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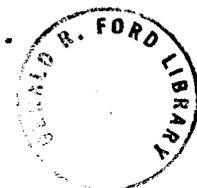
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THE WHITE HOUSE
WASHINGTON

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Safe -
re: Press Conf
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Announcement to Press Representatives
by Philip W. Buchen, September 8, 1974

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In addition to the major development of this morning when President Ford granted a pardon to former President Nixon, I have two other legal developments to announce which occurred prior to the issuance of the proclamation of pardon.

The first involves

the opinion of Attorney General William B. Saxbe to President Ford dealing with papers and other records retained during the administration of former Pres. Nixon in the White House offices. In this opinion, it is concluded that such materials are the present property of Mr. Nixon. However, it is also concluded that during the time the materials remain in the custody of the United States they are subject to subpoenas and court orders directed to any official who controls that custody.

This opinion was sought by the President from the Attorney General on August 22. The reason for seeking the opinion ~~was~~ ^{was} the conflict created between Mr. Nixon's request for delivery to his control of the materials and ^{the} pending court orders and subpoenas directed at the United States and certain of its officials. The ^{Court} ^{have} orders required the preservation of custody of the custody of the papers materials to be maintained at their present locations, and both the orders and subpoenas have



2.

called for the identification and production of ^{certain} materials allegedly relevant to the court proceedings in which ~~they are~~ the orders and proceedings originated. In addition we were advised of interests of other parties in ~~gaining~~ the ~~the~~ having certain other records disclosed to them, under warning that if they were to be removed and delivered to the control of Mr. Nixon, ~~formal proceedings~~ court action would be taken to ~~preserve the~~ protect the claimed rights to inspection or disclosure.

Therefore, it became apparent that ~~without~~ unless this conflict was resolved the present administration would be ^{enmeshed} ~~involved~~ for a long time in answering to disputed claims over who could obtain information from the Nixon records, how ~~in~~ particular requested information could as a practical matter be extracted from the vast volume of records in which it might appear, and how and by whom its relevancy to any particular court proceeding could be obtained, while still satisfying the proper rights of Mr. Nixon.



Within a week of the request to the Attorney General for an opinion, I was advised informally of what its general nature would be. From that time on, I realized that the opinion itself would not provide a practical solution to the handling and management of the papers so as to ~~satisfy~~ reconcile ~~comply with~~ ~~resolve the ownership~~ protect ownership rights and interests of private ownership with the limited ^{but important} rights and interests of litigants to disclosure of selected relevant parts of the materials.

Thus I initiated conversations with the Attorney General's office, with Special Prosecutor Jaworski, with attorneys for ^{certain} litigants seeking disclosure, and with Herbert J. Miller as soon as he became attorney for Mr. Nixon. The purpose of these conversations was to explore for ways of reconciling ~~at~~ their ^{different} ~~conflicting~~ interests in the records of the previous administration so that this administration would ^{not} be caught in the middle of trying on a case by case basis to resolve each dispute over the right to access or disclosure.



The outcomes of these conversations
 was a conclusion ^{on my part} that Mr. Nixon
 as the principal party ⁱⁿ interest ~~ought~~ should be requested
 to come forth with a proposal for
 dealing satisfactorily with the
 Presidential materials ~~for~~ of the
~~former~~ ^{his} administration, in ways
 that offered reasonable protection
 and safeguards to other parties who
 might ~~have~~ had a legitimate,
 court-suggested right to production
^{particular} of materials relevant to their
 cases. Mr. Nixon and his attorney
 agreed to pursue this approach
 and ~~was~~ ^{was} able to accomplish the
 second of the developments, which
 I am announcing today, namely
 the letter agreement of which
 you have copies between former
 President Nixon and Arthur F. Sampson,
 Administrator of the General
 Services Administration.

in company with
 White House
 House Counsel



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These two developments are, of course, much less significant than the one you have earlier learned about.

President Ford has chosen to ~~exercise~~ ^{carry out} a ~~duty~~ ^{responsibility} consistent with the high objective expressed in the Preamble to the Constitution of insuring domestic Tranquility. ~~and~~ He has chosen to do so by exercise ^{of} a power that he alone has under the Constitution to grant pardons for offenses against the United States.

About a week ago, ~~after he had said~~ he asked me to study ~~what~~ ~~whatever~~ legal precedents, judicial precedents bearing on the exercise of his right to grant a pardon, particularly with reference ~~to~~ to whether or not a pardon could only follow indictment or conviction. The answer I found was that a pardon could ~~be~~ be granted at any time and need not await ~~any other step~~ an indictment or conviction. He also asked me to investigate how long it ^{would} ~~might~~ be before prosecution of former President Nixon could occur and be brought to a conclusion. On this point I consulted with



Special Prosecutor Jaworski. He
advised me as follows:



Letter

~~Other~~

~~Other~~

Except for my seeking and obtaining
this advise from Mr. Jaworski,
none of my discussions with him
involved any ~~other~~ understandings
or commitments regarding his
role in the prosecution of ~~other~~
persons or in the possible prosecution
of ~~the~~ former President Nixon or
in the prosecution of others.
The President Ford has ~~not~~
talked with Mr. Jaworski, but
I ~~have~~ ^{did} reported to the President
the ~~my~~ ^{of the Special Prosecutor} opinion about the
delay necessary before any possible
trial of the former President could
begin.

The return of



No ~~act~~ action or statements
by ^{former} President Nixon, however welcome
which has ~~been~~ been disclosed today —
however welcome and helpful ~~it~~
are — ~~were~~ ^{was} made a pre-condition
of the pardon. President Ford,
in determining to issue a
pardon acted ~~as to~~ ^{solely according to} the
dictates of his own conscience.
Moreover, he did so as an act of
mercy not in any way related
~~to making~~ ^{in any way} related to
obtaining any concessions in return.
However, my personal view is
that former President Nixon's
does truly reflect an act of
~~expression~~ words constitute ^{expressed}
a statement of contrition ^{upon his}
which ~~truly~~ ^{learning} shall truly
help to bring peace of mind and
spirit ^{to him} and to all of our nation
President Ford, and to all of
our citizens.



