

5 Nov 73 (1)

Tapes - WH officials say Nixon's attorneys may try to persuade Sirica to make public the substance of the seven tapes rather than just passing them on to the grand jury, but admit there are unresolved legal questions in such a procedure. Under the Appeals Court ruling, he is permitted to hear the tapes in private and pass on to the grand jury such portions as he deems necessary to its work, in order to protect the secrecy of the material. Whether the WH could waive that secrecy unilaterally is not certain.

These officials note that under the <sup>original</sup> procedure the information on the tapes would not be available to the public for months; not until after the grand jury has handed down its indictments and those named are brought to trial would prosecutors and defense attorneys be able to refer publicly to the conversations recorded on the tapes.

The officials feel that under the new plan the public's suspicion of Nixon would be answered more effectively than any testimony he might give himself to the Ervin committee, but do not rule out such an appearance if Sirica declines to accept the new proposal.

SFC 6 Nov 73 [WXP]

Ford, in final day of testimony in confirmation hearings before Senate Rules Committee, says Nixon should produce "whatever documents" are needed to help clear up responsibility for Watergate. While not making any direct criticism of Nixon, "the over-all tone of his testimony seemed to add his voice to those of the growing number of Republicans seeking complete Watergate disclosure from President Nixon." Says he considers Nixon "completely innocent" of any wrongdoing in Watergate affair.

SFC 6 Nov 73 [WXP]

Jaworski is sworn in, leaves immediately to meet with Cox staff, plans to meet with Cox as soon as it can be arranged. Has no plans to make staff changes.

Legal and business associates in Houston, Austin, Dallas, interviewed by phone, describe him as brilliant, etc., but also [in WXP's words] as "a loyalist of the corporate establishment whose consummate skill is smoothing antagonisms and settling controversies out of court in an

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[from preceding page]  
unsensational, business-like manner."

Story says he is a trustee of the M.D. Anderson Foundation, described as a conduit for covert CIA money. See story for details.

SFC 6 Nov 73 [WXP]

Bork, testifying before House Judiciary subcommittee, <sup>says</sup> that Jaworski was assured of the freedom to go to court for any evidence he feels he needs, including presidential tapes, ~~if~~ Nixon during a meeting with Haig, Buzhardt and Garment (no date). Says "Everybody agreed to it. That means to me, that if he did it, he would not be fired." However, says he himself had not discussed with Nixon the assurance that Jaworski could go to court. Says he is confident Jaworski will have WH cooperation and thus the problem of going to court will not come up.

Bork also testifies that he opposes all five basic proposals before Congress for creation of a separate W/gate prosecutor and is against Congress having a part in naming or confirming the prosecutor.

SFC 6 Nov 73 [AP]

Nixon (resignation) - Ziegler tells reporters aboard Nixon's plane on flight from Florida that Nixon will not resign "no matter how great the criticism is or the difficulty. The President is not a quitter and he never has been. He is not a man who steps aside and walks away from adversity."

SFC 6 Nov 73 [AP]

Saxbe denies having advocated destruction of WH tapes if they proved to be incriminating. (See entry 4 Nov.) "If the question is, was I advocating any illegal activity in the Hong Kong speech, the answer obviously is no. In response to a question after the Hong Kong speech, I indicated that if there was illegal activity recorded on the tapes, I questioned whether such tapes would ever be forthcoming."

SFC 6 Nov 73 [AP]

Nixon flies back to Washington (tonight).

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Segretti is sentenced to six months in a minimum security prison, three years' probation; tells reporters he believes the sentence is "fair."

SFC 6 Nov 73 [NYT]

Wiretaps - Ruckelshaus, in sworn statement taken by lawyers for Morton Halperin, says telephone wiretaps were placed on administration officials and possibly newsmen; not included in list of 17 already known; NYT says it is unclear whether these wiretaps were also part of a "national security" investigation. No date is given for this deposition.

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Krogh's lawyer, Stephen Shulman, says Krogh has been denied permission to examine documents of the plumbers' unit; WH disputes this, saying the request is pending and has not been rejected.

SFC 6 Nov 73 [NYT]

Gurney - ~~Dash~~ See entry 5 Oct. Dash says today that it is "absolutely untrue" that Ervin committee has investigated Gurney; that John Priestes, an upcoming witness is a Miami builder involved with "a local Senator Gurney matter," but "we did not get to him because of any investigation having to do with Senator Gurney."

SFC 6 Nov 73 [WXP]

Gallup poll (taken 19-22 Oct, published today) shows Nixon popularity at new low point, 27 per cent. See entry 22 Oct.

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Hunt and the five other defendants - As Judge Sirica begins to hear arguments by their lawyers to have their guilty pleas or verdicts overturned, assistant special prosecutor Richard Ben-Veniste informs the court that the prosecutors were told ~~by~~ by Dean 2 Nov that he had destroyed two of Hunt's notebooks and an address book. See entry 2 Nov.

SFC 6 Nov 73 [NYT]

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Sen. Peter H. Dominick, a conservative Republican of Colorado, says in speech to Denver Bar Association that Nixon should make "a complete disclosure of all information" about Watergate investigations (?).\* "There can be no more deals and no more technical arguments about evidence." Says House of Representatives should establish bipartisan procedures to determine quickly whether there are grounds to impeach Nixon.

\* AMP \*

SFC 6 Nov 73 [NYT]

Scott tells reporters he regrets ~~that~~ Brooke's calling for Nixon resignation; says Republican senators have never discussed the matter.

SFC 6 Nov 73 [NYT]

Goldwater denies report that he predicted a "startling development" in Watergate affair (see entry 3 Nov, Tapes). Says he and William Buckley were confronted by a reporter in Wichita on Saturday (3 Nov) and asked if they would answer a few questions. "We both said we had nothing to say and the next day we heard this report . . ."

The newsman, Gary Moore of television station KTVH, says that when the men were asked about Watergate, both replied they expected developments within the next two or three days, that one of the two used the word "startling" and that he was almost positive it was Goldwater.

SFC 6 Nov 73 [AP]

Gallup poll (apparently taken 2-5 Nov) shows that although three in four of those polled believe Nixon is involved to some extent in Watergate, they are 54 to 37 per cent against removing him from office. However, those who favor compelling him to leave office has increased steadily since June and is now at a high point (37 per cent).\* The trend in this percentage has accelerated since the firing of Cox, ~~and the~~ (20 Oct) and the announcement that two tapes are non-existent (31 Oct). The previous poll was taken 19-22 Oct.

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\*In June (22-25 Jun) the percentage was 19.

See also Gallup poll (Nixon popularity), entry 15 Nov.

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Nixon "surrogates program," is set up to defend Nixon and counter what WH views as unbalanced media coverage and an organized effort to promote impeachment. (See entry 17 Nov.) Program is directed by Kenneth W. Clawson, deputy director of communications. As part of the program key cabinet-level officials are sent a private WH memo today suggesting that statements of support are "essential at this time."

SFC 17 Nov 73 [AP] See entry 15 Nov 73.

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① - Says Nixon "should divulge everything he has personal knowledge of, and should permit complete access to all tapes, papers, files, documents and memoranda which have been requested by the Senate Watergate Committee and the special prosecutor."