

ST. CLAIR QUOTES A WITHHELD TAPE TO SUPPORT NIXON

JUL 19 1974

Tells Panel 1973 Recording
Proves President Barred
Any 'Blackmail' to Hunt

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DEFENSE MOVE DECRIED

Some on Committee Term
Late Use of Transcript

Excerpt 'Outrageous'
NYTimes

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, July 18 —

President Nixon's defense lawyer told the House Judiciary Committee today that a 1973 tape recording the President has refused to give to the impeachment inquiry would prove that Mr. Nixon ruled out a "blackmail" payment to E. Howard Hunt, Jr., a convicted Watergate burglar.

The lawyer, James D. St. Clair, in a move that was denounced by Democrats and some Republicans on the committee, cited a brief passage from the withheld recording in a final argument against impeachment.

He said that Mr. Nixon told H. R. Haldeman, then the White House chief of staff, at a meeting on March 22, 1973, "I don't mean to be blackmailed by Hunt—that goes too far."

Issue Seems Unsettled

Mr. Nixon's attorney told reporters after his last appearance at the closed hearings, but reportedly did not note in his summation to the committee, that elsewhere in the transcript of the meeting the President had "indicated it would be right to pay money to Hunt for humanitarian purposes."

The belated introduction of the evidence—a two-page edited White House excerpt from the transcript of the 90-minute meeting—thus appeared to have left unsettled the central impeachment issue of the President's attitude on Mr. Hunt's alleged demands for hush money.

But the use of the excerpt, after the committee had examined impeachment evidence for 10 weeks, produced a storm of criticism. Some panel members described it as "outrageous," "incredible" and "practically an insult."

Fewer Handwritten Notes

The committee's chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, said later that he had given Mr. St. Clair a pointed reminder that the President, in defying subpoenas of the March

22 recording and 147 others, had said, "The committee has the full story of Watergate."

A key Republican who is uncommitted on impeachment, Representative M. Caldwell Butler of Virginia, said that the incident "illustrates what we've been saying all along—that we really need those tapes."

Several committee members drew attention, at the same time, to the introduction by the White House today of far

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fewer handwritten notes of White House conversations than had been given to the Watergate special prosecutor.

Mr. Rodino and others said that the notes, prepared over two years by John D. Ehrlichman, the former White House domestic adviser, contained only 643 lines on 87 pages when given to the committee in response to a subpoena. The chairman said that a comparison of the material with the same notes subpoenaed earlier by the Watergate special prosecutor showed that the prosecutor had received 1,370 lines of notes on 141 pages.

In his closing argument to the committee, Mr. St. Clair said that the American people would require clear evidence of serious criminal wrongdoing before a President was impeached.

Delivering a 90-minute, point-by-point defense of various allegations of wrongdoing, Mr. St. Clair made, he later recalled, the following points:

¶ "No connection" had been demonstrated by evidence to link, as a possible bribe, Mr. Nixon's intervention in a controversial Government antitrust action against the International Telephone and Telegraph Corporation to a pledge by the conglomerate to help to underwrite the cost of the 1972 Republican Convention.

¶ The President's decision to raise Federal milk price supports in 1971 was, in Mr. St. Clair's view, "divorced" from prior pledges by dairy industry groups to donate \$2-million to Mr. Nixon's re-election campaign.

¶ Mr. Nixon's underpayment of Federal income taxes while in the White House had been on the advice of tax counsel and approved initially by an Internal Revenue Service audit "more thorough" than that made of any taxpayer's returns.

¶ Wiretapping of Government officials and newsmen and covert efforts to obtain damaging information about Dr. Daniel Ellsberg were the result of concern over national security leaks and, Mr. St. Clair said, "if the President hadn't done something, he might have been subject to criticism."

Presentation Called Able

Supporters and critics of the President said generally that, apart from Mr. St. Clair's use of the March 22 transcript material, his presentation—delivered from notes—had been "able," and, as one Republican, Representative Wiley Wayne of Iowa, put it, "a strong argument to overcome."

