

SAXBE PROMISES TO BACK JAWORSKI

Attorney General Nominee
Also Tells Senators He'll
Bar Kent State Role

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, Dec. 12 — Senator William B. Saxbe, President Nixon's nominee as Attorney General, promised the Senate today that he would "vigorously support" the special Watergate prosecution in its investigation to determine if any "high crimes and misdemeanors" were committed by the White House.

He said that although he had remarked on the eve of his nomination six weeks ago that he was "satisfied" the President has not been aware of the Watergate break-in and cover-up at the time they occurred, he had "not reached a conclusion" yet about Mr. Nixon's innocence or guilt.

"It's a covenant I made with myself that the chips were going to have to fall as they may," the Ohio Republican told the Senate Judiciary Committee as the committee began its hearing on Mr. Saxbe's nomination.

Other Issues

Mr. Saxbe, who entered the Senate in 1969 after a long career in his home state's government, also told the committee that he planned to "excuse" himself from any Justice Department decisions on the inquiry into the fatal 1970 shootings by National Guardsmen at Kent State University in Ohio. The inquiry has been reopened by the department.

He did not think he had "any prejudice in this matter," he told the committee, but he conceded that he had certain ties, such as past membership in the Ohio National Guard, that led him to think he should not participate in the case.

The 57-year-old nominee, appearing relaxed and confident and wearing a three-piece gray suit with a watch chain across the vest, also answered questions on other subjects. He noted that he did not believe that restrictions of sales of handguns would help reduce violence. He said that although he personally thought wire-tapping was "abhorrent," he considered it a "tool" that law enforcement should not "abandon."

Relationship With Jaworski

But the bulk of the questioning concerned the prosecution of Watergate crimes, particularly Mr. Saxbe's views on the relationship that he as Attorney General should have with Leon Jaworski, the special Watergate prosecutor.

Mr. Saxbe was nominated by President Nixon after Elliot L. Richardson, the third Attorney General, to serve Mr. Nixon, resigned rather than obey the President's order to dismiss the original special Watergate prosecutor, Archibald Cox. Mr. Nixon wanted Mr. Cox discharged because Mr. Cox had refused to comply with the President's order to forgo any more efforts in the courts to obtain Presidential documents.

When Mr. Richardson refused and resigned, Mr. Nixon ordered William D. Ruckelshaus, the Deputy Attorney General who became Acting Attorney General on Mr. Richardson's resignation, to be discharged by Robert H. Bork, who became the Acting Attorney General.

Committee Vote Today

The committee finished its interrogation of Mr. Saxbe this afternoon. After an appearance tomorrow morning by Mr. Bork to discuss one of the amendments that Mr. Bork made recently in the charter outlining the special prosecutor's role, the committee will vote in the afternoon on the nomination. It would then go immediately to the full Senate for a vote.

The tendency of the Senate to confirm its members is widely believed to be one main reason why Mr. Nixon selected Mr. Saxbe, and the questioning today, with even the Democratic members of the committee complimenting Mr. Saxbe, indicated that there would be no problems.

Yet to the Democrats, at least, the history of the Cox-Richardson sequence made Watergate questions unavoidable. So today, phrasing their questions gingerly and at times apologetically—Senator Robert C. Byrd of West Virginia said he was "embarrassed" when he asked that Mr. Saxbe be put under oath—they asked Mr. Saxbe to explain how he viewed the role of the special prosecutor.

At Senator Byrd's request the committee called Mr. Jaworski so that he too could hear Mr. Saxbe's statements. Mr. Jaworski gave the Senators some pledges of his own, also under oath; one was a promise to alert Congress should the White House or anyone else try to block him.

Senator Byrd raised the possibility of a replay of the Cox-Richardson affair. Mr. Jaworski and especially Mr. Saxbe suggested that it was unlikely that a similar situation would arise, but Mr. Byrd, with the apparent agreement of several of his fellow committee members, insisted that it might.

"I'll fight for his right to proceed as he sees fit," Mr. Saxbe then promised.