

# White House Inquiry Role Is Up to Panel, Saxbe Says

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WASHINGTON, March 27—At his weekly breakfast meeting with reporters, Attorney General William B. Saxbe said today that it was "entirely" up to the House Judiciary Committee to decide whether to allow the White House to take an active role in the House impeachment inquiry.

The committee's decision, he said, will not be subject to appeal in the courts.

At the same time, however, Mr. Saxbe sided with both the White House and Republican members of the Judiciary Committee in their view that the White House should be allowed to participate in the inquiry.

The Attorney General called the White House bid for an active role reasonable and suggested that the American people would move the request was granted.

## Partisan Division

The issue has split the Judiciary Committee along partisan lines, with Democratic members contending that White House participation in the present stage of the proceedings was premature and unwarranted.

The controversy became known last Wednesday when the committee made public two letters from the President's chief defense counsel, James D. St. Clair, outlining the White House position. Mr. St. Clair argued that it was imperative that he be permitted to "cross-examine witnesses, suggest witnesses to be called and introduce relevant and material evidence for the committee's consideration."

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, said last week that granting of Mr. St. Clair's request could turn the House proceeding into a full-scale trial rather than an inquiry into whether to bring charges against President Nixon. Such a course, he said, would conflict with the constitutional provisions giving the Senate the sole power to try a President.

## Precedent Lacking

History provides no clear precedent. In some impeachment proceedings lawyers have played the role that Mr. St. Clair envisions and in some they have not. In the only impeachment of a President, Andrew Johnson, there was no such participation in the House proceedings.

Mr. Saxbe expressed his views in response to questions

at his weekly breakfast meeting with reporters.

From time to time Mr. Saxbe's remarks were interrupted by the toppling of a Justice Department microphone into a plate of doughnuts. Each time the microphone fell an aide picked it up and propped it back in place against a tape recorder.

Mr. Saxbe, in good spirits, did not seem to mind. Nor did he seem to mind the questions about President Nixon—although in equally good spirits he tried to avoid discussing the President's problems. He said that he did not want to comment on the question of Mr. Nixon's refusal to provide the Judiciary Committee with all the material it had requested.

## Comment on Taxes

Then, asked about the President's projected tax liabilities, Mr. Saxbe said that a taxpayer who signed his return was presumed to know the contents of the return. He added that he was speaking hypothetically.

The Attorney General took the occasion to criticize proposed legislation—the subject of Congressional hearings this week—to make the Justice Department independent of the Presidency.

The bill, was offered by Senator Sam J. Ervin Jr., Democrat of North Carolina, who is chairman of the Senate Watergate Committee. He proposed it as a means of removing the department "from the play of partisan politics." The measure would limit the President's power to remove the Attorney General from office and to appoint Assistant Attorney General.

Mr. Saxbe has repeatedly rejected the argument that the department should be depoliticized, and today he explained his position thus: "You've got to be easily able to throw the rascals out," and the best way to do this is "through the polls."

Mr. Saxbe said that if the department was headed by a "remote, protected civil servant," he would not be "responsive to anybody. Political patronage," he said, "has always lead to responsibility."

Mr. Saxbe also said that the Federal Bureau of Investigation did not know where Patricia Hearst was being held by her kidnappers. He said, however, that he was satisfied with the bureau's performance in the case.