In conclusion, I do want to
express my heartfelt personal
thanks ^{and appreciation} to a dear friend of the
mine ~~and of the~~ President's and
of mine. He is Benton Becker,
→ Washington
~~an~~ attorney in private practice,
who has ~~se~~ served voluntarily
as my special and trusted consultant
and emissary in ~~the~~ helping
to accomplish the steps bring
about the events reported today.
I also ~~ack~~nowledge with deep
gratitude the services of William
E. Casselman II, ~~counsel~~ the highly
valued ~~to~~ counsel to Vice President
Ford for his whole tenure in that
office and my close associate
in the service now of the President
of the United States.



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by
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*For filing
JWB*

PRESS CONFERENCE NO. 1

of the

PRESIDENT OF THE UNITED STATES

2:30 P.M. EDT
August 28, 1974
Wednesday

In the East Room
At the White House
Washington, D.C.

THE PRESIDENT: Please sit down. Good afternoon.

At the outset, I have a very important and a very serious announcement. There was a little confusion about the date of this press conference. My wife, Betty, had scheduled her first press conference for the same day. Obviously, I had scheduled my first press conference for this occasion. So, Betty's was postponed.

We worked this out between us in a calm and orderly way. She will postpone her press conference until next week, and until then, I will be making my own breakfast, my own lunch and my own dinner. (Laughter)

Helen.

QUESTION: Mr. President, aside from the Special Prosecutor's role, do you agree with the Bar Association that the law applies equally to all men, or do you agree with Governor Rockefeller that former President Nixon should have immunity from prosecution, and specifically, would you use your pardon authority, if necessary?

THE PRESIDENT: Well, let me say at the outset that I made a statement in this room in the few moments after the swearing-in, and on that occasion I said the following: That I had hoped that our former President, who brought peace to millions, would find it for himself.

Now, the expression made by Governor Rockefeller, I think, coincides with the general view and the point of view of the American people. I subscribe to that point of view. But let me add, in the last ten days or two weeks I have asked for prayers for guidance on this very important point.

In this situation, I am the final authority. There have been no charges made, there has been no action by the courts, there has been no action by any jury, and until any legal process has been undertaken, I think it is unwise and untimely for me to make any commitment.

MORE



Q Mr. President, you have been in office 19 days now, and already some of your naturally conservative allies are grumbling that you are moving too far to the left. Does this trouble you?

THE PRESIDENT: I don't think I have deviated from my basic philosophy nor have I deviated from what I think is the right action. I have selected an outstanding person to be the Vice President. I have made a decision concerning amnesty, which I think is right and proper -- no amnesty, no revenge -- and that individuals who have violated either the draft laws or have evaded Selective Service or deserted can earn their way, or work their way, back. I don't think these are views that fall in the political spectrum right or left.

I intend to make the same kind of judgments in other matters because I think they are right and I think they are for the good of the country.

Q Mr. President, may I follow that with one more example, possibly, that is there is a report the Administration is considering a \$4 billion public works program in case the inflation rate gets higher than it is, say six percent. Is that under consideration?

THE PRESIDENT: I think most of you do know that we have a public service employment program on the statute books which is funded right today, not for any major program, but to take care of those areas in our country where there are limited areas of unemployment caused by the energy crisis or any other reason.

There is a recommendation from some of my advisers saying that if the economy gets any more serious, that this ought to be a program, a broader, more expensive public service program. We will approach this problem with compassion and action if there is a need for it.

Q Sir, two political questions: Do you definitely plan to run for President in 1976, and if so, would you choose Governor Rockefeller as your running mate, or would you leave that choice up to the Convention's free choice?

THE PRESIDENT: I will repeat what has been said on my behalf, that I will probably be a candidate in 1976. I think Governor Rockefeller and myself are a good team, but of course, the final judgment in this matter will be that of the delegates to the national Convention.

MORE



QUESTION: May I just follow up on Helen's question: Are you saying, sir, that the option of a pardon for former President Nixon is still an option that you will consider, depending on what the courts will do.

THE PRESIDENT: Of course, I make the final decision. And until it gets to me, I make no commitment one way or another. But I do have the right as President of the United States to make that decision.

QUESTION: And you are not ruling it out?

THE PRESIDENT: I am not ruling it out. It is an option and a proper option for any President.

QUESTION: Do you feel the Special Prosecutor can in good conscience pursue cases against former top Nixon aides as long as there is the possibility that the former President may not also be pursued in the courts?

THE PRESIDENT: I think the Special Prosecutor, Mr. Jaworski, has an obligation to take whatever action he sees fit in conformity with his oath of office, and that should include any and all individuals.

QUESTION: What do you plan to do as President to see to it that we have no further Watergates?

THE PRESIDENT: Well, I indicated that, one, we would have an open Administration. I will be as candid and as forthright as I possibly can. I will expect any individuals in my Administration to be exactly the same. There will be no tightly controlled operation of the White House staff. I have a policy of seeking advice from a number of top members of my staff. There will be no one person, nor any limited number of individuals, who make decisions. I will make the decisions and take the blame for them or whatever benefit might be the case.

I said in one of my speeches after the swearing in, there would be no illegal wiretaps or there would be none of the other things that to a degree helped to precipitate the Watergate crisis.

QUESTION: Do you plan to set up a code of ethics for the Executive Branch?

THE PRESIDENT: The code of ethics that will be followed will be the example that I set.

MORE



QUESTION: Mr. President, do you have any plans now for immediate steps to control and curtail inflation, even before your summit conference on the economy?

THE PRESIDENT: We have announced that as far as fiscal control is concerned, we will spend less in the Federal Government in the current fiscal year than \$300 billion. That is a reduction of \$5 billion 500 million at a minimum.

This, I think, will have two effects: Number one, it will be substantively beneficial, it will make our borrowing from the money market less, freeing more money for housing, for the utilities to borrow, and in addition, I think it will convince people who might have some doubts that we mean business.

But in the meantime, we are collecting other ideas from labor, from management, from agriculture, from a wide variety of the segments of our population to see if they have any better ideas for us to win the battle against inflation.

QUESTION: Mr. President, as you know, a number of people have questioned your opposition to a return to wage and price controls. Gardiner Ackley, a University of Michigan economist that you have listened to in the past, recently testified before Congress that if we are really frightened about inflation, we ought to think about returning to wage and price controls.

Can you foresee any circumstances under which you would be willing to do that and make them work?

