

14 Nov 73 (1)

Tapes - Sirica, in memorandum filed with clerk of U.S. district court, rejects Nixon's offer (12 Nov) to provide the court with non-subpoenaed tapes; all that the court should do is "deal with the subject matter before it" - the "possible justification" for "failure to produce subpoenaed material."

Sirica says Nixon is free to make public, in full or in part, as much extra material as he wishes. ~~butxxxxxxx~~
"If the President thinks it advisable to waive any privilege and makes tapes or other material public, he of course is free to do so at any time. Should he want to provide the grand jury with materials that do not relate to the present hearing or materials that have not been subpoenaed, he should do so through the grand jury's counsel, the special prosecutor and not through the court."

SFC 15 Nov 73 [NYT] See entry this date, "Tapes - Bennett ... "

Cox dismissal is ruled illegal by Judge Gerhard A. Gesell, who says Bork violated a Justice Department regulation prohibiting such a removal "except for extraordinary improprieties," and that re-establishment of special prosecutor's office following its abolition (23 Oct) had been "simply a ruse to permit the discharge of Mr. Cox."

Gesell says the special prosecutor "did not serve the President's pleasure [but] was subject to congressional rather than presidential control," and that he was fired "because he was insisting upon White House compliance with a court order [to surrender the tapes] which was no longer subject to further judicial review."

Gesell's decision was in lawsuit brought by Moss, Abzug and Waldie (see entry 9 Nov).

SFC 15 Nov 73 [NYT]

Nixon - Second round of meetings, breakfast with 75 House Republicans; third round scheduled for tomorrow, with 50 conservative House Democrats.

According to those at the meeting this morning, some of whom took notes, Nixon made the following points:

- that he would not resign (Rep. Hamilton Fish said this was greeted with cheers);
- that tapes are being examined by officials of National

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AMP - C

Security Agency to verify that they have not been altered and that their report will be submitted to Sirica;

- that Nixon is confident that documents and recordings will prove Dean was wrong when he testified that Nixon was aware of the cover-up well before 21 Mar; Nixon is quoted as sawying, "I'm not saying John Dean is a liar, I'm just saying he is mistaken";
- that Nixon, while ruling out even an informal meeting with Ervin committee because of the "predisposition" of some of its members to disbelieve him, is considering meeting with Ervin and Baker;
- that Nixon rejected a suggestion that he appear before a joint session of Congress, on the Watergate matter;
- that he is seriously considering submitting to a televised interrogation by three senior network newsmen;
- that he would not block any attempts by Jaworski to go to court to obtain White House evidence;
- that he disputed allegations on ITT, milk price supports, financing of his properties, and secret \$1-million fund.

Rep. John Ashbrook and others (not named) say they are still not entirely satisfied with the session, Ashbrook saying, "The content of the meeting ~~boiled~~ boiled down to 'believe us or believe them.' Some of us don't believe that's a good posture to go to the public with."

SFC 15 Nov 73 [NYT]

Resignation - Sen. Philip Hart (Dem-Mich) calls on Nixon to resign. At news conference says, "If he hands in his resignation with a litany of grievances, it would do a great disservice to the country. On the other hand, if the President should resign with grace it might be the best way to bring us out of the situation which is extremely difficult right now." Hart is the fourth senator to ask for Nixon's resignation; the others are Inouye and Tunney, Democrats, and Brooke, Republican.

SFC 15 Nov 73 [UPI]

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Public reaction to "Saturday Night Massacre" and announcement that two of the subpoenaed tapes do not exist - See undated story by WXP, which says these two events have "stimulated an estimated million or more Americans into an unprecedented outpouring of public opinion through the mails and telegraph wires. Moreover, an even larger number of ~~x~~ ... [letters] has descended on congressional offices, prompting one senator to observe, 'this is the biggest demonstration of protest this town has ever seen.'"

- Gallup poll, released today (taken 2-5 Nov, ^{entry} filed 5 Nov) confirms the above, and says, "The trend in the percentage who favor compelling Mr. Nixon to leave office has accelerated in the last few weeks, following the ... firing of Cox ... and the more recent announcement that two of the nine Watergate tape recordings never existed."

