

20 May 74 (1)

Ehrlichman et al, Fielding break-in - Judge Gesell begins hearing pre-trial motions, and releases letter to him from Nixon, written 29 Apr.

Letter from Nixon says he intended to use his "fullest authority . . . under the Constitution and the law" to end leaks of classified materials; that he did not have any prior knowledge of the Fielding break-in and did not learn of it until about 1½ years after it occurred; that he had (WXP's wording) "discovered a conversation" with Petersen 19 Apr 73 concerning the break-in. Transcript of that conversation, not made public, is turned over to Gesell. Transcript of Nixon's letter is not given by WXP.

- Colson's attorney, David Shapiro, says (WXP's wording) "that it was within the power of unindicted co-conspirator H. Howard Hunt - as an aide to the President - to approve such an operation."

- Hunt - see Colson.

- De Diego - Gesell indicates he is considering holding DeDiego's trial at a later date because of problems arising out of his being granted immunity by California for testimony on Fielding break-in.

- Ehrlichman, in motion, says release of the Nixon transcripts has increased the "inflammatory atmosphere" of pre-trial publicity; motion is to supplement his previous pleas that charges against him be dropped or that his trial be held in another city.

WXP 21 May 74, Timothy S. Robinson

- On Nixon letter, see entry 30 Apr 74, Ehrlichman, Nixon letter ...

Jaworski/Nixon - St. Clair's brief contending in effect that Jaworski cannot pursue in court his attempt to obtain tapes and other material on 64 conversations, filed 13 (?) May, made public today by Judge Sirica. See 13 May, AMP-B and entry, Tapes, Jaworski subpoena

"Intra-branch matter" - See 13 May, AMP-B and entry, Tapes, Jaworski subpoena

Nixon returns tonight from Key Biscayne.

WXP 22 May 74, Shabecoff

20 May 74 (2)

Vesco (Costa Rica) - President Daniel Oduber gives newsmen in Costa Rica copies of a letter he says he gave Vesco during a meeting (in AP's wording) "shortly before" and "prior to" his inauguration 8 May 74; no precise date given in story.* Mitchell and Stans were acquitted 28 Apr 74. AMP - F

In the letter Oduber tells Vesco he must not "accept any member of my government as a partner of yours," warns him against "mysterious investments," and says that if Costa Rican courts order him extradited he will be expelled. AMP - D

"Vesco is said to have around \$31 million invested in Costa Rica, some of in a new newspaper, two television stations and four radio stations. Some of Vesco's investments reportedly are in association with former President Jose Figueres, [who] earlier this year pushed through the Costa Rican Congress an extradition bill favorable to Vesco."

SFEx 21 May 74 [AP] *6 May74 (WXP 8 Oct 74, Mintz)

Nixon (California income taxes) - Legislation (in UPI's wording) "designed to require President Nixon to pay" California income taxes is approved by Revenue and Taxation Committee, 11-0, and is sent to the Assembly. The bill declares that a person who votes in California also shall be obligated to pay state income taxes. The bill was proposed by Assemblyman William T. Bagley, a Republican.

SFChronicle 21 May [UPI]

Watergate, cost to taxpayers - "The known total cost to the taxpayer [is now] \$6.5 million, but some experts believe the overall costs are higher than that." See story for figures included in this total, for HJC, Ervin committee, grand juries, etc. AMP - B

WXP 21 May 74, Carroll Kilpatrick

Julie Eisenhower cancels two trips, apparently speaking engagements, because "she just didn't feel up to it," according to Mrs. Nixon's press secretary.

WXP 21 May 74

Misuse (?) of funds to pay for Nixon lawyers - See AMP-B.

20 May 74 (3)

Nixon's potential legal problems as private citizen - "The range of possible difficulties is formidable. While [Jaworski] was able to persuade a grand jury that it could not indict a sitting President, his arguments do not apply to a former President. And if the President is impeached and convicted, the Constitution explicitly notes that criminal charges can still be brought. [Article lists many of these.]

"By 1977 at the latest, Nixon will have to face those problems, since little will have changed by then, at least in technical terms. The statute of limitations will not have expired in any of the major situations confronting him. "

Time Magazine, 20 May 74

Magruder is sentenced by Sirica to term of ten months to four years.

Hunt/Nixon - Article on Nixon's great interest in providing clemency for Hunt. See entry 19 May, Clemency for Hunt.

Dean, Ehrlichman, Haldeman, Colson are those who can implicate Nixon in early discussions of clemency for Hunt. See entry 19 May 74, Clemency for Hunt.

Impeachment - Anthony Lewis lists possible charges in bill of impeachment, reducing them to a few manageable issues, which he believes would be more effective than massive charges.

NYT 20 May 74, Anthony Lewis

"High crimes and misdemeanors" - Early definitions, and their current parallels.

