

Burch Calls Panel A 'Lynch Mob'

By William Claiborne
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The White House escalated its counterattack on the House Judiciary Committee yesterday, likening the impeachment inquiry to a "partisan lynch mob" and charging that the committee's decision to restrict the number of defense witnesses came from the Democratic "hierarchy" of Congress.

Dean Burch, special counsel to the President, criticized what he termed a "remarkable step-up in the tempo" of the committee's inquiry, which he attributed to "blatant partisanship."

"The Constitution indicates that the defendant—in any kind of proceeding that has a smack of fairness—is entitled to have witnesses," Burch said.

His verbal attack, which came in the latest of a series of discussions with newsmen in the office of White House communications director Ken W. Clawson, was prompted by a Judiciary Committee vote Wednesday night to accept as primary witnesses only two names submitted by Mr. Nixon's

Watergate defense lawyer, James D. St. Clair.

The two are former White House counsel John W. Dean III and Frederick C. LaRue, former deputy director of the Committee for the Re-election of the President.

Four witnesses requested by St. Clair were stricken from the committee's agenda, and will be called only if preliminary interviews with staff lawyers show they have information crucial to the inquiry.

They are former Attorney General John N. Mitchell, former White House chief of staff H. R. (Bob) Haldeman, former Nixon re-election campaign lawyer Paul O'Brien and William O. Bittman, lawyer for Watergate defendant E. Howard Hunt Jr., who reportedly had threatened to blackmail White House officials and allegedly was paid hush money.

The Judiciary Committee said it will call three other witnesses recommended by the impeachment inquiry

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staff Assistant Attorney General Henry E. Petersen, former presidential lawyer Herbert W. Kalmbach and former White House aide Alexander P. Butterfield, who is now administrator of the Federal Aviation Administration.

Burch said restricting the defense witnesses all but precludes a fair hearing of the evidence against Mr. Nixon.

"The defense counsel has a few basic rights, and one of these is the right to decide which witnesses to call in support of his case," Burch said.

"I doubt seriously that in a political trial we can achieve anything like the fairness in a judicial trial, but we should strive . . ." he added.

Limiting the number of witnesses sought by St. Clair, Burch said, violates the President's Sixth Amendment rights, which guarantee due process of law and fair trial.

Burch rejected a suggestion that the impeachment inquiry by the Judiciary Committee is analogous to grand jury investigations, which traditionally exclude defense lawyers, much less defense witnesses.

He argued that the Constitution does not spell out precisely how impeachment proceedings should be conducted, and that "overlying all of this is . . . what we have come to accept in America as due process."

In any case, Burch argued, if the committee hearings were analogous to a grand jury proceeding, "two-thirds of the members would have to be excused from this grand jury" on the basis of prejudicial circumstances.

With incredulity in his voice, Burch complained, "Six witnesses, not 60 or 600, but six witnesses. I think this is ludicrous to say that the testimony of four additional witnesses would so overburden the committee," he said, estimating that the additional questioning would take three hours of the committee's time.

"All we ask for is six witnesses, and they decide to call two," Burch complained.

Judiciary Committee Chairman Peter W. Rodino Jr. (D-N.J.) has indicated he wants to limit the number of witnesses to those needed to fill the gaps in the evidence in order to get a committee vote before the end of July.

Burch said he thought congressional democratic leaders had made a decision to "get a (floor) vote before Labor Day," and he mentioned the House speaker and Senate majority leader, Rep. Carl Albert (D-Okla.) and Sen. Mike

Mansfield (D-Mont.).

Burch denied that St. Clair's motive in requesting six witnesses was one of "a rampaging attorney who is trying to drag this out." Some Democrats on the committee have charged that the White House impeachment defense strategy is to delay the inquiry, while at the same time attempting to cause divisiveness among the members.

Burch acknowledged, however, that written arguments submitted to the committee by St. Clair in support of calling each of the six requested defense witnesses indicated that the White House defense will focus on the alleged Watergate cover-up and the payment of \$75,000 to Hunt on March 21, 1973.

Each of the witnesses played a role in the payment of the alleged "hush." A number of potential witnesses who figure significantly in other alleged impeachable offenses—including the International Telephone and Telegraph Corp. antitrust settlement and the dairy cooperative campaign contributions—were not requested by St. Clair.

"It's quite clear that this case will fall on the strength of the Watergate case—not the milk case and not ITT . . ." Burch said, echoing an assertion frequently made by St. Clair.