

Dash Says Trial of Nixon Is Warranted

By John P. MacKenzie
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Former President Nixon should undergo prosecution for Watergate crimes, former Senate Watergate committee counsel Sam Dash said yesterday.

Dash said Mr. Nixon should be indicted and tried if the evidence indicates that he was involved in criminal offenses. "And I believe it does," he added.

Responding to questions after a luncheon speech at the National Press Club, Dash said Mr. Nixon's former high office was an argument for, not against, prosecution.

The presidency is "a grave trust," Dash said. He said prosecutions had been considered appropriate for "those who followed his direction, not having his trust."

Dash said the initial responsibility for a decision on prosecution lies not with Watergate Special Prosecutor Leon Jaworski but with the federal grand jury here.

"If the grand jury in its wisdom found probable cause and indicted" Mr. Nixon, "the special prosecutor owes it to the country to let the indictment go through to ultimate trial," Dash said.

The current attitude of the grand jury is not known and Jaworski has refused to discuss further grand jury sessions in the wake of Mr. Nixon's Aug. 9 resignation.

It is known, however, that when the jury indicted several top Nixon aides in the alleged Watergate cover-up conspiracy, it failed to indict Mr. Nixon after being told by Jaworski that legal complications could arise from the unresolved question of whether a sitting President can be indicted.

Whether indicted or not, Mr. Nixon is expected to figure prominently in the conspiracy trial, now set for Sept. 30. The grand jury has named him an unindicted co-conspirator and he is being subpoenaed as a defense witness for his former domestic adviser, John D. Ehrlichman.

Dash said the news median had earned praise for its Watergate investigative reporting and low marks at times for underestimating the intelligence of the public.

The media often failed to realize the depth of public interest in Watergate and its reaction to Watergate news, Dash said. He said television networks were reluctant to cover potentially "boring" committee sessions despite what proved to be deep public interest in almost every aspect of the investigation.

Asked why the media misjudged public reaction, Dash said the news industry had become accustomed to "talking down to the public."

Dash, a law professor who served as committee counsel until the probe ended in July, returns next week to teaching criminal law at the Georgetown Law Center. He was asked whether he would have represented President Nixon had he been asked and if he had not been hired by the committee.

Dash said he would accept such a job but only on condition that he could meet with his client and have "all the facts from him, including the worst facts." He said Mr. Nixon's lawyers apparently did not impose that condition on him.