

# For Specifics

*"Whoever willfully endeavors by means of bribery . . . to obstruct, delay or prevent the communication of information relating to a violation of any criminal statute of the United States . . . shall be fined not more than \$20,000, or imprisoned not more than five years, or both."*

—18 U. S. Code Sec. 1510

*"Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal."*

—18 U. S. Code Sec. 2.

By Anthony Lewis

CHICAGO—The first press and public comment on the edited White House transcripts has dealt largely with the Presidential character revealed—the meanness of spirit, the isolation, the hatred, the conspiratorial air. That is understandable. But now it is time to focus sharply on what must overwhelmingly concern the House impeachment inquiry: the evidence of specific crimes.

By the standards of what is required to bring an ordinary indictment, there is overwhelming evidence in these transcripts that Richard Nixon committed Federal crimes. It is easy to understand now why the Watergate grand jury wanted to indict him.

The Chicago Daily News asked an experienced former Federal prosecutor, David P. Schippers, to study the transcripts. He concluded that they would support indictments of the President for "six different kinds of criminal activity": obstruction of justice and of criminal investigation, subornation of

## ABROAD AT HOME

perjury, misprision of a felony, conspiracy and interstate transportation in aid of bribery.

The two main themes are obstructing justice and suborning perjury. They were also sounded by Philip Kurland, the distinguished and conservative constitutional scholar of the University of Chicago Law School. In an interview in The Chicago Tribune, Professor Kurland said there was "strong evidence" of both in the transcripts.

The evidence of obstruction of justice relates to the demand for more hush money by E. Howard Hunt, one of the convicted Watergate defendants. John Dean reported the blackmail demand to Mr. Nixon in their talk of March 21, 1973, warning him explicitly three times that payment would be an obstruction of justice.

The President nevertheless repeatedly indicated his approval of paying the money.

"I know where it could be gotten," he said, and he agreed that John Mitchell was the man to handle it. "It seems to me we have to keep the cap on the bottle that much, or we don't have any option."

Ten times during that March 21 talk, Mr. Nixon returned to the subject of Hunt's blackmail demand. After H. R. Haldeman joined the conversation, Mr. Nixon said, "the Hunt problem . . . ought to be handled now" and "his price is pretty high, but at least we can buy the time on that as I pointed out to John."

Then, toward the end of the transcript, there is this most significant exchange:

P: "That's why for your immediate things you have no choice but to come up with the \$120,000, or whatever it is. Right?"

D: "That's right."

P: "Would you agree that that's the prime thing that you damn well better get that done?"

D: "Obviously he ought to be given some signal anyway."

P: "(Expletive deleted), get it. In a way that—who is going to talk to him? Colson? He is the one who is supposed to know him?"

Very few criminal cases have such direct, first-hand evidence in the words of the conspirators. After that discussion, Professor Kurland said, "everyone in the room knew that the money was to be paid." And \$75,000 was paid to Hunt that night.

A direct obstruction prosecution would reach Mr. Nixon, though he did not pay the money himself, under the Federal law on aiding, abetting or inducing crime. The same evidence would also support an indictment for conspiracy to obstruct justice, the required overt act being the payment to Hunt.

A charge of subornation of perjury is supported by at least two passages in the March 21 transcript. In one the President advises on how to avoid perjury prosecutions when testifying before a grand jury: "You can say I don't remember. You can say I can't recall." And in a discussion of cutting off disclosures, there is this exchange:

D: "But to accomplish that requires a continued perjury by Magruder and requires—"

P: "And requires total commitment and control over all of the defendants. . ."

Mr. Nixon's lawyers and flacks are busy trying to suffocate judgment with upside-down characterizations of the transcripts and with attacks on Mr. Dean, whose recollections are of marginal import now that we have the President's actual words. These attempts at fuzzing the picture show a fine contempt for the nation's good sense. The answer is to focus on the facts—the facts of crime in the White House.