

19 Oct 73 ①

Nixon/U.S. Court of Appeals - Nixon, 1) refuses to accept decision of Appeals Court to surrender WH tapes, 2) declines to appeal the case to the Supreme Court, 3) orders Cox to drop the case, 4) says he will edit a summary of the tapes, have it verified by Senator John C. Stennis, and furnish it to the Watergate grand jury and Ervin committee. *AMP A, B, E, F*

Before the statement is issued Ervin and Baker meet with Nixon in the afternoon, and agree to the Nixon "compromise." ④

Cox says he will not accept Nixon's order to stop his efforts to obtain the tapes through judicial action. *AMP C, D*

See stories for details. Texts of Nixon, Cox statements, SFC, NYT, SFEx, 20 Oct 73 SFEx.

Dean pleads guilty to single felony count of conspiracy to obstruct justice and defraud the U.S., in bargain with Cox in which Dean agreed to be a prosecution witness in future proceedings in the cover-up - including, potentially, proceedings against Nixon (NYT's wording).

SFC 20 Oct 73 [NYT] Text of statement by Dean, NYT.

Hughes contribution (Kalmbach) - Source close to Kalmbach says Kalmbach knew of the Hughes money given to Rebozo but did not tell Nixon about it because he thought there was "nothing unusual about it." (Wording is AP's paraphrase.)

SFEx 20 Oct [AP

Maheu/Hughes - Maheu's suit against Hughes (for libel) has been delayed until January, at the request of Hughes' lawyers, so that more depositions can be taken. (Story is undated.)

SFEx 20 Oct 73

Sturgis and two others, Jerry Buchanan and Max Gonzales, are found innocent by federal court jury, Miami, on one count of interstate transportation of stolen cars (to Mexico); jury is deadlocked on two other counts, one of conspiracy and one of transporting stolen cars across state lines. U.S. District Judge Clyde Atkins says he will try to schedule a retrial on the two charges as soon as possible, but Ass't U.S. Atty William Northcutt says the government has not

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decided whether to go ahead with the case.

Story says all three defendants were indicted by federal grand jury earlier this year (no date; check Chronology) on charges of conspiracy and illegally transporting stolen cars from Florida and Texas across the Mexican border in 1968. Defense contends they had been in Mexico to launch a government sanctioned invasion of Cuba, but prosecution says the Mexican activities were a coverup for a car theft ring.

SFEx 20 Oct 73 [AP]

ITT/Nader - Nader files petition in U.S. District Court, asking reopening of ITT-Hartford merger case to find out whether "corruption" was involved in the antitrust settlement; asks to have subpoenaed, Agnew, Mitchell, Haldeman, Ehrlichman, Colson, Connally, Harold Geneen and Dita Beard.

SFEx 20 Oct 73

Ervin committee to meet with scholars at the Center for the Study of Democratic Institutions, the week of 9 Dec, "to consider the deeper constitutional implications" of Watergate. Announcement is made jointly by Ervin and Robert M. Hutchins, chairman of the Center.

~~SFEx~~ NYT 20 Oct 73 [AP]

Haldeman testifies before "two of the special prosecutor's grand juries" 17, 18, 19 Oct, is scheduled to testify again 22 Oct. See entry 17 Oct 73, Haldeman testifies ....

Nixon proposal on tapes - Text of letters, Cox to Wright (outlining his objections), and Wright's reply ("The differences between us remain so great that no purpose would be served by further discussion ....").

WXP 21 Oct 73, Texts: tape proposal, Cox's comments on it, correspondence between Cox and Wright.

Rebozo spends the nights of 19 and 20 Oct at the White House; returns to Florida 22 Oct. See entry 23 Oct, Rebozo/Hughes.

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Chronology, events of 19 Oct (deadline for Nixon to comply with or appeal Sirica's order for release of tapes) to 26 Oct (Nixon press conference) - see "Eight Days in October," by Saul Pett, Jules Loh and Richard Meyers.

SF Sun Ex and Chr 28 Oct 73

See also WXP 28 Nov 73, Stern

Ehrlichman, Krogh, Young, Liddy - Judge James G. Kolts, Los Angeles Superior Court, refuses to dismiss burglary and conspiracy charges against them, but agrees to dismiss one count against Krogh, that of solicitation of a burglary in the Fielding break-in.

SFC 20 Oct 73 [AP]

Krogh - See entry, ~~Krogh~~ Ehrlichman, Krogh ....

Dwayne O. Andreas and First InterOceanic Corp. - Cox files criminal charges against them for illegally contributing \$100,000 to 1968 Democratic presidential ticket. Cox's mandate does not extend to 1968 election, but Richardson gave special permission to file the charges before statute of limitations expires this weekend.

SFC 20 Oct 73 [UPI]

Impeachment - ACLU, in full-page ad, lists reasons it believes Nixon should be impeached.

