

# Saxbe Denounces Ervin's Proposal

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Attorney General William B. Saxbe yesterday strongly denounced a bill proposed by Sen. Sam J. Ervin Jr. to make the Justice Department independent of the President.

"I don't think they country is ready for this bill," Saxbe told reporters. "I seriously question . . . whether it could be done without a constitutional amendment. . . ."

"If we believe we can improve the quality of justice by making it remote from the people and somehow setting it up as an ivory tower, then we're going in the face of history," he said.

Ervin, as chairman of the Senate Judiciary subcommittee on separation of powers, is conducting hearings this week on his bill and on another to study whether a permanent special prosecutor should be created to investigate high-level corruption.

Ervin's bill would remove the Attorney General from the President's Cabinet and provide for presidential appointment of the Attorney General, Deputy Attorney General, and Solicitor General for six-year terms, subject to confirmation by the Senate.

Other department officials, including the FBI director, would be appointed by the Attorney General instead of the President, and the presidential appointees could be removed by the chief executive only for neglect of duty or malfeasance.

Saxbe was invited by Ervin's subcommittee to testify on the proposal today, but he declined, sending Assistant Attorney General Robert G. Dixon instead.

The Attorney General praised the tripartite system

of executive, legislative, and judicial branches of government and asked rhetorically, "If you take the Justice Department out [of the executive branch], where are you going to put it?"

In opposing the removal of the Attorney General from political control and other proposals to make U.S. attorneys and marshals part of the Civil Service, Saxbe argued that "responsiveness is basic. You've got to be able easily to throw the rascals out. We've found no better way to do this than at the polls.

"If you have an irresponsible [agency], you will breed the arrogance of office in a department that has to be responsive." Saxbe said "personal patronage" would replace political patronage and insisted that "a remote, protected civil servant . . . isn't responsible to anybody."

In discussing the kidnaping of Patricia Heart, Saxbe said the FBI does not know where she is being held. He said if her father, newspaper executive Randolph Hearst, cuts off funds for the food giveaway program set up in response to demands by her captors, the Symbionese Liberation Army, "I guess it would bring it to a head pretty quickly . . . I'd like to think they'd return her on the basis of promises made."

Asked about the White House position that President Nixon's counsel, James D. St. Clair, should sit with the House Judiciary Committee as it questions witnesses in its impeachment inquiry, Saxbe said he thinks the position is "reasonable."

The decision, he added, is "entirely for the Judiciary Committee to make. I think the American people in their sense of fair play would be pleased if that happened."

Asked about Mr. Nixon's tax problems, Saxbe said, "a man who signs [his return] is presumed to know what's in it," and the preparer is liable for any misstatement. But he noted that a taxpayer and a preparer could argue in defense that an auditor had supplied them with faulty information or that they made an honest mistake or that there was a misunderstanding. "We have to prove intent," said Saxbe, stressing that he was talking about tax cases in general, not the President's case.