

**Leon Jaworski:
Advocate of the Rule of Law**

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**Historical Paper
Senior Division**

Leon Jaworski spent a lifetime furthering the rule of law and our legal system's core principles and, in doing so, was an individual with a profound impact on the lives of many other individuals as well as the course of our country's history. Jaworski, who was best known for his role as Special Prosecutor in the Watergate break-in investigation, demonstrated from the beginning of his law practice that he understood that the basis for a civilized, developed democracy is adherence to the rule of law under a fair and equitable legal system that assures individuals access to due process and that places no one above the law. Jaworski diligently carried out his role in the judicial system whether the case was of menial or legendary proportions and whether his cause or client was popular or not.

Jaworski graduated from Baylor Law School at the age of nineteen in 1925 and was the youngest person to receive a law license in the State of Texas. Jaworski began his legal career in Waco, Texas as a sole practitioner. From the humble beginning of his legal career, Jaworski would ultimately become a very successful and well-known attorney, but his entire career reflected his dedication to the rule of law and the ideals of the legal profession. He was a wise legal counselor and an able trial attorney whose career included many significant cases. A common thread throughout his career was his devotion to the rule of law as he carried out his role as an advocate in the judicial system. Specific examples of this devotion are his representation of an indigent young black man accused of murder, his prosecution of the governor of Mississippi for defying a federal court order in connection with the integration of the University of Mississippi, and his most famous role, serving as Special Prosecutor in the Watergate break-in investigation.

Jaworski's commitment to the rule of law was tested early in his career, when he was given the responsibility of defending a young black man named Jordan Scott. Jaworski was 23 years old

and was practicing law in the small town of Waco, Texas at the time. In the spring of 1929, Judge Richard Munroe appointed Jaworski as counsel for the indigent Scott, who was accused of murdering Mr. and Mrs. Pedigo, a white couple. Judge Munroe made it clear the case would be on a pro bono basis. Many people were inclined to take matters into their own hands and hang Scott without a trial, but Jaworski accepted the unpaid appointment and worked zealously to provide Scott the best possible representation. Jaworski understood that it was the obligation of a lawyer to take a case of this nature.¹

Upon meeting Scott, Jaworski discovered that Scott had confessed. According to Scott, however, the confession was coerced. Scott implicated Son Miller, another young black man. Though Jaworski cast doubt on Scott's confession through grueling cross-examinations of the police officers, and Scott's testimony implicated Son Miller as the real murderer, the jury found Scott guilty. However, Jaworski moved for a mistrial on the grounds of prejudicial remarks by the prosecution, and Scott was granted a new trial.

In Scott's second trial, Jaworski located Son Miller, but Miller revealed he had a solid alibi and was nowhere near Waco at the time of the murder. After this new discovery, Scott admitted to Jaworski that he had killed the Pedigos. Rather than letting frustration and disappointment diminish his representation, Jaworski continued his vigorous efforts to provide Scott the best defense possible. In a 1976 interview, Jaworski stated, "I never did give thought to withdrawing. I believed strongly in the rule of law, and ... I felt it my duty to stand up for the rights of the accused, insisting that he be tried according to our rules of law."²

Scott was again convicted in the second trial and sentenced to death. The conviction was upheld on appeal. Even after Jaworski had exhausted all appeals, Jaworski visited an unstable and

distraught Scott more than once before his execution. Jaworski eventually helped Scott accept his fate, and before his execution, Scott told Jaworski, “Thanks for everything.”³ Scott’s last two wishes were for Judge Munroe to know his true story and for God to have mercy on his soul.⁴ Jaworski’s willingness to act on his commitment to the ideal that our legal system guarantees every individual fair treatment made a difference in the life of Jordan Scott. In addition, the representation of Jordan Scott undoubtedly prepared Jaworski for future challenges when Jaworski’s commitment to the rule of law would be tested in cases with far wider ramifications.

Later in Jaworski’s career, he again accepted the call to serve in an unpopular role in a controversial case. In 1962, after having established himself as a well-known attorney and becoming a partner in one of Houston’s most prestigious law firms, Jaworski took on the challenge of prosecuting the governor of Mississippi, Ross Barnett. In a South that still was in shock over the Supreme Court’s decision in *Brown v. Board of Education*, Barnett refused to surrender his segregationist beliefs. James Meredith, a 29 year-old Air Force veteran, attempted to enroll at the University of Mississippi but was prevented from doing so by the actions of Barnett. Although the issue had been fully litigated, and a federal court had ordered Meredith’s admission to the University of Mississippi, Barnett and his deep South supporters maintained that the rights reserved to the states under the Tenth Amendment allowed Barnett to bar Meredith access to a state college. After denying Meredith entrance onto the University of Mississippi campus, Barnett was charged with civil contempt and was to be tried in New Orleans. However, Barnett did not appear for his court date and was found guilty *in absentia*. Barnett and other state authorities continued to resist Meredith’s entry onto the University of Mississippi campus for several weeks, but the federal

authorities, with the help of the U.S. Army, were finally successful in achieving Meredith's enrollment in classes.

