

St. Clair Presents New Text

Panel Criticizes Nixon Lawyer's 11th-Hour Move

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President Nixon made a last-minute effort yesterday to prove his innocence in the Watergate cover-up by offering the House Judiciary Committee the edited transcript of part of a taped conversation he had previously refused to turn over.

This provoked sharp criticism from committee members, led by Chairman Peter W. Rodino Jr. (D-N.J.) who said it showed "there has been an effort to keep from the committee evidence that it should rightfully have had" for its inquiry into whether the President should be impeached.

Rodino said the committee would give "serious consideration" to whether the President's refusal to turn over relevant material should in itself be made an impeachable offense.

The incident occurred yesterday morning when James D. St. Clair, the President's lawyer, summed up in a 1½-hour closed committee session his arguments against impeachment.

St. Clair focused his attention as usual on what he contends is the sole issue that could constitute impeachable conduct—whether the President in his March 21, 1973, conversation with then White House Counsel John W. Dean III ordered or acquiesced in payment of hush money to Watergate conspirator E. Howard Hunt Jr.

St. Clair told reporters later that in an effort to show the President's innocence he handed the committee a 2½-page edited transcript of a one-hour, 24-minute conversation the President had the following day with his then chief of staff, H.R. Haldeman.

St. Clair told newsmen

that the gist of the President's remarks to Haldeman were that he was unaware of and disapproved of payments to Hunt. In St. Clair's words: "The President was saying to Haldeman the next day 'I'm not going to pay blackmail.'"

The tape of the March 21 conversation showed that Dean told Mr. Nixon that

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Hunt was threatening to blackmail the White House for involvement in the Watergate cover-up, that \$1 million was needed to keep him and other defendants quiet, and that the President at one point said "For Christ's sake, get it."

The committee had subpoenaed the tape of the March 22 conversation between the President and Haldeman, but the President refused to turn it over on grounds that he had given the committee "the full story of Watergate" so far as his involvement was concerned.

St. Clair said the President had not considered the March 22 conversation relevant when it was subpoenaed in May. The reason for the last-minute decision to submit a transcript of a segment of the tape, said St. Clair, was that Dean appeared to change his testimony when he appeared before the Judiciary Committee last week.

Dean had told the Senate Watergate committee last year that the money question was "left hanging" on March 21. But St. Clair said Dean appeared to be telling the House Judiciary Committee that the decision to make payments was resolved during the conversation. Accordingly, St. Clair said, the President decided to turn over part of the March 22 conversation to show that a day after he had talked with Dean he was saying he was opposed to making the payments.

St. Clair said the President approved making "humanitarian" payments to Hunt, presumably for legal fees or living expenses, but not hush money.

In San Clemente, the White House said the 2½-page excerpt from the March 22 tape was relevant in the light of certain shifts in Dean's testimony.

"It is clear and complete as it relates to alleged payment of hush money or blackmail. It precisely shows that the President

was unaware of it and disapproved. The transcript destroys any theory that the President was involved in a conspiracy to obstruct justice," Gerald L. Warren, the White House spokesman, said.

Rodino observed to newsmen that there has been "no rational basis for what the President has produced and not produced" in response to the committee's requests and subpoenas. He noted that the President gave the committee the same 18 tapes he had turned over to the Watergate special prosecutor after the national furor provoked by his firing of Archibald Cox, the first special prosecutor last Oct. 20, but had complied with none of the eight subpoenas issued by the Judiciary Committee since.

The committee subpoenaed 149 tapes of presidential conversations, most of them dealing with Watergate. The President responded by providing edited transcripts of less than 40 and then issu-

ing a flat refusal to turn over anything more dealing with Watergate.

"I think it is fair to say," said Rodino, "that the President has not seriously attended to our requests for material."

Material turned over by the President for the impeachment inquiry has been the result of public pressure or happenstance, said Rodino.

One example of happenstance turned up yesterday when the committee learned that a White House offer to turn over to the committee notes kept by former top White House aide John D. Ehrlichman from June, 1971, until his departure in April, 1973, had fallen short by more than half.

Rodino said the committee was to receive the same materials that had been given the special prosecutor. The chairman said he was advised by staff yesterday that through some error the special prosecutor's office had sent to the committee the Ehrlichman notes it had received. Comparing them, Rodino said, the staff found that the White House had given the committee 643 lines of notes, but had given the special prosecutor 1,370 lines of notes. He said no reason had been found for the discrepancy.

There was little support among Judiciary Committee members for St. Clair's effort to press the March 22 transcript on them in closing arguments.

Rep. George Danielson (D-Calif.) protested that it was improper for a lawyer in

closing argument to offer evidence not already in the record.

Rep. John Seiberling (D-Ohio) called it an "outrageous performance by St. Clair, but we should be used to that by now."

Rep. Hamilton Fish (R-N.Y.) called it "self-serving." Rep. Robert McClory (R-Ill.) called it a "bad tactic." Rep. Lawrence Hogan (R-Md.) said it came "a little late. I don't think many will look at it."

But Rep. David W. Dennis (R-Ind.) said: "I want all the evidence we can get."

With his final statement, St. Clair took his leave of the committee with whom he has sat in closed session for 10 weeks as it examined evidence for and against impeachment.

Rodino said the committee will meet in closed session today and Saturday while special counsel John Doar and his staff put the evidence in perspective and present articles of impeachment the committee may wish to consider.

Asked whether he will be an advocate in these sessions, Doar told newsmen: "I will give the committee a fair and thorough analysis of the facts and the law as I see them." Doar has a mastery of the complex details of the case far beyond that of most members, and his presentation is expected to carry great weight.

Arguments against impeachment will be presented by the deputy minority counsel, Sam Garrison. The chief minority counsel, Albert Jenner, has worked closely with Doar, and said yesterday his recommendations to the committee will be "a professional opinion to a client, which is the entire committee."

Next Wednesday, Rodino said, the committee will begin a series of open meetings to debate and vote on articles of impeachment. He expects a final committee vote by next Saturday. A committee recommendation for impeachment on one or more grounds is virtually assured.