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In Defense of a Defender

To the Editor:

On the Op-Ed page of March 11, Charles Rembar argues, in effect, that James D. St. Clair should not have undertaken his representation of President Nixon, assuming *arguendo* that Mr. St. Clair does not personally favor perpetuating Mr. Nixon in office. Both the public interest in the conduct of the impeachment proceedings and the function of a litigator in our society, I believe, compel a contrary conclusion.

Mr. Rembar justifies a lawyer's defense of a person the lawyer believes guilty of murder on the ground of society's interest in assuring a fair trial. Is society's interest any less in having the inchoate law of impeachment forged by the best lawyers available? What social interest would be served by an ethical mandate that a lawyer not represent Mr. Nixon unless the lawyer personally believed that Mr. Nixon should remain in office?

From the perspective of the lawyer, a distinction must be drawn between counseling a client in undertaking future projects and defending him on the basis of past events. Thus, lawyers might well refuse to aid prospective clients whose objectives seem to the lawyer illegal or highly unethical. When the client has been charged with past misconduct, however, the lawyer's duty is to provide the best defense available within the law. His job is not to win by any means, legal or illegal.

For example, Mr. St. Clair, in the poorly charted seas of impeachment, may well assert a Presidential privilege against producing tapes. He would never participate in altering a tape or lying about a tape's existence or contents.

I have no idea what Mr. St. Clair's personal views of Mr. Nixon were or are. As a citizen, I believe that Mr. St. Clair's representation of Mr. Nixon is in the public interest, both in resolving the present charges and in forging procedures applicable to future Presidents.

ROBERT M. BUCHANAN
Boston, March 12, 1974