The federal government had won the showdown with Barnett, but Barnett's defiance was too serious for the federal government to simply overlook. Having avoided his civil case in New Orleans, Barnett was now to be prosecuted on federal charges of criminal contempt of court. Attorney General Robert Kennedy asked Jaworski to serve as prosecutor of Barnett. Jaworski considered the repercussions of prosecuting an individual whose defiance was deemed heroic by so many in the South. Barnett had strong support in Mississippi, and his actions incited crowds to wave the Confederate flag in his support. Jaworski felt obligated to respond to the Attorney General's request and realized that adherence to the rule of law is not always easy or popular and does not always bring praise for one's actions.⁵

Jaworski accepted the position of prosecutor in the Barnett case and soon encountered his first obstacle in the case. Barnett sought a jury trial on the criminal contempt charge, and Jaworski argued that Barnett was not entitled to a jury trial. The issue was appealed all the way to the United States Supreme Court. The Supreme Court sided with Jaworski, finding that Barnett was not entitled to a jury on the criminal contempt charge so long as the punishment did not exceed that for a petty criminal offense (not more than six months in jail). By the time the Supreme Court determined this issue, it was two and one-half years after the confrontation over Meredith's enrollment, and Barnett was no longer governor. The Fifth Circuit Court of Appeals determined that changed conditions had brought about compliance with the court's orders, and the suit was dismissed.

Although Jaworski's role in the Barnett case was a courageous one and resulted in a significant Supreme Court victory, Jaworski was not lauded for his efforts. Throughout the

prolonged case, Jaworski was threatened, shunned, and berated by strangers as well as acquaintances. He was subjected to hate mail, and many business partners back in Texas broke off ties with him as a result of this case. People that Jaworski had respected now treated him with disdain. Jaworski commented in his memoir that he “was anguished to find that so many attorneys, and our more sophisticated citizens, failed to understand that Governor Barnett’s acts struck directly at the supremacy of the law.”⁶ In the face of fierce public resistance to mandated integration, Jaworski upheld not only the rule of the law, but the essence of government and a civilized society. In Jaworski’s words:

A more dangerous issue than the Meredith case was at stake. Put simply, it was: Can a state, or a public official, or a mob, defy the authority of the United States of America? Is the federal government indeed sovereign and paramount, or can the orders of its courts be ignored and the authority to enforce them resisted? In this context, the Meredith case...reached to the very soul of our system and, indeed, brought into question whether we had any government at all.⁷

Jaworski participated in many significant cases throughout his long legal career, but nothing would compare to his role as Special Prosecutor in the investigation of the 1972 break-in of the Democratic national headquarters in the Watergate building. Jaworski was appointed to be Special Prosecutor on November 1, 1973. His appointment followed the “Saturday Night Massacre” in which numerous people connected with the Watergate investigation were fired, including the Special Prosecutor before Jaworski, Archibald Cox. The Nixon administration was resisting the release of tape recorded conversations between Nixon and his advisors, and Nixon released an edited transcript of the White House tapes to divert some of the heat he and his staff were taking in refusing to hand

over the tapes. Many people, within and outside the Nixon administration, expected that Jaworski would not pursue recovering the tapes. However, Jaworski subpoenaed Nixon for the original, unedited tapes despite pressure not to do so. The investigation had resulted in indictments of the Watergate burglars and various Nixon campaign workers and administration officials, and Jaworski felt that he needed the subpoenaed tapes of sixty-four conversations to develop fully the cover-up case before it went to trial and to provide the defendants with any exculpatory information in the tapes.⁸ Strong in Jaworski's mind was the President's refusal to supply eighteen conversations that turned out to be most significant to the case.⁹ Nixon refused to turn over the tapes and argued that executive privilege excused him from having to comply with the subpoena. Of course, this was an unprecedented situation, but Jaworski was convinced that he was taking the reasonable approach to the matter and that the courts would adopt as the applicable rule of law the reasonable approach.¹⁰

Nixon's refusal to turn over the tapes led to the landmark case of *United States v. Richard Nixon*, in which the Supreme Court decided that the executive privilege Nixon asserted did not exempt him from complying with the subpoena for the tapes. Nixon had tried to evade the firm principles of our legal system by arguing that his role as president placed him beyond the reach of our laws. Jaworski, however, successfully argued on the biggest stage in the American legal system that the rule of law does not play favorites. The United States Supreme Court concluded "that when the ground for asserting privilege as to subpoenaed materials sought for use in a criminal trial is based only on the generalized interest in confidentiality, it cannot prevail over the fundamental demands of due process of law in the fair administration of justice."¹¹

