

WATERGATE

Moving in Committee and Court

We have gone forward assuming good faith and cooperation. As regards the President himself, we have been respectfully patient. Yet there comes a time when patience and accommodation can begin to undermine the process in which we are engaged. We shall not be thwarted by inappropriate legalisms or by narrow obstacles to our inquiry.

With those words, Chairman Peter W. Rodino Jr. declared that his House Judiciary Committee would no longer tolerate the White House failure to deliver 41 tape recordings of presidential conversations that the committee had requested on Feb. 25 for its impeach-

warranting impeachment charges.

New Jersey Democrat Rodino's exasperation over White House dawdling on the request for evidence was shared by the committee's ranking Republican, Edward Hutchinson of Michigan. He said that he could not understand why Nixon and his chief Watergate lawyer, James St. Clair, were resisting. "We're not after irrelevant matters," Hutchinson declared. "We're not after state secrets." Rodino explained that the committee wanted only "specific evidence of specific acts of specific relevance to our inquiry." The committee had waited "40 days and 40 nights" and still did not have a satisfactory White House

The Judiciary Committee's pointed push for evidence, combined with the revelation by its staff that public hearings on the evidence could begin as early as May 1, suggested that the investigators now have a clearer idea of the directions that the inquiry will take. This new focus has followed the committee's receipt of a briefcase containing findings of fact and supporting evidence compiled by the Watergate grand jury that indicted seven former Nixon agents for conspiracy in the cover-up.

Doar and the committee's Republican counsel, Albert Jenner, last week gave the committee an outline of the procedure they would like to follow in the inquiry. By about May 1 the staff would complete a book of possible charges against the President, citing specific facts from the evidence the staff has acquired. With each such charge, a

list of supporting documents, tapes, transcripts and testimony will be given. Any committee member could use this list to gain access to specific evidence. The aim of the procedure would be to minimize the likelihood of premature disclosure of the material.

The Rodino staff would then hold a series of briefings for the committee on the sig-



LIEUT. GOVERNOR ED REINECKE

ment inquiry. Without dissent from any of the 38 committee members, Rodino said that the evidence must be submitted this week or it would be subpoenaed. Such a legal step would weaken the President's frequent public claims that he is voluntarily cooperating with the committee.

A showdown was thus rapidly approaching over the committee's ability to extract evidence from the White House. Any failure by Nixon to comply with the subpoena would carry serious implications for him. Refusal to produce legally subpoenaed evidence creates an assumption that the withheld material is damaging to the withholder's case. In a sense, such an act forfeits the law's normal presumption of innocence until proved guilty. Rodino does not intend, however, to seek any immediate contempt of Congress citation against the President if he fails to honor the subpoena. That possibility would be held in reserve until the committee determined whether it already had evidence



DWIGHT CHAPIN & WIFE DURING TRIAL

reply, complained Texas Democrat Jack Brooks.

The committee's chief counsel, John Doar, sent a letter to St. Clair specifying in greater detail than before just what it wanted and why. The letter asked for 41 tapes, mostly from March and April of 1973 and all potentially relevant to the committee's study of whether Nixon was a participant in the conspiracy to conceal the origins of the Watergate wiretapping-burglary. While St. Clair had complained that this involved "thousands of hours of conversation," the Doar staff estimated that it covered only 26 hours.

nificance of this evidence. The members would be free to quiz both Doar and Jenner, perhaps basing their questions on their personal examination of the tapes and documents. The staff hopes that at this stage no witnesses would be called, since most key Watergate figures have already testified before various grand juries and Senate committees. Any member of the committee would have the right, however, to ask that particular witnesses be called. If approved by majority vote, a subpoena for such an appearance would be issued. These staff briefings, it is estimated, would last about six weeks. Whether they



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would be public has not been decided. This proposed procedure is aimed at a speedy presentation of the evidence. Also, it would avoid any immediate determination on whether Nixon would be represented through his counsel in the early stages of the inquiry—a demand by St. Clair that has split the committee along party lines. But committee Democrats appear ready to yield to St. Clair's insistence that he be permitted to question witnesses if they are called—not as a matter of right but to preserve an attitude of fairness.

As the impeachment inquiry moved forward, there were other developments in another busy Watergate week:

► After only two days of testimony and a surprisingly long two days of jury deliberation, the staff of Special Prosecutor Leon Jaworski narrowly won the first case that it has brought to trial. Dwight Chapin, 33, Nixon's former appointments secretary, was convicted on two counts of lying to a grand jury about a White House-directed campaign of political sabotage in the 1972 presidential race. He was found guilty of perjury when he claimed that he had not discussed the distribution of campaign literature with Donald Segretti, who has just completed four months in prison for creating and spreading campaign materials defaming Democratic candidates. Segretti, who testified as a Government witness against Chapin, had admitted issuing on Democratic Candidate Edmund Muskie's stationery a phony release in which two other Democratic candidates, Hubert Humphrey and Henry Jackson, were falsely accused of sexual misconduct. Segretti also admitted distributing on Humphrey stationery the false information that Democratic Candidate Shirley Chisholm had been treated in a mental institution.