THE PRESIDENT: I foresee no circumstances under which I can see the reimposition of wage and price controls. The situation is precisely this: This past week I had a meeting with the Democratic and Republican leadership, plus my own advisers in the field of our national economy.

There was an agreement, number one, that I would not ask for any wage and price control legislation. There was agreement by the leadership on both sides of the aisle that there was no possibility whatsoever that this Congress in 1974 would approve any such legislation. Number three, labor and management almost unanimously agree that wage and price controls at the present time or any foreseeable circumstances were unwise.

Under all those circumstances, it means that wage and price controls are out, period.

MORE



Q Can you give us your present thinking on how best you might use Mr. Rockefeller as Vice President once he is confirmed?

THE PRESIDENT: I have a lot of ideas. Until Congress confirms Mr. Rockefeller, we are sort of in a honeymoon period. I really shouldn't make any commitments until we actually get married.

But to be serious, if I might, I think Governor Rockefeller can be extremely important in the new Administration as my teammate in doing effective work in the area of the Domestic Council. We have to prepare legislative proposals that will go to the Congress when the new Congress comes back in January.

I believe that Governor Rockefeller will take over my responsibilities heading the subcommittee of the Domestic Council on privacy. Governor Rockefeller, with his vast experience in foreign policy, can make a significant contribution to some of our decision-making in the area of foreign policy. Obviously, in addition, he can be helpful, I think, in the political arena under certain guidelines and some restrictions.

Q Mr. President, you just ruled out wage and price controls, but I just would like to ask you why Mr. Nixon, when he was President, felt he was compelled to go back to them because the situation was getting out of hand? Can you just reinforce what you told Mr. Brokaw, why you think the situation is that much out of hand yet?

THE PRESIDENT: I can only refer you to the circumstances and the decision of President Nixon in August of 1971. That was a decision he made under quite different circumstances. We are in totally different circumstances today. We have gone through a 3-year period, more or less. I think we have learned a few economic lessons that wage and price controls in the current circumstances didn't work, probably created more dislocations and inequities. I see no justification today, regardless of the rightness or wrongness of the decision in 1971, to reimpose wage and price controls today.

Q Mr. President, you are still working with the same team of economic advisers who advised your predecessor. As a matter of putting your own stamp on your own Administration, perhaps spurring confidence, do you plan to change the cast of characters?

THE PRESIDENT: There is one significant change. Just within the last 48 hours, Herb Stein, who did a superb job for President Nixon, is going back to the University of Virginia, and Alan Greenspan is taking over and he has been on board, I think two days.

MORE



That is a distinct change. I think Mr. Greenspan will do an excellent job. We are soliciting, through the economic summit, the views of a great many people from the total spectrum of the American society. Their ideas will be vitally important in any new, innovative approaches that we take. So, I think, between now and the 28th of September, when I think the second day of the summit ends, we will have the benefit of a great many wise, experienced individuals in labor, management, agriculture, et cetera, and this will give us, I hope, any new approaches that are wise and beneficial.

MORE



QUESTION: Some oil governments and some commercial cartels, notably Aramco in Saudi Arabia are restricting oil production in order to keep oil prices artificially high. Now the U.S. can't do anything about Venezuela, but it can conceivably vis a vis cartels like Aramco. What steps and actions do you plan to take in this regard?

THE PRESIDENT: I think this points up very vividly the need and necessity for us to accelerate every aspect of Project Independence, I think it highlights the need and necessity for us to proceed with more oil and gas drilling, a greater supply domestically. I believe it points up the requirements that we expedite the licensing processes for new nuclear reactors. I think it points up very dramatically the need that we expand our geothermal, our solar research and development in the field of energy.

In the meantime, it seems to me that the effort that was made several months ago to put together a group of consumer-industrial nations requires that this group meet frequently and act as much as possible in concert, because if we have any economic adverse repercussions because of high oil prices and poor investment policies, it could create serious economic problems throughout the industrial world. So it does require, I believe, the short-term action by consumer nations and the long-term actions under Project Independence.

QUESTION: Mr. President, to further pursue Helen's inquiry, have there been any communications between the Special Prosecutor's office and anyone on your staff regarding President Nixon?

THE PRESIDENT: Not to my knowledge.

QUESTION: Mr. President, the beneficial effects of budget cutting on inflation will take some time to dribble down to the wage earner. What advice would you give the wage earner today who is having trouble stretching his dollar over his needs.

THE PRESIDENT: I think every wage earner has to realize we are going through a serious economic problem with inflation in double digits, not as bad as people in many Western European countries, but it will require him or her to follow the example of their Federal Government which is going to tighten its belt and likewise for an interim period of time watch every penny.

QUESTION: Mr. President, you said last March in an interview, I think in Seapower magazine, that you came down quite strongly in favor of establishing a U.S.-Indian Ocean fleet with the necessary bases to support it. Do you still stand by that and do you favor the development of Diego Garcia?

MORE



THE PRESIDENT: I favor the limited expansion of our base at Diego Garcia. I don't view this as any challenge to the Soviet Union. The Soviet Union already has three major naval operating bases in the Indian Ocean. This particular proposed construction, I think, is a wise policy and it ought not to ignite any escalation of problems in the Middle East.

Yes, Sarah.

MORE



QUESTION: I want to ask about this new veterans benefits bill which Congress passed in the last hours. I understand this is a bill that you favored and maybe spurred the Congress to pass. It saves \$200 million.

My question is: Is that a real savings when it gives the disabled man less money than an able man and disrupts completely the veterans going to college in September?

THE PRESIDENT: I had no part in just how that House action was taken. I did discuss, coming back from the VFW meeting in Chicago, with a number of Members of the House and Senate, the problem that I faced with the bill that came out of conference, which would have added \$780-some million over and above the budget for this year and a substantial increase for a number of succeeding years.

But that particular compromise was put together and brought to the Floor of the House without any participation by me. I think there are some good provisions in that particular House action. It does tend to equalize the benefits for Vietnam veterans with the benefits that were given to World War II and to Korean veterans.

There are some, I think, inequities, and you probably pointed out one. I hope when the Congress reconvenes within a week or so that they will go back to conference, take a good look and hopefully eliminate any inequities and keep the price down because it is inflationary the way it was and it may be the way it was proposed by the House.