The release of the White House tapes revealed Nixon's involvement in the cover-up of the Watergate break-in by members of Nixon's re-election committee and ultimately led to Nixon's

resignation. Although the role of Nixon and other individuals involved in Watergate reflects a sad disregard for the rule of law, Jaworski's adherence to the rule of law and his persistence in pursuing a thorough and fair investigation resulted in a triumph of the rule of law. As Kenneth W. Starr, a former federal judge and Solicitor General, pointed out, resolution of the legal and constitutional issues involved in the Watergate case would help shape the future role of the presidency in our constitutional system.¹² Thus, Jaworski had a profound effect, not only on the specific outcome of the Watergate matter, but on the balance of power in our federal government and our confidence as a country in our legal system.

Though there are many examples of Jaworski's commitment to the rule of law, a recent investigation into his role in the 1944 court martial and conviction of numerous black soldiers at Fort Lawton in connection with a riot and lynching of an Italian prisoner of war indicates that Jaworski was not infallible. Little was known or written about this incident until a book about the case was published in 2005. The book revealed new evidence and prompted the Army Board for Correction of Military Records to conduct an inquiry in 2007. The Board determined that Jaworski, a young lieutenant colonel serving as a prosecutor in the case, committed a grave error by refusing to give the defendants access to a confidential investigative report.¹³ Though the Board's ruling did not state that the convicted soldiers were not guilty, it pronounced that the process by which they were convicted was unfair. Jaworski died in 1982 and thus cannot give his account of this event, but his respect for the rule of law would presumably lead him to applaud the efforts to address any injustice in the case.

Throughout his career, Jaworski repeatedly demonstrated his commitment to the rule of law and the attorney's role in our legal system. From ensuring an indigent black man received due

process in the deep South in the 1920's to challenging the most powerful man in the United States in the 1970's, Jaworski dedicated himself to the rule of law and carrying out his role as an advocate in our judicial system. Jaworski was thus an individual who impacted not only the lives of countless persons directly involved in his cases, but the course of a presidency and the actual development of the rule of law in our country.

2383 words

Notes

¹ Leon Jaworski, Confession and Avoidance: A Memoir (Garden City, New York: Anchor Press/Double Day, 1979) 20-21.

² Oral Memoirs of Leon Jaworski, interview with Thomas Charlton and W. Frank Newton, transcript, vol. 1, part 1 (Texas Collection, Baylor University, Waco, Texas, March 18, 1976–November 5, 1982) 51.

³ Jaworski, Confession and Avoidance 43-44.

⁴ Jaworski, Confession and Avoidance 44.

⁵ Oral Memoirs, vol. 1, part 2, 265; Jaworski, Confession and Avoidance 157-58.

⁶ Jaworski, Confession and Avoidance 160.

⁷ Jaworski, Confession and Avoidance 148.

⁸ Leon Jaworski, The Right and the Power (Houston, Texas: Gulf Publishing Company, 1976) 190.

⁹ Jaworski, The Right and the Power 190.

¹⁰ Oral Memoirs, vol. 6, 1105.

¹¹ United States v. Nixon, 416 U.S. 683 (U. S. Sup. Ct., July 24, 1974) 713.

¹² Kenneth W. Starr, “The Day Nixon Resigned,” Wall Street Journal 9 Aug. 2004.

¹³ United States, Dept. of the Army, Board for Correction of Military Records, Record of Proceedings: In the Case of Townsell, Booker M. (Deceased) (18 Oct. 2007) 8.

Annotated Bibliography

Primary Sources

Books

Doyle, James. Not Above The Law: The Battles of Watergate Prosecutors Cox and Jaworski. New York: William Morrow and Company, Inc., 1975.

This book is a journalist's eye-witness, behind the scenes account of the Watergate special prosecution force. The author was hired to be spokesman for the effort with the understanding he would write about it afterward. The author worked with the special prosecution force for two years, and the book includes the time Archibald Cox was special prosecutor as well as Leon Jaworski's time with the office. The book provided me interesting close-up observations of Jaworski in this role.

Drew, Elizabeth. Washington Journal: The Events of 1973 - 1974. New York: Random House, 1975.

This book is a personal journal kept by a journalist living in Washington D.C. in 1973 and 1974. Being a journalist gave the author the opportunity to observe and talk with people who were involved in the Watergate matter, and the author's goal was to provide a contemporary account of the events and reactions relating to the Watergate matter as it unfolded. The author's comments and observations about Jaworski were helpful to me. The author attended the Supreme Court arguments in the Nixon tapes case, and the book includes her account of the experience.

Jaworski, Leon. Confession and Avoidance: A Memoir. Garden City, New York: Anchor Press/Double Day, 1979.

