

# House Holds Saxbe Action Hostage to Free a Senate Bill

By Mary Russell  
Washington Post Staff Writer

The House yesterday indulged in a bit of spite and voted to hold the nomination of Sen. William B. Saxbe (R-Ohio) to be Attorney General as a hostage to get a bill dealing with the franking privilege of Congress out of the Senate.

The House passed by a vote of 261 to 129 a bill that would clear away the constitutional obstacles to Saxbe's nomination by lowering the Attorney General's pay from \$60,000 to \$35,000. A similar bill passed the Senate last week. But the House attached to it a bill dealing with the franking privilege which the Senate has been holding up.

Since the bill was brought up under suspension of the House rules, a two-thirds vote was needed to pass it, and it passed by a one-vote margin.

The move was an open retaliation to the Senate, which often attached non-germane items to important bills in order to force the House to accept them.

In addition to the House's general pique over being forced into accepting non-germane amendments, yesterday's action was the result of a personal grudge match between Sen. Gale McGee (D-Wyo.), chairman of the Senate Post Office Committee and Rep. Wayne Hays (D-Ohio), chairman of the House Administration Committee.

McGee is the author of a bill to allow voter registration by mail. The postcard registration bill passed the Senate earlier this year but was held up until recently in Hays' House Administration Committee.

According to Hays, McGee refused to call a conference on the franking bill until Hays reported out the postcard bill. When Hays reported out the postcard bill, McGee again refused to go to conference on the franking bill until the House Rules Committee reported it out, insuring floor action.

"If he (McGee) wants to play rough, I can be just as rough," Hays told the House yesterday.

With the passage of the House bill yesterday, McGee must either give in and accept the franking bill or fight it out in conference.

The franking privilege, the right of members of Congress to mail out material without paying postage, has come under attack by the courts, where it was challenged by candidates who charged it was used unfairly as a re-election tool by incumbents.

The bill, which puts some restrictions on the use of the frank, such as banning mass mailings 21 days prior to an election, generally reinforces the members' broad privileges to frank mail.

Rep. Morris K. Udall (D-Ariz.) called the attaching of the franking bill "a shotgun marriage" but said House members needed action on the frank because "filing dates are approaching."

Rep. Edward J. Derwinski (R-Ill.) said, "I appreciate the touch of diabolical humor going into this. Too often the Senate has booby-trapped us." But Derwinski complained that the franking measure was not as liberal as the bill the House passed earlier in the year.

Rep. H. R. Gross (R-Iowa) Rep. John F. Seiberling (D-Ohio) and Rep. Bella Abzug (D-N.Y.) opposed the bill on the grounds that lowering the Attorney General's pay did not make Saxbe's nomination constitutional. The Constitution prohibits a member of Congress from being appointed to a civil office for which Congress voted a pay increase.

Meanwhile the nomination of Saxbe, which was announced by the President on Nov. 1, faces further delay, since Mr. Nixon has said he would not send the nomination to the Senate for confirmation until the measure reducing the Attorney General's pay is passed.