QUESTION: Mr. President, concerning the Federal budget, will domestic social programs have to bear the whole brunt of the anti-inflation fight or can some money come out of the defense budget, and if so, how much?

THE PRESIDENT: No budget for any department is sacrosanct, and that includes the defense budget. I insist, however, that sufficient money be made available to the Army, the Navy and the Air Force so that we are strong militarily for the purpose of deterring war or meeting any challenge by any adversary. But if there is any fat in the defense budget, it ought to be cut out by Congress or eliminated by the Secretary of Defense.

In the meantime, all other departments must be scrutinized carefully so that they don't have any fat and marginal programs are eliminated.

Mrs. Tufty?

MORE



QUESTION: Mr. President, you have given top priority to inflation. Do you have a list of priorities and if so, what is number two?

THE PRESIDENT: Well, of course, public enemy number one, and that is the one we have to lick, is inflation. If we take care of inflation and get our economy back on the road to a healthy future, I think most of our other domestic programs or problems will be solved.

We won't have high unemployment. We will have ample job opportunities. We will, I believe, give greater opportunities to minorities to have jobs. If we can lick inflation, and we are going to try, and I think we are going to have a good program, most of our other domestic programs will be solved.

QUESTION: Do you have any plans to revive the Office of Economic Opportunity, and if so, in what areas?

THE PRESIDENT: As I am sure you know, the old poverty program has been significantly changed over the last several years. The Headstart program has been taken out of OEO and turned over to the Department of HEW. The health aspects of the old poverty program are also over in HEW.

The Congress just approved, and Mr. Nixon approved, a Legal Services Corporation, which was another part of the old poverty program. So, we end up really with just CAP, the Community Action Program.

I think most people who have objectively looked at the Community Action Program and the model cities program and maybe some of the other similar programs, there is duplication, there is overlapping.

And under the new housing and urban development bill, local communities are given substantial sums to take a look at the model cities programs and related programs, and they may be able to take up the slack of the ending of the Community Action Programs.

MORE



QUESTION: Mr. President, my question applies to a 1972 statement in which you said that an impediment to a regional peace settlement is an impediment to preserve the fiction that Jerusalem is not the capital of Israel. My question, sir, is would you, now that you set foreign policy, request that the Embassy be shifted from Tel Aviv to Jerusalem along with 17 other national Embassies?

THE PRESIDENT: Under the current circumstance and the importance of getting a just and lasting peace in the Middle East, I think that particular proposal ought to stand aside. We must come up with some answers between Israel and the Arab nations in order to achieve a peace that is both fair and durable.

QUESTION: Mr. President, do you contemplate any changes in our policy with Cuba?

THE PRESIDENT: The policy that we have toward Cuba today is determined by the sanctions voted by the Organization of American States and we abide by those actions that were taken by the members of that organization.

Now if Cuba changes its policy toward us and toward its Latin neighbors, we, of course, would exercise the option depending on what the changes were to change our policy. But before we made any change, we would certainly act in concert with the other members of the Organization of American States.

QUESTION: Mr. President, you have emphasized here your option of granting a pardon to the former President.

THE PRESIDENT: I intend to.

QUESTION: You intend to have that option. If an indictment is brought, would you grant a pardon before any trial took place?

THE PRESIDENT: I said at the outset that until the matter reaches me, I am not going to make any comment during the process of whatever charges are made.

QUESTION: Mr. President, two questions related, how long will the transition last, in your opinion, and, secondly, how soon would it be proper and fair for Democrats on the campaign trail this fall to hold you accountable for the economic policy and the economic problems the country faces?

THE PRESIDENT: I can't judge what the Democrats are going to say about my policies. They have been very friendly so far and very cooperative. I think it is a fair statement that our problems domestically, our economic problems, are the joint responsibility of Government. As a matter of fact, I think the last poll indicated that most Americans felt that our difficulties were caused by Government action and that, of course, includes the President and the Democratic Congress. So we are all in this boat together along with labor and management and everybody else. I don't think making partisan politics out of a serious domestic problem is good politics.

MORE



QUESTION: Mr. President, in your fight against inflation, what, if anything, do you intend to do about the next Federal pay raise?

THE PRESIDENT: I have made no judgment on that yet, the recommendation has not come to my desk.

QUESTION: Mr. President, when do you expect the SALT talks to resume? Is there disagreement over our position in the Pentagon and the State Department and other agencies?

THE PRESIDENT: At the present time, there is an effort being made to bring the Department of Defense, the State Department and any others together for a resolution of our, the United States position regarding SALT 2. This decision will be made in the relatively near future. I don't think there is any basic difficulties that cannot be resolved internally within our Government. I believe that Secretary Kissinger is going to be meeting with representatives from the Soviet Union in the near future, I think in October, if my memory is correct, and we, of course, will then proceed on a timetable to try and negotiate SALT 2. I think a properly negotiated effective strategic arms limitation agreement is in the best interests of ourselves, the Soviet Union and a stable international situation.

THE PRESS: Thank you, Mr. President.

END (AT 2:59 P.M. EDT)



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Within a week of the request to the Attorney General for an opinion, I was advised informally of what its general nature would be. From that time on, I realized that the opinion itself would not provide a practical solution to the handling and management of the papers so as to reconcile rights and interests of private ownership with the limited but important rights and interests of litigants to disclosure of selected relevant parts of the materials.



Thus, I initiated conversations with the Attorney General's office, with Special Prosecutor Jaworski, with attorneys for certain litigants seeking disclosure, and with Herbert J. Miller as soon as he became attorney for Mr. Nixon. The purpose of these conversations was to explore for ways of reconciling their different interests in the records of the previous administration, so that this administration would not be caught in the middle of trying on a case-by-case basis to resolve each dispute over the right to access or disclosure.

The outcome of these conversations was a conclusion on my part that Mr. Nixon as the principal party in interest should be requested to come forth with a proposal for dealing satisfactorily with the Presidential materials of his administration in ways that offered reasonable protection and safeguards to ^{each party} ~~other parties~~ who ~~had~~ a legitimate, court-supported right to production of particular materials relevant to ^{his case.} ~~their cases.~~ Mr. Nixon and his attorney agreed to pursue this approach, and ^{they} ~~were~~ able to accomplish, in company with White House Counsel, the second of the developments, which I am announcing today, ^{That is} ~~namely~~ the letter agreement, of which you have copies, between former President Nixon and Arthur F. Sampson, Administrator of the General Services Administration.



