

12 Oct 73 (i)

Tapes - Appeals Court rules Nixon must release subpoenaed tapes to Federal District Court; 5 to 2 vote. Says District Court can then give the Watergate grand jury any relevant material, unless it believes that there is some public interest to be served by withholding "particular" statements or information.

"Though the President is elected by nationwide ballot, and is often said to represent all the people, he does not embody the nation's sovereignty. He is not above the law's commands."

SFC 13 Oct 73 [NYT, Oelsner] Excerpts from court opinion, NYT 13 Oct 73 AMP - A  
C

Nixon announces that he will nominate Gerald Ford to replace Agnew as Vice President. Announcement, made in East Room, is nationally televised. "The atmosphere was festive, resembling something between a state reception and a political convention."

SFC 13 Oct 73 [no attribution] AMP - C  
- E  
- F

San Clemente - John F. Galuardi, deputy commissioner of GSA, testifying before House Government Activities subcommittee, says Kalmbach and Nixon's architect\*ordered property surveys (\$4,400), installation of new heating system (\$11,800), and lighting installations around the property and swimming pool (\$4,300), and sent the bills to the GSA.

SFC 13 Oct 73 [UPI] \*Harold Lynch AMP - B

Executive privilege, separation of powers - See opinion of Appeals Court, AMP A.

Post-impeachment trials for violations committed in office - See AMP A.

Rebozo/Hughes contribution - Deposition given by Richard G. Danner 4 Sep 73, "but unavailable in full until [today]," either does not support or conflicts with statements by Rebozo, Maheu and Davis about the Hughes contribution, its purpose and the dates on which it was given. See story.

Danner says, presumably in the deposition, that he gave \$50,000 to Rebozo in Aug 70, in currency. (Story is unclear, but deposition seems to have been given in Las Vegas, in

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connection with Maheu's suit against Hughes.)

WX P: "Danner [said] that he changed his testimony in an [IRS] inquiry about the date of delivery of the first \$50,000 to Rebozo. Danner said the date he gave the IRS in May, 1972, was August of 1969; in May, 1973, Danner amended the date to August of 1970 - but said he was uncertain. Maheu indicated [in a deposition in July?] that first delivery was made in 1969." \*

AMP-D

WXP 13 Oct 73, Mintz

Haldeman's attorneys, Strickler and Wilson, ask Sirica to quash a subpoena calling for extensive questioning before both the old Watergate grand jury and the new federal grand jury assigned to investigate other allegations against the administration, calling the subpoena "unreasonable and oppressive." They say they expect the motion to be overruled, as was an earlier effort to block additional grand jury questioning of Ehrlichman, but want to preserve their legal position on any appeal.

Cox's subpoena calls for Haldeman to appear for grand jury questioning starting 17 Oct and lasting at least through 19 Oct.

WXP 13 Oct 73 [no attribution] See entry 13 Oct.

Agnew, by resigning at this time, fails by three months of becoming eligible for civil service annuity that would have been worth \$15,000 a year once he reached the age of 62 years.

NYT 13 Oct 73 [WX Star-News]

Nixon (restlessness) - Letter to the editor points out that Nixon has moved "restlessly and nervously about from the White House to Camp David to San Clemente to Key Biscayne (with side visits to Grand Cay) - ten moves in a recent 21-day period." (Letter is dated 4 Oct 73.)

NYTimes 13 Oct 73

Nixon (Hughes contribution) - "Maheu ... has indicated [to Ervin committee, no date] that the money was earmarked for Mr. Nixon's personal use." See AMP-D.

\*See entry 31 Aug 73, Nixon (San Clemente).

(3)

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Ford is nominated to be Vice President. See entry, Nixon  
announces ....

25th Amendment is used for the first time in nomination of  
Ford. AMP - F

(12 Oct 73) AMP ①

① - The majority in the ruling "skirted the question of whether the President could be subjected to criminal prosecution before impeachment by Congress - except to say 'impeachment provides no immunity from 'routine court process,' such as a subpoena. In fact, the court added, 'By contemplating the possibility of post-impeachment trials for violations committed in office, the Impeachment Clause itself reveals that incumbency does not relieve the President of the routine legal applications that confine all citizens.'"

Ruling says of the claim of absolute privilege that "support for this kind of mischief simply cannot be spun from incantations of the doctrine of separation of powers."

WXP 13 Oct 73, Lardner

② - Galuardi says he was unaware of the Kalmbach survey at the time and ordered his own, at the request of the Secret Service, on constructing a wall around the property.

