

Nixon's Defense

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President Nixon has based his impeachment defense largely on a continued and determined effort to discredit the testimony of his principal accuser, former White House Counsel John W. Dean III.

White House-introduced evidence released yesterday by the House Judiciary Committee cites previously secret testimony before the Watergate grand jury in an effort to show that Dean lied to the President about his conversations concerning a \$75,000 payoff to Watergate conspirator E. Howard Hunt.

The White House evidence totals only 242 pages out of the 4,136 pages of evidence made available by the committee. Most of it is directed to the President's defense against accusations that he ordered the payment of "hush money" to Hunt, a clear reflection of presidential lawyer James D. St. Clair's belief that this is the single most damaging charge facing Mr. Nixon.

In White House transcripts of the President's March 21, 1973, conversations with Dean and chief of staff H. R. (Bob) Haldeman the question of providing money to Hunt is discussed in detail.

Mr. Nixon at one point says "for your immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?"

The following day a \$75,000 payment was made to Hunt.

The White House view is that Mr. Nixon did not actually approve the payment in the March 21 meeting but was exploring all the options available.

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St. Clair cites testimony by former presidential campaign aide Fred LaRue, who told the Watergate grand jury on Feb. 13, 1974, that Dean had called him on March 21 to relay Hunt's demand for \$75,000 in legal fees and another \$60,000 for living expenses.

LaRue, who repeated much of the same testimony this week before the Judiciary Committee, told the grand jury that Dean had refused to become involved in the payments himself. When LaRue said he would not pay the money to Hunt's lawyer without additional authorization, Dean suggested that he call former Atty. Gen. John N. Mitchell.

According to LaRue's testimony—confirmed by Mitchell in his testimony to the Senate Watergate Committee—he told Mitchell only about the request for the \$75,000. Mitchell then authorized the payment, and LaRue made it.

St. Clair cites this testimony in an effort to discredit Dean. The White House transcript of a conversation between the President and Dean late in the afternoon of March 21 shows Dean saying that he had not talked to either LaRue or Mitchell about the payoff.

Also quoted by St. Clair is Dean's testimony to the Senate Watergate Committee in which Dean assesses the discussion of Hunt's money demands at the morning March 21 meeting.

"The money matter was left very much hanging at the meeting," said Dean. "Nothing was resolved."

Other attempts by St. Clair to discredit Dean include the St. Clair's citation that Dean failed to tell Watergate prosecutors he had destroyed documents from Hunt's safe until nearly a year and a half after he did it.

The White House defense relies heavily on transcripts of recordings made in April, 1973.

St. Clair quotes from these transcripts on April 16, when Dean told the President:

"I have tried all along to make sure that anything I passed to you myself didn't cause you any personal problems."

Dean said during his Senate Watergate testimony two months later that the President had prior knowledge of the coverup. But St. Clair pointed out that this is not reflected in the April transcripts.

In this same transcript, although it is not cited by St. Clair, Mr. Nixon is

quoted as saying to Dean while discussing the payment to Hunt, "But you had knowledge; Haldeman had knowledge; Ehrlichman had knowledge and I suppose I did that night. That assumes culpability on that, doesn't it?"

St. Clair does not deal with this and other damaging passages in the defense case released yesterday. Instead, he relies on the long-expressed White House contention that the President was really playing devil's advocate when he entered into the hush money discussion.

"The President explored the option of meeting Hunt's demands so as to secure the time needed to consider alternative courses," St. Clair said.

Much of the defense offered in Nixon's behalf was presented previously by top former presidential aides in testimony to the Senate Watergate Committee. But the evidence released yesterday does include an "eyes only" memo written by Richard Helms, then director of the Central Intelligence Agency, to his deputy Vernon B. Walters.

In this memo Helms said the CIA had requested the Federal Bureau of Investigation to "desist from expanding this Watergate investigation into other areas which may well, eventually, run afoul of our operations."

The memo was presented by St. Clair in behalf of the President's contention that he had been fearful that a Watergate probe would expose unrelated CIA activities.

Helms wrote the memo to Walters to brief him on a forthcoming meeting with FBI Director L. Patrick Gray in which Walters was to represent Helms. In the memo Helms said he already had instructed two subordinates in advance of the meeting that the CIA should "distance itself" from the investigation.

"I told them that I wanted no free-wheeling exposition of hypotheses or any effort made to conjecture about responsibility or likely objectives of the Watergate intrusion," Helms wrote.

The White House evidence contains one previously unreleased transcript of presidential conversations—an April 4, 1972, discussion among the Presi-

dent, Haldeman and Mitchell. St. Clair offered it in evidence in an attempt to show that the President had not discussed political intelligence gathering operations on that date.

What the transcript also shows is a President who was worried about the upcoming election, supportive of then-developing efforts to shift the Republican convention from San Diego to Miami Beach and highly critical of Air Force bombing efforts in Vietnam.

"Let's get that weather cleared up," Mr. Nixon says. "The bastards have never been bombed like they're going to be bombed this time, but you've got to have the weather."

When Mitchell asks him if the weather is bad, Mr. Nixon replies that it isn't but that the Air Force "won't fly." When Mitchell asks him if the Navy pilots are as bad, the President replies:

"Oh they're better, but they're all under this one command. It's all screwed up. We just aren't going to talk about it."

In the same conversation the President also suggests that Republicans might consider adopting the practice after the Democratic convention of boycotting "all investigating committees on the grounds that they are politically motivated. How would that be?"

Mr. Nixon also expressed concern about security arrangements at the GOP convention, then scheduled for San Diego. When told by Mitchell that most of the additional security will be provided by a sheriff's posse from Los Angeles, the President commented: "Those old farts riding their horses."

At another point Mr. Nixon said he had talked the same morning to his friend C. G. (Bebe) Rebozo and that Miami Beach was "the logical place" for an alternative site. GOP officials began negotiations to move the convention two weeks later.

In the April 4 conversation Mitchell reminded the President that it was important to make certain that the convention could be held in Miami Beach before any site selection is made.

"I'd just (as) soon not have a convention, but we can't get away with it," Haldeman replied.