

Witness: Richard Kleindienst

Henry Peterson

7 Aug 73 (1)

(See p. 2)

Agnew meets with Nixon for an hour and three-quarters./

SFC [NYT] 9 Aug 73

IRS asked by Joint Committee on Internal Revenue Taxation for tax returns and any IRS audits on more than 300 hitherto-unpublished "political enemies" of Nixon Administration, to determine whether audits have been used punitively against them. No date ~~for~~ given for request in story by WXPost, which mentions story in Time 5 Aug.

SFC [WXP] 7 Aug 73

Ervin committee recesses until 10 Sep. According to intvs with committee members, the three Republicans and Talmadge want the public hearings to adjourn about a month later; Baker says all members want an early cutoff date. Timing is to be decided when members return in September. According to WXPost the first phase - break-in and coverup - is not complete and will occupy the first days of hearings in September.

SFC [WXP] 8 Aug 73

Nixon's attorneys, in brief before U.S. District judge, say the courts have no power to force Nixon to produce the tapes for grand jury, even if they include details of a criminal plan. White House spokesmen have said Nixon would obey a "definitive decision" by the Supreme Court, but his attorneys argue that he is not required to do so because the judicial branch is not superior to the executive branch. Attorneys say that on 22 May Nixon did not agree to suspend executive privilege as to the tapes but only as to "testimony concerning possible criminal conduct," and that withholding the tapes would not prevent the prosecution of "any who have betrayed his confidence by committing crimes" because Cox should be able to produce enough other evidence.

SFC [NYT] 8 Aug 73

(Combine with entry p.2,
"Nixon brief ...")

Barbara Tuchman, in article on possible grounds for impeachment: "Forget the tapes. What we are dealing with here is fundamental immorality." Says even if the tapes are produced, proof one way or the other may be inconclusive and "we will be left with a Government too compromised ever to be trusted and too damaged to recover authority. From there the slide into dictatorship is easy." "Dictatorial tendencies [are] already well developed in the Nixon regime."

NYT 7 Aug 73

7 Aug 73 (2)

Agnew add: Lou Cannon, WXPPost, says reports/circulated at White House that Nixon was sharply critical of Agnew at this meeting, that Agnew simply told him he planned to hold press conference rather than asking his advice. have
OVER (A)

Cannon, in story appearing 10 Aug, says Warren ~~has~~ ~~been~~ ~~asked~~ ~~by~~ ~~reporters~~ ~~[no~~ ~~date]~~ ~~if~~ ~~Agnew~~ ~~would~~ ~~undermine~~ ~~Nixon's~~ ~~refusal~~ ~~to~~ ~~furnish~~ ~~tapes~~ ~~and~~ ~~documents,~~ ~~by~~ ~~producing~~ ~~his~~ ~~financial~~ ~~records,~~ ~~says~~ ~~it's~~ ~~"obvious"~~ ~~the~~ ~~two~~ ~~situations~~ ~~are~~ ~~not~~ ~~parallel~~ ~~and~~ ~~repeatedly~~ ~~declines~~ ~~to~~ ~~discuss~~ ~~it~~ ~~further.~~ ~~"What~~ ~~was~~ ~~'obvious'~~ ~~from~~ ~~the~~ ~~point~~ ~~of~~ ~~view~~ ~~of~~ ~~Agnew~~ ~~supporters~~ ~~was~~ ~~that~~ ~~political~~ ~~contrasts~~ ~~would~~ ~~be~~ ~~drawn~~ ~~between~~ ~~the~~ ~~Vice~~ ~~President~~ ~~and~~ ~~the~~ ~~President~~ ~~if~~ ~~Agnew~~ ~~complied~~ ~~with~~ ~~the~~ ~~prosecutor's~~ ~~request~~ ~~and~~ ~~Mr.~~ ~~Nixon~~ ~~did~~ ~~not.~~ ~~And~~ ~~there~~ ~~was~~ ~~every~~ ~~indication~~ ~~yesterday~~ ~~[Exchange]~~ ~~that~~ ~~the~~ ~~drawing~~ ~~of~~ ~~such~~ ~~contrasts~~ ~~was~~ ~~perfectly~~ ~~acceptable~~ ~~to~~ ~~the~~ ~~Vice~~ ~~President."~~

SFC [WXP, Lou Cannon] 10 Aug 73

See also Agnew entry, 8 Aug 73 (Richards, Cannon, WXP)

Nixon brief opposing disclosure of tapes presented in U.S. District Court. Brief quotes from argument by Atty. Gen. Stanbery (Mississippi vs. Johnson, 1867) to the effect that a President is above the jurisdiction of any court while he is President, that if he is impeached ("stripped of the robes of office") he can then be tried in the courts, as a private citizen, for any crimes "committed as President."

The brief describes the subpoena served on Nixon 23 Jul 73 as calling for "tape recordings of meetings and telephone conversations between the President and several of his closest advisers in the period from June 20, 1972, to April 15, 1973" Brief says, "Testimony can be limited, as recordings cannot to the particular area in which privilege is not being claimed. Nor does the privilege vanish because there are claims that some of the statements made to the President by others in these conversations may have been pursuant to a criminal conspiracy by those other persons."

WXP 8 Aug 73^{p. 15} - Excerpts from White House brief (also NYT) Also from brief: "The President has concluded that the public interest in a conviction, important though it is, must yield to the public interest in preserving the confidentiality of the President's office."

WXP 8 Aug 73, p. 16, McBee

OVER (B)

(A) "White House sources" reported to have described Nixon-Agnew meeting as "acrimonious." Story by Lou Cannon also tells of Agnew's past difficulties with Haldeman and Ehrlichman.
SFC [LA Times] 13 Aug 73, Cannon

(B) See entry 13 Aug 73, Cox brief, in which Cox uses quotations from textbook written by Wright.
NYT 14 Aug 73, Weaver

(B) See article by John P. MacKenzie, ~~NY~~ "Agnew Charges Raise Many Questions; For Instance, Must a Vice President Be Impeached Before Being Indicted?"
WXPost 8 Aug 73, p. 10

7 Aug 73 (3)

Rogers, speaking to college students who had spent the summer as interns at State Department, says the American system of financing political campaigns is so "rotten" that otherwise honorable men "can be corrupted by it." Tells them they should not be discouraged by Watergate since, in his opinion, this is "an honorable Government" and "the overwhelming majority of Government servants are totally honest."

NYT, 8 Aug 73, p. 17

Colson, Mardian - documents dealing with them discovered to be missing from Cox offices. See entry 12 Aug.

SFEx, WXP, 12 Aug

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