These two developments are, of course, much less significant than the one you have earlier learned about. President Ford has chosen to carry out a responsibility expressed in the Preamble to the Constitution of insuring domestic Tranquility. He has chosen to do so by exercise of a power that he alone has under the Constitution to grant/^apardon for offenses against the United States.

About a week ago, he asked me to study judicial precedents bearing on the exercise of his right to grant a pardon, particularly with reference to whether or not a pardon could only follow indictment or conviction. The answer I found was that a pardon could be granted at any time and need not await an indictment or conviction. He also asked me to investigate how long it would be before prosecution of former President Nixon could occur and be brought to a conclusion. On this point, I consulted with Special Prosecutor Jaworski. He advised me as follows:

"The factual situation regarding a trial of Richard M. Nixon within constitutional bounds, is unprecedented. It is especially unique in view of the recent House Judiciary Committee inquiry on impeachment, resulting in a unanimous adverse finding to Richard M. Nixon on the Article involving obstruction of justice. The massive publicity given the hearings and the findings that ensued, the reversal of judgment of a number of the members of the Republican Party following release of the June 23 tape recording, and



their statements carried nationwide, and finally, the resignation of Richard M. Nixon, require a delay, before selection of a jury is begun, of a period from nine months to a year, and perhaps even longer. This judgment is predicated on a review of the decisions of United States Courts involving prejudicial pre-trial publicity.

* * * *

"The situation involving Richard M. Nixon is readily distinguishable from the facts involved in the case of United States v. Mitchell, et al., set for trial on September 30th. The defendants in the Mitchell case were indicted by a grand jury operating in secret session. They will be called to trial, unlike Richard M. Nixon, if indicted, without any previous adverse finding by an investigatory body holding public hearings on its conclusions."

Except for my seeking and obtaining this advice from Mr. Jaworski, none of my discussions with him involved any understandings or commitments regarding his role in the possible prosecution of former President Nixon or in the prosecution of others. President Ford has not talked with Mr. Jaworski, but I did report to the President the opinion of the Special Prosecutor about the delay necessary before any possible trial of the former President could begin.

No action or statement by former President Nixon which has been disclosed today -- however welcome and helpful it was -- made a pre-condition of the pardon. President Ford, in determining to issue a pardon acted solely according to the dictates of his own conscience. Moreover, he did so as an act of mercy not related in any way to



obtaining concessions in return. However, my personal view is that former President Nixon's words, expressed upon his learning of the pardon, constitute a statement of contrition which shall truly ^{I believe will} hasten the time when he and his family will achieve and will much help to bring peace of mind and spirit to him, to President Ford, sooner bring peace of mind and spirit and to all of our citizens.

In conclusion, I do want to express my heartfelt personal thanks and appreciation to a dear friend of the President's and of mine. He is Benton Becker, a Washington attorney who has served voluntarily as my special and trusted consultant and emissary in helping to bring about the events reported today. I also acknowledge with deep gratitude the services of William E. Casselman, II, the highly valued counsel to Vice President Ford for his whole tenure in that office and my close associate in the service now of the President of the United States.



Announcement to Press Representatives
by
Philip W. Buchen, Counsel to the President
Sunday, September 8, 1974

In addition to the major development of this morning when President Ford granted a pardon to former President Nixon, I have two other legal developments to announce which occurred prior to the issuance of the proclamation of pardon.

The first involves the opinion of Attorney General William B. Saxbe to President Ford dealing with papers and other records retained during the administration of former President Nixon in the White House offices. In this opinion, it is concluded that such materials are the present property of Mr. Nixon. However, it is also concluded that during the time the materials remain in the custody of the United States they are subject to subpoenas and court orders directed to any official who controls that custody. In this conclusion, I concurred.

This opinion was sought by the President from the Attorney General on August 22. The reason for seeking the opinion was the conflict created between Mr. Nixon's request on the one hand for delivery to his control of the materials and, on the other hand, the pending court orders and subpoenas directed at the United States and certain of its officials. The court orders have required the custody of the materials to be maintained at their present locations, and both the orders and subpoenas have called for the identification

and production of certain materials allegedly relevant to the court proceedings in which the orders and proceedings originated. In addition, we were advised of interests of other parties in having certain other records disclosed to them, under warning that if they were to be removed and delivered to the control of Mr. Nixon, court action would be taken to protect the claimed rights to inspection or disclosure.

Therefore, it became apparent that unless this conflict was resolved, the present administration would be enmeshed for a long time in answering to disputed claims over who could obtain information from the Nixon records, how requested information could, as a practical matter, be extracted from the vast volume of records in which it might appear, and how and by whom its relevancy to any particular court proceeding could be determined, while still satisfying the rights of Mr. Nixon.

Within a week of the request to the Attorney General for an opinion, I was advised informally of what its general nature would be. From that time on, I realized that the opinion itself would not provide a practical solution to the handling and management of the papers so as to reconcile rights and interests of private ownership with the limited but important rights and interests of litigants to disclosure of selected relevant parts of the materials.



Thus, I initiated conversations with the Attorney General's office, with Special Prosecutor Jaworski, with attorneys for certain litigants seeking disclosure, and with Herbert J. Miller as soon as he became attorney for Mr. Nixon. The purpose of these conversations was to explore for ways of reconciling their different interests in the records of the previous administration, so that this administration would not be caught in the middle of trying on a case-by-case basis to resolve each dispute over the right to access or disclosure.

The outcome of these conversations was a conclusion on my part that Mr. Nixon as the principal party in interest should be requested to come forth with a proposal for dealing satisfactorily with the Presidential materials of his administration in ways that offered reasonable protection and safeguards to ^{each party} ~~other parties~~ who ~~has~~ a legitimate, court-supported right to production of particular materials relevant to ^{his case.} ~~their cases.~~ Mr. Nixon and his attorney agreed to pursue this approach, ^{they} and ~~were~~ able to accomplish, in company with White House Counsel, the second of the developments, which I am announcing today, ^{That is} ~~namely~~ the letter agreement, of which you have copies, between former President Nixon and Arthur F. Sampson, Administrator of the General Services Administration.