The heart of Mr. St. Clair's defense, and the focus of most

of his argument, was the attempt to refute the allegation that Mr. Nixon had directed or tolerated illegal efforts to obstruct the Watergate investigation.

He said, recalling his summation, that it was "clear" Mr. Nixon had not known of plans to break into the Democratic party headquarters at the Watergate complex on June 17, 1972; that the President was unaware before March 21, 1973, of a conspiracy to cover up the matter and, particularly, that the March 22 recording showed that Mr. Nixon "did not even know" that \$75,000 in alleged hush money had been directed to Mr. Hunt on the night of March 21.

According to Mr. St. Clair, the first Mr. Nixon knew of the demands of Mr. Hunt for money was when he was told of them by John W. Dean 3d, the ousted White House legal counsel, on March 21. He said that Mr. Nixon had not authorized the \$75,000 payment—despite remarks to Mr. Dean at the meeting that the demands "should" be met.

The White House lawyer contended that the payment had been initiated by Mr. Dean before, not after, the March 21 meeting and he said:

"If the President had been in China, this payment would have been made just the same."

Authorized by Nixon

Mr. St. Clair said that President Nixon had personally authorized the use of the March 22 excerpt in the closing argument. He defended it by saying that the material became "relevant" only after Mr. Dean, in a variation from testimony given last year at the Senate Watergate hearings, told the House committee this week that Mr. Nixon's March 21 comments might have resolved doubts about whether to pay Mr. Hunt.

Transcripts submitted to the Judiciary Committee along with the 19 White House recordings Mr. Nixon has yielded have contained hundreds of omissions and differences from transcripts prepared by the impeachment inquiry's staff.

Some committee members said that the edited transcript submitted today by Mr. St. Clair could be subject to comparable discrepancies.

In reply to questions at a news briefing, Mr. St. Clair said that he had not listened to the March 22 recording, that he became aware "some time ago" of a "sketchy transcript" of the conversation and that Mr. Nixon had decided to give the panel the "critical portion."

He said that he could not vouch that the tape contained no other relevant material, but

that Mr. Rodino and the ranking Republican, Representative Edward Hutchinson of Michigan, could go to the White House to listen to the recording.

Mr. Rodino rejected the offer, saying, as he had previously, that the House had the right to obtain the tape itself as impeachment evidence so it might be examined and its authenticity verified.

Representative Trent Lott, a Mississippi Republican who has been a staunch supporter of the President, said that he also would "like to get the whole tape" of the March 22 meeting.

Another Republican normally at odds with Democratic critics of Mr. Nixon, Representative Lawrence J. Hogan of Maryland, said that it was "a little late" for Mr. St. Clair to offer evidence, and that "there isn't any snatch of any transcript that's going to change anything."

Democrats, particularly persistent accusers of the President, were even more harsh about the use of the March 22 material.

Representative George E. Danielson of California said that he had not even heard Mr. St. Clair read the brief quote from the transcript because, "I was shouting louder than St. Clair" in protest.

"I can find no rational basis for what President Nixon has produced for the committee and has not produced," Mr. Rodino said this afternoon.

He added that the committee had been given no relevant White House evidence that had not been provided "either by sheer happenstance or was forced from the President by enormous public pressure" after Mr. Nixon dismissed Archibald Cox, the first Watergate special prosecutor, last October.

Representative Robert McClory of Illinois, the second-ranking Republican on the panel, who predicted this morning that the committee would recommend and the House approve impeachment on a bipartisan vote, echoed the chairman's comments.

Special to The New York Times

SAN CLEMENTE, Calif., July 18—The deputy White House press secretary, Gerald L. Warren, said today that the excerpt of a March 22, 1973, conversation between President Nixon and Mr. Haldeman "destroys the theory that the President was involved in a conspiracy to obstruct justice by the payment of hush money or blackmail money to Mr. Hunt."

Mr. Warren said that he had not seen the transcript of the conversation but had been informed about it by Mr. St. Clair.