

# Saxbe Denies Nixon Can Be Held Responsible for His Aides' Acts

By David S. Broder

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Attorney General William B. Saxbe yesterday said it would be "bizarre" to hold President Nixon accountable for any illegal activities by his subordinates.

The new Justice Department head challenged the view of presidential responsibility expressed three days earlier by Albert Jenner, Republican counsel to the House Judiciary Committee on the impeachment question.

Jenner had said that

"within some areas the President should be responsible for the actions of aides, even if he didn't know, for example that an aide was doing something that would be regarded as an impeachable offense if the President himself did it."

Jenner, a Chicago attorney, said the President "can only act through his aides... He appoints them and has to be responsible for them."

Saxbe told a group of reporters that this was "a rather bizarre theory of American law. We've never been able to impute the illegal activities of the servant to the master. You have to show collusion... or a tie-in; there's no way to get away from it."

The attorney general made his remarks several hours before technical experts told U.S. District Court Chief Judge John J. Sirica that an 18-minute portion of one of the recordings was manually erased. But Saxbe's view offered a possible argument for separating the President from responsibility for that action.

Saxbe indicated several times in the interview, however, that he was not serving as an advisor to the White House on counter-impeachment strategy.

The former Ohio senator, who told newsmen he had authorized three national security wiretaps in his first week as attorney general, conceded that the House could impeach a President on any grounds it chose—even if it is only because "it doesn't like his necktie."

"But you can't take impeachment to the Senate and have much of a trial with that sort of charge," he said. "You can't beat a President over the head with a bag of wind."

Saxbe declined to express a categorical opinion on special prosecutor Leon Jaworski's contention that a President might be subject to in-

dictment, but said that "even if he were indicted properly somewhere, impeachment would take precedence."

In the interview, the Attorney General also disclosed that Mr. Nixon will recommend legislation in the state-of-the-union message to regulate the release of information from federal criminal investigation files to other law enforcement and governmental agencies.

There has been controversy, involving threatened law suits, over the adequacy of the existing safeguards to prevent the information collected by the Federal Bureau of Investigation and other criminal investigative units from falling into improper hands.

Saxbe said the legislation would provide that information in Washington files would go only to "local law enforcement agencies capable of handling it" and not to credit bureaus or other private organizations.

He said it would also draw a sharp line of demarcation between official records of arrests, convictions and acquittals, collected in Washington, and "investigative files" which might include unproven allegations.

The attorney general said the bill would provide access for the individual to his own arrest and conviction record, as a safeguard against incorrect or incomplete information being disseminated, but would still protect the secrecy of FBI and other investigative files.

Saxbe said he had "no great designs for rebuilding" his new department, but said he hoped to improve the effectiveness of the law enforcement assistance program, which funnels money to state and local police and criminal justice systems. "We're not getting the bang for the buck there," he said.