

19 Apr 74

Fielding break-in -- Judge Gerhard A. Gesell, in chambers, tells prosecutors and defense attorneys, "I have some considerable concern as to whether the criminal prosecution should proceed if there was an explicit directive (from the President) and that that was an uncontested fact." Tells special prosecutor's office to give him and the defense "any material that he has indicating that the President did, or that the President did not, authorize this search or have knowledge of the search before it was undertaken, or in any way directly or indirectly approved the search." Says that if any defendants claim that conversations with Nixon bearing on the issue may be preserved on tapes which the special prosecutor does not yet have, then he should try to get those tapes "under any authority he might want to use."

Judge Gesell's remarks are recorded by court stenographer and made public ~~1921~~ 8 May 74.

WXP 9 May 74, Lippman

AMPI - See NYT 3 May 74 for chronology - as given by lawyers for Judiciary Committee - of actions by AMPI and White House.

NYT 3 May 74, p. 28