This is Leon Jaworski's memoir and reveals a great deal about his career and his character. It was one of my best sources. It includes his account of the more important cases of his life, including those that I featured in my paper. In addition to chapters on the Jordan Scott case, the Ross Barnett prosecution, and the Watergate matter, this book also contains chapters on Jaworski's prosecution of German war crimes and representation of Lyndon Johnson and various other interesting clients.

Jaworski, Leon, and David Schneider. Crossroads. Elgin, Illinois: David C. Cook Publishing Company, 1981.

This book is about Leon Jaworski's faith and the role it played in his career as a lawyer. It was useful to me in showing me how his faith was important and how it influenced his viewpoints and decisions throughout his career. He also mentions the influence certain religious figures played in his life.

Jaworski, Leon. After Fifteen Years. Houston, Texas: Gulf Publishing Company, 1961.

This book is about Leon Jaowski's part in prosecuting war crimes from World War II. It gave me further insight into Jaworski's dedication to the fair administration of justice. Jaworski volunteered to serve during the war and served in the Judge Advocate General division of the Army. After the war was over, he prosecuted war crimes in Germany.

Jaworski, Leon. The Right and the Power. Houston, Texas: Gulf Publishing Company, 1976.

This book is about the investigation and prosecution of the Watergate scandal and the role Leon Jaworski played as special prosecutor. The book provides Leon Jaworski's first hand account of his perspective on the scandal. It was a very useful source and emphasizes Jaworski's standpoint on the law's applicability to all.

Legal Documents

Appellant's Motion for Rehearing. Jordan Scott v. State of Texas. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This is a motion requesting the Court of Criminal Appeals to reconsider their decision upholding the conviction of Jaworski's client Jordan Scott. This shows that Jaworski devoted all possible efforts to Scott's defense even though Jaworski was representing the indigent Scott for no fee and the odds that the Court of Criminal Appeals would change its decision were very small.

Application for Permission to Argue Orally Appellant's Motion for Rehearing. Jordan Scott v. State of Texas. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This is the request filed by Jaworski in the appeal of Jordan Scott's conviction to present oral argument on Scott's motion for rehearing of the decision by the Court of Criminal Appeals upholding the conviction. The document shows Jaworski never gave up on Jordan Scott's appeal, taking every possible step in the appellate process even though the odds were greatly against overturning the conviction at this point.

Brief for Appellant. Jordan Scott v. State of Texas. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This is the brief Leon Jaworski filed in the appeal of the conviction of Jordan Scott, whom Jaworski defended early in his career. The brief is lengthy and shows a great deal of work, revealing how Jaworski continued to devote great effort to representing Scott even after Scott had been convicted and even though Jaworski was not being paid to represent him. The brief contains arguments that the trial court committed error in various respects and that the conviction should be reversed.

Brief for the Respondent, Cross-Petitioner Richard M. Nixon, President of the United States.
United States v. Richard M. Nixon; Nos. 73-1766, 73-1834. June 21, 1974.

This is the brief filed on behalf of President Nixon in the government's case to force the President to comply with a subpoena for tapes and documents related to the Watergate matter. The brief contains the President's arguments that he has an executive privilege and that the separation of powers doctrine prevents the court from reviewing the use of the executive privilege. In other words, the President argues in the brief that the court cannot compel him to produce the tapes and documents sought by the special prosecutor. The President also argues that the grand jury does not have the power to charge an incumbent President with a crime or to name the President as an unindicted co-conspirator.

Brief for the State. Jordan Scott v. State of Texas. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This is the brief filed by the State of Texas in the appeal of Jordan Scott's conviction. In the brief, the State responds to the arguments made by Jaworski on Scott's behalf that there were numerous errors in the trial requiring reversal of Scott's conviction.

Brief for the United States. United States v. Richard M. Nixon; Nos. 73-1766, 73-1834.
June 21, 1974.

This is the brief filed by Leon Jaworski as special prosecutor in the government's case to force President Nixon to comply with a subpoena for tapes and documents related to the Watergate matter. The brief contains the legal arguments supporting the government's claim that the President must comply with the law and is not immune from judicial orders requiring production of evidence for a criminal trial. It was interesting to me to see the way the arguments in a brief are presented.

EOB Tape of June 20, 1972. Report on a Technical Investigation Conducted for the U.S. District Court for the District of Columbia by the Advisory Panel on White House Tapes. May 31, 1974.

This was a very interesting report prepared by an Advisory Panel on the technical investigation of the tape recorded in the Executive Office Building on June 20, 1972. This is the tape with the eighteen and one-half minute gap. The advisory panel was appointed by Judge John Sirica, and the report was submitted to Judge Sirica. This report was among the items I was able to look at in the replica of Leon Jaworski's office at Baylor Law School.

In re Grand Jury Subpoena, 360 F.Supp.1 (U. S. Dist. Ct. D.C. Aug. 29, 1973).