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* * * *

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Office of the Attorney General
Washington, D. C.

September 6, 1974

The President,

The White House.

Dear Mr. President:

You have requested my opinion concerning papers and other historical materials retained by the White House Office during the administration of former President Richard M. Nixon and now in the possession of the United States or its officials. Some such materials were left in the Executive Office Building or in the White House at the time of former President Nixon's departure; others had previously been deposited with the Administrator of General Services. You have inquired concerning the ownership of such materials and the obligations of the Government with respect to subpoenas and court orders addressed to the United States or its officials pertaining to them.

To conclude that such materials are not the property of former President Nixon would be to reverse what has apparently been the almost unvaried understanding of all



three branches of the Government since the beginning of the Republic, and to call into question the practices of our Presidents since the earliest times. In Folsom v. Marsh, 9 F. Cas. 342 (No. 4901), 2 Story 100, 108-109 (C.C.D. Mass. 1841), Mr. Justice Story, while sitting in circuit, found that President Washington's letters, including his official correspondence, ^{1/} were his private property which he could bequeath, which his estate could alienate, and in which the purchaser could acquire a copyright. According to testimony of the Archivist of the United States in 1955, every President of the United

^{1/} The official documents involved in the case were:
Letters addressed by Washington, as commander-in-chief, to the President of Congress.
Official letters to governors of States and speakers of legislative bodies.
Circular letters.
General orders.
Communications (official) addressed as President to his Cabinet.
Letter accepting the command of the army, on our expected war with France. 2 Story at 104-105.
The clear holding on the property point (Id. at 108-09) is arguably converted to dictum by Justice Story's later indication, in connection with another issue, that copyright violation with respect to the official documents did not have to be established in order to maintain the suit. (Id. at 114).



States beginning with George Washington regarded all the papers and historical materials which accumulated in the White House during his administration, whether of a private or official nature, as his own property.^{2/} A classic exposition of this Presidential view was set forth by President Taft in a lecture presented several years after he had left the White House:

The office of the President is not a recording office. The vast amount of correspondence that goes through it, signed either by the President or his secretaries, does not become the property or a record of the government unless it goes on to the official files of the department to which it may be addressed. The President takes with him all the correspondence, original and copies, carried on during his administration. Taft, The Presidency 30-31 (1916).

^{2/} Statement of Dr. Wayne C. Grover, Archivist of the United States, during the House Hearings on the Joint Resolution of August 12, 1955, 69 Stat. 695, To provide for the acceptance and maintenance of Presidential libraries, and for other purposes (now codified in 44 U.S.C. 2101, 2107 and 2108; hereinafter referred to as the "Presidential Libraries Act"), Hearing before a Special Subcommittee of the Committee on Government Operations, House of Representatives, 84th Cong., 1st Sess., on H.J. Res. 330, H.J. Res. 331, and H.J. Res. 332 (hereafter referred to as "1955 Hearings"), pp. 28, 45.



Past Congressional recognition of the President's title is evidenced by the various statutes providing for Government purchase of the official and private papers of many of our early Presidents, including Washington, Jefferson, Madison, Monroe and Jackson. See 1955 Hearings at 28, 39-42.

Even if there were no recent statutory sanction of Presidential ownership, a consistent history such as that described above might well be determinative. As the Supreme Court said in United States v. Midwest Oil Co., 236 U.S. 459 (1915):

[G]overnment is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department--on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself--even when the validity of the practice is the subject of investigation. Id. at 472-73.

. . .
[W]hile no . . . express authority has been granted [by Congress], there is nothing in the nature of the power exercised which prevents Congress from granting it by implication just as could be done by any other owner of property under similar conditions. Id. at 474.

Moreover, with respect to the practice at issue here, there is recent statutory sanction. The 1955 Presidential Libraries Act, which serves as the permanent basis of the Presidential Library system, constitutes clear legislative acknowledgement that a President has title to all the documents and historical materials--whether personal or official--which accumulate in the White House Office during his incumbency. The Federal Records Act of 1950, 64 Stat. 587, which was the predecessor of the Presidential Libraries Act, authorized the Administrator of General Services to accept for deposit "the personal papers and other personal historical documentary materials of the present President of the United States." Section 507(e), 64 Stat. 588. The word "personal" might have been read as intended to distinguish between the private and official papers of the President.^{3/} The corresponding provision of the current law, however, 44 U.S.C. 2107(1), avoids the ambiguity. It envisions the President's deposit of all Presidential materials, not only personal ones. During

^{3/} Compare Section 507(e) with Section 507(a), dealing with the records of an agency. A memorandum prepared in the Office of the Assistant Solicitor General (now Office of Legal Counsel) on July 24, 1951 indicated that such a distinction between private and official Presidential papers would be inconsistent with historic precedents, and difficult if not impossible to maintain. It accordingly regarded the Records Act's use of the term "personal" as intended merely to exclude the permanent files of the Chief Executive Clerk discussed at page 12 below.

the House debate on the Presidential Libraries Act, Congressman Moss, who was in charge of the bill, expressly stated:

Four. Finally, it should be remembered that Presidential papers belong to the President, and that they have increased tremendously in volume in the past 25 or 30 years. It is no longer possible for a President to take his papers home with him and care for them properly. It is no accident that the last three Presidents--Hoover, F. D. Roosevelt, and Harry Truman--have had to make special provisions through the means of the presidential library to take care of their papers. 101 Cong. Rec. 9935 (1955).

The legislative history of the Act reflects no disagreement with this position on the part of any member of the Congress. The hearings before a Special Subcommittee of the House Committee on Government Operations indicate congressional awareness of the Act's assumption that all Presidential papers are the private property of the President. 1955 Hearings at 12, 20, 28, 32, 52, 54, 58.

A recent discussion concerning ownership of Presidential materials appears in the report prepared by the staff of the Joint Committee on Internal Revenue Taxation involving the examination of President Nixon's tax returns. H. Rept. 93-966, 93d Cong., 2d Sess. (1974). The report points to the practice of Presidents since Washington of treating their papers, both private and official, as their

personal property; and to the congressional ratification of the practice in the 1955 library legislation. It concludes that "the historical precedents taken together with the provisions set forth in the Presidential Libraries Act, suggest that the papers of President Nixon are considered his personal property rather than public property." Id. at 28-29.

