

Justice Dept. Will Defend Nixon

Washington

Former President Richard Nixon and former Attorney General John Mitchell have accepted an offer by the Justice Department to defend them in pending civil suits alleging political harassment.

Attorneys for both Mitchell and Mr. Nixon said they told Assistant Attorney General Henry E. Petersen that they would like to continue to be represented by the government in these cases.

Former Nixon advisers John D. Ehrlichman and H. R. Haldeman also may accept department representation in some cases, their attorneys said.

Defending the policy, Deputy Attorney General Laurence H. Silberman said the department follows careful procedures to offer government attorneys to former officials only "when it is in the interest of the United States."

In an interview, he said, "We make a determination on a case-by-case basis."

One of the suits is by actress Jane Fonda, alleging that her rights were violated by government harassment for her anti-war activities. Several others involve wire-tapping alleged to have been for political reasons.

Silberman said department officials review cases against former office holders against two measures.

First, he said, they look for a possible conflict of interest with other matters pending in the department and the special Watergate prosecutor's office.

They also determine whether the individual "was acting within his official duties" when he performed the acts involved in the lawsuit.

Silberman said it would be unfair to expect former office holders to defend themselves against multi-million-dollar damage suits involving their official duties.

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