

# St. Clair Starts Nixon Rebuttal In House Inquiry

## Recaps Calls, Dean Role In Payment

By Richard L. Lyons  
and George Lardner Jr.  
Washington Post Staff Writers

President Nixon's lawyer began his rebuttal yesterday, presenting evidence to the House Judiciary Committee designed to show that the President had no advance knowledge of the Watergate break-in and no involvement in its cover-up.

Attorney James D. St. Clair has stated repeatedly he feels this is the only issue which could possibly serve as the basis for an impeachment recommendation by the committee.

His statement of evidence at yesterday's closed session and the witnesses he asked to be called focused on March 21, 1973, the day on which Mr. Nixon says his then-counsel, John W. Dean III first told him of hush money being paid to Watergate defendant E. Howard Hunt Jr.

St. Clair reportedly attempted to show that Mr. Nixon had not approved or ordered the payment of hush money in his conversation with Dean.

White House lawyers are evidently relying heavily on the fact that only \$75,000 was paid to Hunt's lawyer on March 21 rather than the \$120,000 Hunt had asked for.

According to one informed source, the White House in effect is contending that if the President had approved the blackmail to keep Hunt quiet, Hunt would have been given the entire \$120,000.

St. Clair has told the committee he believes that witnesses he wants called will

state that a telephone call by Dean that set in motion events that led to the \$75,000 payment was made the morning of March 21 before Dean talked with the President. If true, that might suggest that the President played no role in the payment of the \$75,000 that evening.

St. Clair told the committee his requested witnesses would testify that Hunt's demand for more money was transmitted by his lawyer, William O. Bittman, to Paul O'Brien, a lawyer at the Committee for the Re-election of the President, who passed it on to Dean, then White House counsel.

St. Clair has not interviewed Dean, but he told the committee he believes that Dean will testify that he made a telephone call in the morning of March 21, 1973, before his meeting with the President, to Frederick C. LaRue which set the hush-money operation in motion. St. Clair

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said he believes, but again did not state as a fact, that LaRue, an official of the re-election committee, would confirm the time of the phone call.

"The time such call was made may be important," St. Clair told the committee in explaining why he wanted Dean and LaRue called to testify.

St. Clair's account of Dean's expected testimony was that Dean told LaRue the money was wanted not to keep Hunt quiet but for legal and living expenses. LaRue reportedly called John N. Mitchell, then head of the committee, who cleared payment of the \$75,000 when told it was for legal and living expenses. St. Clair said LaRue will testify that no other authorization was given by any White House personnel for this payment.

The Watergate grand jury which indicted Mitchell, former White House chief of staff H.R. (Bob) Haldeman and others on conspiracy charges in the Watergate cover-up gave a different account of the phone calls.

The indictment stated that after Dean and Haldeman met with Mr. Nixon on March 21, 1973, Haldeman telephoned Mitchell, who then talked with LaRue and authorized the \$75,000 payment.

St. Clair said Haldeman and Mitchell will testify that they did not discuss payment of hush money during their conversation. St. Clair called Haldeman's testimony "critical to establish that the President did not direct 'hush money' payments to E. Howard Hunt on March 21, 1973, or at any other time."

At yesterday's closed session, St. Clair also stressed Senate testimony by Dean last June before the Watergate committee when Dean said that "the money matter was left very much hanging" at the meeting when Mr. Nixon was told of Hunt's demands. "Nothing was resolved," Dean testified under questioning by Sen. Daniel K. Inouye (D-Hawaii).

Dean, however, was mistaken on at least one key portion of that testimony. He said he reported Hunt's demands to the President on March 13. The White House tape recordings subsequently showed that Hunt's blackmail demands came up at the March 21 meeting.

Many Democratic committee members protested yesterday because St. Clair several times cited as evidence taped conversations which Mr. Nixon had refused to turn over to the committee. An example was reference to an April 4, 1972, presidential conversation. This was five days after Mitchell approved an intelligence-gathering plan which led to the Watergate break-in June 17, 1972. The committee wanted this tape to determine whether Mitchell had discussed the plan with the President. St. Clair reportedly stated there had been no discussion of it.

Republicans generally said St. Clair's presentation had been helpful in supplementing evidence presented during the preceding six weeks by the committee staff and putting the Watergate issue in perspective. Democrats complained that St. Clair was drawing conclusions rather than presenting evidence.

St. Clair also presented evidence yesterday on the International Telephone and Telegraph Corp. matter and will finish his initial presentation of evidence today.

The Judiciary Committee's interest in the ITT case was said to be focusing in part on the question of whether Mr. Nixon knew that Attorney General Richard G. Kleindienst had lied to the Senate Judiciary Committee. Kleindienst testified at his confirmation hearings in 1972 that "I was not importuned with by anybody at the White House" on the handling of ITT anti-trust litigation. "I was not importuned. I was not pressured. I was not directed."

Last fall, however, it was disclosed that President Nixon had ordered Kleindienst to drop an appeal to the Supreme Court on one of the ITT cases.

In his presentation yesterday, St. Clair pointed to a public statement Kleindienst issued last Oct. 31 after the disclosure that Mr. Nixon had given him orders after all. In that statement, the former Attorney General insisted that he had denied any White House pressures "in the context" of questions about his dealings on the ITT case with former White House aide Peter Flanigan rather than with Mr. Nixon. As a consequence, Kleindienst argued then, his testimony had been "completely accurate."

Committee members did not appear to be particularly impressed.

"That's his (Kleindienst's) rationalization," said Rep. Charles Wiggins (R-Calif.), "but his guilty plea somewhat undercuts that."

Kleindienst pleaded guilty to a misdemeanor charge of failing to testify accurately at the Senate hearing.