This is the decision of Judge John Sirica in connection with his original order that President Nixon must comply with the subpoena to turn over the tapes for inspection by Judge Sirica in his chambers. Eventually this issue was heard by the United States Supreme Court in the case of United States v. Nixon.

Motion for Leave to File Brief Amicus Curiae and Brief Amicus Curiae of the American Civil Liberties Union. *United States v. Richard M. Nixon*; Nos. 73-1766, 73-1834. June 21, 1974.

This is the brief filed by the American Civil Liberties Union (ACLU) in the government's case to force the President to comply with a subpoena for tapes and documents related to the Watergate matter. The ACLU argues in its brief that the President is not above the law and that executive privilege does not give the President unreviewable discretion to withhold evidence. It was interesting to me to learn about the role of amicus curiae in a case.

Nixon v. Sirica, 487 F.2d 700 (D.C. Ct. App. Oct. 12, 1973).

This is an opinion of the District of Columbia Court of Appeals ordering the President to turn over to Judge Sirica, for inspection in chambers, tapes subpoenaed by the special prosecutor. The court determined that the President did not have an absolute executive privilege to withhold the tapes, and the Supreme Court ultimately agreed with this conclusion.

Supplemental Brief for the United States on Appellate Jurisdiction. *United States v. Richard M. Nixon*; Nos. 73-1766, 73-1834. June 21, 1974.

This brief was filed by Leon Jaworski as the special prosecutor in the Watergate matter upon the Supreme Court's request for briefing on certain procedural questions. The questions were whether the district court's order that the president must submit certain evidence to the district court for a private inspection by the court is an appealable order and whether the Supreme Court has jurisdiction to decide the petition of mandamus seeking review of the district court's order. The brief argues that the answer to each question is yes and showed me that there were important and complicated issues of technical procedure in the case.

Reply Brief for the United States. *United States v. Richard M. Nixon*; Nos. 73-1766, 73-1834. July, 1974.

This is the brief filed by Leon Jaworski as special prosecutor in the Watergate matter in response to the original brief filed by the President in the case to compel the President to turn over tapes and documents. The government responds to the arguments made by the President in his brief, including the argument that it was not proper for the grand jury to name the President as an unindicted co-conspirator.

Reply Brief for the Respondent, Cross-Petitioner Richard M. Nixon, President of the United States. *United States v. Richard M. Nixon*; Nos. 73-1766, 73-1834. July 1, 1974.

This is the brief filed on behalf of President Nixon in response to the original brief filed by the government in the case to compel the President to turn over tapes and documents. The President argues that the courts lack jurisdiction over the controversy and that the special prosecutor has not demonstrated a compelling need for the evidence sought.

United States. Dept. of the Army. Board for Correction of Military Records. Record of Proceedings: In the Case of Townsell, Booker M. (Deceased). 18 October 2007.

This is the report and recommendation of the Army Board for Correction of Military Records in the 1944 court martial of one of numerous black soldiers allegedly involved in a riot and lynching of an Italian prisoner of war at Fort Lawton. Though not identified by name in the report, Leon Jaworski was the Army prosecutor, and the report concluded that government made an egregious error in failing to turn over an investigative and witness report statement to the defense counsel. The report concluded that the errors in the trial resulted in an unfair trial. This incident is the subject of a recently published book, but is not addressed in any of the primary or secondary sources about Jaworski published more than a few years ago.

United States v. Barnett, 376 U.S. 681 (U.S. Sup. Ct. April 6, 1964).

In this opinion, a majority of the United States Supreme Court agreed with Jaworski that Governor Barnett and Lt. Gov. Johnson were not entitled to a jury trial on the criminal contempt charges brought against them for disregarding a federal court order to admit James Meredith, an African American, to the University of Mississippi. The defendants argued that the statutes and the Constitution entitled them to a jury trial, but the court found that the courts have an inherent right to punish those in contempt and that a defendant is not entitled to a jury trial on criminal contempt charges.

United States v. Mitchell, 377 F.Supp.1326 (U. S. Dist. Ct. D.C. May 20, 1974).

This was an opinion of Judge John Sirica in the prosecution of former Attorney General John Mitchell and other Watergate defendants in which Judge Sirica determined that President Nixon must comply with the special prosecutor's subpoena to turn over tape recordings of the President's conversations with aides and advisors regarding the Watergate matter. This decision was appealed and affirmed by the United States Supreme Court in the case of U.S. v. Nixon.

United States v. Nixon, 416 U.S. 683 (U. S. Sup. Ct. July 24, 1974).

This case was an important source because it is the landmark case on executive privilege decided by the United States Supreme Court regarding the Watergate tapes. Leon Jaworski argued the case, and it was a critical step in Leon Jaworski's investigation and prosecution of the Watergate scandal. In this decision, the Supreme Court determined that President Nixon must comply with the special prosecutor's subpoena directing the President to produce tape recordings and documents relating to conversations with his aides and advisors in connection with the Watergate matter. The court rejected the President's claim of absolute executive privilege and determined that the President's generalized interest in confidentiality, unsupported by a need to protect military, diplomatic, or national security secrets, could not prevail against the special prosecutor's demonstrated need for the tapes and documents in the investigation.

