

SF Chronicle
The Senate
Confirms
Saxbe 75-10

Washington

The Senate overwhelmingly confirmed President Nixon's nomination of Senator William B. Saxbe (Rep.-Ohio), to be attorney general yesterday.

The 75 to 10 vote followed less than 15 minutes of debate in which Democratic leader Mike Mansfield called the Ohio Republican "a swashbuckling sort of a fellow who will call the shots as he sees them."

Saxbe will succeed Elliot L. Richardson, who resigned the cabinet post October 20 in a Justice Department upheaval triggered by the firing of Archibald Cox as special Watergate prosecutor.

Saxbe voted present when the roll was called.

Senator Alan Cranston (Dem.-Calif.) was not recorded as voting, but the state's other Democratic senator,

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John Tunney, voted against confirmation.

Senator Sam J. Ervin, Jr. (Dem.-N.C.), among those who voted against confirmation, said he did so because he believes Saxbe is constitutionally disqualified for attorney general even though Congress has passed a bill to reduce the salary of the Cabinet post to \$35,000.

The salary rollback bill was designed to overcome a Constitutional provision prohibiting the appointment of a Congress member, during his elected term, to an office for which the salary had been increased.

In 1969, with Saxbe a member of the Senate, the salary of the attorney general and other Cabinet members was increased from \$35,000 to \$60,000.

A former attorney general of Ohio, Saxbe, 57, has at

times turned his sharp tongue on Mr. Nixon himself although he generally has been an administration supporter.

His confirmation will permit Ohio Governor John J. Gilligan to appoint a Democrat to the Senate.

Saxbe said he does not plan to take over as attorney general before January 4.

He told a reporter he has to go home first and attend to personal affairs.

By keeping his Senate seat until January 2, he will round out the five years of service necessary to obtain his full benefits under the congressional retirement system.

Saxbe will be the fourth attorney general in the Nixon administration. Before Richardson, the post was held by John N. Mitchell and then Richard G. Kleindienst.

Before the vote on Saxbe's nomination, Senator Roman L. Hruska (Rep.-Neb.) placed in the record correspondence intended to show Mr. Nixon is aware of the claims to independence made by the new special Watergate prosecutor, Leon Jaworski.

In a letter to the President, Jaworski enclosed excerpts from his testimony before the Senate Judiciary Committee in which he said he has "proceeded on the theory that I had complete independence."

He also said he has been assured that he may resort to court action if necessary to obtain evidence from the White House for his Watergate investigation and prosecution.

Also put in the record was a reply by J. Fred Buzhardt, special counsel to the president, advising Jaworski that his letter and the enclosed testimony had been received.

"We appreciate your calling this information to our attention," Buzhardt wrote Jaworski.

Saxbe vowed in his testimony at the committee's hearings to fight for Jaworski's "right to proceed as he sees fit" in carrying out the Watergate investigation.

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