

Witness: John Ehrlichman (2)

25 Jul 73 ①

Editorial, NYTimes, says Nixon's refusal to release tapes and documents would make it impossible for the prosecutor to present this evidence in court. "The way would then be open for the defense to demand dismissal of the indictments. The legal precedents are overwhelming for dismissal to be granted. Professor Wright's remarkable letter to the special Watergate prosecutor, Archibald Cox, suggests that this loophole has been opened not entirely by chance. 'The successful prosecution of those who have broken the laws is a very important national interest, but it has long been recognized that there are other national interests that, in specific cases, may override this,' Mr. Wright wrote on the President's behalf. "There are circumstances in which other legitimate national interests requiring that documents be kept confidential outweigh the interest in punishing a particular malefactor.' Mr. Nixon seems to have constructed a legal device which could effectively prevent former members of his White House entourage from ever going to jail and which could suppress pertinent information at the same time." ~~Excluded from circulation by the President~~

NYT 25 Jul 73 (See also SFEx 29 Jul, unattributed article, on Jencks Act.)
(See also questioning of Ehrlichman by Inouye, WXP 26 Jul 73, p. 27)
(See also letter to editor, NYT 1 Aug)

White House "special projects" fund, \$1.5 million, abolished by House Appropriations Committee. NYTimes says Hunt was paid from this fund, but also says that at hearings ~~in~~ (of this committee?) last May Malek declined to say whether the plumbers were paid from this fund, and that he refused to give an accounting of Hunt's salary.

NYT 26 Jul 73, Lydon

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25 Jul 73 (3) (2)

WH tapes (destruction suggested for those exclusive of "so-called Watergate tapes") - From AP account of article by David Kraslow and Eugene V. Risher, WX bureau, Cox newspapers, 23 Jul 74:

"The article quoted a July 25, 1973, memorandum to the President from his speech writer, Patrick J. Buchanan, who asked: 'If there are conversations with confidential aides, such as Charles Colson or H.R. Bob Haldeman exclusive of the so-called Watergate tapes that are better left confidential forever - what then is the sense of their preservation?

"Perhaps the President should be provided with a day-by-day log of his tape library, and himself separate the wheat from the chaff - from his own recollection - and have the latter burned.'"

"The article ... quoted a ranking official as saying Mr. Nixon rejected the advice on the ground 'it would be wrong - ethically, politically, legally. In fact the mere act of destroying the tapes might have been considered by many people enough to warrant impeachment.'

"The source also said: 'For one thing, we knew there were a number of people around here who would not have stayed if that had happened. Those tapes could be evidence in an investigation already under way. The President understood that. We all understood that.'"

Story gives no indication how the Buchanan memo was obtained, or when.

NYT 24 Jul 74 [AP]

AMP - A

Buchanan - See entry, WH tapes, destruction suggested

(25 Jul 73) AMP

Ⓐ- See SFC (UPI), same date, for additional details. "The story also said that an unidentified White House aide urged Mr. Nixon to destroy the tapes even before Alexander Butterfield revealed their existence " The only WH aides who knew of the taping system, according to Butterfield, were Haldeman, Higby and himself.

SFC 24 Jul 74 [UPI]

NYT17 Jul 73, p. 28 col. 4, Butterfield testimony

- See entry 16 Jul 74, Taping system (disclosure by Butterfield).
- See entry 23 Jul 74, WH tapes, Memo, Buchanan to Nixon, 25 Jul 73.