

Nixon Readies Counterattack

By Lou Cannon

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The White House prepared yesterday to strike back at its Watergate accusers with a wide-ranging legal and political defense that includes a "white paper" intended as point-by-point refutation of damaging allegations raised in the Senate Select Watergate Committee hearings.

The legal battle will be joined today when Charles Alan Wright, a University of Texas law professor, goes before U.S. District Judge John J. Sirica to oppose a subpoena in which Watergate Special Prosecutor Ar-

chibald Cox seeks documents and tapes relating to nine White House conversations.

The white paper is likely in the middle of next week, when President Nixon is expected to respond to charges raised in nearly two months of Senate hearings.

Administration sources said the President's intended refutation will center on charges made by former White House counsel John W. Dean III, who told Senate investigators that he warned the President of what was going on in the Watergate investigation as early as Sept. 15, 1972.

These sources said the statement has not yet been written but that it is expected to be far more specific than presidential statements of April 30 and May 22 on the Watergate issue.

Soon after he issues his white paper in Washington, it is expected that the President will fly to the Western White House in San Clemente. Some administration officials said it is possible he will stop en route for speeches before friendly audiences in an effort to show that the administration has not been mortally wounded by Watergate.

See PRESIDENT, A16, Col. 5

PRESIDENT, From A1

In an interview on the CBS-TV morning news show yesterday, presidential assistant Patrick J. Buchanan said Mr. Nixon would respond to Watergate charges within a week to 10 days after the Senate committee hearings recess.

The committee is expected to recess some time this week.

Though denying there is any "strikeback strategy," Buchanan criticized the Watergate committee for showing signs of partisanship.

"I think that when the chairman of the committee (Sen. Sam Ervin of North Carolina) speaks on the weekends about the most repressive President in our history, it's fair to say that there has been a rise in partisanship on the part of the committee," Buchanan said.

Buchanan, who said he hoped the President would hold "one or two press conferences which discuss the issue in some depth," said

that charges raised at the committee hearings have been "exaggerated by the media." He also noted that polls show more than one-third of the American people believe that President Nixon knew of the Watergate break-in before it occurred.

"And the President is thus being convicted in the court of public opinion of an allegation or of a charge that he has not even been charged with personally," Buchanan said.

While the President's political defenders addressed themselves to the court of public opinion, Wright was putting the finishing touches on the administration's answer to Cox's subpoena for the tapes and documents.

One element of that legal defense was suggested yesterday by Assistant Attorney General Robert G. Dixon Jr. in a speech to the American Bar Association convention.

"It has been said occasion-

ally that the President is precluded from invoking executive privilege where violations of the criminal law are involved," Dixon said. "Actual practice does not seem to support that statement."

Sen. Herman Talmadge (D-Ga.), a member of the Senate Watergate committee, said Sunday that the President is misusing executive privilege in refusing to release the tapes. Talmadge took the view that the privilege does not apply when the President's aides are accused of obstructing justice.

Mr. Nixon wrote Judge Sirica on July 26 that he would not comply with Cox's subpoena for the tapes and documents. He said the subpoena violated the constitutional doctrine of separation of powers and that he was following the example of other Presidents in taking the view that the Chief Executive "is not subject to compulsory process from the courts."

After the President's attorneys reply today, Sirica

will set a date for Cox to submit a written reply. After that, a hearing will be scheduled in the momentous constitutional case.

Regardless of what Sirica decides, the case is considered almost certain to wind up in the Supreme Court. But Wright has predicted that it will take about three months to get there.

While the President's lawyers were completing his legal reply, Mr. Nixon unexpectedly drove back to his mountaintop retreat at Camp David, where he had spent a long weekend. He was accompanied by his chief of staff, Alexander M. Haig.

Administration sources said the President was beginning his usual process when he drafts a major statement of jotting down ideas, notes and thoughts that occur to him. He will meet later with aides and speechwriters to begin formally drafting his latest Watergate statement, they said.