

Legal Defense Firm Split

A Nixon Embarrassment

Washington

The same week that former President Nixon hired a Washington law firm to handle his Watergate defense, the firm's leading constitutional expert called publicly for Mr. Nixon's prosecution.

Nathan Lewin, a senior partner in the firm, wrote a three-page magazine article suggesting that Mr. Nixon may be guilty not only of conspiring in the Watergate coverup but of suborning perjury, destroying tapes and obstructing the work of the House Judiciary Committee.

"It is essential that there be a formal charge and a final and binding judicial decision," Lewin said in the article in the August 24 issue of the New Republic. "Richard Nixon has too much personal information about too many federal offenses committed in 1972, 1973 and 1974 to be left alone."

It was revealed last week that Mr. Nixon had retained Lewin's law firm, Miller, Cassidy, Larroca and Lewin, to represent him in the Water-

White House Denies Haig Is Leaving

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A White House spokesman denied yesterday a report that General Alexander Haig is about to leave the Ford administration.

Presidential spokesman Jerald terHorst said that Haig, who remained on as White House chief of staff after President Nixon resigned, "is aboard for the duration."

He said the President's definition of duration is "indefinite."

Reuters

gate case and other pending criminal and civil matters.

The firm's most prominent member is Herbert J. (Jack) Miller, Jr., a one-time top-ranking Justice Department official credited

with negotiating a highly favorable plea bargain for another Watergate client, former Attorney General Richard G. Kleindienst.

According to Lewin, Mr. Nixon knew about the New Republic article when he decided to hire the firm. "The article was discussed with him," Lewin said in an interview.

"He's aware of the fact that a partner in the firm had expressed his personal views about the case. But he wanted Jack Miller anyway."

Although Miller was the chief attraction, in Mr. Nixon's view, every member of the small, well-regarded firm will work on the case — except Lewin.

By coincidence, Lewin had already been invited by the Harvard Law School to spend the coming school year as a visiting professor, teaching seminars on constitutional law and white collar crime. He will be living in Cambridge, Mass., until late next spring.

Although his partners'

first task, in representing the former Chief Executive, may be to help him escape prosecution, Lewin said he sticks by his view that the public interest requires that Mr. Nixon should be subjected to the normal criminal process.

In the article, sometimes tinged with sarcasm, Lewin cited three factors which he said "justify, or even compel, full investigation and criminal prosecution (of Mr. Nixon) by the office of the special prosecutor."

A trial is necessary, he wrote, to leave a "definitive judgment for posterity" about the former President's own complicity in Watergate and to secure his testimony about a wide variety of crimes, particularly his aides' perjury and "the mysterious erasures and disappearances of tapes."

The third reason Mr. Nixon should be forced to answer for his acts is that underlings have had to answer for theirs, Lewin said. "What possible explanation will there ever be if . . . those who acted on Nixon instructions, express or implied, were charged and convicted and went to jail while their chief spent his retirement years strolling the Pacific beaches?"

Lewin is highly respected, both as a practicing attorney and a scholar. His credentials are unusual: He worked for Miller when Miller headed the Justice Department's criminal division and also served as an assistant to former Solicitor General Archibald Cox, arguing dozens of Supreme Court appeals for the federal government.

Cox later became the first Watergate special prosecutor.

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