

A Critical Ohio Senator and a Deft Texas Lawyer

William Bart Saxbe

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Nov. 1—The date was Oct. 11; the place was Columbus, Ohio; and the question put to the senior Senator from Ohio was whether the Nixon Administration was corrupt. The Senator's answer: "I don't know whether it's one of the most corrupt, but it's one of the most inept."

Men They just couldn't
in the plan a scenario
News as ridiculous as
what's been going on, and if it keeps on, they're going to have to get 'em clown suits."

Now that Senator has decided he would like to be part of the Nixon Administration—and the Administration has decided it would like to have him. This morning, President Nixon announced nomination of Senator William Bart Saxbe of Mechanicsburg, Ohio, as Attorney General.

For those who see irony in it, the Senator had a partial explanation. "You sit around the Senate for years and think of what you can do," he said. "You shoot your mouth off. They hand you the ball. You can't go home and sit on the porch."

There were other explanations, of course, as local observers were quick to note.

The President will probably get some credit from the public for picking someone who has criticized him. Also, the fact that the nominee is a Senator may perhaps ease the confirmation process.

But more to the point, the 57-year-old Republican Senator is not such an opponent of the President as his popular image as a free-speaking maverick might indicate.

Criticism of Nixon

Mr. Saxbe has indeed sent off some sharp shots. Most notably, he remarked after the resumption of the bombing of North Vietnam last December that Mr. Nixon "appears to have left his senses." And he has not voted a straight Administration line in the Senate. But nevertheless, on votes crucial to the Administration, the Senator has often been a loyal party member.

He voted against the confirmation of Clement F. Haynsworth Jr., one Nixon appointee to the Supreme Court, but voted for the confirmation of two others—G. Harrold Carswell and William H. Rehnquist.

As for the present crisis, The Senator has shifted his stance from being dubious about President Nixon's possible role in the Watergate affair to bring sure, as he put it, that "he was not implicated." In an interview at his Senate office last night, Mr. Saxbe said his new-found belief was "based on four hours' discussion with General Alexander M. Haig and two and a half hours with the President, of complete candor."

The Senator also seems to have come to share some of the President's thoughts about Archibald Cox, the dismissed Watergate special prosecutor. Mr. Cox, the Senator said, "just wanted carte blanche" to rummage through the President's private files. No one should be allowed to "paw around over voluminous records of the President just for the hell, he said."

Similarity of Views

Senator Saxbe and President Nixon also seem to have similar views in the general area of law enforcement — though the Senator, whose political opponents have often accused him of equivocating on major issues, hesitates to link himself too closely to the Nixon law-and-order line.

He said last night that he really could not answer the question of whether his thinking on the criminal law

mirrored the President's because he was not sure where the President stood. Asked about the law-and-order tinge of his own 1968 campaign for the Senate—in which his television commercials portrayed an American eagle being chipped away or, sometimes, shot—he said, "You've got to remember in 1968 everything was involved in law and order."

And, he said, he was not among those who criticize everything the Supreme Court did in the years when Earl Warren was Chief Justice. Some of the Warren Court decisions, such as the rulings on the right to counsel, were necessary, he observed.

But, as he put it, "It would be fair to say that between a hard-liner and a soft-liner, I would be classified as a hard-liner, on law enforcement."

He believes in capital punishment, for instance, considering it a deterrent.

Apolitical Stance Shunned

The Senator said that if he is confirmed, the first thing he would try to do is "get our own house in order." But, he added, he will not adopt the apolitical stance advocated by the former Attorney General Elliot L. Richardson, who had said that no high Justice Department official should be involved in politics, and that the department should be "depoliticized."

Mr. Saxbe has had a long political career, including membership in the Ohio Legislature from 1947 to 1955 and eight years as Ohio Attorney General, an elective office similar to the New York Attorney General and more of a legal officer than a law enforcement officer.

"We have to demonstrate that politics does work," he said, "and the last thing I want in this country is a faceless, nameless apolitical government."

Mr. Saxbe, who is married to the former Dolly Kleinhans and has three children and three grandchildren, has many interests outside the Senate. He still has some law clients left over from his former law practice. He likes to fish and hunt quail; he owns an interest in an Ohio ski resort called "Valley High" and also in a bird-shooting preserve in his home town, Mechanicsburg, where he was born on June 24, 1916.

He has a large home there, where he raises cattle, cross-breeding English and Italian strains; he has a home in Washington, too, and one in Costa Rica.

His absentee record at the Senate has been criticized at times, and, indeed, he has expressed his frustrations with procedures there and sought to streamline them. He has already announced that he would not seek reelection.

The Senator was recently the subject of a tax inquiry by the Internal Revenue Service, but Assistant Attorney General Henry E. Petersen, to whom the inquiry was referred, reportedly found no substance to the investigation. A spokesman said the Senator had merely filed a tax statement for an old client.

