



UPI Telephoto

WILLIAM B. SAXBE AND WATERGATE PROSECUTOR LEON JAWORSKI  
They sat together during the hearing of the Senate Judiciary Committee

## Saxbe Pledges He'd Back Jaworski All the Way

Washington

Senator William B. Saxbe (Rep-Ohio) said yesterday that as attorney general he would make President Nixon fire him before he would carry out any order he disagrees with to dismiss special prosecutor Leon Jaworski.

During nearly six hours of testimony Saxbe told the Senate Judiciary Committee, which is considering his nomination to head the Justice Department that Attorney General Robert H. Bork had fired the former prosecutor, Archibald Cox, for an "extraordinary impropriety."

Senator Robert C. Byrd (Dem-W. Va.) expressed incredulity since no one in the administration, including Bork, has ever accused Cox of such an impropriety. Cox has said he was fired on orders of President Nixon because he refused to give up his access to the courts in seeking White House evi-

dence on the Watergate scandal.

Saxbe testified that to fire Cox, Bork "had to find impropriety, and I think he did." The senator said he knows of no such impropriety himself, but he announced that the Justice Department will appeal the ruling by U.S. District Judge Gerhard A. Gessel that Bork acted illegally in the firing.

"Suppose the President orders you to fire Mr. Jaworski?" Byrd asked.

"I would not attempt to fire Mr. Jaworski, nor would I resign," Saxbe replied. "The President has the right to fire me any time he wants to." He added that he would argue with the President if he feels Jaworski is "getting a bad rap."

"Would you resign rather than carry out an order you didn't think was ethical, just, or fair?" Byrd asked.

"No, but I wouldn't carry

out the order either," Saxbe said.

"So you would make him fire you?" Byrd pressed.

"Absolutely," the nominee answered.

Saxbe said the only justifiable reasons he could envision for firing Jaworski would be "conduct that would unfavorably reflect on the country and the judicial system, irresponsible activities that would shock the bar and the citizenry of the world, and failure to proceed with an investigation."

At Byrd's request, Jaworski was called to testify, and for a period of two hours both he and Saxbe swore under oath that they understood Jaworski's charter to be one of full independence.

As Byrd read the charter line by line, Saxbe responded with a series of "I do's" to questions asking him to promise not to interfere with Jaworski's jurisdiction or

with the prosecutor's right to go to court to get any evidence the White House might refuse to supply.

At one point, Saxbe vowed to "fight for his (Jaworski's) right to proceed as he sees fit."

When Saxbe said President Nixon "fully understands and agrees with" Jaworski's charter of independence, Senator Philip A. Hart (Dem-Mich.) asked him to see if Mr. Nixon would "commit that to paper."

"I wouldn't presume to demand such a thing from the President," Saxbe replied. "I would suggest that the committee ask him." Hart said it would. (SEE SFC, 14 DEC)

Saxbe also told the committee that if he is confirmed he will remove himself from any participation in the Justice Department's reopened investigation of the fatal shooting of four Kent State University students af-

ter Ohio National Guardsmen opened fire during a campus demonstration in May, 1970. Saxbe noted that he was once in the Ohio Guard and knows many people involved in the case.

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