An apparent obstacle to Presidential ownership of all White House materials is Article II, section 1, clause 7 of the Constitution, which provides:

"The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them."

But objection based upon this provision is circular in its reasoning, except insofar as it applies to the blank typing paper and materials upon which the Presidential records are inscribed. For the records themselves are given to the President as an "emolument" only if one assumes that they are not the property of the President from the very moment of their creation. As for the blank typing paper and materials, which are of course of negligible

value, they can be regarded as consumables, like electricity or telephone service, provided for the conduct of Presidential business. In any event, the Constitutional provision can simply not be interpreted in such a fashion as to preclude the conferral of anything of value, beyond his salary, upon the President. An eminent authority on the subject states the following:

As a matter of fact the President enjoys many more "emoluments" from the United States than the "compensation" which he receives "at stated times" --at least, what most people would reckon to be emoluments. Corwin, The President 348 n. 53.

He gives as examples of such additional emoluments provided by the Congress the use of personal secretaries and the right to reside in the White House. Id. at 348-49.

Another obstacle to Presidential ownership of the materials in question is their character as public documents, often secret and sometimes necessary for the continued operation of government. However, without speaking to the desirability of the established property rule (and there is pending in the Congress legislation which would apparently alter it--S. 2951, 93d Cong., 2d Sess., a bill "[t]o provide for public ownership of certain documents of elected public officials"), it must



be conceded that accommodation of such concerns can be achieved whether or not ownership of the materials in question rests with the former President. Historically, there has been consistent acknowledgement that Presidential materials are peculiarly affected by a public interest which may justify subjecting the absolute ownership rights of the ex-President to certain limitations directly related to the character of the documents as records of government activity. Thus, in Folsom v. Marsh, supra, Mr. Justice Story stated the following:

In respect to official letters, addressed to the government, or any of its departments, by public officers, so far as the right of the government extends, from principles of public policy, to withhold them from publication, or to give them publicity, there may be a just ground of distinction. It may be doubtful, whether any public officer is at liberty to publish them, at least, in the same age, when secrecy may be required by the public exigencies, without the sanction of the government. On the other hand, from the nature of the public service, or the character of the documents, embracing historical, military, or diplomatic information, it may be the right, and even the duty, of the government, to give them publicity, even against the will of the writers.
2 Story at 113.

That portion of the Criminal Code dealing with the transmission or loss of national security information, 18 U.S.C. § 793, obviously applies to Presidential papers even when

they are within the possession of the former President.^{4/}
Upon the death of Franklin D. Roosevelt during the closing months of World War II, with full acceptance of the traditional view that all White House papers belonged to the President and devolved to his estate, some of the papers dealing with prosecution of the War (the so-called "Map Room Papers") were retained by President Truman under a theory of "protective custody" until December 1946.

Matter of Roosevelt, 190 Misc. 341, 344, 73 N.Y.S. 821, 825 (Sur. Ct. 1947); Eighth Annual Report of the Archivist of the United States as to the Franklin D. Roosevelt Library (1947) p. 1. Thus, regardless of whether this is the best way to approach the problem, precedent demonstrates that the governmental interests arising because of the peculiar nature of these materials (notably, any need to protect national security information and any need for continued use of certain documents in the process of government) can be protected in full conformity with the theory of ownership on the part of the ex-President.

^{4/} Section 11 of Executive Order 11652 makes explicit provision for declassification of Presidential material that has been deposited in the Archives.



Because the principle of Presidential ownership of White House materials has been acknowledged by all three branches of the Government from the earliest times; because that principle does not violate any provision of the Constitution or contravene any existing statute; and because that principle is not inconsistent with adequate protection of the interests of the United States; I conclude that the papers and materials in question were the property of Richard M. Nixon when his term of office ended. Any inference that the former President abandoned his ownership of the materials he left in the White House and the Executive Office Building is eliminated by a memorandum to the White House staff from Jerry H. Jones, Special Assistant to President Nixon, dated the day of his resignation, asserting that "the files of the White House Office belong to the President in whose Administration they were accumulated," and setting forth instructions with respect to the treatment of such materials until they can be collected and disposed of according to the ex-President's wishes. We are advised that the materials previously deposited with the Administrator of General Services were likewise transmitted and received with the understanding

of continuing Presidential ownership.

I must, however, exclude one category of documents from the scope of this opinion concerning ownership and advise you that their status cannot be definitively determined on the basis of presently available information. Although the fact is not recorded in the published materials we have examined, our inquiry indicates that at least in recent memory certain "permanent files" have been retained by the Chief Executive Clerk of the White House from administration to administration. These include White House budget and personnel material, and records or copies of some Presidential actions useful to the Clerk's office for such purposes as keeping track of the terms of Presidential appointments and providing models or precedents for future Presidential action. Retention of these materials by the Chief Executive Clerk is of course not necessarily inconsistent with initial Presidential ownership. In light of the otherwise uniform practice with respect to much more important official documents, relinquishment of these materials may reasonably be regarded as a voluntary act of courtesy on the part of the outgoing Chief Executive. I cannot, however, make an adequately informed judgment concerning these files without

more extensive factual and historical inquiry, which your need for this opinion does not permit. Of course, even if such inquiry should show that these particular documents have been regarded as Government property, that conclusion would not support a generalization of Government ownership with respect to the much more extensive other material covered by this opinion, as to which the Presidential practice and congressional acquiescence are clear.

As to the obligations of the Government with respect to subpoenas and court orders directed to the United States or its officials pertaining to the subject materials: Even though the Government is merely the custodian and not the owner, it can properly be subjected to court directives relating to the materials. The Federal Rules of Criminal Procedure authorize the courts, upon motion of a defendant, to order the Government to permit access to papers and other objects "which are within the possession, custody or control of the government. . . ." Fed. R. Crim. P. 16(b). A similar provision is applicable with regard to discovery in civil cases involving material within the "possession, custody or control" of a party (including the Government).