Chapin also committed perjury, the jury decided, in denying that he had directed Segretti to concentrate his attack on Senator Muskie. As the presidential primary elections began in early 1972, Muskie was the leading Democratic candidate. The presiding judge dismissed a third perjury count and the jury acquitted Chapin on a fourth. Basically, Chapin's defense rested on his inability to recall in detail his dealings with Segretti; he denied any intent to mislead the grand jury. The 17th former Nixon agent convicted of a crime, Chapin faces a maximum—but highly unlikely—sentence of ten years in prison.

► A federal grand jury in Washington returned the first indictment in its probe of the Nixon Administration's settlement of an antitrust suit against ITT after the corporation had pledged up to \$400,000 to help finance the 1972 Republican National Convention. Ed Reinecke, the Republican Lieutenant Governor of California, was charged with three counts of perjury in testimony he gave on April 19, 1972, at the confirmation hearings for Attorney General Richard Kleindienst. The charges center on Reinecke's claim that he had told

the previous Attorney General, John Mitchell, about the ITT offer only after the Justice Department's settlement with ITT—a key point on whether the pledge influenced the Government's decision to settle. Since Mitchell has sworn under oath that he knew nothing of the offer until well after the settlement, he, too, seems likely to be indicted by the grand jury.

The indictment of Reinecke was probably a fatal blow to his hopes of becoming the Republican candidate to

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DEMOCRATIC CANDIDATE TRAXLER

succeed California Governor Ronald Reagan, who is not seeking re-election this year. But Reinecke insisted last week: "I did not lie. I am innocent. I intend to fight this action."

► In its investigation of illegal campaign contributions, Prosecutor Jaworski's staff threw the book at American Ship Building Co. and its chairman and chief executive officer, George M. Steinbrenner III. A federal grand jury in Cleveland charged the corporation with conspiracy and making illegal contributions. It indicted Steinbrenner, the major owner of the New York Yankees, on four counts of obstruction of justice, two of obstruction of a criminal investigation, two of aiding and abetting individuals to make false statements to the FBI, one of conspiracy and five of illegal campaign contributions. The indictment contends that Steinbrenner led a scheme of giving bonuses to executives of the corporation, demanding that the individuals send this money to political candidates and ordering them to lie about this and destroy records when the transactions came under scrutiny. The donations included \$56,200 to Nixon's re-election campaign and another \$51,800 to various senatorial and congressional candidates of both parties.

► Herbert Kalmbach, Nixon's personal lawyer, told the Senate Watergate committee in secret hearings that part of a \$100,000 donation from Billionaire Hughes given in 1969 and 1970 to Bebe Rebozo, the President's good friend, was in turn given or lent for the personal



REPUBLICAN CANDIDATE SPARLING

use of two other Nixon intimates: Rose Mary Woods, the President's personal secretary, and Donald Nixon, his brother. This claim by Kalmbach directly contradicts sworn testimony by Rebozo and Miss Woods. Rebozo contends that the money was kept untouched for three years in a safety deposit box and then returned to Hughes. The testimony also conflicts with similar public assertions by President Nixon. Kalmbach testified that his source for this information was Rebozo.

Come Again. President Nixon, still demonstrating considerable determination despite his Watergate woes, decided to campaign for a Republican candidate this week in a special election in Michigan. James Sparling Jr., the party's nominee in the heavily Republican Eighth District along Lake Huron, is locked in a close race with Democrat Robert Traxler. Since the G.O.P. has lost three of four special congressional elections this year largely because of Watergate, Nixon's decision to appear was a bold gamble. The election will be held April 16—ironically the day after the deadline for filing income taxes.

The Republican candidate, a former assistant to Congressman James Harvey, who has vacated the post to become a federal judge, said that he initially wanted Nixon to appear in the district to talk to voters about Watergate and the nation's inflation and unemployment problems. But Sparling seemed to suggest a change of mind about the invitation, as his standing in polls improved, when he declared: "I cannot and will not defend the actions of the President. If I am elected to the Congress, any proof of wrongdoing on his behalf will draw my vote for impeachment—zap." The invitation was extended personally to the President by Illinois Congressman Robert Michel, chairman of the House Republican Campaign Committee. When he did so at a White House meeting on political strategy, Nixon shook his head in disbelief and said: "Come again with that." "Yes, it's a definite request," Michel replied. "Well, geez," said Nixon, "I'm not averse to going into a difficult situation."