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Nixon Unit Answers Post's Legal Brief

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Lawyers for President Nixon's re-election committee attacked yesterday statements made in a legal brief filed on behalf of The Washington Post of being "in poor taste" and "outrageous."

The response by lawyers for the Committee for the Re-Election of the President, directed at The Post's brief and also separate briefs filed by three other publications, was filed yesterday in U.S. District Court.

Reporters and officials of the four publications—The Post, The New York Times, The Washington Evening Star-News and Time Magazine—have been served with committee subpoenas demanding that they make available all notes, story drafts and other documents they have concerning the Watergate incident.

The re-election committee is being sued by the Democratic National Committee for invasion of privacy damages growing out of the break-in and bugging of the Democratic Party's Watergate headquarters by employees of the re-election committee.

Re-election committee officials have filed countersuits for abuse of court process and libel against former Democratic Party Chairman Lawrence F. O'Brien.

The publications last week filed with U.S. District Judge Charles R. Richey their opposition to the re-election committee subpoenas, arguing that complying with the demand would force them to reveal confidential sources, irreparably damage their ability to pursue investigative reporting and violate First Amendment rights to freedom of the press.

The Post also asserted that the re-election committee "is the political arm of the President of the United States" and that the subpoenas "are part of an attempt by the incumbent administration to intimi-

date the free press of this country . . ."

In its response yesterday, the re-election committee lawyers said, "These parties unabashedly accuse the President of the United States and these defendants of the most unscrupulous sort of conduct, but by their very words reveal their own political animosity and misguided actions. The defendants resent these unfair accusations."

The re-election committee brief said that its lawyers, "in the best interest of their clients, have attempted to discover evidence relevant to the cases at hand, and to this end have caused subpoenas to be issued to certain material witnesses—who happen to be journalists.

"For this honest effort the defendants have incurred the wrath of The Washington Post, the self-styled 'newspaper which has dared to let the American public know' and have opened themselves to more ridicule and charges of political intrigue," the re-election committee brief said.

Addressing the arguments of all four publications and the Reporters Committee for Freedom of the Press, the re-election committee brief said, "Reduced to bare essentials, the plea of these (parties) is a unified demand of the Fourth Estate for exemption from the duty to appear and give testimony in virtually all civil litigation.

"The public's right to know the whole truth, and the parties' right to ascertain it by accepted means" of litigation, the re-election committee's brief said, "go to the very core of our adversary system. The juries in these cases should not be denied the testimony of essential witnesses."

A hearing is scheduled Wednesday concerning the subpoenas.