

"To produce the material you now seek would unquestionably destroy any vestige of confidentiality of presidential communications, thereby irreparably impairing the constitutional functions of the office of the presidency. Neither the judiciary nor the Congress could survive a similar power asserted by the Executive branch to rummage through their files and confidential processes. Under the circumstances, I can only view your subpoena as an overt attempt to intrude into the Executive to a degree that constitutes an unconstitutional usurpation of power. . . .

"I recognize that in the current environment there may be some attempt to distort my position as only an effort to withhold information, but I take this position to protect the office of the President against incursions by another branch, which I believe, as have my predecessors in office, is of utmost constitutional importance.

"Accordingly, in order to protect the fundamental structure of our Government of three separate but equal branches, I must and do respectfully decline to produce the materials called for in your subpoenas."

On Jan. 4, the same day that President Nixon rejected the Senate Select Committee's latest subpoenas, a reorganization of the White House legal staff was announced, whereby Mr. James D. St. Clair, a Boston lawyer and Harvard University lecturer, became special counsel to the President in succession to Mr. Buzhardt, who became counsel to the President charged with day-to-day White House legal affairs. Mr. Leonard Garment, who had served as acting counsel since Mr. John Dean's departure from the White House, was named as assistant to the President, a title he shared with seven other White House aides.

House of Representatives' Impeachment Inquiry.

The House of Representatives voted on Feb. 6, by 410 votes to four, to give its Judiciary Committee full authority to subpoena anyone it wished and to obtain any evidence it deemed pertinent in connexion with its inquiry into the possibility of impeachment proceedings [see pages 26231-2]; the chairman of the Judiciary Committee, Representative Peter W. Rodino, said that the committee would have authority to subpoena President Nixon if it were considered necessary.

On March 5 the House Judiciary Committee instructed its special counsel, Mr. John M. Doar, to ask Judge Sirica for the sealed grand jury report which had been presented to the Judge on March 1 together with the indictment against seven former aides of President Nixon [see above]. On the following day, March 6, Mr. St. Clair informed Judge Sirica's court that the President was ready to make available to the House Judiciary Committee "all the materials he furnished to the Watergate grand jury without limitations, and to answer written interrogatories and participate in oral interviews if it is deemed necessary".

Judge Sirica ordered on March 18 that the secret Watergate grand jury report should be made available to the House Judiciary Committee as had been requested, and the report was accordingly handed over to that body on March 26.

Senate Watergate Committee ends Public Hearings.

As stated in 26290 A, the Senate Select Committee under Senator Sam J. Ervin investigating the Watergate affair had decided at the end of November 1973 to hold no further public sessions until January 1974, when it was planned to resume them. On Jan. 27, however, the Senate Committee postponed for an indefinite period two weeks of hearings which it was scheduled to have begun within a few days, Senator Ervin stating that this action had been taken "in order to make sure that no prejudice be done" to the forthcoming trial of Mr. John N. Mitchell and Mr. Maurice H. Stans, the two former Cabinet officers under federal indictment [see page 26071, first column].

The Senate Select Committee voted on Feb. 19, by seven votes to one, to conduct no further public hearings into the Watergate affair. In announcing this decision, Senator Ervin said that the members of the committee felt that they "should be careful not to interfere unduly with the ongoing impeachment process of the House Judiciary Committee or the criminal cases which will soon be presented by the special prosecutor. . . ."

Other Developments.

Indictment and Trial of Mr. Chapin.

Mr. Dwight L. Chapin (33), formerly President Nixon's appointments secretary, was indicted in the Federal District Court in Washington on Nov. 29, 1973, on three counts of alleged perjury. The indictment, brought by Mr. Jaworski, alleged that Mr. Chapin had the previous April made statements before the Watergate grand jury which he knew to be false. Mr. Chapin pleaded "not guilty" on Dec. 7 to these charges, and his trial opened in Washington on April 1, 1974.

All three alleged instances of perjury were connected with Mr. Chapin's dealings with Mr. Donald H. Segretti, who had been sentenced on Nov. 5 to six months' imprisonment in connexion with his

efforts to disrupt the 1972 Democratic primary in Florida—the so-called "dirty tricks" campaign [see 26290 A]. Mr. Chapin was charged with making declarations to the grand jury which "he then and there well knew were false". The indictment against him (1) alleged that he had lied in saying that he had never discussed the distribution of campaign literature with Mr. Segretti; (2) alleged that he had falsely testified that he had told Mr. Segretti to talk with the FBI when Mr. Segretti had told him that agents were trying to reach him; and (3) alleged that he had lied when denying that he had ever given Mr. Segretti instructions to focus his campaign activities on any particular candidate.