There have apparently been no other such inquiries, although in 1970, admitting his embarrassment, Mr. Saxbe sold his stock in a Chicago company after it was alleged that an officer of the company was connected to organized crime. At about the same time, the man who had been his campaign aide in 1968 and who had been his Deputy Attorney General earlier became involved in a loan scandal that jolted the Ohio Republican party.

"I blame myself to some extent," Mr. Saxbe said last night. "It wouldn't have happened," he added, if the man had continued to work for him.

Leon Jaworski

By CHRISTOPHER LYDON

Special to The New York Times

WASHINGTON, Nov. 1— From the start, as the youngest lawyer ever licensed in Texas, Leon Jaworski has triumphed in legal assignments that nobody else wanted.

At the age of 20, during Prohibition, he won acquittal in bone-dry Baptist West Texas for a man charged with moonshining.

In 1960—by then the rich, widely recognized captain of a giant Houston law firm—he managed the litigation that allowed Lyndon B. Johnson to run simultaneously for the Senate and the Vice Presidency.

Two years later, Attorney General Robert F. Kennedy needed an independent lawyer to press contempt charges against Gov. Ross Barnett of Mississippi without making the segregationist a political martyr in the South. And the deft, drawling Mr. Jaworski took the case.

And once again today, accepting President Nixon's invitation to be the new special Watergate prosecutor, Mr. Jaworski took a job that "no self-respecting lawyer would touch," in the words of John Gardner, chairman of Common Cause, the citizens' lobby.

'Complete Assurance'

At a news conference in Houston this morning Mr. Jaworski was at pains to emphasize that he had been given not only "complete assurance of independence" but also the political means to fight for survival if President Nixon tries to dismiss him, as he dismissed Archibald Cox 12 days ago.

He will be freer, Mr. Jaworski said, than Mr. Cox ever was. Indeed, he added, he rejected feelers on the special prosecutor's job last spring, before Mr. Cox took it, because "I didn't think at the time the independence was there as it is now."

"There are no restraints on what I'm permitted to do," Mr. Jaworski said. "Should there be an impasse between the President and me about any phase of the investigation, it would be presented to the Representatives from the [Congressional] Judiciary Committees. From a practical standpoint, if they would back me up, that would be the end of it."

Unanswered Questions

There were many unanswered questions about Mr. Jaworski's prospects today, including his plans for Mr. Cox's staff, and his interpretation of independence with respect to the scope, as well as the conduct, of the investigation. Some sympathetic Texans questioned whether Congress would tolerate a prosecutor who is so deeply enmeshed in Houston's oil, banking and insurance establishment.

"You don't go to Texas for this sort of job any more than you'd go to Maryland these days," said a Texas Democrat, referring to the Baltimore scandals that drove former Vice President Agnew from office.

"I'd be surprised," said an-

other Democratic lawyer and friend of Mr. Jaworski's, "if he didn't have clients that were under investigation by Cox."

'Can Expect Answers'

Yet Mr. Jaworski, calmly confident, seemed ready to go to work. "People can expect answers without waiting forever," he said of the scandals that have affected the Nixon Administration and preoccupied Washington for most of a year. "I would want to provide answers."

The 68-year-old Mr. Jaworski has long seemed a model of the brains, power and—to some—the smugness of the American legal establishment. An independent Democrat, he has shone in a variety of public roles, starting with his work, as an Army colonel, in the prosecution of Nazi war criminals in post-war Germany.

His political energies, however, largely within the legal fraternity. At 44 he was president of the Houston Bar Association; later he headed the American College of Trial Lawyers. Mr. Jaworski was considered by some critics a do-nothing president of the American Bar Association in 1971 and 1972, yet the speeches he gave in that post have heightened meaning now.

"My greatest concern today," he declared two years ago, is "the vanishing respect for law among young as well as the old." He called it a "disquieting development, spreading like a cancerous growth."

Reverence for Law

He was privately shocked earlier this fall when John B. Connally, the former Texas Governor and Treasury Secretary and Mr. Jaworski's colleague in the Houston bar, argued that President Nixon might conceivably be justified in defying a Supreme Court order—even, perhaps, one involving the disputed Watergate tape recordings.

"It's exactly like saying to the community at large," Mr. Jaworski told a visitor, "that when you feel justified you can disregard the order of a court—that the law is not necessarily supreme."

Juris Doctor, a magazine that speaks for many young lawyers, wrote of Mr. Jaworski, as A.B.A. president, that there appears to be no fierce sense of moral outrage at social injustice gnawing at his gut. "Yet none who know him doubt that his reverence for the rule of law is profound."

Mr. Jaworski was born in Waco, Tex., on Sept. 19, 1905. He has been married to the former Jeannette Adam since 1931. A rancher, fisherman and horse breeder in his spare time, he has often given priority to family life over business and politics.

When President Johnson once urged him to be his overnight guest at the White House, Mr. Jaworski excused himself because of a prior commitment in Houston. The commitment, it turned out, was a grandson's birthday party.