

Doar Says Pardon Can't Change Facts

By JAMES M. NAUGHTON

WASHINGTON, Sept. 12 —John M. Doar, the House Judiciary Committee's special counsel on impeachment, declared today that the record of President Nixon's role in the Watergate scandal was clearly established for history despite President Ford's pardon of his predecessor. Mr. Doar said he was "firmly convinced that justice was done" in the forced resignation of Mr. Nixon.

Mr. Doar declined, in the first interview he has granted since assuming direction of the House committee's impeachment inquiry nine months ago, to discuss directly what he described as "current events"—the pardon granted by Mr. Ford last Sunday and the furor that has followed.

Nonetheless, he clearly disagreed in the 75-minute interview with those in Congress and elsewhere who have objected to the pardon on the ground that it foreclosed the opportunity to document Mr. Nixon's Watergate role through the judicial process.

Facts 'Established'

"The facts have been established," Mr. Doar said in his slow, laconic style as he sprawled on a blue leather couch in his cluttered office in a one-time hotel that now houses Congressional staffs. Armed guards continue to secure the secrecy of some of Mr. Doar's documents. Any additional information about the former President's conduct, Mr. Doar said, "would just be cumulative."

He said that "the die was cast" when the Judiciary Committee voted, 27 to 11, on July 27 to approve the first of three articles of impeachment, accusing Mr. Nixon of playing a central role in the Watergate obstruction of justice.

"Anything after that, as I look back on it, would have been anticlimactic historically," Mr. Doar said.

Explaining why he was confident that justice had been done in Mr. Nixon's case, Mr. Doar said:

"The President committed high crimes and misdemeanors that warranted his impeachment and removal from office. The facts were presented in a way that afforded the President and his counsel an understanding not only for the charges against him, but of the facts that underlay the charges.

"He had every opportunity to state his position. There were no surprises. The American people had an opportunity to understand the nature of the charges and the facts that supported the charges."

"I had no frustration, or no disillusionment or no despair with the way the process ended," he said, tapping a pencil on the arm of the sofa. "Speaking from a legal standpoint, because I've never felt it was my place to express a political view on whether anyone should vote for impeachment, I thought that the case for impeachment and conviction [in a Senate trial] had been established."

Asked if Mr. Nixon's resigna-

tion, followed by the abandonment of the formal attempt to remove him from the White House, had not represented something of an unfinished symphony, Mr. Doar said, with rare emphasis, "No. No. Not at all. The facts have been established."

No Sense of Incompleteness

Concluding the Congressional inquiry by filing the thick report, rather than acting on it, Mr. Doar added, had not left him with a sense of an incomplete task.

"If you're in any kind of contest," he said, "and your opponent doesn't come out for the second half there is nothing you can do about it."

Nor, Mr. Doar replied, did he believe that any damage had been done to the system in the

precedent set by Mr. Nixon's resignation.

"I assume there is nothing about the way the President left office that either you or I are not familiar with," he said. "Faced with the vote of the Judiciary Committee, faced with the surrender of the June 23 [1972] tape, he decided he'd resign."

"I do not feel the process was short-circuited because of that. It was inevitable, a fact of life."

Mr. Doar said his belief that President Nixon was deeply enmeshed in the Watergate cover-up had come gradually and could not be traced to any specific moment in the impeachment inquiry or to a single, compelling piece of evidence.

Transcript Differences

But he said that "the thing that was highly persuasive to me was the differences between our transcripts and the White House transcripts" of Mr. Nixon's Watergate conversations.

Mr. Doar recalled the months of the inquiry as an "awfully tough" physical strain. He said that the inquiry staff had only about one day a month off and frequently went for days on four hours sleep a night.

Now, rested—or, at least, lacking the bags beneath his eyes that had become a fixture—he smiled and said:

"I'm alive and well and part of a very historic experience. I'm very proud of that. I don't think it's ever hurt anybody to work hard. It didn't hurt me."

He called James D. St. Clair, the Boston attorney who represented Mr. Nixon in the inquiry, a "formidable adversary." But Mr. Doar appeared bemused as he reflected that, "by the time the hearings started, it was clear to me that Mr. St. Clair and I were talking about two different cases."

He said Mr. St. Clair's "premise was that you can't prove the President knew anything about the cover-up before March 21 [1972] so therefore he didn't."

'A Lot of Evidence'

By contrast, he said, the inquiry staff's premise was that "we might not be able to reach a standard of proof the Congress or the country might set, but that there was a lot of evidence that the President did know before March 21," the date of his fateful meeting with John W. Dean 3d, the former White House legal counsel.

"We had," he elaborated, "a series of circumstances and we had some direct testimony which, in ordinary affairs of adult citizens, would have caused you to inevitably draw one conclusion."

"It was amazing to me how reluctant the general public opinion was to draw that conclusion against the President. That was explicable, because everybody wanted to believe their President. I wanted to believe my President."

After three weeks of vacation, during which Mr. Doar said he encountered a wide variety of citizens in New York, where he had directed a Bedford-Stuyvesant self-help project, and in Wisconsin, his native state, he was persuaded that the nation had accepted the outcome.

"The impeachment proceeding is not a procedure to punish," he said. "It's a corrective procedure. The whole point was that the committee was not concerned with an individual, but with the preservation of a system of government."

Had it been preserved?

"I believe," Mr. Doar said, "that it has."