-year fixation of the media on Watergate has left indelible impressions on the citizenry, so pervasive that the Government can no longer assure Mr. Nixon that any indictment sworn against him will produce a charge fairly made and fairly tried in a



Associated Press

Herbert J. Miller Jr., Richard M. Nixon's lawyer, doubted chance for a fair trial for his client in memorandum sent to Leon Jaworski, special prosecutor.

public tribunal free of prejudice, passion [and] excitement," he argued.

"Of all the events prejudicial to Mr. Nixon's right to a fair trial, the most damaging have been the impeachment proceedings of the House Judiciary Committee," Mr. Miller said.

He said that even the most "avid and vociferous defenders" of Mr. Nixon who had been pressing for "the most exacting standards of proof" had finally and publicly abandoned his defense.

He argued that if television impeachment proceedings "forever taints the public's mind, then the choice must be made to forego television or to forego indictment following impeachment." He continued, "here, the choice has been made."

He said that no fair jury could be picked.

"Any effort to prosecute Mr. Nixon would require something no other trial has ever required — the eradication from the conscious and subconscious of every juror the opinions formulated over a period of at least two years, during which time the juror has been subjected to a day-by-day presentation of the Watergate case as it unfolded in both the judicial and political arena," he argued.

"Under the circumstances," he concluded, "it is inconceivable that the Government could produce a jury free from actual bias."

A spokesman for the special prosecutor also said today that the office had no knowledge of a 74-page report concerning underpayment of Mr. Nixon's income taxes.

Several sources had referred to such a report yesterday, saying it had been drawn up by Mr. Jaworski's staff.