

Nixon Impeachment Defense

St. Clair's Game Plan

Washington

Portraying President Nixon as a law enforcement officer who helped expose the Watergate scandal and bring his closest aides to the bar of justice, James D. St. Clair has outlined Mr. Nixon's major defense strategy in the impeachment inquiry.

The strategy rests on a basic contention by St. Clair, Mr. Nixon's chief impeachment attorney, that "this problem we are facing is called Watergate" and that Congress is unlikely to impeach the President for any activities related to five other areas of alleged misconduct being explored by the House Judiciary Committee.

The strategy, as it has emerged in several sessions with reporters, includes an argument by St. Clair that as the nation's "chief law enforcement officer," the President had a hand in directing an investigation that eventually led to indictments against his closest aides on charges of obstruction of justice in the cover-up.

Some of Mr. Nixon's public statements and his edited transcripts of recorded conversations raise questions about his activities during the coverup period. However, St. Clair says the record shows the President took positive law enforcement action after former White House Counsel John W. Dean III made "a disclosure of significant proportions" to him on March 21, 1973.

The edited transcript of the March 21 conversation, given to the judicial committee and made public by Mr. Nixon, shows that the President repeatedly discussed

But St. Clair told reporters Mr. Nixon "did not cover this thing up and the proof

of this pudding, gentlemen and ladies, is in the eating. the urgency of raising the idea of making such pay- These people now stand indicted. It took a long time and there was a lot of blood spread in between, but they are indicted."

They were not indicted during the original Watergate grand jury investigation over which Mr. Nixon exercised some influence, however. That investigation was conducted by Assistant U.S. Attorney Earl J. Silbert and Deputy Attorney General Henry Petersen.

The transcripts Mr. Nixon released show that Petersen kept the President informed of some of the grand jury evidence and that he in turn passed along information to two top aides — H. R. Halde- man and John Ehrlichman — who were under investi- gation.

Haldeman and Ehrlich- man (as well as five other persons) were not indicted in the coverup until last March 1, several months after the investigation had been taken out of the hands of Silbert and Petersen and put under the jurisdiction of the special Watergate prose- cutor.

Silbert and Petersen have contended that the original investigation laid the groundwork for the indict- ments that subsequently were returned. In turn, crit- ics have accused them of treading softly where the President and his top aides were concerned.

Criticism of the original investigation mounted re- cently after Mr. Nixon nomi- nated Silbert to be U.S. At- torney for the District of Co- lumbia.

However, St. Clair has in- dicated that part of the President's defense on Wat- ergate is that at his direc- tion, the Justice Department

conducted an honest investi- gation.

"I think the President feels that Mr. President did a very credible job," St. Clair said. He said in the tapes he was satisfied that Mr. Silbert had done so.

PETERSEN?

St. Clair, in addition to discounting other areas of the impeachment inquiry as relatively unimportant, has tried to narrow the focus of the Watergate phase by arguing that:

- A legitimate reason for Mr. Nixon to have en- gaged in discussions about payment of hush money could have been the need to keep secret matters of na- tional security.

- Any evidence of Mr. Nixon's complicity in the cover-up would not be suffi- cient for impeachment un- less it included violation of a criminal statute.

Chairman Peter W. Rodi- no Jr. (Dem.-N.J.) and oth- er Democrats on the Judi- cary Committee, as well as some Republican members, have said an impeachable offense does not necessarily have to involve a criminal violation. And they have frowned on suggestions that national security could be invoked as a defense for hush money payments.

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