

Dash Hits Out at Nixon

Washington

The chief counsel of the Senate Watergate committee accused President Nixon yesterday of hiding behind the doctrine of executive privilege as "a shield for self-protection."

Committee counsel Samuel Dash charged in federal court here that the real issue in the battle over Mr. Nixon's secret, Watergate tapes is the question of the President's own possible criminality. In those circumstances, he maintained, executive privilege cannot properly be invoked.

"We have no denial from the President's counsel that a prima facie case has been

made of presidential involvement" in the Watergate cover-up, Dash emphasized at a hearing before U.S. District Judge John J. Sirica. "The President is still a citizen, and as a citizen he comes under the law."

Mr. Nixon's chief courtroom lawyer, Charles Alan Wright, offered no final rebuttal on the point. But he argued earlier in the hearing that Dash's contentions simply underscored White House protests that the purpose of the Senate Committee's court suit for the tapes is "criminal, not legislative."

"That sound to me like the traditional work of grand juries," Wright said. "A congressional committee has no power to expose for the sake of exposure."

Wright conceded that Mr. Nixon's refusal to give up the recordings is "a demonstrably unpopular position." But he said it is the duty of every President to resist encroachments on the office.

The hearing came while the U.S. Court of Appeals upstairs continued to deliberate the question of whether the Watergate grand jury is entitled to the recordings. A decision is expected soon.

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