Written Confession of Jordan Scott. March 15, 1979. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This was the confession that was typed up and signed by Jordan Scott, who could not read and write, after he was threatened with being released to the crowd who wanted to hang him. Ultimately, Scott confessed to Jaworski, Scott's court-appointed lawyer, that he did commit the murder, but Jaworski defended Scott diligently and argued that the coerced confession should not be allowed into evidence. The judge admitted the confession.

Correspondence

Justice, William Wayne. Letter to Leon Jaworski. 30 April 1963. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

In this letter, William Wayne Justice, who was then United States Attorney for the Eastern District of Texas (and is now a federal judge) forwards Jaworski an anonymous letter criticizing Jaworski in connection with the Ross Barnett prosecution. Justice expresses his support for Jaworski. These letters were among many such letters in a file of correspondence that was part of the Ross Barnett papers in the Texas Collection.

Newspaper Articles

Kantor, Seth. "A Lawyer from Texas' Argues a Historic Case." The Houston Press 22 Oct. 1963: 2. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This article reported on Jaworski's oral argument at the United States Supreme Court in the criminal contempt case against Ross Barnett. The author uses some humor in reporting how Leon Jaworski wore borrowed cut-away tails when Archibald Cox insisted he wear the formal attire as the Justice Department's lawyer. This article showed the down-to-earth nature of Jaworski.

Ray, Ed. "Houston's Jaworski the Prosecutor: U.S. vs. Barnett, Johnson Showdown in January." Memphis Press-Scimitar 6 Nov. 1964, Mid-South ed.: A1. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This newspaper article described the circumstances leading up to the anticipated criminal contempt trial of Mississippi Governor Ross Barnett and Lt. Governor Paul Johnson. (By this time, Barnett was no longer governor, and Johnson had become governor.) The article also contained pictures of the three men.

Oral Memoirs

Oral Memoirs of Leon Jaworski. Interviewed by Thomas Charlton and W. Frank Newton on 18 occasions from March 18, 1976–November 5, 1982. The Texas Collection. Baylor University. Waco, Texas.

These interviews of Leon Jaworski are transcribed and published in seven volumes and were a very helpful source. Jaworski talked about many subjects, including each of the cases featured in my paper.

Periodicals

“The United States v. Richard Nixon, President, et al.” Time 22 July 1974: 10 - 34.

This article is an eye-witness account of the arguments before the Supreme Court in the Nixon tapes case. The article provides quotes from the arguments made by James St. Clair, Nixon’s lawyer, as well as Special Prosecutor Leon Jaworski and his assistant Philip Lacovara. It also describes reactions and questions by the judges. The article indicates Philip Lacovara, Jaworski’s young assistant, was the most effective advocate.

Photographs and Artifacts

Diploma issued to Leon Jaworski by Baylor Law School dated June 10, 1925. Leon Jaworski Collection. Baylor Law School. Waco, Texas.

I saw Leon Jaworski’s law school diploma in the replica of his office at Baylor Law School.

Law Licence issued to Leon Jaworski by the State of Texas dated June 9, 1925. Leon Jaworski Collection. Baylor Law School. Waco, Texas.

I saw Leon Jaworski’s law license in the replica of his office at Baylor Law School.

Watergate Special Prosecution Force Badge. Leon Jaworski Collection. Baylor Law School. Waco, Texas.

Among the items and papers of Leon Jaworski’s at the Baylor Law School is a copy of his identification badge when he was special prosecutor.

Video Tapes

Jaworski, Leon. The Role of the Lawyer in Our Past. Baylor Law School Special Lecture Series. September 10, 1980.

This video is the first lecture in a six-part lecture series by Leon Jaworski at Baylor Law School. In this lecture, Jaworski discusses the role of the lawyer in our country’s history and the development of our legal system. He discusses the importance of basic principles in our legal system going back to the Magna Carta, and reviews the development of the legal profession. It was useful to me to actually see and hear Jaworski on these tapes and imagine what he was like in the courtroom such as when he was making his Supreme Court arguments.

Jaworski, Leon. The Adversary System. Baylor Law School Special Lecture Series. September 11, 1980.

This video is the second lecture in a six-part lecture series by Leon Jaworski. This tape was particularly helpful to me because this lecture addresses the role and importance of the adversary system in achieving justice and carrying out our laws. Jaworski speaks of the right of all persons to representation and his high regard for the jury system. He discusses the obligation of lawyers to represent and protect the rights of their clients, and not to pass judgment on their clients. As an illustration of this, he refers to his representation of

Jordan Scott, a young African American murder defendant Jaworski represented in the 1920's.

