

20 Dec 74 ①

Lungren visits Nixon today. See entry 23 Dec 74, Nixon, physical and mental condition.

Tapes and documents (custody) - Nixon lawyers file suit asking U.S. District Judge Charles R. Richey to block implementation of the law signed yesterday by Ford which gives GSA custody of Nixon tapes and documents. Miller, in the suit, asks that the law be ruled unconstitutional on 11 specific grounds, including the right against unlawful search and the doctrine of separation of powers.

"However, the Nixon attorneys and federal attorneys agreed before Judge Richey later that such a move by the judge was not immediately necessary because no materials will be turned over to the GSA this weekend. Therefore, the law won't be implemented until Monday [23 Dec] at the earliest.

"Richey is expected to rule soon on the main issue outstanding, which he said is whether Nixon or the government legally owns the material ~~is~~ While the status quo is maintained by [today's] court action, Richey scheduled [a] hearing for Monday [23 Dec] ... to further explore the new legislation and its effect on lawsuits over the ownership issue."

WXP 21 Dec 74 [no attribution]

Nixon (payment to Hunt) - Neal, in continuation of summation begun yesterday: "The President of the United States suggested not once, not twice, not three times, not five times, but as many as 10 times, that they better pay Hunt, to have time to consider their options."

NYT 21 Dec 74, Lesley Oelsner

Butterfield - "Alexander Butterfield ... is being pushed out - with considerable reluctance on his part - as federal aviation administrator.

"On the Friday before Christmas [20 Dec], Butterfield was summoned to the office of his superior, lameduck Secretary of Transportation Claude Brinegar. Brinegar informed Butterfield he was through as head of [the FAA]. Butterfield shot back that he was a presidential appointee

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who could be fired only by the President. But it soon became clear that Brinegar was acting as President Ford's agent.*

"A high-level White House aide informed us that Butterfield's imminent departure is merely part of the gradual replacement of Nixon men by Ford men.

" ... One high Transportation Department official [said] that the White House has wanted to get rid of Butterfield ever since 'he blew the whistle on Nixon' but could not until, first, Nixon was gone and, second, there was some excuse for it. The excuse arrived Dec. 1 when a TWA Boeing 727 crashed outside Washington because the FAA had not required a safety device.

"One presidential aide snapped, 'That's ridiculous,' to suggestions that Butterfield's sacking might be long distance retribution for his Watergate role. Whatever the reason, the decision came from the White House. Although relations between Brinegar and Butterfield were stormy and they barely spoke at times, Brinegar - his resignation effective on Feb. 1 - could not have acted on his own."

WXP 29 Dec 74, Rowland Evans and Robert Novak

- See entry 7 Jan 75, same heading.
- * - See entry 10 Oct 76, Butterfield, intv'd by Mike Wallace ... (Butterfield believes he was fired as a result of a "Nixon mandate," relayed through Haig to Ford.)

(20 Dec 74) AMP

Ⓐ - WXP 7 Jan 75 gives the date as 19 Dec 74.
WXP 7 Jan 75, Lou Cannon