

26 Aug 74 ①

Herbert J. Miller is retained by Nixon (see entry 25 Aug); most of the nine members of his firm, Miller, Cassidy, Larroca & Lewin, will participate in Nixon's defense.¹ One of those who presumably will not is Nathan Lewin, author of article in New Republic 24 Aug, in which he said that Nixon's resignation "robbed the Senate" of the chance of rendering a firm historical judgment.² Lewin says Miller told Nixon of this article, before he was retained. Lewin is now at Harvard law school, where "this year" he will be teaching a course in constitutional law.² AMP - x

"[Miller] is well-versed in the Watergate case, having represented several of its prominent figures [Kleindienst, Bittman, Moore] and he enjoys old friendships with many of the men running the special Watergate prosecutor's office. Many observers [in Washington] have noted how many friends Mr. Miller has in the special prosecutor's office [Ruth, Vorenberg, Neil* Heyman]." When Robert Kennedy became Attorney General in 1961 he appointed Miller as head of the Criminal Division at the Justice Department, where he directed the prosecution of Hoffa and initiated the indictment of Robert G. Baker. When Miller was Assistant Attorney General, Charles Shaffer and William Hundley worked under him. Story says that "in addition" Miller "has at least a passing acquaintance with Mr. Jaworski," suggesting Miller may have known Jaworski since 1962.³ (Miller left the Justice Department in 1965.)² Seymour Glanzer is quoted as saying of Miller that "his forte is negotiations."³

"Mr. Miller's first goal, [reliable] sources said [27Aug], will be to try to persuade ... Jaworski ... not to seek an indictment of [Nixon] for his role in the Watergate scandal. Mr. Miller served as counsel for ... Kleindienst ... when he was permitted to plead guilty May 15 to a misdemeanor after extended discussions with Mr. Jaworski and other members of his staff. That decision ... was a factor in the resignation of three members of the special prosecutor's staff, who contended that Mr. Kleindienst should have been charged with a felony."¹ Miller's deputy when he was with the Justice Department, Howard P. Willens, is quoted as saying of Miller that "he believes in rigorous law enforcement."³

References for above, see following page.

*Neal?

②

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References for entry, previous page:

- 1 - NYT 28 Aug 74, Seymour M. Hersh
- 2 - WXP 29 Aug 74, John P. MacKenzie
- 3 - NYT 29 Aug 74, Profile, no author listed

Kleindienst
Bittman
Moore
Ruth
Vorenberg
Neil (Neal?) } See entry, Herbert J. Miller Jr
Heyman
Glanzer
Shaffer
Hundley
Jaworski

Nixon, new lawyer - See entry, Herbert J. Miller Jr.

Nathan Lewin, who had been representing William A. Lake and Richard M. Moose and their wives, obtains their permission to withdraw from their case when Herbert Miller is retained by Nixon; Lake says agreement to release Lewin came shortly before announcement that Miller would be Nixon's lawyer.

Lewin is partner in Miller's firm (see entry on Miller) and had been representing Lake and the others in their civil suit over wiretapping directed at Nixon, Kissinger and other (unnamed) high officials. Lewin is described as an expert on wiretapping. Lake and Moose were members of National Security Council staff; Moose is now on the staff of the Senate Foreign Relations Committee.

AMP-8

WXP 21 Sep 74

William A. Lake }
Richard M. Moose } See entry, Nathan Lewin

Nixon (subpoena) - "Negotiations Over [serving] Nixon Subpoena." See separate entry, same heading.

SFC 27 Aug 74 [WXP]

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Nixon (at San Clemente) calls Rep. G.V. Montgomery (D.-Miss.) and Rep. F. Edward Hebert (D-La.); both say the calls were about "a private matter," and refuse to elaborate. Story says Nixon also called Rep. Dan Kuykendall (R-Tenn.) and Sen. Jesse Helms (R-N.C) but gives no date. Helms confirms he received the call but declines to discuss it. According to Kuykendall, Nixon said he had "problems" with Jaworski, adding, "Do you think the jackals want to pick the carcass?"

All four are from Southern states, vacationing at home during Congressional recess. See entry, Glenn Davis.

WXP 29 Aug 74, William Chapman

Jaworski - See entry, Nixon (at San Clemente).

Glenn Davis (R-Wis) - Press aide to Davis says Nixon had tried to reach Davis, both in WX and Menomonee Falls. Date not given, but Davis called Nixon back today. Press aide describes Nixon as seeming "isolated" in the phone call, and quoted Davis as saying Nixon was "down in the dumps and wanted to talk to old friends "

See entry, Nixon (at San Clemente).

WXP 30 Aug 74

Nixon (possibility of rash [military] action) - See entry 24 Aug 74, same heading.

Ford confers with Secretary of Defense James R. Schlesinger about reports that a close watch was kept during last days of Nixon's term to make sure no orders were given to military units outside the normal chain of command. Ford says in statement issued by press secretary, Jerald F. terHorst, that "I have been assured that no measures of this nature were actually undertaken."

"TerHorst did not say exactly to what measures the President was referring and refused to elaborate on his statement. But he did mention published reports of unusually close control over the lines of command. TerHorst said he [TerHorst?] was 'not denying any accounts' as he gave the brief statement from Mr. Ford."

"Schlesinger had said previously that 'in keeping with my statutory responsibilities I did assure myself that there

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would be no question about the proper constitutional and
legislated chain of command, and there never was any
question." AMP-C

SFC 27 Aug 74 [AP]

James R. Schlesinger - See entry, Nixon, possibility of rash ...

Ford - " "

Nixon (subpoenas) - Two subpoenas are served personally on
Nixon 28 Aug 74. One of them, a civil subpoena [relating
to Charlotte incident?] was received by U.S. marshal in
Los Angeles ~~106~~ today.

See separate entry, same heading; entry 27 Aug, same

See entry 28 Aug 74, same heading. heading.

(26 Aug 74) AMP

Ⓐ - See entry, Nathan Lewin.

- From unrelated story: "Nathan Lewin, a Washington lawyer who is a former deputy attorney general, said in connection with a Supreme Court case on an informer in 1971: 'A far greater danger to our free society is presented by the prospect that friends and associates may be employed as government spies than by the possibility that an informer with whom we speak may be instantaneously transmitting our conversation to a nearby receiver.'"

NYT 2 Apr 75, Nicholas M. Horrock

Ⓑ - See also SFC 3 Sep 74 [LATimes], with quotations from Lewin's article.

Ⓒ - "Pentagon officials said Saturday [24 Aug] that word was passed to military commanders to make sure none of them took an order from the White House, not necessarily from Mr. Nixon, or elsewhere that did not come down through military channels. The action was described merely as a precaution in unusual circumstances."

SFC 27 Aug 74 [AP]

From Congressional Quarterly, under date of 24 Aug 74: "Defense Secretary James R. Schlesinger and the Joint Chiefs of Staff kept unusually close control over lines of command in the last days of the Nixon administration to insure that no unauthorized orders were given to military units by the White House. A senior Pentagon official, quoted in The New York Times [not in file], said the decision to monitor closely all orders from any source was taken by Schlesinger in consultation with Gen. George S. Brown, chairman of the Joint Chiefs, to prevent any of a series of hypothetical situations from developing."

Congressional Quarterly, Watergagate chronology, p. 779