

31 Oct 73 (1)

Witnesses: Berl I. Bernhard
Mark Lacritz

Tapes, missing - At suddenly scheduled hearing in Sirica's court, Buzhardt says two of the subpoenaed tapes are non-existent because they never were recorded: that of ^{**AMP-} Nixon-Dean meeting 15 Apr 73,* and that of Nixon-Mitchell ^{A, C} phone conversation 20 June 72.** See story, which among other things, includes the following:

- ~~xxxxxxxxxxxx~~ Raymond C. Zumwalt, put on the stand by Buzhardt, "[testifies] that he had been told by his assistant, [James] Baker, on other occasions that the timer had malfunctioned in that manner." Special prosecutor Richard Ben-Veniste says Zumwalt had told him earlier in the day that he knew of no instances of recorder malfunction; Zumwalt says he became aware of this after a conversation today with Buzhardt.

- Cox, testifying before Senate Judiciary Committee, says he understands Nixon dictated a memo on the 15 Apr conversation into a tape recorder after the meeting, and that this tape should exist. (Why dictate a memo if Nixon at the time had every reason to believe the conversation was being taped?)

- Warren tells newsmen that while Nixon had listened to a number of the tapes he had never listened to all, and had never requested the two which are now missing. (See entry 10 Sep 73.)

- Warren says the tapes, (how many?) had been (not now?) kept in a residential portion of the White House.

SFC 1 Nov 73 [WXP]

AMP - B -

- Ervin tells reporters that he was assured by the White House as recently as 19 Oct that all nine tapes requested by the committee were complete.

SFC 1 Nov 73 [NYT]

Sen. William B. Saxbe confirms offer and acceptance of post as U.S. Attorney General. After a meeting with Nixon this morning, is reminded of his earlier expressions of doubt that Nixon knew nothing of the Watergate break-in, and asked if he feels now that Nixon didn't know about it. Says, "I satisfied myself that he really didn't."

SFC 1 Nov 73 [NYT, Kneeland]

* See entry 10 Sep 73.

31 Oct 73 (2)

Nixon bank records - WH acknowledges it is negotiating with Ervin committee on its efforts to gain access to records of Nixon's account in Rebozo's bank; committee sources say WH lawyers "had dug in their heels" and indicated they would claim executive privilege.

SFC 1 Nov. 73 [AP]

Cox - Cambridge University appoints him to a special professorship in American history; appointment is understood to have been decided upon before his dismissal.

SFC 1 Nov 73 [Reuters].

Gurney confirms that Justice Department is investigating allegations of a secret fund set up for unreported contributions to his campaign, 71 and 72.

SFC 1 Nov 73 [AP]

Gerald Ford - Investigation of him said to be the most exhaustive in history of an individual. Sen. Howard W. Cannon, chairman of Senate Rules Committee: "You can't look at this as if he were only a nominee for vice president. You have to assume we may be confirming a president."

SFC 1 Nov 73 [AP]

Impeachment, resignation - Howard K. Smith calls for Nixon's resignation or impeachment, in his commentary on ABC Evening News. "Either the Congress or the President, by his own patriotic decision, should relieve us of a burden too heavy to carry any longer." See entry 1 Nov, Ziegler.

SFC 3 Nov 73

Haig goes to Capitol Hill to reassure Republican leaders in the Senate that the tape of Nixon-Dean conversation 21 Mar 73 would prove that was the date Nixon first learned of the cover-up, and that the tape is "exculpatory."

WXP 13 May 74, Evans and Novak

(31 Oct 73) AMP

(A) - Buzhardt says it was not until 27 Oct, after lengthy searches had been made, that he himself learned that the two tapes did not exist.

SFC 1 Nov 73 [WXP]

(B) - The wording, "the tapes had been kept," is that of WXP. Buzhardt, 1 Nov, says that "all the tapes made on the White House system" are, in NYT paraphrase, secure in a secret room in EOB. Should these two phrases, taken together, be understood to mean that at one time the tapes were kept in residential part of WH, but are now stored in EOB?

SFC 2 Nov 73 [NYT]

(C) - See excerpt from article by Walter Pincus, on what was known, and what had been done, by the time of this Nixon-Mitchell phone call.

New Republic, 8 Sep 73, "Questions the Ervin Committee Should Ask," by Walter Pincus