

Testimony on Special-Prosecutor Bills

REPUBLICANS ASK QUICK APPROVAL

Expected

Seek Confirmation Without Hearings, but Democrats Are in No Mood for That

By ANTHONY RIPLEY
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WASHINGTON, Nov. 2—Confirmation hearings on the Attorney General-designate, Senator William B. Saxbe, are expected to be delayed next week while the Senate Judiciary Committee hears testimony on bills to set up an independent special prosecutor in the Watergate scandal.

Although Republicans argued that precedent called for sweeping aside the committee's agenda and voting on a fellow member of the Senate with no hearings, Democrats who control Congress were in no mood to take this action.

Mr. Saxbe, a Republican from Ohio, was named to be Attorney General by President Nixon yesterday.

Position of Mansfield

The Senate Democratic leader, Mike Mansfield of Montana, said that the committee should not interrupt its study of special-prosecutor bills that he favors to hurry along the confirmation of Senator Saxbe. He also said he thought hearings should be held.

The Republican leader, Senator Hugh Scott of Pennsylvania, disagreed.

"It's customary to stop what you're doing and consider the appointment of a Senator. Normally hearings are not held," Senator Scott said.

Senator James O. Eastland, Democrat of Mississippi, who is the committee chairman, was in his home state and not available for comment. His staff said only that the hearings on the bills were scheduled for next week.

When President Nixon announced Mr. Saxbe's nomination he also announced that Acting Attorney General Robert H. Bork had appointed a respected Houston lawyer, Leo Jaworski, to succeed Archibald Cox, who was dismissed by Mr. Nixon Oct. 20 when he pressed hard to obtain Presidential documents.

Mr. Jaworski is expected to be in Washington Monday afternoon for his first meeting with

the staff of 80 that Mr. Cox assembled to look into the Watergate scandal and related matters.

Although President Nixon ordered the staff to be taken into the Justice Department, the move never amounted to more than briefings with top Justice Department officials.

Three Have Resigned

The staff stayed together in its separate offices four blocks from the White House. Its members vowed to stay on and press the investigations.

They will now be recreated as a separate entity by departmental order with Mr. Jaworski at the head, a Justice Department spokesman said.

Only three men have resigned since Mr. Cox's dismissal. All three are professors at the Harvard Law School who worked as part-time consultants. They are James Vorenberg, Philip B. Heymann and Stephen Bryer. All worked with Mr. Cox in helping to set up the office.

Both Senator Saxbe and Mr. Jaworski still face snags in their appointments.

One of Senator Saxbe's problems is constitutional. Article I, Section 6 of the Constitution prohibits appointment of a member of Congress to any Federal job for which the pay was raised during his term of office.

Mr. Saxbe voted a month after he entered the Senate to raise the pay for Cabinet officers from \$35,000 to \$60,000.

The last time a similar situation arose, Congress voted to reduce the pay to its previous level for the official. Senator Saxbe said today that he had no objection to serving at \$35,000, and such a bill is expected to go to Congress along with his nomination.

"Good Lord," Senator Saxbe is reported to have joked when he heard of the pay cut. "I'll have to move in with somebody." His present salary is \$42,500.

Another Problem

Another problem will be an investigation recently reopened by former Attorney General Elliot L. Richardson on the deaths of four students at Kent State University in Ohio in 1970. They were shot by Ohio National Guardsmen.

Mr. Saxbe's office said he would look into the matter. He is a former colonel in the Ohio Guard.

The American Civil Liberties Union of Ohio sent a wire to Senator Eastland today asking that the Judiciary Committee "secure assurances" that Senator Saxbe would play no role

in the investigation.

Mr. Jaworski's appointment, although not subject to Senate confirmation, has been indirectly challenged by a lawsuit filed this week by Ralph Nader, the consumer advocate, challenging the legality of the dismissal of Mr. Cox. The first hearing in the suit will come Nov. 9 in United States District Court here.

to Delay Hearings on Saxbe