

Butterfield, in testimony 16 Jul 73, initially gives date of White House "installation of listening devices" (Fred Thompson's phrase) as "April or May of 1970 and perhaps the end of the summer or early fall 1970." At the end of his testimony, after Buzhardt has sent a memo to the Ervin committee correcting the date to "spring of 1971," agrees this must be the date. (John Hanrahan, referring to Buzhardt memo - apparently in error - says Buzhardt gives the date as "April, 1971," but text of memo says "spring of 1971.")

WXP 17 Jul 73, p. 19, cols. 1 and 8

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WXP 17 Jul 73, col. 3, Hanrahan See entry 17 Jan 74, /

Nixon, at press conference 22 Aug 73, says ~~taping capacity~~ that when he took office and found an elaborate "taping capacity" he ordered "the entire system dismantled," and that it was "put into place again in June of 1970." After the conference Gerald Warren says Nixon "misspoke" when giving this date. If Warren gave a corrected date, no mention is made of it in story.

WXP 23 Aug 73, p. 12, col. 8

White House turns over to William O. Dobrovir (no date) tape of Nixon's meeting with dairy leaders, 23 Mar 71. "White House lawyers had initially indicated that no recording was made of [this] session but ... Buzhardt said it turned up as the result of a more painstaking search required by the litigation." Tape of a subsequent meeting the same day, among Nixon, Hardin and other administration officials, has been submitted to U.S. District Judge William B. Jones for secret inspection; executive privilege is claimed for this tape. Meeting with dairy leaders was held in Cabinet Room (taping, manual operation); that with administration officials was held in Oval Office (taping, automatic operation). "Copies of the tapes of both March 23 meetings at the White House have apparently been turned over by now to ... Jaworski .....

WXP 16 Dec 73, Lardner

Butterfield testimony, Book 5, p. 2076

See also Chronology 18 Sep 73

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Nixon and Butterfield agree on the year, but not on the month; Nixon: June 1970, Butterfield: April, May, end of summer, early fall 1970 (testimony, Book 5, p. 2074). The one thing Butterfield does seem sure of is the year, agreeing when 1970 is used in a question by Thompson (p. 2079) and by Weicker (2087). Later Butterfield says (p. 2088), "It was roughly January or February of 1970 when we began that procedure." Perhaps he means here discussion of and preparation for installing the system, the actual installation being in April, May, etc.

So in four places in his testimony, 1970 is the year. As the one who was instructed "on the President's authority by way of Mr. Haldeman and Mr. Higby" (p. 2077) to tell the Secret Service to install the system - something so important no one else was to know about it - it does seem odd that his recollection is so "fuzzy" (his word) as to be "off by a full year" (p. 2090).

From Butterfield's testimony (p. 2085):

Montoya: And you state that the tapes were primarily to record conversations within these particular offices so that we could preserve history for posterity?

Butterfield: Yes; there really is no question in my mind about it, Senator Montoya. That was often on the President's mind and, as I said, he was very conscious of our having a good system for collecting the things which transpired with regard to the affairs of state.

Nixon's description of the system (APME convention, Orlando, 17 Nov 73): it was "not a sophisticated system," and consisted of "a little Sony" recorder and "lapel mikes in my desks." (NYT 20 Nov 73, Naughton.)

From Betty Beale column: "A former White House staffer confided last week that the idea of taping the President's office did not originate with Nixon. It was Bob Haldeman, he said, who suggested installing the taping equipment in order to have a complete historical record. The plan was to go over all of it at a later date and remove anything that was irrelevant or meaningless. .... "

SF Sunday Ex and Chr, 19 May 74, Betty Beale

311  
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"April, 1971, was the month in which the Supreme Court ruled that it was legal to record conversations when one party to the conversation had given consent to be recorded."

WXP 17 Jul 73, p. 19, Hanrahan

This ruling was handed down 5 Apr 71, in the case of James White, convicted in 1966 of narcotics violations.

"The Supreme Court upheld 6 to 3 ~~today~~ [cq] today the rigging of undercover agents with hidden radio transmitters to snare unsuspecting narcotics violators. The decision ... gives electronic surveillance a major legal thrust forward. .... The ruling authorizes this eavesdropping without search warrants. All that the Constitution requires, [Justice Byron] White said, is that the informer give his consent to police to have the conversation used."

SF Examiner 5 Apr 71, AP, filed Surveillance

From story by Fred P. Graham on Supreme Court rulings 5 Apr 71: "Among the rulings were the following: That the Constitution does not forbid electronic eavesdropping by the police when it is carried out with the consent of one party to a 'bugged' conversation. In a 5-to-4 [cq] ruling the Court held that the Fourth Amendment was not violated when Government agents planted a hidden transmitter on an informer, listened to a conversation between the informer and a suspected narcotics peddler, and then testified against the peddler in court. The decision reaffirmed a 1952 holding that the subject of such a police tactic suffers because of his misplaced trust in the informer, not because of electronic eavesdropping."

NYTimes 6 Apr 71, Graham, filed Legislation