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Senate Panel Hears Saxbe

WASHINGTON (AP) — Atty. Gen.-designate William B. Saxbe testified Wednesday that he would not resign in protest of any presidential order to fire special Watergate prosecutor Leon Jaworski. But he said he would not comply with any order he considers improper.

Saxbe said further that he believes acting Atty. Gen. Robert H. Bork must have found "gross improprieties" in the conduct of Archibald Cox, the prosecutor Bork fired by order of the President Oct. 20.

Saxbe said he based that judgment on the fact of the firing itself and the prosecutor's charter allowing dismissal only in case of gross improprieties.

Saxbe testified before the

Senate Judiciary Committee, which is reviewing President Nixon's nomination of the Ohio Republican senator to take over the troubled Justice Department.

Some committee members were dissatisfied with interpretations offered by Saxbe and Jaworski of a charter amendment to the federal regulations written by Bork.

Assistant Democratic Leader Robert C. Byrd, D-W. Va., asked that Bork be called before the committee prior to final action on Saxbe's nomination. Bork was scheduled to appear on Thursday.

The dispute involves an amendment providing that any quarrels between the White House and Jaworski over the

scope of the investigation may be resolved by eight congressional leaders.

Bork earlier Wednesday defended the amendment as an effort to strengthen Jaworski's position and said it was written to correct a previous inadvertent omission.

Byrd questioned Saxbe at length about his response should Nixon try to fire Jaworski for going to court to obtain evidence over White House objections.

"I would not attempt to fire Mr. Jaworski nor would I resign," Saxbe said. "The President has the right to fire me any time he wants to for any reason."

Byrd then asked what Saxbe would do if the President had obtained the consensus approval of the eight congressional leaders to fire Jaworski but had presented no evidence of impropriety.

Saxbe replied, "I have no intention of resigning."

Byrd retorted, "That may be the very thing the White House would love."

Pressed by Byrd, Saxbe said, "But I wouldn't carry out the order, either."

"You'd make him fire you?" Byrd asked. "Absolutely," Saxbe asserted.

Saxbe had been asked his view of a federal court opinion that Bork had acted illegally by firing Cox without a finding of impropriety.

Saxbe said he believes U.S. District Judge Gerhard A. Gesell "was in error" and said, "this case will be appealed" possibly to the Supreme Court.

Saxbe, who was nominated to replace Elliot L. Richardson, testified that he considers himself bound by the recent provisions granting broad authority to the special Watergate prosecutor.