

9 Aug 73 (1)

Ervin committee files suit in U. S. District Court to force Nixon to make tapes available; motion says his refusal to do so in response to subpoena is "unlawful, unwarranted and in breach of his legal duty," asks for a declaratory judgment that he must honor the subpoenas, a writ of mandamus compelling him to do his duty as a public official and an injunction prohibiting him from retaining the tapes and documents. Committee's complaint says executive privilege "does not extend to the protection of materials relating to alleged criminal acts."

SFC [NYT] 10 Aug 73

Agnew obtains delay of at least a week U.S. Attorney's deadline for his turning over of personal financial records. Original deadline had been set for 2 p.m. today by U.S. Atty George Beall in "invitation" of 1 Aug for him to "cooperate" with the federal grand jury investigation.

SFC [NYT] 10 Aug 73

IRS says it is abolishing its special division which for four years has been investigating liberal and radical organizations. NYT says internal White House documents* given to Irvin committee by Dean indicated that Nixon himself had asked IRS to organize such a drive; one document from Huston to Haldeman, dated Sep 70, says Nixon had ordered such a drive "nearly 18 months ago" (Feb 69?).

SFC [NYT] 10 Aug 73

*(among the 24 classified White House memos described by WXPost 10 Aug 73?)

Ehrlichman's approach to Judge Byrne - Anthony Lewis points out that if a friend of Ellsberg's had tried the same thing he could face criminal prosecution, and that "bribery happens to be one of the two specific 'high crimes and misdemeanors' mentioned in the Constitution as grounds for impeachment." (Entries on Ehr/Byrnes, 4, 5, 7 Apr 73.)

NYT 9 Aug 73, Anthony Lewis

9 Aug 73 (2)

McCord files legal brief in U.S. District Court in support of his request for a new trial, saying it is his contention that "the continuous recordings of presidential phone conversations and other conversations from sometime in 1970 until the present probably contain information bearing directly on his guilt or innocence;" that "one of the major grounds for acquittal or new trial . . . is the wrongful withholding of potentially exculpatory evidence."

McCord also claims that F. Lee Bailey called Mitchell 1 Jul 72 to discuss McCord's case and that ~~this contact was~~ "it now appears" to McCord that this contact was not in his best interests but those of Mitchell, Bailey and Alch. No elaboration.

WXP 10 Aug 73, Bredemeier

Concerned Citizens for Constitutional Government, which apparently consists of Robert Erdman and four friends, initiates distribution of 1,000 petitions in Detroit area, to halt the televised Ervin committee hearings.

WXP [UPI] 10 Aug 73