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Saxbe Says Claim of Privilege Could Stall Impeachment Study

WASHINGTON, Jan. 13 (UPI) —The House Judiciary Committee's impeachment investigation could be delayed indefinitely if President Nixon invokes executive privilege and refuses to turn over tapes and documents, Attorney General William B. Saxbe said today.

A President using executive privilege during an impeachment investigation "is new ground that has never been explored before and I would guess it's finally going to be decided by the Supreme Court of the United States," Mr. Saxbe said.

"The President is certainly entitled to some privilege. How much has to be determined. The line has never been drawn."

Mr. Saxbe said it would not be "too wise" for him to hazard a prediction on what decision the Court would make on executive privilege.

He was interviewed on the Columbia Broadcasting System's television program "Face the Nation."

Mr. Saxbe agreed that a decision by the House committee on whether to send impeachment charges to the Senate for trial could "be dragged out" for an indefinite period if the Court was asked to decide the executive privilege question.

The Judiciary Committee received a setback during the weekend when the Watergate special prosecutor, Leon Jaworski, said he would not share with the panel evidence he had obtained from White House lawyers — unless the courts overruled him. Mr. Jaworski also said he would take any evidence against President Nixon to a grand jury, even before it is decided whether a President can be indicted.

Attorney General Saxbe said he believed "there is a serious question whether a President can be indicted" by a Federal grand jury. He said that probably would be another issue for the Supreme Court.

He indicated he believed controversy surrounding the Watergate scandal might not be resolved until the end of Mr. Nixon's term in 1976. Asked if the President might resign before then, he replied that Nixon "is pretty tough" and will withstand the pressure.

Mr. Saxbe, sworn in as attorney general Jan. 4 after five years in the Senate, repeated his position that the President was entitled to legal assistance from the Justice Department during impeachment proceedings in the House.

But, he said, if "it ever reached the point" that the case was sent to the Senate for trial "it would be necessary for him to provide entirely his own representation."

Commenting on the possibility of the House's voting to impeach, Mr. Saxbe said:

"Some have said the President could be impeached for good reason or no reason at all because they [the House] didn't like his necktie. I don't agree with that. I think the House, in their wisdom, will not do something reckless like this. If the President should happen to be impeached, which I doubt, I believe it will be for good cause that it develops and not for something frivolous."

In a related development, Senator Barry Goldwater, Republican of Arizona, said today that he would refuse to head any Republican delegation to the White House asking for President Nixon's resignation.

Mr. Goldwater, who said two months ago that President Nixon was at an "all time low" in the eyes of the country, added that he now believed the President's prestige and his ability to lead the nation had improved.

Senator Goldwater appeared on the National Broadcasting Company's television, "Meet the Press."

Asked about speculation that some Republicans would ask him to go to the White House to seek the President's resignation, Senator Goldwater said he had not been asked to do so. He added:

"No. And I don't think I would because I don't think it's the prerogative of one man to put himself above 46 or 47 million Americans who voted for Mr. Nixon or the 23 or 24 per cent of the American people who still believe he should be the President."

Senator Goldwater said that he would not favor the President's resigning because "it would raise havoc with the whole world."