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Nixon Names Saxbe Attorney General; Jaworski Appointed Special Prosecutor

By JOHN HERBERS

Special to The New York Times

WASHINGTON, Nov. 1— President Nixon announced today that he would nominate Senator William B. Saxbe, Republican of Ohio, to be his fourth Attorney General.

The Acting Attorney General, Robert H. Bork, then announced that with the President's approval he had appointed Leon Jaworski, a conservative Texas Democrat, to succeed Archibald Cox as special Watergate prosecutor.

Mr. Bork said that Mr. Jaworski would have "complete freedom" and the same mandate and guidelines to investigate wrongdoing in the Administration that Mr. Cox had before he was dismissed by the President on Oct. 20.

In addition, Mr. Bork said, Mr. Nixon had agreed that he

would not discharge Mr. Jaworski without the approval of a "substantial majority" of eight Congressional leaders that Mr. Bork specified.

Mr. Cox was dismissed for refusing to comply with a Presidential order not to seek White House tapes and records. Mr. Nixon did not consult anyone in Congress when he ordered Mr. Cox dismissed and his office abolished.

Dispute Over Tapes

After announcing Mr. Jaworski's appointment today, Mr. Bork said he had been promised the "full cooperation of the executive branch" and added:

"Should he disagree with a decision of the Administration with regard to the release of Presidential documents, there will be no restrictions placed on his freedom of action."

Thus the President appeared to have retreated from his position expressed in his news conference last Friday that his Administration would cooperate with the new special prosecutor "but not by having a suit filed by a special prosecutor within the executive branch against the President of the United States."

The Nixon move was clearly an effort to shore up his sagging support in Congress and elsewhere and to head off a Congressional move for a court-appointed special prosecutor.

Mr. Nixon's plan began to unfold early this morning when he called to the White House 13 Republican Congressional leaders, Mr. Saxbe, Mr. Bork and the Republican National Chairman, George Bush.

At midmorning, Mr. Nixon

firmed by the Senate. Despite Mr. Saxbe's popularity among his colleagues, this could be a considerable length of time, as a result of the bipartisan efforts to secure a court-appointed prosecutor.

Further, the Justice Department said that "remedial legislation" might be needed to get around what seemed to be a constitutional barrier to Mr. Saxbe's taking the office, a provision barring a Senator from taking any Federal office that had a salary increase while that Senator was in office.

Mr. Bork said that after the confirmation he would like to go back to his old job as Solicitor General, the No. 3 post in the Justice Department.

Mr. Jaworski's operation, Mr. Bork said, will be governed by the same charter under which Mr. Cox operated, a charter drawn up by Mr. Richardson but subsequently approved by the White House. This includes the right to sign indictments without the consent of the Attorney General and the authority to investigate the burglary of Democratic headquarters last year, the offenses arising from the 1972 Presidential election, the allegations involving the President and members of his Administration and deny other matters that he agrees to have assigned to him by the Attorney General.

Mr. Bork was asked if Mr. Jaworski would retain the staff of some 40 lawyers who have been left in limbo by Mr. Cox's dismissal. The White House has charged that most of these lawyers are liberal Democrats who made a partisan effort to "get" the President, a charge Mr. Cox denied.

"Mr. Jaworski, of course, has complete freedom," Mr. Bork said, "but I have discussed that with Mr. Jaworski. I have stated to him that I thought that staff is indispensable to the rapid investigation and prosecution of these cases, and Mr. Jaworski fully agrees."

"Mr. Jaworski, I am sure, will be up here to meet with the staff very early, and I know will urge them to stay with the cases and discharge their professional obligations," Mr. Bork added.

Asked why he believed the appointment of another special prosecutor with wide freedom to investigate the President and his men would not lead to another clash, Mr. Bork said he thought the President wanted a full investigation and prosecution and added:

"I don't think anybody wants any further confrontations of that sort."

Mr. Richardson was preceded as Mr. Nixon's Attorney General by Richard G. Kleindienst and John N. Mitchell.

Missing Tapes Get Priority

HOUSTON, Nov. 1 (UPI)— Mr. Jaworski said today that an investigation into two missing Presidential tapes would receive top priority of his prosecutor's office.

"I plan to go to the tapes matter first," Mr. Jaworski said at a news conference following the announcement of his appointment.

"I didn't even know until just now which particular ones were missing," he said. "I tell you frankly that that wasn't discussed yesterday."

Mr. Jaworski said he would begin work in Washington on Monday.

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appeared in the White House briefing room and announced to reporters that he would send Senator Saxbe's name to Congress as a successor to Elliot L. Richardson, who resigned Oct. 20 rather than carry out the President's order to dismiss Mr. Cox.

"Not only is he eminently qualified," Mr. Nixon said of Senator Saxbe, "but he is an individual who wants to take this position and who will do everything that he possibly can to serve the nation as the first lawyer in the nation."

Saxbe Sees 'Crisis'

Senator Saxbe, who has a reputation for blunt, candid expressions, was standing beside the President and, in brief remarks, he said, "Our country is in a crisis of leadership" and "I believe I can help solve this problem."

Mr. Nixon left the room, leaving Mr. Bork to announce the Jaworski appointment. After pointing out that the Houston lawyer had served in the Justice Department under the Kennedy and Johnson Administrations, the acting head of the department explained the terms of the appointment.

Mr. Bork said it was not expected that the President would ever have occasion to "exercise his constitutional right to discharge the special prosecutor." But should that occasion arise, he said:

"The President has given his personal assurance that he will not exercise his constitutional powers with regard to the special prosecutor without first consulting the majority and minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action."

This would be a group of four Democrats and four Republicans—the Speaker of the House, the minority leader of the House, the majority and minority leaders of the Senate, the chairmen of the House and Senate Judiciary Committees and the senior Republican on each of the two committees.

In response to questions, Mr. Bork said the President would not dismiss the special prosecutor without the agreement of the "substantial majority" of this group.

Saxbe in on Decision

"I want to point out," he also said, "that the decision to name Mr. Jaworski to this post is one I made personally. Senator Saxbe participated in the closing stages of the selection process and concurred in the result. The selection also has the approval of President Nixon."

It was understood that Mr. Bork would continue to serve as Acting Attorney General until Senator Saxbe is con-



Associated Press
Mrs. William B. Saxbe, at home, reacts to word that husband has been chosen as Attorney General.

"The American people are entitled to have some answers without waiting forever and I intend to get those answers," he said. "I hope that we are going to move right ahead as soon as it can reasonably be done, consonant, I would say, with a good, through workman-like job."

Attorneys General: The Line of Succession



John N. Mitchell
Jan., 1969—Mar., 1972



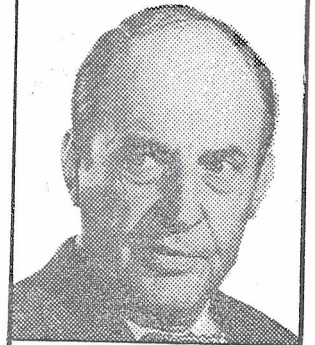
Richard G. Kleindienst
Mar., 1972—May, 1973



Elliot L. Richardson
May, 1973—Oct., 1973



Robert H. Bork (Acting)
Oct., 1973—



William B. Saxbe
Nominated yesterday

The New York Times