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St. Clair: In the Dark?

He may be suave and cool and a Harvard-trained lawyer with extensive courtroom experience, but James St. Clair, the President's Watergate counsel, labors under one heavy burden. He's only beginning to know what his client really did.

The best evidence of how much Mr. St. Clair has been kept in the dark emerges from the interview he gave the other day to Lesley Oelsner of the New York Times. The interview centered on the White House meeting of March 21, 1973, at which John Dean told the President large sums had been paid in hush money to the original Watergate burglars.

Mr. St. Clair stressed a chart, used at the Senate Watergate hearings, which indicated that the final hush money payment had been made on March 20. But the cover-up indictment of seven Nixon aides clearly alleges that a payoff of $75,000 took place after the March 21 White House meeting. Moreover, the government seems to have two witnesses to the payoff — Fred LaRue, the assistant to former Atty. Gen. John Mitchell who pleaded guilty, and William Bittman, a lawyer for one of the Watergate burglars.

Since the government can apparently prove that the overt act took place after the meeting, it is hard to understand why Mr. St. Clair would throw doubt on that point. My guess is that until he saw the indictment he had not been told the facts. He is now stuck with a theory — based on the Senate hearings — which assumed the government only had evidence for a payoff before the meeting.

The same lack of knowledge would explain the curious anomaly of Mr. Nixon's giving two news conferences within a span of 10 days. The second of those conferences took place a couple of hours after Mr. St. Clair, in courtroom proceedings, saw the secret material which the grand jury had asked to be forwarded to the impeachment inquiry.

Presumably Mr. St. Clair discovered, for the first time, that the White House tapes clearly showed that on March 21 Mr. Nixon had indeed been told by Dean of the hush money payments. That fact happens to contradict an earlier statement, made by the President last Aug. 15, that he had always believed the money was only to pay attorney fees.

Despite that blatant contradiction, Mr. St. Clair needed to have his man get the facts out as soon as possible. Otherwise the truth would emerge in court or congressional hearings and be a tremendous bombshell. So in order to get it out, Mr. St. Clair prevailed upon his client to hold the news conference of March 6.

That Mr. St. Clair is flying at least half-blind is further argued by a curious statement he made regarding the President's knowledge of the payoffs. Mr. St. Clair admitted that some people might hold the President liable for a cover-up since he had not reported what he knew to law-enforcement authorities. But Mr. St. Clair argues that since the President is "the chief law-enforcement officer in the country," his guilt is slight because his responsibility was only to set law-enforcement agencies in motion.

Only it happens that the Attorney General is usually considered the chief law-enforcement officer in the country. It also happens that Mr. Nixon's Attorney General at the time, Richard Kleindienst, is on record on precisely the issue of other officials withholding information from the Attorney General.

Last March 28, John Ehrlichman called the Attorney General to complain about assertions made by Sen. Lowell Weicker of Connecticut that the White House was involved in Watergate. Ehrlichman suggested that Kleindienst should "take a swing at that" and say "we contacted the senator. . .and it turns out he doesn't have anything."

Kleindienst replied that such measures wouldn't be necessary. As a warning to Sen. Weicker, he had already made public statements to all three networks, asserting that "if anybody has any information we not only want it, we expect to get it, so anybody who withholds information like that is obstructing justice."

What all this says is that Mr. St. Clair is no more master of his case than other defense attorneys have been. He is learning as he goes along. Which is perhaps why his defense has more and more been concentrating on tying up the prosecution and Congress in long battles over procedural details.