

# Saxbe Enters Case In Nixon's Behalf

Washington

Attorney General William B. Saxbe has asked the U.S. Court of Appeals here to sustain President Nixon's refusal to turn over five White House tape recordings to the Senate Watergate Committee.

His request, filed late Wednesday afternoon, was his first intervention in a Watergate lawsuit.

It conflicted with the position taken by special Watergate prosecutor Leon Jaworski, who filed his own legal memorandum with the court but declined to advise the court on what to do with the tapes.

The court has ordered the special prosecutor to file a memorandum. It has not or-

dered or even invited Saxbe's participation.

In a friend-of-the-court brief, the Justice Department urged rejection of the demand for the five tapes in order to "protect the principles of executive privilege and the integrity of the criminal justice system."

Senator Sam J. Ervin (Dem - N.C.) and chairman of the Senate Watergate Committee, said Saxbe had acted improperly in filing his five-page brief.

"The Attorney General has violated his solemn agreement that he made before his confirmation that he would leave all matters related to Watergate to special prosecutor Leon Jaworski," Ervin said.

*New York Times*