

18 Sep 73 ①

Executive privilege* (milk price supports) - White House says ^{may have been} Nixon's meeting with dairy industry leaders, 23 Mar 71, * was tape-recorded. Buzhardt says Nixon will invoke executive privilege on this tape. * OVER - 3

Existence of the tape and other documents ^{OVER - C} in the case were discovered as a result of a "continuing search" requested by Nader's Public Citizen Inc. and other plaintiffs in the case. ^{OVER - G} Their attorney, William A. Dobrovir, specifically asked if the meeting had been taped. In affidavit submitted to U.S. District Judge William B. Jones (no date) Buzhardt says "it is believed that a tape recording was made "

At San Clemente press conference 22 Aug 73 Nixon said that when he took office he found "a taping capacity" in the White House and "had the entire system dismantled," and that "it was put into place in June of 1970." This was corrected same day by Warren, who said Nixon "misspoke" when he gave this date. ^{OVER - E} WXP, 23 Aug 73; reporting on Warren's statement, goes on to say, "Buzhardt has said [no date] that the tape recordings did not begin again until April, 1971." ^{OVER - A, D}

Was the tape of the 23 Mar 71 meeting with milk producers made on a recorder brought in for the occasion?

WXP 19 Sep 73, Lardner

WXP 23 Aug 73, p. 10, col. 2; p. 12, col. 8

From NYT: "According to a member of the White House

[→]counsel's office, it is believed a tape of the meeting exists 'given the time frame' of when the recording equipment was installed. Although there has been a delay in the court order to supply documents until a ruling on the President's claims of executive privilege can be given, the staff member said it was 'always our assumption this was a continuing search' and that [today's] reporting of the document was 'something we felt we should do.' The affidavit added that the search was still continuing."

Dobrovir receives Buzhardt's affidavit today and immediately files a motion asking for immediate production ^{OVER - F, H} of the tape and two documents also mentioned in the affidavit. Dobrovir says later he believes a tape of the meeting exists or it would not have been mentioned by Buzhardt. The affidavit also mentions two documents (memo, 1 Feb 72, between two Presidential assistants relating in part to

* OVER - C

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~~See entry 6 Sep, 10 Sep 73.~~

- (A) "April, 1971, was the month in which the Supreme Court ruled that it was legal to record conversations when one party to the conversation had given consent to be recorded."
WXP 17 Jul 73, p. 19, Hanrahan
- (B) The groups involved are Associated Milk Producers Inc. [AMPI], Mid-America Dairymen Inc., and Dairymen Inc.
WXP 19 Sep 73, Lardner
- (C) Story gives details on WH memos for which executive privilege is claimed; "Marking what appeared to be a new first in executive privilege, Buzhardt also invoked it for a White House memo recommending "a presidential photo opportunity with dairy industry leaders" at an earlier meeting [12 Aug 70]."
WXP 19 Sep 73, Lardner

See entry 3 Dec 73.

- (D) ← This may be based on an apparent error by Hanrahan who, in reporting on a letter by Buzhardt to Ervin committee dated 16 Jul 73, says Buzhardt used the date "April, 1971," but text of Buzhardt's letter gives the date as "spring of 1971." WXPost 17 Jul 73, p. 19, cols. 3 and 8.
- (E) If Warren gave a corrected date, no mention is made of it in story (WXPost 23 Aug 73, p. 12, col. 8).
- (F) Tape turned over to Dobrovir (no date).
WXP 16 Dec 73, Lardner
"Copies of the tapes of both March 23 meetings ... have apparently been turned over by now to ... Jaworski "
WXP 16 Dec 73, Lardner
- (G) See entry 6 Apr 73.
- (H) Nixon gave tape of meeting with AMPI officials and part of tape of meeting with "his aides" (author's wording) to House Judiciary Committee. (No date.)
NYT 18 Jul 74, David E. Rosenbaum
- (I) Tape of 23 Mar 71 to be used at Connally trial.
SFC 2 Apr 75 [UPI]

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political contributions and the lawsuit, and a list of pre-April 7, 1972 campaign contributions) which are offered to the U.S. District Court for in camera inspection.

