

Officials Must Report A Crime, Saxbe Says

By Susanna McBee

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Attorney General William B. Saxbe said yesterday that White House officials who learn about the commission of a crime should report it immediately.

But he declined to say whether he thinks President Nixon should have reported that hush money had been paid to Watergate defendants as soon as he said he learned about the payment last March 21.

"This is going to be a point

of contention in the hearings" by the House Judiciary Committee, Saxbe told reporters, "and I don't want to interject myself in it."

He made the comments in response to questions about Mr. Nixon's disclosure during his news conference last Wednesday that former White House counsel John W. Dean III "told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense."

The disclosure brought protests from convicted Watergate conspirator James W. McCord Jr. that Mr. Nixon should have informed U.S. District Court Judge John J. Sirica of the payment because McCord and six other Watergate defendants were to be sentenced by Sirica on March 23, two days after the Nixon-Dean conversation.

McCord contends that Sirica would then have had to overturn the convictions. He also says Mr. Nixon, in not disclosing the payment, was himself guilty of concealing a felony, which is a federal offense.

Mr. Nixon has said that he ordered a White House investigation of Dean's assertions.

Asked for his views on any future similar occurrence, Saxbe said, "I think they (White House officials) are no different from any other citizen. I think anyone working in the Justice Department with knowledge of a crime should report it, and I would extend that to all government agencies."

Asked whether Mr. Nixon is covered by the statute on "misprison," or concealment, of a felony, Saxbe replied, "I think he's no different from any other citizen, but whether it's applicable in this case I don't know."

Saxbe also disclosed that he has discovered a classified Justice Department file dating back to 1960 that indicated wiretapping was "prevalent" in the Kennedy and Johnson administrations as well as that of Mr. Nixon.

He said the file contained more information than has been publicly revealed about the Nixon administration's wiretaps on 17 persons—13 government employees and four newsmen.

He first said journalists had been wiretapped during the Kennedy and Johnson administrations but later said he was not certain that was so. He said the government now is not conducting any domestic wiretaps without court warrants.

Saxbe said he offered the files on the 17 wiretaps to Watergate Special Prosecutor Leon Jaworski last week but Jaworski already had the information.

The Attorney General also said he asked Assistant Attorney General Henry E. Petersen last month to write a report on the FBI's counterintelligence program against the New Left and several black and white organizations during the 1960s.

Saxbe said he has "no intention" of reinstating the program, which the FBI says ended in 1971.

Outlining a reorganization of the Justice Department, Saxbe said the new deputy attorney general, Laurence H. Silberman, will oversee the litigating divisions, and that the associate attorney general, J. D. Sawyer, will serve as liaison with various bureaus, including the Bureau of Prisons, the Drug Enforcement Administration, and the Immigration and Naturalization Service.