NYT 19 Oct 73

Mitchell-Stans trial - Prosecution apparently wins indefinite postponement of the trial (story is unclear). "At the heart of the latest move for postponement was the planned appearance against Mitchell and Stans of ... Dean, described as 'a critical witness to the government's case.' In Washington [today], Dean pleaded guilty to conspiring to obstruct the Watergate investigation, and promised to cooperate henceforth in the probe."

SFC 20 Oct 73 [AP]

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James F. Neal resigns from special prosecutor's staff to return to full-time law practice in Nashville. Had directed Watergate investigation for five months; resigns today after obtaining guilty plea from Dean.

Returns to staff 6 May 74 as part-time consultant (the same status he held under Cox) so that he can continue his private law practice.

See entry 6 May 74.

WXP 8 May 74

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(A)- From text of Nixon statement: "I am pleased to be able to say that Chairman Sam Ervin and Vice Chairman Howard Baker of the Senate Select Committee have agreed to this procedure and that at their request, and mine, Senator John Stennis has consented to listen to every requested tape and verify that the statement I am preparing is full and accurate."

In story on Stennis, AP implies that he did not know ~~of~~ ~~he~~ of Nixon's plan for him to audit the tapes: "In a statement issued after learning about Mr. Nixon's plan, Stennis declared: 'If I am called on to listen to the tapes and certify as to their content, I will consider it a call to duty and render the best service I can.'"

SFEx 20 Oct 73, text of Nixon statement  
SFC 20 Oct 73 [AP]

(B)- "President Nixon's chief justification for action ... on the disputed Watergate tapes was in his words, his desire 'to avoid any possibility of a constitutional crisis.' But the effect of his decision, to constitutional experts interviewed immediately following his statement, [was] that the President had instead created the biggest constitutional crisis of this already crisis-ridden year." See story for various opinions.

SFC 20 Oct 73 [no attribution]

(C)- NYT: "It was understood that Mr. Nixon would be prepared to dismiss Mr. Cox if he sought to circumvent the arrangement proposed to him by the executive branch."  
SFC: "One of [Cox's] aides said ... that 'there will be no resignation' by the special prosecutor. Asked if Cox believed his job was not in jeopardy, the aide replied only that 'as a matter of law, it's not clear' whether Mr. Nixon could discharge the special prosecutor, even though he was appointed by Mr. Nixon's attorney general, Elliott L. Richardson." SFEx: "The President ... pointedly referred to Cox as 'an employe of the executive branch.'"

NYT, SFC, SFEx, 20 Oct 73

(19 Oct 73) AMP (2)

(D) - Cox, at press conference, says, "it is my duty as the special prosecutor, as an officer of the court and as the representative of the grand jury to bring to the court's attention what seems to me to be noncompliance with the court's order." \* SFEx says, "Presumably Cox's statement means he will go before Judge Sirica to seek enforcement of the order."

SFEx 20 Oct 73 [Ex News Svcs]

\*\*"After that, Cox said, one of his obvious options would be to seek an order requiring the President to show cause why he should not be held in contempt of court."

WXP 21 Oct 73, Chapman

(E) - <sup>House</sup> "The White/... said Friday night [19 Oct] that the compromise had been forwarded by Richardson and sought to give it his imprimatur."

SFEx 21 Oct 73 [Knight Newspapers]

- WXP, in explanatory note preceding the text of Nixon's proposal, says, "Following is the text of the proposal submitted by ... Richardson to ... Cox on Oct. 17 ...."

WXP 21 Oct 73

(F) - Text of proposal as submitted by Richardson to Cox, ~~Richardson~~ comment by Cox on the proposal, and letters between Wright and Cox - all between 17 and 19 Oct 73.

WXP 21 Oct 73

(G) - See NYT 23 Oct 76: "Former Senator Sam J. Ervin Jr. of North Carolina, who was chairman of the Senate Watergate committee, says he 'strongly' suspects that a meeting he had three years ago with President Nixon to work out a deal for release of transcripts of the White House tapes was used by Mr. Nixon as part of a cover plan to dismiss Archibald Cox, the Watergate special prosecutor. ....

"Senator Ervin ... says in an appendix to a book written by Samuel Dash, chief counsel to the Watergate committee, ... that, unknown to Senator Baker or himself, Mr Cox had repeatedly refused to accept any summaries of the statements on the tapes rather than the tapes themselves.

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"'The summoning of Senator Baker and myself to the White House,' he writes, 'gave the White House an excuse for representing to the American people that Special Prosecutor Cox was an incorrigible person who refused to accept substitutes for the tapes which two reasonable men, Senator Baker and myself, were willing to accept.....

"'I had never agreed and would never agree to accept any summary of the tapes, and would be opposed to the committee accepting any proposal which did not make it certain that the committee would receive verbatim exactly what the tapes said about the Watergate affair.'"

NYT 23 Oct 76, Herbert Mitgang