

Jaworski Chosen as Prosecutor

By Carroll Kilpatrick
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President Nixon yesterday picked Sen. William B. Saxbe (R-Ohio) to be Attorney General and approved the appointment of Leon Jaworski, a Texas Democrat, to be Watergate special prosecutor.

On Capitol Hill there was praise for both selections, but Democrats said that they would continue to push for a court-appointed special prosecutor.

The President personally announced the selection of Saxbe to succeed Elliot L. Richardson. Acting Attorney General Robert H. Bork announced the appointment of Jaworski to succeed Archibald Cox, whom the President fired Oct. 20.

Bork said Mr. Nixon "has given his personal assurance" that he will not exercise his right to fire Jaworski without obtaining the consensus of the majority and minority leaders of the House and Senate and the chairmen and ranking members of the House and Senate judiciary committees.

In both appointments, the President sacrificed some of his authority, first by nominating to the Cabinet an independent-minded senator who has never been his favorite and second in agreeing not to exercise his constitutional right to dismiss a member of the executive branch without first obtaining agreement from congressional leaders.

Mr. Nixon met early yesterday with Republican congressional leaders to give them the news and then walked into the White House press room with Saxbe and Bork to announce his choice of Saxbe. Bork followed with the announcement about Jaworski.

Saxbe, who is subject to Senate confirmation, would normally be confirmed, as a member of the Senate in good standing, without difficulty.

See APPOINT, A3, Col. 1

APPOINT, From A1

But because of the crisis over the dismissal of Cox and the resignations of Richardson and Deputy Attorney General William D. Ruckelshaus, senators are expected to cross-examine Saxbe closely on Jaworski's independence.

In Houston, Jaworski told a news conference that he accepted appointment only after being satisfied that he would be entirely free to act.

"There are no restraints," he said, "I am not prohibited from taking any action I might feel should be taken."

He said he was confident that when members of Congress "examine the terms of my acceptance" they will "find the comfort and reassurances I found."

On Capitol Hill, as Democrats said that they wanted a special prosecutor entirely independent of the President, it was not immediately clear how much opposition to the selections would develop or how much the tapes controversy would affect confirmation.

"We've relied before on the promises of the President, and Congress has been burned," Sen. A. A. Stevenson, III (D-Ill.) said.

However, Senate Minority Leader Hugh Scott (R-Pa.) praised both appointments, and Sen. John G. Tower (R-Tex.) predicted that Jaworski's selection "should forestall any action that Congress might take to create an independent prosecutor by legislation of dubious constitutionality."

Sen. Walter F. Mondale (D-Minn.), while praising both appointees, said their selection did not lessen the need for "a truly independent prosecutor."

Mr. Nixon called Saxbe "eminently qualified" and said he had known the Ohioan, who was speaker of the house in Ohio and twice the state's attorney general, for 25 years.

"Not only is he eminently qualified," the President added, "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."

Recalling that Saxbe had announced he would not seek re-election next year but would return to his law practice, the President said

he was giving him the opportunity to practice law as "head of the largest law firm in America, the Department of Justice."

After making the brief announcement, Mr. Nixon left the room. Also speaking briefly, Saxbe said he hoped that Bork would remain in the Department, and Bork said he would continue to serve as solicitor general.

"I am anxious to undertake this job," Saxbe said. "I have no reluctance and I have no doubts that I can handle it. I know it is going to be difficult, but it is going to be one that I am familiar with and one that I am happy to tackle."

"I do understand and comprehend the difficult times that I feel that our country is in, a crisis of leadership," Saxbe said. "I believe that I can help solve this problem."

"I think everyone in this country wants to get back to routine affairs and the very difficult things that we have to settle both nationally and internationally."

Bork said that Jaworski will have the same charter Cox did with the additional commitment the President made regarding his power to dismiss him.

Jaworski has been promised "the full cooperation of the executive branch in the pursuit of his investigation," Bork said. "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."

Bork said that the decision to name Jaworski "is one I made personally."

Saxbe participated "in the closing stages of the selection process and concurred in the result," Bork said. "The selection also has the approval of President Nixon."

Bork said that as one who has "committed his honor and professional reputation to achieving justice in this case, I am totally satisfied with the process of selection, with the terms of the new charter, and most especially with the man who is going to be taking on these new duties."

Jaworski is a man "of complete independence and integrity," Bork said.

In answer to a question, Bork said he had told Jaworski that he believed the staff assembled by former prosecutor Cox "is indispensable to the rapid investigation and prosecution of these cases, and Mr. Jaworski

fully agrees."

Expressing confidence there would be no confrontation between the President and Jaworski, Bork said "the President told me he wanted full investigation, he wanted full prosecution."

"I believe that is what he wants," Bork added. "I think the President fully understands that with Mr. Jaworski that is what he is going to get, and I don't think anybody wants any further confrontations."

A question was raised last night whether Saxbe can qualify for appointment to the Cabinet since he was a member of Congress when the salary of Cabinet officers was increased.

Article I, Section 7, of the Constitution says that no member of Congress may be appointed "to any civil office . . . which shall have been created, or the emoluments whereof shall have been increased" during his time in Congress.

A spokesman for Saxbe said "we are aware of the constitutional provision. We believe there is precedent for a senator to be nominated and serve and we do not believe that this will be a bar."

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