

Harig - 10/21/73

Wait for the product - a
good line -

I. FACTS

Before last weekend, in
midst of ME crisis, decided
to try to prevent the
upcoming Const. Crisis -
even though we were
confident we'd win the
case. Lack of confidence
in P at home & abroad.
Hold up Ford - issue very
politicized. P decided to
seek a compromise

No call to ER to dismiss
Cox - was an option discuss
here at War mtg at WH.
Was rejected. P decided
to make tapes avail to
Stennis for whatever he
wanted.

Stennis asked us to
prepare a detailed
complete summary which
he'd chg as he saw fit

Material to be explicit

Series of notes held
w/ER & effort was made
to get Cox to agree - an
effort was made previously
& it failed. What Cox
wanted was a total
authority to scuttle them
on P papers where he
could make any kind
of need to know case.

Cox wanted to keep this
an unending crisis of
the body politic.

ER agreed completely
in fact the compromise
was amended to meet
some ER objections.

ER then after we went
abst. stating a deal ^{w/ Ennis} & ^{to Cohen}
developed some reservations
abt the comp & his
agreements at confirmation
re: firing of Cox. This
didn't happen til Cox
challenged P in public.
Then ER wondered how he
could be Cox's executioner

3.

Also a concern abt
documents and their handling
* Key point - P said no more
re: P documents of conversations
not all documents.

ER then began to feel
that Cox ought to be able to
demand later, other tapes
and memos of P.

But - incorrect - that we
were passing all documents.

ER didn't digest fixing of
Cox -

ER Press Conf on Monday

ER negotiated compromise
& helped to develop it -
He was concerned not abt
handling of tapes, but of
further instructions to Cox.

ER met w/P Saturday
15 min - exchange of
comm. decided to
resign.

Ruek refused to fire
Cox because it was a
matter of conscience.
Mutually accepted fact
that an officer who can't
carry out order of P
must leave -

Play either way -
to those who'd fire him
say he was fired -
to others - say he resigned

ER & Ruek so close
he only stayed because
ER asked him to - when
ER leave then Ruek
~~stayed~~ needed to go
to -

Bork is outstand
© lawyer & very highly
regarded -

5.

Try to be objective
& truthful -

Peterson may take over
the investigations -

4th Branch of Court

Cite Peterson handling
of V.P. case

Office of Spec Prosects
became inconsistent
w/ opn of govt -

Q of Ps involvement
led to creation of Spec
Office - now w/a way
found to reveal the
tapes & their contents
There is no need for
continuing the office.

6.

Presence of FBI - much sensitive material - some that we have turned over. Acting A.G. sent us FBI to ensure that no evidentiary material disappeared.

On Friday night the Cox staff took summaries of the cases home with them.

FBI same there as when they were sent in to WH to protect against theft of H&E papers.

Compromise will
within spirit of decision of appellate court.

Appellate Court says that P had the authority to moot the whole case because this was a contest among individuals of ex-branch.

7.

To exercise footnote -
P did direct or fire the
Spcl Prosecutor -

Footnote part of decision

Why Stennis - P sought
to accomplish result
w/o entirely compromising
his principles -

* Key

A P gave on the tapes
in a constructive
way -

B. Cox threw down the
gaggle - at a time
when we don't need
some 4th Branch
of Gov't telling P to
go to Hell - ME crisis

8.

Game Plan

Timmons - cover Smithe
& House - concentrate
effort on Southern Dems -
two friends & swings -

Independence of Prosecutors
to friends - pistol to the
head of P - he was
extorted - P very upset
to lengths that ER
had gone

Prosecutors was to be
limited to W-gate
& cover-up - he
went way beyond
& the system became
unworkable -

On of what's turned over -
Don't prejudge the product
see the final result -
Don't call it transcript
or summary - call it
product. -

Old take $\frac{9}{7-3}$ weeks -

Grand jury - appoint
a spcl. prosecutr -
a technical \emptyset that
can't be handled -
Cong did act but
already have an
investigating commitee
Covt's said that Cong
can't appoint a
spcl prosecutr -
old hire Cox staff.

Don't put any confidence
in Sica -

The law - wait til you
see the product - all
will be revealed -
let's wait til then -