

# The White House Is Making Plans To Fight Back

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Examiner News Services

CAMP DAVID (Md.) — The White House is in the midst of what one official calls a major counterattack against the Senate Watergate Committee.

Behind the counterattack, according to another official, is President Nixon himself, no longer willing to permit Watergate matters to be handled by subordinates.

Sources said that as part of the counterattack, Nixon will inform the committee chairman, Sen. Sam J. Ervin Jr., by letter tomorrow that not only will he refuse to yield the furtively-kept tape recordings of his meetings and phone calls, he will back out of his promised meeting with Ervin.

Ervin said yesterday President Nixon was making it more difficult to believe in his innocence by withholding White House evidence.

#### Gurney Agrees

Nixon's strongest committee defender, Sen. Edward J. Gurney, R-Fla., agreed.

Ervin, speaking at a Democratic fund-raising event at Atlantic Beach, N.C., said "It's becoming an intellectual feat to continue presuming that the President wasn't aware of the Watergate coverup."

"I have to confess he's making it more difficult for me and members of the Committee to continue to cling to a presumption of innocence if he continues to withhold evidence which could tend to show that presumption should be sustained."

The White House counter-

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attack began last week when Nixon refused to permit Secret Service officials to talk to committee investigators about the tapes, which the Secret Service made.

A few days later, in what appeared to be a turnabout of an earlier promise not to do so, the White House instructed current presidential aides to claim executive privilege and refuse to answer questions the committee investigators were asking in closed-door meetings about White House procedures.

At the same time, it was learned that Nixon's new hard line on Watergate could spark another clash — between the White House and special prosecutor Archibald Cox.

Cox intends to protest sharply if Nixon does not supply him soon with tape recordings of Watergate-related telephone conversations.

#### Dilemma

This will present the White House with a dilemma substantially different from its executive privilege confrontation with the Senate committee.

Cox's associates claim that Nixon cannot use executive privilege as a basis for refusing to yield the tapes to the special prosecutor since Cox's office is an arm of the Justice Department and not of the legislative branch.

At his Camp David retreat yesterday Nixon met with his two Watergate lawyers, Fred J. Buzhardt and Leonard Garment; his chief of staff, Alexander Haig, his press secretary, Ronald L.

Ziegler, and his confidential secretary Rose Mary Woods.

#### Letter

Sources familiar with the letter Nixon will send to Ervin tomorrow say it will state that since the President's decision not to release the tapes is "irrevokable," no useful purpose would be served by the private meeting Nixon promised to have with Ervin to talk informally about White House cooperation with the committee.

However, it was understood that some influential Republicans in the Senate and at least one key Nixon assistant — reportedly chief domestic adviser Melvin Laird — still hope to promote some kind of accommodation between the White House and the committee.

Short of that, it was clear, the committee will apparently issue a subpoena for the tapes, the White House will refuse to honor it and the committee will have to decide whether to go to court.

#### Evidence

White House aides are privately criticizing the committee as going beyond its mandate and turning the televised hearings into a series of character assassinations. They argue that the hearings amount to "kangaroo court" trials which not only are unfair to those involved but prejudice chances for them to be prosecuted later.

Evidence of the White

House strategy is clear.

Its invocation of executive privilege for the Secret Service prohibits agents from answering questions not only about the President but also about any individual under its protection.

Thus the White House has effectively prevented committee inquiries on two fronts:

- The installation of the now-abandoned White House tape recording system.

- Published reports that Secret Service agents may have provided the White House with intelligence information on at least one 1972 Democratic candidate under Secret Service protection.

#### Privilege

White House orders to presidential aides that they invoke executive privilege on selected questions was aimed, at least in part, at the committee's attempts to interview Miss Woods, the President's confidential secretary.

Thus, the White House effectively blocked another line of inquiry. It was Miss Woods who was the custodian of a list of 2000 legal but unreported contributors to the Committee for the Re-election of the President. The list is now being kept secret at court order but is expected to be made public soon.