

Jaworski Implies Nixon Could

By Spencer Rich

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Watergate Special Prosecutor Leon Jaworski implied yesterday that former President Nixon could plead the Fifth Amendment to avoid possible self-incrimination if called to testify in a legal proceeding involving the Watergate scandal.

Jaworski's comments were made in the context of a possible grand jury appearance by Mr. Nixon, but his reasoning appeared applicable as well to a summons to appear as a witness in the current Watergate conspiracy trial.

Jaworski said Mr. Nixon had declined to appear before a

grand jury in the past, and added: "I would assume that if he were brought before the grand jury now that he would plead the Fifth Amendment."

Asked why Mr. Nixon would need to clothe himself with Fifth Amendment immunity when he had already been given a full pardon for any federal crimes committed as President, Jaworski said that prosecution by a state government was conceivable. No such prosecution is now on the horizon, and plans for a trial in Florida appear to have evaporated.

Jaworski's comments, made in a television interview on

"Meet the Press" (NBC-WRC), raised the possibility that if Mr. Nixon eventually appears in the Watergate conspiracy trial, where former White House aide John D. Ehrlichman and others have been seeking to get him as a witness, he may plead the Fifth. So far, Mr. Nixon's aides have said only that he is now too ill to appear.

Jaworski declined to give specifics of impending plans of the Watergate prosecutor's office, from which he has resigned effective Oct. 25, but said:

• The full "story of Water-

gate and Mr. Nixon's involvement" will be known to the public by the time the present Watergate conspiracy trial is over and further information has come out in the proceedings.

• There may be new indictments from the Watergate prosecutor's office, conceivably of recipients and donors of illegal campaign contributions.

• "Most" of the White House tapes will be made public during the Watergate conspiracy trial, but if not he would like to see "all 64" made public.

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• "I have an agreement" with the White House that, despite demands by Mr. Nixon for possession of his White House tapes and documents, "nothing for the time being will be sent, whether it's tapes or documents," if they are needed by the special prosecutor's office. He said he was not consulted on the Ford-Nixon agreement on disposition of the materials.

• He declined to try to indict Mr. Nixon in the weeks before President Ford gave him a full pardon for fear that "I would have completely messed up the Mitchell [Watergate conspiracy] trial" through pre-trial publicity.

Jaworski evaded questions on inside details of his work as special prosecutor, but he said that when he met with then-White House chief of staff Alexander M. Haig Jr. on the day Mr. Nixon resigned, "I was making no promises, expressed or implied," that Mr. Nixon would not be prosecuted.

Jaworski declined to say if he would have prosecuted Mr. Nixon for obstruction of justice. He said the prosecutor's office could include in its final report to Congress a fairly full report on Mr. Nixon's involvement in possible obstruction of justice. But he said that without additional legislative authority he believed a full report on other charges involving Mr. Nixon, such as tax matters, could not be made.

He repeated that Mr. Nixon's acceptance of the pardon seemed similar to an admission of guilt.