

# SAXBE DRAWS LINE ON IMPEACHMENT

Says Justice Agency Role Would Depend on Charges Made by the House

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Jan. 11 Attorney General William B. Saxbe said today that the Justice Department would not help President Nixon fight impeachment by the House of Representatives unless the House was proceeding on "obviously political grounds" and not on "criminal charges."

The President would have to get his own private attorneys to assist him, paying for them, perhaps, by a "defense fund," the attorney general said.

And should the President be impeached and the impeachment be sent to the Senate for trial, Mr. Saxbe said, the Justice Department would have "no role" whatsoever—no matter what the grounds for the impeachment.

"When it gets to the Senate," for "any reason," Mr. Saxbe said, "at that time the Justice Department is out of it."

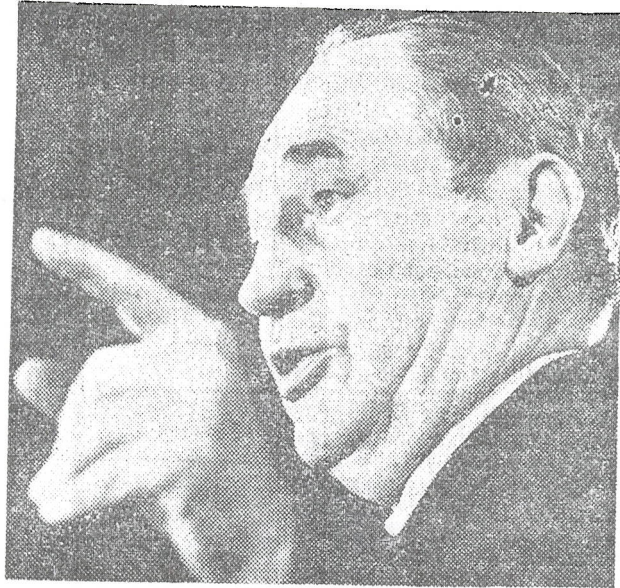
"His defense obviously would be in the hands of his personal attorneys," he added.

Mr. Saxbe, speaking this afternoon in his first news conference since becoming Attorney General on Jan. 4, made only one exception to his general statement that the department would have no role in impeachment proceedings before the House that were based on criminal charges.

## Exception to Stand

He said that he expected the special Watergate prosecutor, a subordinate if independent member of the department, to "cooperate" with the House to the extent he legally could by providing the Judiciary Committee, which initiates the impeachment process, with information he may develop on criminal activity by the President.

A spokesman for the special prosecutor, Leon Jaworski, said later that Mr. Jaworski would have no "immediately



Associated Press

Attorney General William B. Saxbe at his news session

comment" but that he would comment "before the end of the weekend."

The new Attorney General, a Republican who was formerly a Senator from Ohio, also said that he thought that impeachment should be based only on "indictable offenses."

He said, too, that he did not think "we've reached that point" yet where Mr. Nixon had to hire his own attorneys rather than use attorneys paid for by the Government.

The Attorney General is commonly called the Government's lawyer, for the Justice Department generally provides legal assistance to Government officials sued for actions committed in the course of their official work. It is defending Mr. Nixon, for instance, in the dozens of lawsuits challenging impoundment of funds.

## Lawyers at White House

However, Mr. Nixon also has a large number of lawyers working at the White House now on various Watergate-related legal problems—the lawsuits over the White House tape recordings, for example. These lawyers are all paid with Government funds, apparently on the ground that they are working on litigation or possible litigation involving the President's official role or duties.

There is no clear precedent for payment of lawyers in the present situation, since the situation itself is unprecedented. According to a Justice Department lawyer, however, there is some precedent regarding lawyers once a President is impeached. Andrew Johnson the only President to have been impeached, hired his own lawyers at his own expense for the Senate's trial of the impeachment, the lawyer said.

One of President Johnson's attorneys in that trial was Henry Stanbery, who had been his Attorney General and had resigned to help defend the President. Mr. Saxbe was asked today whether he would consider resigning and heading a Nixon defense team. He smiled and said that he was "not qualified to be that kind of lawyer."

The Attorney General, speaking from a podium in the massive and somewhat gaudy room that the department calls the "great hall," was relaxed and cheerful—and, with his double-breasted gray suit and his refusal to be too specific about his plans for the department, he was lawyerlike as well.

He told the reporters that he had had "no pressure from the White House"—adding that he offered this remark because reporters always seemed to ask him if he had had any such pressure.

He took questions on subjects ranging from the conviction

of Spiro T. Agnew to the energy crisis—indicating from time to time that he was not sufficiently familiar with the Department's work or policy to respond—and hinted that he did not agree totally with the plan of former Attorney General Elliott L. Richardson to reorganize the department.

He said that the Agnew case had been handled properly, that he hoped to "end" any "unfairness" in the department that may have stemmed from "lack of communication, that he intended to be "part" of the government's involvement in dealing with the energy crisis.

Mr. Saxbe said that he would push for legislation to protect the individual's right to privacy. He said that he was interested in developing legislation in the area of narcotics enforcement. He promised to investigate the extent of wiretapping—noting, however, that he considered it an "effective" tool—and also promised to continue the previously initiated department study of the Federal Bureau of Investigation.