

Impeachment Battle on 4 Fronts

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WASHINGTON, June 13—The President's lawyers laid down a barrage of motions, affidavits, letters and memorandums this week in four forums—the Supreme Court, the House Judiciary Committee and two courtrooms of United States District Court. Some of the moves seemed contradictory; the total effect seemed scattershot and tangled.

But appearances were misleading, because all of the moves had a common thread: By design or not, each fitted into Mr. Nixon's basic goal, avoiding conviction in the Senate on articles of impeachment.

There was another common thread for many of the moves: the President's lawyers said, in a number of cases, that they were acting to uphold the Constitution's design of a separation of powers between the three branches of Government. The White House legal moves this week included the following:

The Supreme Court

On Monday, the President joined with the special Watergate prosecutor, Leon Jaworski, in asking the court to make public the papers in which Mr. Jaworski disclosed to District Judge John J. Sirica and to James D. St. Clair, the President's special defense lawyer, that a Watergate grand jury had named Mr. Nixon an unindicted co-conspirator in the Watergate cover-up.

On Tuesday, the White House disclosed that it had asked the court to consider, as part of the latest Jaworski-Nixon subpoena battle, whether a grand jury has the authority to "charge an incumbent President as an unindicted co-conspirator in a criminal proceeding."

The White House submitted its request to the court the day before, in printed form, and the week before, in a less formal writing.

House Judiciary Committee

On Monday, the President refused to comply with the latest committee subpoena for tapes that the committee had said related largely to Watergate. The President said that to honor the committee request would erode the separation of powers by weakening the Presidency.

The next day, Mr. St. Clair sought to give the committee a 10,000-word brief presenting a rationale for the President's conduct in regard to the Watergate cover-up. The brief, which was presumed to contend that the evidence against the President

was insufficient to prove criminal culpability, was rejected by the committee as out of order.

Federal District Court

In a letter addressed to "My dear Judge Sirica," Mr. St. Clair notified the court on Monday that the President would appeal Judge Sirica's decision to give a grand jury a portion of a tape recording that allegedly related to White House of the Internal Revenue Service.

Mr. St. Clair filed a motion and a letter the next day asking Judge Sirica to disclose to the President and the Supreme Court — but not, apparently, the public — all grand jury minutes and evidence concerning the jury's action in naming Mr. Nixon an unindicted co-conspirator.

He told Judge Sirica he believed that the evidence he had heard in the closed Judiciary Committee hearings was the same evidence on which the grand jury had based its action against the President. He asserted to the judge that the evidence was insufficient.

Action in 'Plumbers' Case'

On Wednesday, J. Fred Buzhardt Jr., the President's counsel, said in an affidavit to Judge Gerhard A. Gesell that he had "personally examined" the White House files subpoenaed by John D. Ehrlichman, one of the defendants in the "plumbers" case, and found nothing that pertained to Mr. Ehrlichman's innocence or guilt.

The seven separate legal moves, technically different, had some significance because of the impeachment inquiry, and each is related to it.

First, one focus of the impeachment inquiry is the Watergate cover-up. A grand jury has named Mr. Nixon co-conspirator; if Congress agrees it will likely impeach him.

The President's lawyers must thus show that Mr. Nixon was not a conspirator, and three of those seven moves were aimed at doing that. One was the offer of the 10,000-word brief; the other two were the request to Judge Sirica for grand jury material and the petition to the Supreme Court on the grand jury's authority.

Questions Authority

Mr. St. Clair wants the grand jury material to use in the Supreme Court hearing. At that hearing, he plans to argue that the grand jury has no authority to charge a president, and that even if it does, its evidence was an insufficient basis for naming Mr. Nixon.

He wants the Supreme Court to say that Mr. Nixon should not have been named a co-

conspirator. A ruling to that effect, would not be binding on Congress, but it would presumably have a psychological influence on both Congress and the public.

The objective is less clear in Mr. St. Clair's request that the court make public the papers in which the grand jury names Mr. Nixon a co-conspirator.

However, the papers also include a brief by Mr. St. Clair that presumably makes some good arguments in Mr. Nixon's behalf, and Mr. St. Clair would want the public to know all the pro-Nixon arguments that can be mustered.

Subpoenas Defied

The White House refusal last Monday to comply with Judiciary Committee subpoenas also bears on the impeachment possibility. The committee contends that the subpoenaed conversations involve Watergate and thus might include evidence incriminating to Mr. Nixon.

The impeachment inquiry is proceeding on other tracks as well; hence, the significance of the two other legal moves this week.

If President Nixon were cited for contempt of court, that might be considered an impeachable offense. Judge Gesell had indicated that he was considering holding contempt hearings; Mr. Buzhardt's affidavit apparently changed Judge Gesell's mind.

The President might be impeached if Congress found evidence that he had improperly interfered with Government agencies.

Dispute on Tape

Judge Sirica had said that he would give a White House tape recording to the grand jury because it "inquestionably" related to abuse of the Internal Revenue Service. Mr. St. Clair said Mr. Nixon disagreed that the tape related "in any way to Watergate."

The tape recording and the subpoenaed materials way not contain any incriminating evidence. The White House has said it opposed giving them up because doing so would weaken the Presidency and hence, the separation of powers.

The arguments on separation of powers may explain some of the other moves this week. The White House petition to the Supreme Court suggested that a grand jury has no authority to act against the President, because the Constitution sets up impeachment as the sole remedy against the President; letting a grand jury act would "impinge" on the Congressional power of impeachment.