

LAWYER DEFENDS NIXON'S SILENCE ON HUSH MONEY

St. Clair Asserts President
Carried Out His Obligation
When Told of Crime

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CITES INDICTMENT OF 7

Says Duty Was to See That
the Judicial Process Was
Started and Carried Out
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WASHINGTON, March 11—President Nixon's chief defense lawyer defended him today against suggestions that he violated the law when he did not report to Federal prosecutors, as soon as he found out, that hush money had been paid to the Watergate burglars.

"The President is the chief law enforcement officer in the country," the lawyer, James D. St. Clair, said in an interview.

The President's legal obligation when informed of a crime is simply "to see" that the judicial process is set in motion and carried out, he said.

And the President did this in the case of the hush money payments, Mr. St. Clair said, citing the fact that seven men were indicted 10 days ago on charges of conspiring in the Watergate cover-up.

Told of Payments

The suggestions of improper behavior on the part of the President were raised last week when he said in a news conference that he was told last March 21 that payments had been made to the original Watergate defendants to keep them quiet. Federal law requires that knowledge of the commission of a felony be reported to the appropriate authorities; violation of that law is known as "misprision."

The day after the news conference the White House press office declined to answer questions regarding whether Mr. Nixon may have violated the law on misprision.

In the interview today, Mr. St. Clair conceded that whether Mr. Nixon "should have" reported the information immediately "is a question on which people could differ."

Not as Legal Question

But because of the President's role as chief law enforcement officer, he continued, "Whether it's misprision or not doesn't make such sense as a legal question."

Mr. St. Clair also said in the interview that he did not believe that the House of Representatives would vote to impeach the President.

Asked about the controversy surrounding Mr. Nixon's tax returns, the lawyer said that the subject of taxes "involves the President personally" and was not part of his task as chief of the President's legal team on Watergate affairs. And, saying it was "hypothetical," he declined to speculate on whether there would be a move to impeach Mr. Nixon on the basis of possible tax violations.

He said, however, in re-

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sponse to a question, that a criminal violation of the tax laws would probably be grounds for impeachment—even within the narrow view of impeachment propounded by the White House, that only crimes of a serious nature were impeachable offenses.

Sees Dean Out of Case

Mr. St. Clair, a 53-year old silver-haired lawyer from Boston who is known for his urbanity as well as his skill in the courtroom, took the occasion of the interview to suggest that John W. Dean 3d, the President's former counsel and the sole person to give firsthand testimony against Mr. Nixon, was "no longer part of the prosecution's case" in the Watergate cover-up.

Mr. St. Clair has previously issued a statement to the press attacking Mr. Dean's credibility.

Today, during the interview in his office at the Executive Office Building across from the White House, he merely pointed to a statement in today's editions of The New York Times reporting that Mr. Dean had given two different dates for the conversation in which he allegedly discussed with Mr. Nixon the payment of hush money to the Watergate defendants.

During the televised hearings before the Senate Watergate committee last summer, Dr. Dean listed that conversation as occurring March 13, 1973. Subsequently, he told both the committee investigators and the grand jury that it took place on March 21.

Calls Testimony Unneeded

The special Watergate prosecution has a tape recording of the March 21 meeting; according to Mr. St. Clair, Mr. Dean's testimony is not needed to describe what occurred at that meeting.

Mr. St. Clair also made a point of an apparent discrepancy between a fact described in the indictment of the seven men in the cover-up case and what he called "sworn testimony" before the Watergate committee. The indictment states that "on or about the evening of March 21, 1973, Fred C. LaRue [former re-election campaign official] arranged for the delivery of approximately \$75,000 in cash to William O. Bittman," (former attorney for E. Howard Hunt Jr., one of the original defendants). This statement followed discussion in the indictment of conversations earlier that day in which the payment was authorized.

A chart used at the committee hearings and included in the record of the hearing was specifically referred to by Mr. St. Clair. He declined to speculate on the meaning of it; however, his inference seemed clear—that if the payment occurred on the 20th not the 21st, it did not come as a result of the March 21 conversation. If Mr. Nixon did not know of the payments until the 21st, he would thus not be responsible.

Unclear on Date

Testimony before the committee, by both Mr. Hunt and Mr. LaRue, was unclear as to the date of the payment.

Mr. Hunt said at one point that he would "guess" that he got the money on the morning of March 21. Mr. LaRue was asked whether it was correct that the payment was made "just shortly before" Mr. Hunt was sentenced on March 23; Mr. LaRue replied, "I think that is correct."

A spokesman for the special Watergate prosecution declined to comment on Mr. St. Clair's remarks, explaining that the "gag rule" set by Federal Judge John J. Sirica in the Watergate matter prohibited lawyers in the case from making statements outside of court, whether off the record or on.