

7 Sep 73 (1)

Nixon/tapes - Cox asks U.S. Court of Appeals to order Nixon to deliver the tapes directly to the Watergate grand jury, without any prior judicial screening. Asks ~~that~~ court to set aside the portion of Sirica's ruling which would permit him to examine the tapes and delete "privileged" material, and, if it permits Sirica to do this, to set the standards he should use in screening the tapes.

SFC [NYT] 8 Sep 73

For details of Cox's argument, see
WXP 8 Sep, Lardner, NYT 8 Sep, Weaver

In his appeal Cox also says that Sirica's opinion can be interpreted to indicate that he plans to screen the tapes for relevant material, withholding any comments he finds irrelevant; that if the Court of Appeals authorizes the deletion of "utterly irrelevant portions", attorneys from Cox's staff should be present to advise Sirica because "The District Court is not in a position to have accurate knowledge of the possible relevance of all portions of the tapes and documents" and would need guidance as to parts "which might superficially seem irrelevant to anyone not entirely familiar with the case.

NYT 8 Sep 73, Weaver

Tapes - William Raspberry speculations on reasons for Nixon's refusal to release the tapes; gives two reasons and then says, "Third, there is the reason nobody is mentioning: that Richard Nixon may be having a little fun, baiting the opposition, focusing their attack on a position he had no interest in maintaining anyway. Considering how much grief Watergate has meant for his administration, it may be hard to believe that Mr. Nixon would fool around having fun. But this isn't ha-ha fun - it's the fun that comes from knowing that you've planted a time bomb that will both vindicate you (to some extent at least) and make your enemies appear ridiculous. He'll release the tapes (or perhaps hand them over to Judge Sirica); the tapes will fail to confirm our darker suspicions, and a lot of us will forget that there was basis for those suspicions long before we knew the tapes existed."

WXP 7 Sep 73, Raspberry

7 Sep 73 (2)

Hunt-Colson phone conversation - WX Star-News publishes partial transcript of recorded call of 1 Jul 71, one day after Supreme Court decision permitting publication of Pentagon Papers. Story is published without attribution beyond mention of Star-News in the story itself. At one point Hunt says, " at this point I would be willing to set aside my personal yen for vengeance to make sure that the administration profits from this." There is no explanation in story of "yen for vengeance," or against whom it is directed.* Unlikely that it would be Ellsberg since he is the one they are discussing and Hunt speaks of "setting aside" something. The story is based on a "partial transcript" as published by Star-News; no indication whether deletions were made by Star-News, ~~or~~ in the transcript as they received it; if there is an explanation of Hunt's remark it could be in some deleted portion.

SFC (no attribution) 8 Sep 73

*or by SFC
* OYER - A

Ehrlichman, in Los Angeles, pleads "not guilty" to charges in Fielding break-in; released without bail on own recognizance, ordered to go to Los Angeles jail to be booked, fingerprinted and photographed. One of his attorneys (the only one mentioned by name is Joseph Ball) objects to necessity for booking procedure, but judge is not asked to waive it. Trial [date?] is to be set 20 Sep.

SFC [AP] 8 Sep 73

OYER - B

David Young, in Los Angeles, pleads innocent to charges in Fielding break-in.

SFC [AP] 8 Sep 73

Howard Hughes' former "scientific adviser," John Meier, charged in federal grand jury indictment 9 Aug 73 with failure to pay taxes in 1968 and 1969, is arraigned in federal court in Las Vegas. Makes unsuccessful effort to have proceedings delayed until an investigation can be made of "illegal electronic surveillance" by the government, which he says may have bugged his conversations with Donald Nixon.

SFC [UPI] 8 Sep 73

(3)

(A) From story by Lawrence Meyer on this phone call: "During the conversation ... Colson asked Hunt, who helped plan the 1961 Bay of Pigs invasion while working for the CIA: 'Weren't you the guy who told me . . . that if the truth ever came out about Kennedy and the Bay of Pigs, that it would just destroy them?'"

WXP 8 Sep 73, Meyer

(B) Ehrlichman's lawyer, Joseph Ball, speaking to reporters, describes Ehrlichman as "[a] considerate man." (Ehrlichman of Patrick Gray: "Let him hang there ... let him hang there. Let him twist slowly, slowly in the wind." WXP 27 Jul 73, p. 27.)

NYT 8 Sep 73

7 Sep ⁷³~~72~~ (3)

Kissinger, during confirmation hearings, implies that in wiretapping of members of his staff, 1969-1971, he was simply following the lead of Nixon, Mitchell and Hoover; had been in the Government only four months at the time and it did not occur to him to question their judgment. "My office was required to submit the names ... "

On 10 Sep Richardson and Ruckelshaus go before the committee and give it a memorandum, according to which the wiretapping was instituted because of Kissinger's concern over leaks to the press of classified information. Binder, NYT: "According to Administration sources," Richardson and Ruckelshaus tell the committee that Nixon "[shared] his adviser's anger. But it appears that Mr. Kissinger's appeal to put a stop to the leaks was what inspired formal action."

NYT 8 Sep 73, Gwertzman

NYT 11 Sep 73, Binder

Executive privilege (Donald Nixon wiretapping) - Administration sources indicate that executive privilege will be claimed and that the Secret Service will refuse to testify in response to requests for information from Senate and House Appropriations subcommittees (see entry 6 Sep); say that situation would be covered by Nixon's invoking of the privilege in letter ~~to Shultz~~ of 16 Jul 73 to Shultz, who as Secretary of the Treasury was in charge of the Secret Service. Letter directed that no one from the Secret Service should testify before congressional committees about matters they observed while performing "protective functions" for Nixon.

"The White House has neither confirmed nor denied the report and the case was being handled like a hot potato by most administration spokesmen." Potato goes from Warren to Secret Service to Treasury to Warren, who, "~~presses further~~ when pressed further," refuses to elaborate, saying "I've given you the White House position."

WXP 8 Sep 73, Chapman

(3) (4)

7 Sep 73

(X) (4)

Sturgis, in Miami, pleads innocent to federal charge that five years ago he and five others (not named in story) drove rented cars from the U.S. into Mexico and illegally sold them there while posing as anti-Castro agents. His lawyer, Ellis Rubin, had claimed earlier this week (do not have) that he would prove Sturgis was engaged in anti-Castro work for the government while in Mexico; says today he will subpoena government records and four witnesses. The only ones named in story are William Colby and Dean.*

U.S. Magistrate Michael Osman sets 15 Oct trial date. Final ruling on Sturgis' Watergate sentence is due 17 Sep in Washington.

See entry for Sturgis 21 Aug 73.

WXPost 9 Sep 73 [AP]

*In story carried by WXP 14 Sep 73, the government records are described as presidential tape recordings and CIA records; the tapes ~~involve~~ are of conversations involving Dean, Schlesinger and Colby. Rubin is quoted as saying (no date), "The Mexican thing was really a CIA operation and Sturgis was acting in that capacity. We want all the records to substantiate this. If they can't or won't be produced, the case should be dismissed." Sturgis's petition claims that ~~he was involved~~ the Mexican operation was a CIA-sponsored move against Castro.

WXP 14 Sep 73 [AP]