SFC 14 Nov 73 [WXP]

"Saxbe - Is Justice A Stepping Stone [to the Presidency]?" - Undated analysis by Julius Duscha, Newday, on reasons for Nixon's choice of Saxbe and Saxbe's reasons for accepting.

SFC 14 Nov 73, Newday, Julius Duscha

"Caulfield Talks About Wiretaps" of Donald Nixon and Joseph Kraft. Jack Anderson column, on information given by Caulfield to Ervin investigators, says Ehrlichman was "the action officer within the White House on Nixon family problems."

SFC 14 Nov 73, Jack Anderson

Ehrlichman described as "the action officer within the White House on Nixon family problems" by Jack Anderson.

SFC 14 Nov 73, Jack Anderson

Tapes - This is the date Buzhardt says he discovered that 18-minute segment of tape of 20 Jun 72 is defective. See entry 21 Nov 73. (Evening of 14 Nov - WXP 6 Dec, Lardner.)

SFC 22 Nov 73 [WXP] See entry, Tapes. ~~AMP-B, C~~

- Higby testifies 4 Dec that in phone conversation with Haldeman (then in California), ~~it~~ today, around noon, Haldeman (implication of WXP story) already knew of gap in tape. See entry 4 Dec.

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Saxbe - Sen. Robert C. Byrd (Dem-W. Va.) tells Senate he has concluded that Saxbe's appointment as Attorney General would be unconstitutional since the Constitution provides that no Senator or House member shall, during the time for which he was elected, be appointed to any federal office for which the salary was increased during his term (as it was during Saxbe's, in 1969), and that he believes the prohibition "was meant to be absolute."

At Byrd's request the Senate Judiciary Committee will hold a hearing, probably 19 Nov, on the constitutionality of legislation proposed by the Justice Department to roll back the Attorney General's salary to the level prior to 1969.

SFC 15 Nov [AP]

Jaworski, in memorandum submitted to U.S. District Judge Gerhard A. Gesell, who will preside over Krogh's trial, says he has been assured of access to WH tapes and other documents involving the plumbers, but does not say Nixon himself had approved release of the tapes.

SFC 15 Nov 73 [WXP]

Ehrlichman, Krogh, Young and Liddy will go to trial 19 Dec 73 in Los Angeles for Fielding break-in; only Liddy is present in court, the other three being represented by their lawyers. Superior Court Judge Gordon Ringer turns down defense motion to order more prosecution investigation in Washington which might produce evidence showing the innocence of the defendants, backing up the assertion of Deputy District Attorney Stephen Trott that it was "preposterous" to ask the prosecution to do this. Ringer also turns down request by Ehrlichman's lawyer that the prosecution try to get from the White House tapes and documents involving the break-in.

AMP - A

SFC 15 Nov 73 [UPI]

Campaign contributions - Testifying before Ervin committee, Orin E. Atkins (Ashland Oil) and Claude C. Wild Jr. (Gulf Oil) tell how they they arranged secretly to withdraw cash from foreign subsidiaries in the Bahamas and Gabon in

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order to make illegal contributions to Nixon re-election
campaign. When Wild is asked whether his firm had also
contributed to Democrats, says, "Yes. But the Republicans
always cost you twice as much as the Democrats."

SFC 15 Nov 73 [NYT]

Bork (Chicago Seven) - See entry 27 Oct 73.

Tapes - Bennett deposits in WH vault three "aborted"
tapes. See entry 30 Nov 73, "Tapes - No hearings ... "

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(A) - The tapes involved are of 12 conferences and phone calls ~~between Nixon~~ involving Nixon and the defendants.
SFC 16 Nov 73 [UPI]

(B) - See 4 Dec 73, ~~the~~ (Tapes - Holby).

(C) - Bennett says that after two copies of tape were made by National Security Agency 13 Nov, the original was sealed in a box 14 Nov; one copy was signed over to Buzhardt today, and the second kept in a WH safe until it was sent to Sirica 29 Nov.

See entry 13 Nov, "Tape, 20 Jun 72 ... "