

5 Dec 73 ①

Tapes - Haig testifies at tape hearings that he was told by one of the WH lawyers 14 Nov of the gap in the tape, but since Nixon was to give a speech the following day (Nat'l Assoc. of Realtors) Haig decided to wait until after the speech to tell him. Says Nixon was "very, very disturbed" and "almost incredulous" when he told him (NYT's wording) "that the gap in the tape lasted not for just five minutes, as previously believed, but instead for 18 minutes - and that the tape, contrary to what the President had thought previously, was covered by the Watergate prosecution's subpoena. The President's reaction, as he recalled it, was to say 'we have to do whatever is technically feasible to reconstitute the tape if that can be done.'" - Rose Mary Woods, called to the witness stand for the third time, testifies before Haig does; says, "I could see no way at all I could have caused the 18-minute gap."

SFC 6 Dec 73 [NYT]

Haldeman (files) - Warren is asked who owns the files Haldeman left in the WH after he resigned; declines to discuss these files, saying this is a matter before the courts.

Haig testifies (entry above) that when Haldeman left the WH he told Haig that he had ordered a new combination for the safe holding his files, that he asked Haldeman to leave the combination with Nixon but that apparently he had not done so. ~~(Does this mean~~ According to Higby (in testimony yesterday), Haldeman supplied the combination only a few days ago after Haig called him personally and asked for it. (Does this mean it was not until "a few days ago" that Haig had the combination? Did Haldeman give the combination to Higby 15 Nov, three weeks ago [see entry 4 Dec, Tapes - Higby ...] in order for Higby to retrieve his notes from his safe? Or did Higby, once Haldeman's deputy, have it all along with instructions not to tell anyone else at the WH? Warren says today that except for Higby, "there is no one in the White House whom Haldeman is giving instructions to.")

SFC 6 Dec 73 [NYT]

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Resignation - " The gradual changes on Capitol Hill have begun to make an impeachment proceeding more and more likely. And if the House of Representatives eventually votes a bill of impeachment, the Senate will hardly dispose of the problem until the summer of 1976! [The] protracted public investigation, with the Watergate horrors never out of the headlines, will most probably lead to a pro-impeachment committee report, and a House vote for a bill of impeachment by a narrow majority. The Senate's Democratic majority is heavy, and may well increase in 1974. Only a wild optimist can suppose the Senate will deal with a bill of impeachment until a few months prior to the next presidential election. It is this dreadful prospect, in turn, that has produced the clear possibility that the President will resign. That possibility is now beginning to be accepted in the White House staff itself. "

SFC 5 Dec 73, Joseph Alsop

Arlen Specter - Philadelphia Bulletin says Specter will shortly join Nixon's Watergate defense team and may be in line to head it. Warren says discussions have been held with Specter but insists no decision has been made "one way or the other" as to whether Specter will join Nixon's legal team. Philadelphia Bulletin says Specter reportedly has accepted the assignment.

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Special prosecutor - Kennedy files report with Senate Judiciary Committee, on behalf of members of the committee supporting a bill providing for court appointment of special prosecutor and prohibiting removal by anyone in the executive branch. Says in the report that Cox was fired because of "chronic White House unhappiness with the vigor and scope" of his investigation.

Another report is filed by Sen. Roman L. Hruska for Judiciary committee members backing a bill under which a special prosecutor would be appointed by the attorney general. This bill would bar dismissal except for specific cause and would require 30 days' notice to Congress. The special prosecutor would be authorized to bring suit for reinstatement.

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Impeachment - A committee of Quakers, the religious group to which Nixon formally belongs, calls for his impeachment. The action by the legislative committee of the New York Yearly Meeting of the Religious Society of Friends is described as the first of its kind by a Quaker agency. Resolution says "Richard Nixon and members of his administration have indulged in acts which render them suspect of betrayal of our democracy," and asks that the House proceed with his impeachment to fulfill "its obligation to the democratic process as embodied in the Constitution "

SFC 6 Dec 73 [AP]

Ford - House will vote tomorrow on his confirmation and he is expected to take oath of office in the afternoon. Story gives details of protocol to be followed.

SFC 6 Dec 73 [WXP]

(5 Dec 73) AMP

(A) - "Alexander H. Haig Jr. testified [today] that he had telephoned Haldeman on Nov. 15 to get the combination. Haldeman called Higby and gave him the combination. He also instructed Higby not to give any of the file's contents to Haig without first reporting back to Haldeman with a summary of what Haig wanted. Haig said he did not obtain the combination himself until a subsequent telephone call." Immediately "subsequent" to Haldeman's giving of the combination to Higby only? - or "a few days ago," as Higby testified today? See AMP-A 4 Dec 73; also AMP B, same date.
WXP 6 Dec 73, Cannon