

# Saxbe Sees No Role in Impeaching

By Susanna McBee

Washington Post Staff Writer

In his first news conference as Attorney General, William E. Saxbe yesterday sought to divorce the Justice Department from any impeachment proceedings against President Nixon.

Saxbe, who took office on Jan. 4, said that if the House votes to impeach Mr. Nixon "for any reason" and the issue then goes to the Senate, "the Justice Department is out of it."

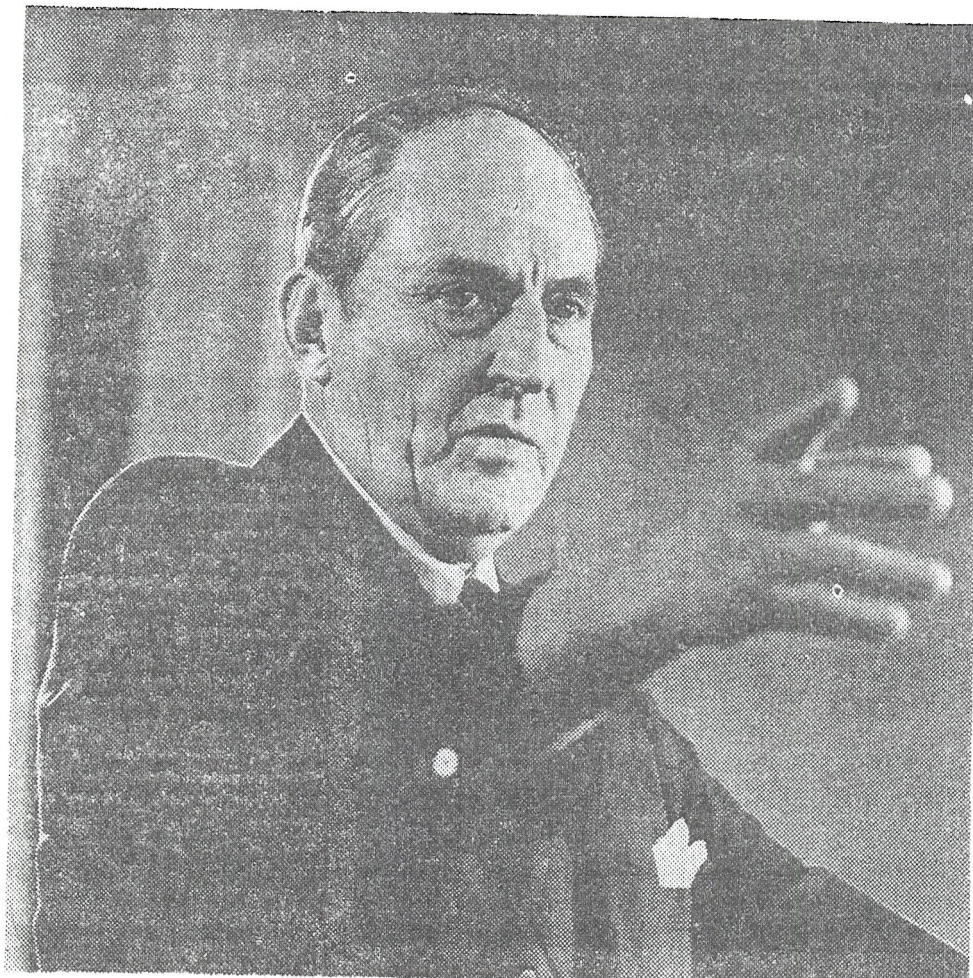
Earlier in the conference he had outlined certain roles the department might play in an impeachment proceeding. He said it might defend the President in a pre-trial stage in the House if he were being impeached for purely political reasons — "if they said, 'Oh, well, he's lost the confidence of the country'"—but would not do so if "high crimes or misdemeanors" were alleged.

Saxbe said the department might also aid in Mr. Nixon's defense if impeachment moves are launched against him for "performing a statutory function." He did not spell out such a function, but a department spokesman said later that an example might be Mr. Nixon's impounding certain appropriated funds.

The new Attorney General noted that Watergate Special Prosecutor Leon Jaworski, though independent in his investigation, is technically part of the Justice Department and that the department therefore might play a prosecutorial role against Mr. Nixon.

Reporters were confused by the apparent contradictions in Saxbe's comments, but a department source noted that ultimately he said he does not expect the department to play any role in impeachment proceedings.

Particularly if serious



By Harry Naltchayan—The Washington Post

Attorney General Saxbe in his first news conference since taking office.

crimes against the President are alleged, Saxbe said, the department could not represent him, and he would have to rely on his own private defense team.

Saxbe added that the taxpayers should not have to pay for such a team; instead, "there would have to be established a defense fund."

He said he would not resign to defend the President the way Attorney General Henry Stanbery did in 1868 when President Andrew Johnson was impeached.

"I'm not qualified to be that kind of a lawyer," Saxbe said.

Earlier, as he discussed his first week on the job, he said, "I've absorbed so much information and data that I really haven't digested it all."

Saxbe said he had had no discussions with Jaworski on the Watergate investigation and stressed that if a felony allegation against the President is discovered, Jaworski would have to decide whether to take it to a grand jury or to the House Judiciary Committee.

Asked if a sitting President can be indicted, Saxbe said the issue raises "a serious question." He added, "I'm not going to make that decision. . . . It would have to be decided by the Supreme Court."

Last fall, during the investigation of then-Vice President Spiro T. Agnew, the department said a Vice President is subject to indictment but a President is not—that charges

against him can only be made in an impeachment proceeding.

Saxbe was asked whether he thought Agnew, who resigned last Oct. 10 and pleaded no contest to an income tax evasion charge, was really guilty of the charge since the former Vice President subsequently claimed he was innocent.

The Attorney General noted that the judge in the case, U.S. District Court Judge Walter E. Hoffman, said at the time that the no contest plea was tantamount to a guilty plea. Saxbe said of Agnew: "He's a lawyer. He knows what he's doing. . . . I don't think he can now say he didn't know what was going on."