As stated in the article quoted [26290 A], Mr. Segretti had told the Senate Select Committee, when giving evidence to that body, that he had regarded Mr. Chapin as his "boss" in the "dirty tricks" campaign against Democratic presidential candidates. Mr. Segretti was released from prison at the end of March 1974, having served 4½ months of his six-month sentence and earned remission for good conduct.

After a five-day trial Mr. Chapin was on April 5 found guilty on counts (1) and (3) above, and not guilty on count (2); the maximum penalty on each count was five years' imprisonment and a \$10,000 fine. Judge Gerhard W. Gesel, before whom the case was heard, announced that sentence would be passed on May 15. The case against Mr. Chapin was the first to be brought by the Watergate special prosecution force.

"Guilty" Plea by Mr. Kalmbach.

Mr. Herbert W. Kalmbach, formerly President Nixon's personal lawyer, pleaded guilty in Judge Sirica's court on Feb. 25 to two charges of violating the laws concerning election financing in connexion with fund-raising activities. He also pleaded guilty to a misdemeanour charge in promising a European ambassadorship to a large contributor to Republican party funds. In a letter to Judge Sirica, Mr. Jaworski indicated that Mr. Kalmbach would be named as an "un-indicted co-conspirator" in forthcoming indictments.

The effect of Mr. Kalmbach's "guilty" plea to the above indictments meant that, like Mr. John Dean and Mr. Jeb Stuart Magruder, he would be a witness for the Watergate prosecution.—(New York Times - International Herald Tribune - Times - Guardian - Daily Telegraph) (Prev. rep. *Watergate Affair*, 26290 A.)

A. IRAQ - IRAN. — Resumption of Diplomatic Relations. - Clashes on Frontier. - U.N. Special Representative appointed to investigate Incidents.

A series of clashes between Iraqi and Iranian troops took place on the border of the two countries in the first three months of 1974, causing considerable casualties on both sides.

Four frontier incidents had been reported in the first half of 1973 [see page 25514], and on Jan. 2, 1973, the Iraqi Defence Ministry alleged that Iranian troops had twice crossed the border in the Mandali area (about 60 miles north-east of Baghdad), two Iraqi soldiers being killed; the Iranian authorities claimed that the Iraqis had been the aggressors, and that all the fighting had taken place on Iranian territory. The Iranian Government alleged on March 3 that Iraqi troops had attacked two frontier posts, killing four frontier guards.

Following the outbreak of the Arab-Israeli war on Oct. 6, 1973, the Iranian Government accepted an Iraqi offer to resume diplomatic relations, which had been broken off in 1971, and gave an assurance that it would not exploit the absence of Iraqi forces on the Syrian front to threaten Iraq's security. The Iraqi troops were recalled after the conclusion of a ceasefire on Oct. 24, and were subsequently redeployed along the Iranian border.

According to Iranian reports, an Iraqi force was repelled on Jan. 24, 1974, after attacking road construction units in the frontier area near the Iraqi town of Badra (100 miles east of Baghdad). Further fighting occurred in the same area on Feb. 3-4; the Iranians gave their casualties as one man killed and several wounded, and the Iraqis as 10 killed or wounded.

The most serious frontier incident to date took place on Feb. 16. An Iraqi communiqué stated that 23 Iraqis and over 70 Iranians had been killed or wounded; that the Iranian forces had provoked the fighting by shelling Badra; and that Iranian jets had flown deep into Iraqi airspace. An Iranian spokesman, on the other hand, claimed that Iraqi tanks and infantry supported by artillery had attacked the Mehran frontier post; that Iraqi artillery had shelled a dam in an attempt to destroy it; that 41 Iranian frontier guards had been killed and 81 wounded; and that the Iraqis had left behind 14 killed and several wounded.

The Iraqi Government requested an urgent meeting of the U.N. Security Council on Feb. 12. When the Council met on Feb. 15 Mr. Fereydoon Hoveyda (Iran) stated that his Government wished to settle the border disagreement peacefully through direct talks. Mr. Talib el Shibib (Iraq) said that his country also favoured direct negotiations, provided that Iraq first accepted its obligations under the 1937 border treaty.

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