NYT 19 Sep 73

OVER-A

Agnew - Rumors circulate about possible Agnew resignation which the White House does nothing to discourage. Warren, after saying he had talked to Nixon about the situation, ~~says~~ answers all questions on Agnew with "no comment;" given several opportunities to do so, will not deny that WH is quietly urging Agnew's resignation, and will not even say, as he has before, that Nixon has confidence in Agnew.

Associates of Agnew charge WH aides with circulating the reports about his resignation. "The White House people are up to the same old business they've been up to for a long time."

NYT 19 Sep 73, Herbers

Add, p. 3

Patrick J. Buchanan will be one of the first witnesses before Ervin committee when it resumes hearings, following Hunt. Committee has obtained a series of memorandums he wrote before the 1972 campaign which "set the tone" for dirty tricks in the campaign.

NYT 19 Sep 73, Rosenbaum

Colson - Ervin committee will interview Colson in private session tomorrow before deciding whether to call him to testify in public, and to find out if he will assert Fifth Amendment rights and refuse to testify because he is a "target" of a Federal grand jury investigation.

Committee investigators who have interviewed him have reported to the committee that he has provided little significant information; one staff member says today the odds are "20 to 1 that Colson will never testify in public."

NYTimes 19 Sep, Rosenbaum

Caulfield and John Ragan will also be among the first witnesses when Ervin committee resumes hearings. Ragan is a former FBI agent who has told investigators (Ervin committee?) that he participated in tapping Joseph Kraft's telephone. NYT: "Two separate sources said that Mr. Ragan, reputedly a wiretapping expert, had also helped install the

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A See item 10 Sep 73, on 1972 effort to obtain contribution from Associated Milk Producers Inc.

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tap on the telephone of ... F. Donald Nixon, but that allegation could not be further confirmed." AP says ~~Ragan~~ ~~reacx~~ Ragan denies tapping either Kraft or Donald Nixon phones.
NYT 19 Sep 73, Rosenbaum

Bittman, O'Brien, Parkinson, Krogh and Young have been removed from the list of witnesses, for various reasons.
NYT 19 Sep 73, Rosenbaum

and Mike McLaney
Elliott Roosevelt, according to Louis P. Mastriani in public testimony before Senate Subcommittee on Investigations, hired him in 1968 to assassinate Governor Lyndon O. Pindling of the Bahamas; story involves ~~Mike McLaney~~ and gambling license, etc. Mastriani says he did not make assassination attempt. He is described as a convicted dealer in stolen securities and currently serving a sentence in Federal prison in Texas for stealing securities and making fraudulent statements.

(Clippings on this will be held separately and will not be included in chronology unless later developments warrant it.)
NYT 19 Sep 73

Add, Agnew, p. 2 - ~~From WXP~~ ~~According to~~ WXP says Agnew's lawyers have two main options, both based on their contention that the Constitution prohibits criminal proceedings against a Vice President while he is in office. One would be to file suit in U.S. District Court in WX or Baltimore to prevent Justice Department from continuing its investigation of Agnew, arguing that only Congress has authority to act while he is in office; the other would be for Agnew to ask the House of Representatives to conduct its own investigation and either clear him of charges or begin impeachment proceedings. Both are available to Agnew only as long as he is Vice President.

Post says Agnew discussed the possibility of resignation with Republican leaders in Colorado 16 Aug 73, the day after Nixon's speech, asking whether he should resign. Most of them advised him not to resign, and to fight the charges.
WXP 19 Sep 73, Cannon and Kilpatrick

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Tapes - Ervin, in affidavit submitted with other pleadings asking Sirica for summary judgment in committee's suit for the tapes, says hearings may be prolonged unless the committee gets the tapes, and that if they are not released "it will be necessary to interrogate others who may have heard these tapes to determine what they remember as to their contents." Hearings could also be prolonged if other documents are not produced.

WXP 19 Sep 73

Kissinger is approved as Secretary of State by Senate Foreign Relations Committee, which immediately after his confirmation unanimously approves a resolution calling for "a full examination of the use of electronic and other means of surveillance of American citizens."

WXP 19 Sep 73, Berger