Subcommittee Chairman Jack Brooks reads a Sep 69 memo from Ehrlichman asking that the GSA maintain the house, swimming pool and grounds at San Clemente. \*

WXP 13 Oct 73, Mary Russell

\*GSA denied the first two requests but continued the landscaping at \$3,000 a month for six months.

- At the hearing Arthur F. Sampson, administrator of the GSA, is asked about 13 brass lanterns designed by Lynch which cost \$5,500, says they were not expensive for security lighting when their "esthetic values" are taken into consideration. Five of the lanterns are around the swimming pool, and the Secret Service had not made a request for any of them.

NYT 13 Oct 73, Shabecoff

③ - Court's ruling is issued at 6 p.m. Nixon announces his selection of Ford to be Vice President shortly after 9 p.m.

NYT 13 Oct, Oelsner; SFC 13 Oct 73, UPI

- Ziegler announces shortly after noon that Nixon would make statement this evening. Ford is not notified until 7:30 p.m.

SFC 13 Oct 73 [no attribution]; NYT 13 Oct 73, Herbers

(12 Oct 73) AMP (2)

(D) - Undated story says Ervin Committee has begun an investigation of Nixon's personal finances, will subpoena records Nixon gave Coopers and Lybrand for their audit, expects to examine Nixon's personal bank records, and wishes to question Rose Mary Woods.

Story deals mainly with contradictions in statements by Rebozo, Maheu,\*Danner and Davis on the Hughes contribution. Unnamed committee sources say staff is investigating whether any connection exists between the \$100,000 and Rebozo's financial support in purchase of San Clemente, and that while it may be a coincidence, the first half of the money was given at the time of the purchase. (The San Clemente property consisted of the Cotton parcel, bought 15 Jul 69, and the Elmore parcel, bought 13 Oct 69. The entire Elmore parcel was sold to Abplanalp and Rebozo, 15 Dec 70, and 20.1 acres of the Cotton parcel, 24 Dec 70. See Coopers and Lybrand audit, NYT 28 Aug 73, filed Nixon, real estate.)

"One source" (presumably committee source) is quoted as saying, "Rebozo's story is that he kept \$100,000 in cash in safe deposit boxes for almost three years. Now you tell me, is that logical for an investor to keep the money and boot at least \$20,000 in interest? There is something funny about that money."

WXP 14 Oct 73, Woodward and Bernstein

\*"Maheu ... has indicated [no date] that the money was earmarked for Mr. Nixon's personal use." (Same ref.)

(12 Oct 73)    AMP    (3)

(E) - "The White House ceremony on Oct. 12 at which Representative Ford was announced as the nominee for Vice President was paradigmatic of the deep moral defect within the current Administration .... In a manner that must, on reflection, be viewed only as bizarre in its tastelessness and blindness to the moral implications of the occasion, the President chose to treat that lugubrious event as (a) an opportunity for a set speech on his political successes (including the thought that Watergate is best forgotten) and (b) as a kind of jolly party convention where, with the gayest of spirits and the brightest of smiles, the secret of the identity of the nominee for high office was announced. One might have thought that one was witnessing the victorious tail-end of a successful political convention - compliments, applause, good humor and a gracious invitation to the guests to partake of refreshments."

NYT 22 Oct 73, Letter to the Editor by Prof. Edwin S. Shneidman, University of California at Los Angeles School of Medicine, dated 13 Oct 73.

- "Anyone who still hoped to find some residual dignity or sensitivity in [Nixon] should have been disabused by the charade as he announced his choice of Gerald Ford for Vice President. That scene in the East Room of the White House was the most repellent American public ceremony in memory.

"The very idea of a televised tease over the name was contemptible. If it was to be a public occasion, it should have been a solemn one before Congress. The man who gave us Agnew - and Mitchell, Stans, Haldeman, Ehrlichman, Colson, Liddy, Hunt, Krogh, Dean, Magruder and Chapin - grinned as he unveiled his next choice. There was not the slightest sense of responsibility for what had passed, not the least reference to the grisly reason for this occasion."

NYT 15 Oct 73, Anthony Lewis

(F) - Nixon says he will send Ford's nomination to Congress tomorrow. NYT: "Under the 25th Amendment, ratified in 1967 and never used before tonight, the nomination must be approved by simple majorities of both the House and Senate before he can take office."

NYT 13 Oct 73, John Herbers

- Ford takes oath of office as Vice President 6 Dec 73.