

Senate OKs a Special Bill on Saxbe Nomination

Washington

The Senate approved yesterday a bill designed to remove a constitutional barrier to the nomination of Senator William B. Saxbe (Rep-Ohio) to be attorney general.

Despite arguments that it was unconstitutional, the bill passed, 75 to 16, with Saxbe voting "present," and was sent to the House.

President Nixon has said that he will formally submit Saxbe's nomination to the Senate for confirmation immediately after enactment of the legislation. After the Senate vote, the House Post Office and Civil Service Committee agreed to forego hearings on the bill and asked the House leadership to schedule the measure for a vote on the House floor next week.

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The bill would reduce the salary of the attorney general

from the present \$60,000 a year to \$35,000, the level that prevailed before the Senate approved a pay increase for cabinet officers in February, 1969.

This would enable Saxbe, who entered the Senate Jan. 3, 1969, and who subsequently voted in support of the pay increase, to serve as attorney general at the old pay scale.

Under Article 1, Section 6 of the Constitution, no Senator or Representative shall, during the term for which he was elected, be appointed to an office for which the salary was increased during that time.

Opposition against the bill was led by Senator Robert C. Byrd of West Virginia, the Democratic whip, who denounced the measure as "legislative legerdemain" aimed at circumventing a provision of the Constitution.

Byrd stressed that he was

not questioning his colleague's ability to be attorney general but contended that "the Constitutional prohibition against the appointment of Mr. Saxbe is complete, final, absolute, and beyond remedy by legislation enacted by a majority of both houses."

By a vote of 87 to 0, the Senate did approve an amendment by Byrd that would expedite any court challenge of the constitutionality of Saxbe's appointment. The amendment provided that any challenge would be heard by a three-judge federal court with a direct appeal to the U.S. Supreme Court.

Byrd said there was "little doubt" that there would be a constitutional challenge and said that this could "cast a shadow" over Saxbe's actions as attorney general.

New York Times