

19 Aug 73 (1)

Nixon speech, reaction - Gallup poll commissioned by NYTimes, conducted by phone 16 Aug, of a small national sample of 810; on a sample of this small size the margin of error can be as much as four percentage points either way. On one question, on Nixon's statement that protesters in the 1960s "helped create the atmosphere that led to the Watergate situation [wording of question]," 58 per cent disagreed and 28 per cent agreed, 14 per cent no opinion. NYTimes also conducted random interviews in several cities. Comment from one of those interviewed, in Tempe, Arizona: "My God, we're blaming hippies and blacks for everyting that's wrong in this country, tooth decay and Watergate."

OVER - A

SFC [NYT] 20 Aug 73

Agnew - Time Magazine says Justice Department officials think indictment of Agnew "appears inevitable," and that Agnew has asked WH lawyers to help prepare a constitutional argument which would prevent his going to trial in the near future, asking them how he might adopt Nixon's defense that he cannot be prosecuted until after he is impeached, convicted and removed from office.

SFC [UP] 20 Aug 73

Agnew friend, I.H. Hammerman II, "was waiting for the signal to launch Agnew's 1976 presidential bid - until the Maryland investigation came up."

SFC 20 Aug 73, Vera Glaser and Malvina Stephenson

Kalmbach has continued to act as Nixon's attorney, according to LATimes, despite a "widespread impression fostered by confusing White House press statements" that he had been dismissed; will play a key role in drafting a White House statement on Nixon's acquisition of San Clemente. His firm did all the legal work in negotiating for and acquiring the property, and is still retained for "a wide variety of West Coast tasks for the President and his family." Firm is Kalmbach, Demarco, Knapp & Chillingworth, Los Angeles and Newport Beach.

SFC 20 Aug 73

WXP 21 Aug 73, Kenneth Reich, filed Nixon, real estate (more details)

(2)

Gallup poll - In a separate poll taken 17-19 Aug, this one a total of 1,452 persons, one of the questions was, "Do you think President Nixon should be impeached and compelled to leave the presidency, or not?" The same question was asked 22-25 Jun, with 19 answering yes, 69 no. Nixon refused to release tapes 23 Jul. The same question was asked 3-6 Aug, with 26 answering yes, 61 no. Nixon speech was 15 Aug, and the answers to the question were 23 yes, 70 no.

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Arthur Goldberg, in article carried by SFChronicle, says flatly "There is no constitutional basis for President Nixon's refusal on the ground of executive privilege to make available the Watergate tapes subpoenaed by Sen. Sam Ervin's committee and special prosecutor Archibald Cox. Simply put, Presidential tapes relating to criminal activities are not privileged!" Goldberg cites four decisions, all decided last year - Brewster, Gravel, Branzburg, Caldwell - and says that the first two "involved a claim to privilege far stronger than the President's claim of executive privilege." He points out, "It is interesting to note that all of President Nixon's appointees to the court joined in judgments of the court in all four decisions I have mentioned."

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Harris poll, 18-19 Aug: by 66 to 25 per cent, those interviewed agree with statement that "President Nixon has yet to answer the serious doubts about his involvement in Watergate ...." Harris: "It is apparent from the in-person interviewing conducted after the President's speech that as a vehicle for eliminating the doubts about presidential involvement in Watergate, President Nixon's speech of last week failed by any measure. .... Consistently since April, the President has not presented a case which the public has found convincing." ~~XXXXXXXXXXXX~~ \*

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Richardson says he will personally decide when to bring investigation of Agnew before grand jury; says that in making his decision he also would have to decide whether a sitting Vice President can be indicted for a crime while still in office, or whether impeachment and removal from office would have to take place first.

WXP 22 Aug 73, Chohen and Richards

\*In the same poll, in answer to the question, "Do you think President Nixon was more right or more wrong on [four statements given in list]?" the highest percentage for reaction to any of the statements was "wrong" on "allowing <sup>H.B.</sup> Haldeman to take ~~xxx~~ tapes home with him to listen to," 73 to 15 per cent.

WXP 27 Aug 73