SFC 20 May 74, Letter to the editor by Roger Kent

Rebozo accuses Ervin committee and three of its staff members* of leaking false news stories to "humiliate and embarrass him" in its investigation of Hughes money, and accuses the staff members of "maliciously and falsely" distorting testimony of witnesses. Makes the accusations in court papers, asking that subpoena for his records be quashed.

SFC 21 May 74 [UPI]

*Terry F. Lenzner, Carmine Bellino (chief investigator), and Scott Armstrong (investigator). - WXP 21 May, Lawrence Meyer.

(F)

20 May 74 (4)

Jaworski subpoena for tapes and other material on 64 WH conversations - Judge Sirica orders Nixon to turn over these tapes and records, for processing by the court and use by the prosecution and defendants in cover-up trial.

Jaworski, in strongly-worded letter to Sen. James O. Eastland, chairman of Senate Judiciary Committee, charges that Nixon's attempt to limit the prosecution's right to resort to the courts "would make a farce of the special prosecutor's charter." (Text of letter, WXP, NYT 21 May; text Sirica ruling, NYT 21 May.) Sirica releases excerpts from previously sealed briefs by prosecution and WH, including St. Clair's argument that the dispute between WH and Jaworski is an "intra-branch" matter that the courts cannot enter. (See 13 May, AMP-B.)

Both Sirica and Jaworski criticize Nixon, noting that the prosecutor's charter of authority specifically includes his right to go to court to seek evidence from Nixon.

See Evans and Novak on Jaworski's motive and timing in letter to Senate Judiciary Committee.

NYT, WXP, 21 May 74

WXP 23 May 74, Evans and Novak

(20 May 74) AMP (A)

(A) - See WXP for details of Rebozo's amended suit, filed today, and for WXP's version of contradictions between Rebozo's claims that he sent the A.D. Davis contribution to LaRue, and Larue's testimony (according to "informed sources").

WXP 21 May 74, Lawrence Meyer

(B) - "The GAO report shows that, as of last March 24, five of the ten lawyers under Mr. St. Clair came to the White House from [other departments of the executive branch]. All were paid from the budgets of the agencies from which they were loaned. In addition [two other lawyers, formerly with the Government] were placed on the payrolls of the Departments of Agriculture and Transportation ... when they were brought into the White House. Loren A. Smith, one of Mr. St. Clair's assistants, had remained on the payroll of the F.C.C. for nearly six months before he was transferred to the regular White House payroll last week. One Appropriations Committee [Senate] staff member knowledgeable about the F.C.C.'s budget said that he could find 'nothing in the appropriations language that would allow the use of F.C.C. funds by the White House.' Unless the White House reimbursed the commission for the salary paid to Mr. Smith since last November, the staff member said, 'it would certainly seem an illegal use of funds.' But Werner Hartenberger, an administrative assistant to Richard E. Wiley, chairman of the F.C.C., said that no reimbursement had been provided by the White House and none was expected. It was his understanding, he added, 'that agencies are not reimbursed. That's standard practice.'"

NYT 22 May 74, John K. Crewdson

(C) - See account of this incident by Jack Anderson, who also says Ervin was responsible for Rebozo not getting a contempt citation when he did not produce the material promised by his lawyer. "Ervin let the contempt question die at a final meeting [of the committee]. [He] explained to us that it was true 'we were promised' the Rebozo material and 'we didn't get it.' But he said the committee was going out of business, and 'the Justice Department would have had to enforce the subpoena.' Concluded Ervin: 'I have never favored contempt proceedings.'"

WXP 6 Aug 74, Jack Anderson

see also entry 14 May, Rebozo has

(B)

(20 May 74) AMP (8)

(D) - See entry 6 May 74, Vesco, President Daniel Oduber

(E) - "Costa Rican President Daniel Oduber has charged that the U.S. government's attempt to bring back fugitive financier Robert L. Vesco for trial with two former Nixon Cabinet members was arranged 'in such a way that it seemed aimed at the extradition failing, just as it did.'" **

" an attempt in December, 1973* to extradite Vesco from the Bahamas - on a \$50,000 fraud charge involving his International Controls Corp. - also had failed. The Bahamian lawyer retained by the government to try to extradite Vesco was Cecil Wallace-Whitfield, who 'had previous ties to Vesco entities and associates,' [Sen. Henry M.] Jackson said. He directed his staff to look into both extradition efforts."

WXP 8 Oct 74, ~~Jack Anderson~~ Morton Mintz

**Letter to Vesco, 6 May 74.

*Entry 7 Dec 73.

See also NYT 8 Oct 74, John M. Crewdson.

- See entries 6 May, 20 May, 4 Dec, 8 Dec 74, 7 Oct 74.