

# St. Clair: Watergate Forced

By Charles Lewis

BOSTON (AP)—James D. St. Clair says he doesn't think Watergate means future Presidents will be forced out of office, but it was a spark that allowed Congress to regain some of its power.

The break-in and bugging at the Democratic National Committee headquarters by itself was "probably a regrettable incident of no lasting significance," Richard M. Nixon's Watergate lawyer said.

But it gained historic significance when it became "an occasion wherein an adjustment in the balances of power between the Congress and the executive was taking place," he said in an interview.

"But I don't believe that Watergate will necessarily foreshadow a series of attacks on future Presidents, resulting in their resignation or removal, as some people, I think, fear might be the result. It seems to me the American people are sufficiently appalled by such a thought that it's not likely to happen again, and certainly I hope it won't."

St. Clair said Watergate produced at least four benefits.

First, it focused public attention on government and the relationships between the branches of government.

Second, the scandal produced a Supreme Court decision that upholds executive privilege, with the exception that the privilege cannot prohibit disclosure of alleged criminal misconduct.

Third, it increased the legal profession's sensitivity to its ethical responsibilities. And fourth, it provided the impetus to improve the electoral process.

On the negative side, Watergate led to the first presidential resignation, "a precedent that is undesirable," he said.

"Our form of government has prided itself on its stability within each term of the office. This was the first instance of lack of such stability within the office of the presidency."

St. Clair reviewed Watergate during a two-hour retrospective interview in his small, modern office here where he is a senior partner in a leading law firm.

He agreed to the interview with the understanding that the attorney-client privilege would not allow him to discuss confidential matters affecting his former client Richard Nixon. In addition, he requested that the inter-

view await the sequestration of the jury in the Watergate cover-up trial now under way in Washington.

Here are some of the questions and answers:

**Q.** Why did you take the Watergate case?

**A.** Because I thought it was an important matter and appropriate for a lawyer to undertake. I felt I was competent to handle the matters as I understood them at the time, and my experience was such that it would be something I would probably be qualified to deal with, if anyone was.

**Q.** How were you selected?

**A.** I can only say that I understand my name came to Gen. Alexander M. Haig's attention from a number of sources, not all of which I can identify. I believe one of them to be David Shapiro, who is Mr. Colson's lawyer. Former White House aide (Charles W. Colson.)

**Q.** Had you ever met Mr. Nixon before?

**A.** Not any more than shaking hands with him among a group of people on one or two occasions. Certainly not on any basis where we had anything but slight conversations.

**Q.** How would you describe the role the White House tapes played?

**A.** Very critical.

**Q.** Was it a mistake to install the tapes?

**A.** Well, I think it would be very easy to answer that "Yes," but I'm not sure that would be a very thoughtful answer . . . In some respects I suppose it was a mistake, in a very limited sense. On the other hand, for better or for worse, they are a primary record of events from which we may draw a great deal of value.

**Q.** Could President Nixon have lawfully destroyed the tapes after their existence was revealed in June, 1973?

**A.** Well, would that have been an obstruction of justice? Would it have been a destruction of evidence in a pending criminal investigation? I never have thoroughly researched the point, but my judgment is that it probably would not have been a technical violation of the statutes that deal with the obstruction of justice.

**Q.** Would you have advised him to destroy the tapes if you had been his counsel when the taping system was disclosed?

**A.** Probably not. I generally do not believe the destruction of even material that might become evidence

is the thing to do, whether or not is an obstruction of justice . . . At the time of a pending Senate investigation, whether or not it would have been an obstruction of justice, I don't think it would have been a very wise thing to do to dispose of the tapes. . . .

**Q.** When you were defending the President, did you believe you had adequate access to him?

**A.** I think so, yes.

**Q.** Was your access to the tapes limited?

**A.** Well, I never requested to see a tape I didn't see. But I didn't spend my time at a tape recorder listening to hour after hour of tapes.

**Q.** Why didn't you review all the tapes?

**A.** Well, I was very busy doing other matters, to be very frank with you. I was responding to requests from the special prosecutor's office. Sometimes those requests resulted in motions which we opposed. I was re-

sponding to similar requests from the judge in the (White House plumbers') case that was tried. I was involved in litigation proceeding from Judge Sirica's court to the Supreme Court of the United States. I was also trying to get ready to represent the President in the impeachment inquiry. I was not unemplyed. . . .

St. Clair declined to discuss how he came across the June, 1972, tapes that the White House disclosed after the Supreme Court ordered them turned over to the special prosecutor. He also declined to say what his reactions were when he first heard those tapes, and he declined to comment on reports that he threatened to resign unless Nixon turned the tapes over.

**Q.** Was Nixon's resignation the right thing to do?

**A.** Well, in my view, the President is the only one to decide whether or not he should resign, and he ap-

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parently was satisfied it was the right thing to do . . .

**Q.** When did it become clear the House Judiciary Committee would recommend impeachment?

**A.** I thought there was serious risk of that at the outset of the impeachment inquiry.

**Q.** Why?

**A.** I considered the impeachment inquiry as much a political as a quasi-judicial matter, political in the sense that an elected official reflects what he believes his electorate would support in terms of who they would vote for in the next go-around.

**Q.** After the final tape disclosures, what were your chances in the House?

**A.** I doubt very much we could have prevailed in the House.

**Q.** Could you have prevailed in the Senate?

**A.** Well, you know, who knows? It became an academic matter . . . Was I pre-

pared to fight it in the Senate? The answer is yes.

**Q.** What kind of defense were you planning in the Senate?

**A.** It would have been appropriate to argue that whatever was done was not of the magnitude to justify impeaching a President. Secondly, in fact the FBI was not impaired in its investigation (of the Watergate break-in), that within a matter of two or three weeks they were instructed to carry on their investigation without interruption and that there was some reason to believe that maybe the FBI investigation was in fact impinging on CIA prerogatives. . .

**Q.** Did you say the special prosecutor's office leaked?

**A.** I found references to material from time to time that it would be hard to attribute to any other source.

**Q.** Do you agree with President Ford that accept-



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**James D. St. Clair: "It's not likely to happen again."**

ance of a pardon is tantamount to admission of wrongdoing?

**A.** I never made any legal

research into the question, but, any way, it would be unseemly for me to comment.