

# WATERGATE

## Nixon's hush-money defense

Knight News Service

WASHINGTON — President Nixon's lawyer has given the House Judiciary committee an account of Nixon's behavior which is intended to show that the President did not approve a hush-money payment to Watergate burglar E. Howard Hunt.

That \$75,000 payment on the night of March 21, 1973, is generally considered the single most damaging accusation brought against the President. If proved, it could bring about his impeachment conviction on a charge of obstructing justice.

The explanation by White House lawyer James St. Clair is the heart of Nixon's defense.

In the summary, St. Clair did not deny that the payment was delivered to Hunt's lawyer. He also conceded that Nixon was aware in advance of Hunt's demand.

But he argued that:

- The President thought the motive for the payment was to meet Hunt's legal fees and living expenses, which is legal, not to buy his silence, which is illegal.

- Nixon discussed the "option" of meeting Hunt's demand, but in the end he rejected it because it would look like a cover-up.

- His concern in even considering the payment was not what Hunt might tell about Watergate but rather to keep Hunt from exposing "national security" operations he had performed for the White House "plumbers" team.

- The payment which was made was authorized not by Nixon but by his former campaign manager, John Mitchell. Mitchell has denied it was intended as hush-money but said it was for Hunt's legal fees.

St. Clair's interpretation of these events conflicts with the interpretation placed on them by former White House Counsel John Dean, Nixon's principal accuser, and by the Watergate grand jury.

For one thing, St. Clair's summary noted statements by Nixon which seem to indicate disapproval of the payment to Hunt. But he passed over other statements, even more frequent and emphatic, which seem to indicate approval.

This is the sequence of events as reconstructed by St. Clair:

On March 19, Hunt's lawyer, William Bittman, told Paul O'Brien, a lawyer for the Nixon re-election committee, that Hunt needed \$75,000 for legal fees and \$60,000 for living expenses.

O'Brien passed the request to Dean, who in turn discussed it with John Ehrlichman, Nixon's top domestic advisor.

Ehrlichman told Dean to take it up with Mitchell.

On the morning of March 21, Dean told Frederick LaRue, a Mitchell aide, about Hunt's demand. Dean said he didn't want anything to do with the matter, and urged LaRue to talk to Mitchell about it.

Later that morning, Dean went to see Nixon. They were later joined by White House chief of staff H. R. Haldeman.

St. Clair's summary gave this account:

"Dean advised the President . . . of Hunt's demand for approximately \$120,000 for legal fees and family support. The President explored the option of meeting Hunt's demands so as to secure the time needed to consider alternative courses. The President was not concerned with the possible Watergate-related disclosures, but rather with disclosure of the

national security matters Hunt had been involved in as a member of the plumbers.

"The President advised Dean that the money could not be paid because it would look like a cover-up. At another point in the conversations, the President requested advice as to whether or not the money should be paid. Later the President concluded that Hunt will blow the whistle no matter what is done for him."

The summary went on: "The President, after considering several options, seized on the possibility of calling a new grand jury, thereby delaying Hunt's sentencing and making the immediate payment unnecessary as a means for buying time. Not once after this option was explored was there any suggestion that Hunt's demand be met.

"The concluding page of the transcript of the March 21, 1973, morning meeting clearly demonstrates that the President recognized that any blackmail and cover-up activities then in progress could not continue.

"Neither of the participants in the . . . meeting came away with any opinion that the President authorized payments to Hunt. Haldeman concluded that the President rejected payments to Hunt. Dean testified (before the Senate Watergate committee) that 'The money matter was left very much hanging at the meeting. Nothing was resolved.'"

The meeting with Nixon ended at 11:55 a.m.

At 12:30 p.m., Haldeman called Mitchell, pursuant to Nixon's request, and asked him to come to Washington for a meeting the next day. Haldeman told the grand jury that he did not recall telling Mitchell about Hunt's demand for money.

Early that afternoon, LaRue called Mitchell and relayed what Dean had told him about Hunt's request for money. LaRue told the grand jury he only told Mitchell about the \$75,000. It was delivered to Bittman's home that night.

The next morning, March 22, Mitchell said that Hunt was "not a problem any longer."

If true, the St. Clair version would serve to insulate the President from the payment to Hunt. Nixon was aware of the request and discussed it, but did not approve it, St. Clair contended. Instead, the payment was authorized by Mitchell after a phone call from LaRue, but the President was not involved.