

24 Sep 75 (1)

Halperin suit - See entry 22 Sep 75.

Judge John Lewis Smith Jr. orders Nixon to testify under oath in Halperin's civil suit against him and others. (NYT lists some of these as Kissinger, Ehrlichman, Mitchell, Haldeman and Mardian.) WXP says this is the first time a federal court has directed a former President to testify as a witness in a civil suit.

WXP: "In rendering the decision, Smith specifically rejected Mr. Nixon's contention that he had blanket privilege against testifying about acts that occurred during his administration.... A similar Nixon claim in the Watergate criminal investigations was rejected by the Supreme Court, a decision that resulted in the release of the Watergate tapes."

NYT: "Last year, in a landmark case involving the subpoena of Mr. Nixon's tapes of 64 Watergate-related White House conversations, the United States Supreme Court ruled that Presidential privilege could be overridden by compelling need in criminal cases. In a footnote to that decision, however, the Court left unclear the effect of a claim of privilege in a civil suit."

NYT, quoting from Smith's five-page opinion: "It is questionable whether an ex-President retains the capacity to invoke Presidential confidentiality - a form of executive privilege.... The incumbent President, the 'head of the department,' can claim the privilege on a predecessor's behalf.... Privilege has not been invoked by the incumbent Executive. Mr. Nixon makes the claim on his own behalf as a private citizen."

NYT: "The judge found that even if it was assumed for the sake of argument that a former President could make the claim, the necessity for the testimony in this case outweighed the interests that would be protected by Mr. Nixon's claim. Judge Smith thus decided, in effect, that the claim of privilege could be overridden in at least some circumstances in civil cases."

WXP says the deposition is "scheduled [no date] to be taken in California."

WXP 25 Sep 75, Timothy S. Robinson

NYT 25 Sep 75, Lesley Celsner

24 Sep 75 (2)

Senate Select Committee on Intelligence - Sen. Frank Church says members of the committee agreed unanimously to ask Nixon to testify in its investigation into improper activities by U.S. intelligence agencies. Church says committee members (AP): "felt Mr. Nixon himself was the 'best witness' in a number of areas, including questions surrounding the short-lived Huston plan to give intelligence agencies sanction to break the law at times. [See entry 23 Sep, Tom Charles Huston.]

"Mr. Nixon is not being called under subpoena, and Church would not say when or in what manner Mr. Nixon might appear." NYT says the committee has authorized its counsel to begin "'negotiations'" with Herbert Miller on the time and place of Nixon's appearance.

SFC 25 Sep 75 [AP]

NYT 25 Sep 75, John M. Crewdson - filed CIA (d)

Nixon called as witness - See entry, Halperin suit.  
- See entry, Senate Select Committee.

Hiss on Nixon - "Alger Hiss ... told the New York criminal and civil courts bar association [today] the McCarthy era 'was an evil - period - and (Joseph) McCarthy was an evil man. It all began with Nixon.'"

Story does not say why Hiss appeared before this group.

SFC 26 Sep 75 [UPI]

Nixon - See entry, Hiss on Nixon.

DeMarco trial - Witness today is Mary Walton Livingston, described as "a long-time employe at the National Archives." See story for her testimony substantiating the opening statement of the Watergate special prosecutor in charge of the case, Jay Horowitz, that Ralph G. Newman did not see the Nixon papers on the date he said he appraised them.

NYT 25 Sep 75 [Special to NYT]

- See entry 2 Oct 74, Mary Walton Livingston. See also WXP 3 Oct 74, William Gildea (?), on Mrs. Livingston's claim that the deed could not have been Xeroxed or signed until a year or more after the date appearing on it.  
27 Mar 69.

24 Sep 75 (3)

Operations "Tradewinds" and "Haven" - The Oversight Subcommittee of the House Ways and Means Committee has been asked by the Department of Justice to hold off public hearings on these two IRS secret programs because such hearings might disrupt several potential prosecutions, according to House and Justice sources.

NYT: "The two related programs ... were set up nearly 10 years ago by [the IRS] to trace unreported investments by Americans in the Bahamas and several Caribbean states. <sup>NYT - A</sup> Earlier this year [no date], according to well-placed Federal law enforcement officials, Donald C. Alexander, Commissioner of Internal Revenue, cut back support for the operations without explanation....

"Tradewinds, these sources said, was devised to gain information from the Bahamas. They said the revenue agency had paid 'confidential informants' to obtain the names and amounts of investment of Americans.... Names of the Americans ... were sent from the Miami I.R.S. office to a clearinghouse operation in the national headquarters named 'Operation Haven.'

"In one phase of the operation, two years ago, the revenue agency obtained hundreds of names of investors in a Bahamas banking institution that specialized in secret trust accounts, these sources said. Many of the investors, they said, were taking advantage of the tax code's legal options for foreign investment."

According to the Miami Herald, in a story "earlier this week," the contact man in the Tradewinds operation was Richard Jaffe, "a Miami-based special agent." Jaffe has refused to tell IRS inspectors who his sources were in the Bahamas. Story says his "reluctance to disclose the names of his sources, even to revenue agency officials, is not unique."

NYT 25 Sep 75, Nicholas M. Horrock - filed CIA (d)

Richard Jaffe - See entry, Operations "Tradewinds" and "Haven."

(24 Sep 75) AMP

(A) - Project Haven was begun in 1973.  
WXP 27 Sep 75, Bob Woodward - filed CIA (d)