

NYT

6-28-74

Burch Assails Limiting Rodino Panel Witnesses

By LINDA CHARLTON
Special to The New York Times

WASHINGTON, June 27—Dean Burch, a counselor to President Nixon, said today that it was patently unfair of the House Judiciary Committee to decide to hear only two of the six witnesses requested by James D. St. Clair, Mr. Nixon's attorney.

Mr. Burch opened a news conference called this morning by Ken W. Clawson, the President's communications director, by stating that he wanted to say "a little something about the events of last evening at the House Judiciary Committee."

This was a reference to the long dispute that culminated in the committee's decision to call five persons as witnesses, including only two of the six Mr. St. Clair had requested.

Mr. Burch said that this had raised a question as to "just how fair, how decent, how thorough" the committee's proceedings were, and that Mr. Nixon was being deprived of the basic Sixth Amendment rights he would have if he had "stolen a loaf of bread."

The Sixth Amendment to the Constitution guarantees an accused person's basic trial rights. "But apparently," Mr. Burch added, this doesn't hold if you are accused of high crimes and misdemeanors," a reference to the constitutional grounds for impeachment of a President.

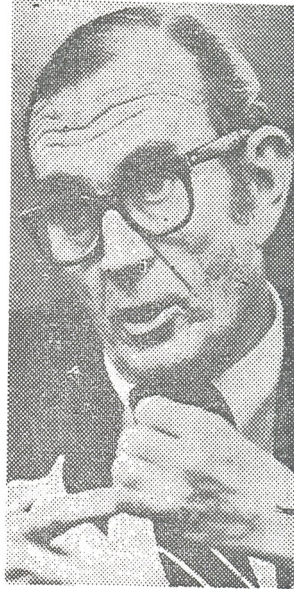
Request Held 'Modest'

Mr. Burch said Mr. St. Clair's request was "a rather modest one," in asking for "six, not 60, not 600, but 6" witnesses. In response to a question, Mr. Burch said that he did not accept the frequent analogy comparing the committee to a grand jury, in part because "about two-thirds [of the committee's members] would have to be excused" on the ground of prejudice.

"It is very strange, when the presiding officer rules that defense counsel may not call witnesses because he, the presiding officer, thinks it would be repetitive," Mr. Burch said, adding that he thought the committee was rushing to bring matters to a vote, in response to "pressure within the Democratic hierarchy," and "at the expense of the rudiments of due process."

Mr. Burch, again responding to a question, said that it was still the White House view that "we have a chance" of prevailing in the committee, and that if the issue did go to the House, the vote would be against impeachment. And he said that it was also the Administration's continuing conviction that the question of impeachment would "fall or be made on the strength of the Watergate case itself," rather than other issues such as campaign contributions from milk producers.

Mr. St. Clair was quoted as having written that all of the six witnesses he requested "possess first-hand knowledge



Associated Press

Dean Burch, Presidential counselor, commenting on the House Judiciary Committee's handling of impeachment proceedings.

critical to this committee's inquiry." He had suggested that John W. Dean 3d, John N. Mitchell, H. R. Haldeman, Frederick L. LaRue, William O. Bittman and Paul L. O'Brien be called. Of the six, only Mr. Dean and Mr. LaRue were among the five persons that the committee voted to call.

Mr. Burch said that he had discussed the committee's action with Gen. Alexander M. Haig Jr., Mr. Nixon's chief of staff, who is traveling with Mr. Nixon, but not with the President himself.

McLaughlin Scores Rodino

The Rev. John McLaughlin, the Jesuit priest who is a deputy special assistant to Mr. Nixon, accused Representative Peter W. Rodino Jr. yesterday of trying to "railroad" the President's impeachment and "denying Mr. Nixon his day in court."

Speaking at the Overseas Press Club, in the Biltmore Hotel at Madison Avenue and 44th Street, Father McLaughlin said the chairman of the House Judiciary Committee had acted like a "ringmaster at a political circus" Wednesday night when there appeared to be division among Democrats on the committee over whether to call additional witnesses.

"Why is Mr. Rodino afraid of having five additional witnesses?" Father McLaughlin asked. "Is he afraid of the truth?"

Father McLaughlin said the hearings ought to be open to television coverage, in order to halt "vilifying leaks and expose the best-kept secret in Washington: that there is no legal case against Richard Nixon."

Citing instances in which he said previous Presidents were unjustly ridiculed, Father McLaughlin declared, "Richard Nixon is part of this distinguished lineage."