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**Hill Move Seeks to Bar
Nixon Legal Fee Funds**

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A move was begun in Congress yesterday to require President Nixon to pay his own defense fees after a House vote to impeach him.

Sen. Joseph M. Montoya (D-N.M.) told the Senate that Mr. Nixon should not use "one nickel" of public money for his defense in a trial before the Senate following impeachment in the House.

He spoke as floor manager of a \$5.5 billion appropriations bill, approved by the Senate yesterday, to finance operations of several agencies, including the White House, for the current fiscal year.

At the present, public funds estimated at about \$30,000 a month are being used to pay the lawyers defending the President before the House and representing him in the courts.

Last January, Attorney General William B. Saxbe said shortly after he was sworn in that Mr. Nixon, if

to defend the President after an impeachment vote, Montoya said he would call for a full meeting of the Appropriations Committee to put a stop to the practice.

Following Saxbe's comments in January, the President was asked at a press conference on March 6—the last one he has held—whether he would hire lawyers at his own expense.

"Well, if the Attorney General should rule that I should pay for my own defense, I shall, of course, do so," Mr. Nixon replied.

"I should point out, however, that I am not a defendant until the House passes a bill of impeachment. I would then be a defendant, and if the Attorney General of the

United States should rule that the President should pay for his defense, I'll find somebody to loan me the money."

Since that time, the President's own financial position has deteriorated considerably as a result of rulings on his tax returns.

He was billed \$467,000 in back taxes and interest and still owes about \$140,000 on his 1969 tax bill.

He has sought refinancing on a \$226,440 payment due last month on his San Clemente home.

Following the impeachment of President Andrew Johnson on Feb. 24, 1868, Attorney General Henry Stanbery played an important role in selecting defense attorneys and

mapping strategy for the President.

On March 12, however, the day before the Senate trial for Johnson began, Stanbery resigned from the Cabinet to lead Johnson's defense.

Stanbery believed it would be lawful for him to retain his office while representing the President, according to a Justice Department report on impeachment precedents published earlier this year.

The reasons for Stanbery's resignation were twofold: the practical difficulty of performing both jobs and a desire to avoid objections in the Senate to his continuing in office while defending Johnson.

Stanbery won his case for the President by a single vote.

He also helped raise money

impeached, would have to employ private attorneys to defend himself and pay them, if need be, by a privately raised "defense fund."

But yesterday Justice Department spokesman Jack Hushen said there are no statutes governing the matter and the department would render a legal opinion if Mr. Nixon is impeached.

"If the House votes impeachment and the Justice Department is faced with the issue of who pays for the President's defense, there will be careful legal research and legal opinion on the subject," Hushen said.

Montoya, a member of the Senate Appropriations Committee, said the statement by Hushen indicated a "change of direction" on the Attorney General's part. The senator said he would monitor White House spending on legal fees to prevent

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money being used to defend the President when and if the House votes to impeach him.

If public funds were used

from private sources to defray the legal and clerical costs of Johnson's Senate trial.

In his January comments, Saxbe made it clear he had no intention of becoming Mr. Nixon's defense counsel. He said he was "not qualified to be that kind of lawyer."

"When it gets to the Senate," Saxbe said, "at that time the Justice Department is out of it . . . His defense obviously would be in the hands of his personal attorneys."

According to a comptroller general's report in May, the White House spent a total of \$382,474 from July 1, 1972, through March 24, 1974, on attorney's fees, legal consultants, attorneys assigned from other agencies and on travel and clerical costs. In the first quarter of 1974, expenses averaged more than \$30,000 a month.

On June 4, Roy L. Ash, director of the Office of Management and Budget, requested money for 25 additional lawyers for the 1975 fiscal year.

When the bill was before the House in June, Rep. John D. Dingell (D-Mich.) offered an amendment to prevent payment of legal fees for the defense of anyone in non-compliance with a congressional subpoena. Dingell's amendment was defeated by a voice vote.