Jaworski, Leon. The Practice of Law. Baylor Law School Special Lecture Series. September 17, 1980.

This video is the third lecture in a six-part lecture series by Leon Jaworski. This tape also helped me understand Jaworski's stand on the rule of law. In this lecture, he discusses the obligation of lawyers to contribute to society through the practice of law as well as through service outside the practice of law. He discusses the importance of respecting the law even when one disagrees with it, and he speaks of the importance of lawyers being willing to represent unpopular clients and causes. In this regard, he refers to his representing the government in its prosecution of Ross Barnett, the governor of Mississippi, for criminal contempt when Barnett disregarded a court order to admit an African American student to the University of Mississippi. Jaworski was criticized and despised by many people for taking this case, and I featured this case in my paper.

Jaworski, Leon. The Organized Bar. Baylor Law School Special Lecture Series. September 18, 1980.

This video is the fourth lecture in a six-part lecture series by Leon Jaworski. In this lecture, he discusses the role of the State Bar of Texas and the American Bar Association. He stresses the importance of the self-regulation of lawyers so that lawyers are not beholden to legislatures. He also views the participation of lawyers in the American Bar Association, which many people do not realize is a voluntary association, as a very important responsibility. He addressed the importance of the American Bar Association in impacting society, and he spoke of his own role as a past president of the Texas and American Bar Associations. This lecture also helped me in my understanding of Jaworski's character and his commitment to the integrity of the legal profession.

Jaworski, Leon. The Lawyer's Duty. Baylor Law School Special Lecture Series. September 24, 1980.

This video is the fifth lecture in a six-part lecture series by Leon Jaworski. In this lecture, he talks about the characteristics and responsibilities of a good lawyer, such as knowing the judges, law enforcement officials, and others who are part of the legal system in the community, performing community service, and not shying away from tough situations. In the question and answer session, Jaworski makes a comment about Watergate which was helpful to me in constructing my paper.

Jaworski, Leon. The Challenges of the Future. Baylor Law School Special Lecture Series. September 25, 1980.

This video is the sixth lecture in a six-part lecture series by Leon Jaworski. In this lecture, Jaworski discusses his views of what is likely to happen to the practice of law in the future. For example, he states that there will be new areas of law and more malpractice suits in the future. He predicts a growth in environmental law practice and tax practice. He also gives advice to the law students he is lecturing about how to find satisfaction in their careers as lawyers. This gave me a view of Jaworski's personal side and his wisdom.

Secondary Sources

Books

Hamann, Jack. On American Soil. Chapel Hill: Algonquin Books, 2005.

This book tells the story of the court martial of forty-three African American soldiers at Fort Lawton in 1944 in connection with a riot and lynching of an Italian prisoner of war. Leon Jaworski was the Army prosecutor, and the author's investigation revealed apparent injustices in the prosecution. The book shed light on an event about which little was known until its publication. Jaworski's role in the event represents an apparently rare failure to further the fair administration of justice and the rule of law even when it was unpopular or involved personal risk. I found it unfortunate that Jaworski's perspective is not available on this incident because no attention was focused on it until after Jaworski's death.

Mankiewicz, Frank. U.S. v. Richard M. Nixon: The Final Crisis. New York: Quadrangle/The New York times Book Co., 1975.

This book is an account of the investigation and prosecution of the Watergate matter by the Watergate special prosecutors, Archibald Cox and Leon Jaworski. In addition to being a useful account of these events, the book includes some helpful primary sources as appendices, such as the Attorney General's Directive and Guidelines for the Special Prosecutor and the Articles of Impeachment of Nixon.

DVDs

The Colonel: The Story of Leon Jaworski. DVD. Fulbright and Jaworski, LLP, 2006.

Fulbright and Jaworski (Leon Jaworski's law firm) developed this presentation to document Jaworski's role in the firm and to serve as a tribute to Jaworski's career and the principles for which he stood. It includes personal reminiscences by those whom he impacted, including lawyers in the firm, family members, and those whom he worked with while serving as Watergate special prosecutor.

Internet Sources

Farnsworth, Malcolm. watergate.info. 4 Nov. 2008. <<http://www.watergate.info/>>.

This website is an excellent source of information about Watergate and the aftermath. In addition to many secondary sources, this website had many documents, pictures, and sound clips. It covers all aspects of the Watergate incident and gives many important perspectives of the historic moments within it.

Landmark Supreme Court Cases. Ed. Lee Arbetman. Summer 2002. 13 Nov. 2008. <<http://www.landmarkcases.org/>>.

This website is a good resource for historic Supreme Court cases, including United States v. Nixon. This site contains analysis, key excerpts, and the full text of the Supreme Court opinion, as well as sound files of the oral arguments. It also contains an actual image of Nixon's resignation letter.

