

Charges, if Proved, Would Be a Felony

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WASHINGTON, June 26—If the allegations that John W. Dean 3d has made against President Nixon over the last two days could be proved, they would constitute felony offenses, according to experts in criminal law.

These experts — prosecutors, defense lawyers and law professors — emphasized in interviews today that they had not thoroughly researched the question of possible violations, and they thus asked not to be quoted by name.

They stated further that corroboration from other witnesses would almost certainly be necessary before any jury would vote to convict the President.

But they said that it appeared that various conspiracy and obstruction of justice statutes would be applicable to the accusations Mr. Dean has made against Mr. Nixon.

'High Crimes'

Scholars differ on whether the President can be indicted for a crime before he is removed from office following an impeachment proceeding. But those interviewed agree that the charges by Mr. Dean would, if substantiated, amount to "high crimes and misdemeanors," the constitutional ground for impeachment.

Among Mr. Dean's charges of criminal activity were the following:

¶The President took part in a high-level plot to cover up the facts surrounding last June's burglary of the Democratic headquarters in the Watergate Hotel.

¶The President knew that

money was being paid to key witnesses to buy their silence.

¶The President discussed and may have approved an offer of executive clemency in return for a guilty plea by E. Howard Hunt Jr., one of those convicted in the Watergate burglary.

¶The President was aware and did not report that certain witnesses had committed perjury at the initial Watergate trial in January.

The law cited by most of the experts as being most clearly applicable to Mr. Dean's charges was the general conspiracy statute Title 18, Section 371 of the United States Code.

That law makes it a crime for "two or more persons [to] conspire either to commit any offense against the United States or to defraud the United States." Conviction is punishable by a maximum penalty of five years in prison and a \$10,000 fine on each count.

The offense on which the conspiracy charge could be based, according to the experts, might be the payment of hush money or the offer of executive clemency to the men involved in the burglary. Title 18, Section 201 (H) of the United States Code makes it illegal to offer "anything of value to any person for or because of testimony under oath."

The President might also be liable for obstruction of justice if Mr. Dean's accusations are substantiated, the experts said.

Title 18, Section 1503 of the United States Code makes it illegal to "intimidate or impede any witness" in a Federal criminal proceeding. The maximum penalty on conviction is five years in prison and a fine of \$5,000.

The question of whether a President can be indicted for a crime without first being removed from office through impeachment is legally a murky one. The Constitution is not specific on the point, and legal scholars disagree.

The Constitution does say, in Article I, that an official impeached by the House and convicted by the Senate "shall, nevertheless be liable and subject to indictment, trial, judgment and punishment." Some experts believe that suggests that removal from office must come first.

Another Argument

Another argument on this side of the question is that the President could not execute the laws of the United States, as he is commanded to do by the Constitution, if he were in jail.

On the other side, however, scholars argue that there is no relevant distinction in impeachment between a President and other Federal officials. They point out that a number of Federal judges, for instance, have been indicted while they were in office.

Mr. Dean's charges raised once again the question of whether the Senate Watergate committee would receive testimony in some form from Mr. Nixon.

Committee members have stated regularly that they would welcome such testimony, and Senator Howard H. Baker Jr. of Tennessee, the ranking Republican member, said today that "hopefully" the committee would get it.

But the committee has thus far steered clear of any plans to subpoena the President.

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