

House Delays Confirmation of Saxbe By Sending Bill Back to the Senate

Special to The New York Times

WASHINGTON, Dec. 3—The House of Representatives voted today to remove a constitutional impediment to the nomination of Senator William B. Saxbe, Republican of Ohio, to be Attorney General.

But, by tacking on a bill to modify Congressional use of the frank to the legislation applying to Mr. Saxbe, the House prevented the measure from going to the White House for the President's signature. Instead the bill will now go back to the Senate for reconsideration of the franking provisions.

The part of the bill dealing with the Saxbe nomination would cut the salary of the Attorney General from the present \$60,000 a year to \$35,000, the level in effect before the Senate approved a pay raise for Cabinet officers in February, 1969.

Unusual Alliance

This would allow Mr. Saxbe, who entered the Senate at the beginning of 1969, and who voted in support of the pay raise, to serve as Attorney General at the previous pay rate.

Under Article I, Section 6 of the Constitution, no Senator or Representative shall, during his elected service, be appointed to any Government office for which the salary was increased during that time.

The House action, by a vote of 261 to 19, came under a procedure requiring approval by two-thirds of the members present. Those voting against the bill were an unusual alliance of conservative Republicans and liberal Democrats who contended that Mr. Saxbe's

original 1969 vote rendered him "ineligible" to become the nation's chief legal officer.

Representative Bella Abzug, Democrat of Manhattan, said in debate that the House was "by-passing" the Constitution by approving the bill. "This is not the time to suspend the Constitution," she said.

Representative Wayne L. Hays, Democrat of Ohio, spoke in favor of Mr. Saxbe. Mr. Hays said the former Ohio Attorney General, who is known for his straightforward manner, "wouldn't hesitate to say what he thought." Mr. Hays added that Mr. Saxbe would be better than "that bewhiskered boob bork," referring to the current Acting Attorney General, Robert H. Bork. "He'll bring a lot of fresh air to the office," he remarked.

The franking provisions of the bill were passed by the House last April and the Senate approved an amended version in October.

The bill, which now will "probably" be returned to the Senate Post Office and Civil Service Committee, according to Senate sources, would prohibit using the mailing frank for political or personal purposes. It would create commissions in both houses of Congress to judge and advise on franking usage. In addition, it would prohibit mass Congressional mailings 21 days before a primary or general election.

Mr. Hays said during discussion of the bill that a House Senate conference committee had not yet taken up the franking bill because of the position of Senator Gale W. McGee, Democrat of Wyoming, chairman of the Senate Post Office Committee. Mr. Hays said that Mr. McGees would not chose Senate conferees to discuss the franking bill until the House had acted on legislation involving postal card voter registration. Senator McGee was not available for comment.

School Closed by Flooding Linked to Weekend Vandals

MALDEN, Mass. Dec. 3 (AP)—Classes at the Beebe Junior High School have been indefinitely canceled because of extensive water damage believed to have been caused by vandals over the weekend.

The police said that vandals had broken into the school by entering a basement window and had apparently turned on a fire hose on the third floor. Yesterday, a janitor found all three floors and a portion of the basement covered with three to four inches of water.

Coast Search Is Abandoned For Submarine Commander

SAN FRANCISCO, Dec. 3 (UPI)—Navy and Coast Guard vessels crisscrossed 220 square miles of the Pacific before abandoning the search for a nuclear submarine commander who was swept overboard off the Golden Gate in a gale.

The search for Comdr. Alvin L. Wilderman, 36 years old, of Greenville, Ill., was discontinued at nightfall Saturday, 24 hours after he tumbled into 12-foot seas from the bridge of the drowned.