“Leon Jaworski.” Handbook of Texas Online. Ed. Newton Gresham and James A. Tinsley. 6 June 2001. The Texas State Historical Association. 28 Oct. 2008. <<http://www.tshaonline.org/handbook/online/articles/JJ/fja31.html>>.

This website, like the Wikipedia website, gives a summary of Leon Jaworski’s life and accomplishments. This website, however, goes into a bit more depth on his life and career and was also helpful background in the beginning of my research.

“Leon Jaworski.” Wikipedia. 25 Oct. 2008. <http://en.wikipedia.org/wiki/Leon_Jaworski>. 29 Oct. 2008.

This website provided some basic information about Leon Jaworski. It was helpful when I first started this project and did not know very much about Leon Jaworski. It told about his involvement in the Watergate scandal and basic biographical information.

Newspaper Articles

“Gov. Barnett’s Criminal Contempt.” Editorial. Houston Chronicle 23 Dec. 1962: 2. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

The main point of this editorial was that no one has the right to defy the law and the courts. The article discusses the difference between civil and criminal contempt and helped me understand why it was important for the government to send a message by bringing criminal contempt charges against Gov. Barnett and Lt. Gov. Johnson for their refusal to obey the court order to admit James Meredith to the University of Mississippi.

“Mr. Jaworski’s Duty Calls.” Editorial. The Houston Press 24 Dec. 1962: sec. 7: 2. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This editorial was supportive of Jaworski’s prosecution of Ross Barnett and Paul Johnson. The editorial pointed out that the case was of historic importance in that the core of the controversy was the power of the courts and our system of order under law.

Redding, Stan. “Only One Issue in Trial of Barnett, Jaworski Says.” Houston Chronicle 23 Dec. 1962. Leon Jaworski Papers. The Texas Collection. Baylor University. Waco, Texas.

This article presented Jaworski in a positive light in connection with his prosecution of Ross Barnett. The article reviewed Jaworski’s career and accomplishments and had interesting comments by Jaworski and others who knew him. Jaworski’s comments in the article relate to the issue of Barnett’s defiance of a court order and how Jaworski felt duty bound to respond to the request to prosecute Barnett.

Starr, Kenneth W. “The Day Nixon Resigned.” Editorial. Wall Street Journal 9 Aug. 2004.

This editorial gave me a useful perspective of Kenneth Starr (a former federal judge, solicitor general, and independent counsel) on Watergate and its significance thirty years after the resignation of Nixon.

Yardley, William. "1944 Conviction of Black G.I.'s Is Ruled Flawed: Army Panel Finds Crucial Evidence Was Withheld." New York Times 27 Oct. 2007. 1 Nov. 2008 <<http://www.nytimes.com/2007/10/27/us/27punish.html>>.

This article reported on the findings of the Army's Board for Correction of Military Records in connection with an inquiry in 2007 regarding a 1944 court martial in which Jaworski was a prosecutor when he was a young lieutenant colonel. The Board found that the court martial was flawed because Jaworski did not share evidence in a confidential investigative report with the defense. The inquiry resulted from publication of a book in 2005 about the case that detailed evidence that had not previously been made public. The information in this article revealed that Jaworski was not infallible and contrasted with the many other examples of his commitment to the highest standards in carrying out his role in the legal system. Because Jaworski died in 1982, he cannot respond to the revelation of this information.

Pamphlets

The Leon Jaworski Memorial Office. Waco, Texas: Baylor Law School.

This pamphlet contains an overview of Leon Jaworski's career and a discussion of the replica of Leon Jaworski's office located in the Baylor Law School. The pamphlet also contains pictures of Jaworski and of the office.

Periodicals

"Seven Charged, a Report and Briefcase." Time 11 Mar. 1974: 11 - 27.

This article reports on the indictment of seven aides of President Nixon (Mitchell, Haldeman, Erlichman, Strachan, Colson, Parkinson, and Mardian) in the Watergate matter. The indictments were a major development in Special Prosecutor Leon Jaworski's investigation and prosecution, and it was interesting to me to read a news story on this written at the time.

"A Texan Goes His Own Way." Time 11 Mar. 1974: 12 - 13.

This article focused on Leon Jaworski at the time of the indictments of high ranking Nixon administration officials in the Watergate matter. The article includes information on Jaworski's background, expectations of him in the Watergate matter, and Jaworski's handling of the matter to that point. It was helpful to me to see how the news media was depicting Jaworski at the time of these events.

"A Unanimous No to Nixon." Time 5 Aug. 1974: 20 - 25.

This article reported on the decision of the United States Supreme Court in the Nixon tapes case, U.S. v. Nixon. The article explained each reason the court decided in favor of Leon Jaworski's positions and included important quotes from the opinion. It stressed the importance of the decision and the significance of being a unanimous opinion of the court. It was a useful summary of the opinion.