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**SAXBE SAYS LAW
APPLIES TO NIXON**

**Declares President Is Like
'Any Other Citizen' on
Duty to Report Crime**

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Special to The New York Times

WASHINGTON, March 13—
Attorney General William B. Saxbe said today that the President was "no different than any other citizen" when it came to the duty to report immediately any information he received about the commission of crimes.

Mr. Saxbe declined to say whether President Nixon had ignored this duty when he chose not to tell Federal prosecutors, as soon as he found out, that hush money had been paid to the original Watergate defendants.

Indictments Seen as Proof

The Attorney General said that the question of whether Mr. Nixon had behaved improperly or illegally in the matter was "going to be one of the main issues" in any impeachment proceedings and that he did not "want to express an opinion."

Mr. Saxbe appeared to be contradicting a contention made earlier this week by Mr. Nixon's chief defense counsel, James D. St. Clair, who said that a President's legal duty when he learned of the commission of a crime was simply "to see" that the judicial process was put in motion and carried out.

Mr. St. Clair defended his client against suggestions that he had behaved illegally in not reporting the hush money pay-

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ments and, as proof that the President had carried out his duty, cited the fact that seven men were ultimately indicted by a grand jury in the cover-up case.

Mr. Saxbe made his comments over coffee and doughnuts at a briefing with reporters in his conference room.

At the briefing he also said that last week he found records showing that use of wiretapping by the Federal authorities without court order from 1960 to 1972 was "prevalent" and "more widespread" than he had previously realized.

Mr. Saxbe said he had found the information in an "unrelated file" in the receptionists' room of his suite of offices. When he first mentioned the information he indicated that the wiretapping had involved news reporters whose taps had not previously been disclosed. But after a series of questions and answers that left the matter somewhat confused, the Attorney General said that he could not say "for certain"

that wiretaps had been used against any reporters other than the four reporters whose wiretaps were disclosed last year.

Those reporters as well as 13 government officials were tapped at various times from 1969 to 1971 in what was described by officials as an attempt to discover the source of leaks of information.

Tapping Called Legal

Mr. Saxbe said that he had offered the portion of the material that dealt with these 17 persons to Leon Jaworski, the special Watergate prosecutor, who is investigating the matter. Mr. Jaworski, according to Mr. Saxbe, declined the offer because he already had the material.

Mr. Saxbe declined to describe the information in the records. He insisted, however, that the wiretapping had not been illegal because, he said, it was not until 1972 that the Supreme Court ruled that wiretapping for "national security" purposes was illegal unless authorized by court order.

The question of whether Mr.

Mr. Nixon acted illegally when he chose not to notify the Federal authorities about the hush money payments was raised when the President said at his news conference last week that he was told of the payments on March 21, 1973.

As Mr. Nixon described it, he ordered his own investigation—first by his counsel, John W. Dean 3d, and then by his chief domestic adviser, John D. Ehrlichman. Mr. Dean has pleaded guilty to a charge of obstructing justice and has agreed to testify for the prosecution in forthcoming trials; Mr. Ehrlichman was one of the seven men indicted two weeks ago in the cover-up case.

Richard G. Kleindienst, who was Attorney General at the time, and Henry E. Peterson, the Assistant Attorney General, both testified at the Senate Watergate hearings last summer that they had never been ordered by Mr. Nixon to conduct an investigation.

They did meet with the President, as Mr. Nixon has recounted, but, according to the two witnesses, they met with him at their own request after the original prosecutors in the case relayed to them information provided by Mr. Dean.

Speculation on Action

To some observers Mr. Nixon's action raises the question of whether he violated the law regarding obstruction of justice. Others have raised the more specific question of whether there has been a violation of the law on "misprision," which requires "whoever" learns of a crime to report it "as soon as possible."

Vice President Ford suggested yesterday that it would probably have been better for Mr. Nixon to report the information when he received it.

At his briefing today, Mr. Saxbe responded to a hypothetical question about "people in the White House" by saying that "they're no different than any other citizens." But when the questions became less hypothetical he sought to avoid being drawn into the controversy.

He was asked at one point about the relation of the law on misprision to the Presidency. He responded that he was not "familiar with it." A reporter summarized it; he then replied, "I think he's no different than any other citizen on that."

Mr. Saxbe began his next sentence in a questioning tone, saying, "Whether it's applicable," and then, without completing the thought, he changed the subject.

Mr. Saxbe also said that the President was entitled to have the Government finance his legal fees until the House actually voted to impeach him. Previously he had said that the point at which Mr. Nixon should take over the costs might come before an impeachment vote.