Fed. R. Civ. P. 34(a). In addition, in both criminal and civil cases, a subpoena may be issued directing a person to produce documents or objects which are within his possession, but which belong to another person. Fed. R. Crim. P. 17(c); Fed. R. Civ. P. 45(b). See, e.g., Couch v. United States, 409 U.S. 322 (1973); Schwimmer v. United States, 232 F.2d 855, 860 (8th Cir., 1956), cert. denied, 352 U.S. 833; United States v. Re, 313 F. Supp. 442, 449 (S.D.N.Y. 1970). I advise you, therefore, that items included within the subject materials properly subpoenaed from the Government or its officials must be produced; and that none of the materials can be moved or otherwise disposed of contrary to the provisions of any duly issued court order against the Government or its officials pertaining to them. Of course both the former President and the Government can seek modification of such subpoenas and orders, and can challenge their validity on Constitutional or other grounds.

Respectfully,

Wm B Saybe
Attorney General

September 6, 1974

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C.

Dear Mr. Sampson:

In keeping with the tradition established by other former Presidents, it is my desire to donate to the United States, at a future date, a substantial portion of my Presidential materials which are of historical value to our Country. In donating these Presidential materials to the United States, it will be my desire that they be made available, with appropriate restrictions, for research and study.

In the interim, so that my materials may be preserved, I offer to transfer to the Administrator of General Services (the "Administrator"), for deposit, pursuant to 44 U. S. C. Section 2101, et seq., all of my Presidential historical materials as defined in 44 U. S. C. Section 2101 (hereinafter "Materials"), which are located within the metropolitan area of the District of Columbia, subject to the following:

1. The Administrator agrees to accept solely for the purpose of deposit the transfer of the Materials, and in so accepting the Materials agrees to abide by each of the terms and conditions contained herein.
2. In the event of my death prior to the expiration of the three-year time period established in paragraph 7A hereof, the terms and conditions contained herein shall be binding upon and inure to the benefit of the executor of my estate for the duration of said period.
3. I retain all legal and equitable title to the Materials, including all literary property rights.

4. The Materials shall, upon acceptance of this offer by the Administrator, be deposited temporarily in an existing facility belonging to the United States, located within the State of California near my present residence. The Materials shall remain deposited in the temporary California facility until such time as there may be established, with my approval, a permanent Presidential archival depository as provided for in 44 U.S.C. Section 2108.
5. The Administrator shall provide in such temporary depository and in any permanent Presidential archival depository reasonable office space for my personal use in accordance with 44 U.S.C. Section 2108 (f). The Materials in their entirety shall be deposited within such office space in the manner described in paragraph 6 hereof.
6. Within both the temporary and any permanent Presidential archival depository, all of the Materials shall be placed within secure storage areas to which access can be gained only by use of two keys. One key, essential for access, shall be given to me alone as custodian of the Materials. The other key may be duplicated and entrusted by you to the Archivist of the United States or to members of his staff.
7. Access to the Materials within the secure areas, with the exception of recordings of conversations in the White House and the Executive Office Building which are governed by paragraphs 8 and 9 hereof, shall be as follows:

- A. For a period of three years from the date of this instrument, I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B below and paragraph 10 herein. During said three-year period, I may make reproductions of any of the originals of the Materials and withdraw from deposit such reproductions for any use I may deem appropriate. Except as provided in subparagraph B below, access to the Materials shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. Any request for access to the Materials made to the Administrator, the Archivist of the United States or any member of their staffs shall be referred to me. After three years I shall have the right to withdraw from deposit without formality any or all of the Materials to which this paragraph applies and to retain such withdrawn Materials for any purpose or use I may deem appropriate, including but not limited to reproduction, examination, publication or display by myself or by anyone else I may approve.
- B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States, the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.

8. The tape recordings of conversations in the White House and Executive Office Building which will be deposited pursuant to this instrument shall remain on deposit until September 1, 1979. I intend to and do hereby donate to the United States, such gift to be effective September 1, 1979, all of the tape recordings of conversations in the White House and Executive Office Building conditioned however on my continuing right of access as specified in paragraph 9 hereof and on the further condition that such tapes shall be destroyed at the time of my death or on September 1, 1984, whichever event shall first occur. Subsequent to September 1, 1979 the Administrator shall destroy such tapes as I may direct. I impose this restriction as other Presidents have before me to guard against the possibility of the tapes being used to injure, embarrass, or harass any person and properly to safeguard the interests of the United States.

9. Access to recordings of conversations in the White House and Executive Office Building within the secure areas shall be restricted as follows:
 - A. I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B and paragraph 10 below, and no reproductions shall be made unless there is mutual agreement. Access to the tapes shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. No person may listen to such tapes without my written prior approval. I reserve to myself such literary use of the information on the tapes.

 - B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States,

the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.

10. The Administrator shall arrange and be responsible for the reasonable protection of the Materials from loss, destruction or access by unauthorized persons, and may upon receipt of an appropriate written authorization from the Counsel to the President provide for a temporary re-deposit of certain of the Materials to a location other than the existing facility described in paragraph 4 herein, provided however that no diminution of the Administrator's responsibility to protect and secure the Materials from loss, destruction, unauthorized copying or access by unauthorized persons is affected by said temporary re-deposit.
11. From time to time as I deem appropriate, I intend to donate to the United States certain portions of the Materials deposited with the Administrator pursuant to this agreement, such donations to be accompanied by appropriate restrictions as authorized by 44 U.S.C. Section 2107. However, prior to such donation, it will be necessary to review the Materials to determine which of them should be subject to restriction, and the nature of the restrictions to be imposed. This review will require a meticulous, thorough, time-consuming analysis. If necessary to fulfill this task, I will request that you designate certain members of the Archivist's staff to assist in this review under my direction.



PROCLAMATION GRANTING PARDON TO RICHARD NIXON

By the President of the United States of America

Richard Nixon became the thirty-seventh President of the United States on January 20, 1969 and was reelected in 1972 for a second term by the electors of forty-nine of the fifty states. His term in office continued until his resignation on August 9, 1974.

Pursuant to resolutions of the House of Representatives, its Committee on the Judiciary conducted an inquiry and investigation on the impeachment of the President extending over more than eight months. The hearings of the Committee and its deliberations, which received wide national publicity over television, radio, and in printed media, resulted in votes adverse to Richard Nixon on recommended Articles of Impeachment.

As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become

liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office in the United States.



NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, have granted and by these presents do grant a full, free, and absolute pardon unto Richard Nixon for all offenses against the United States which he, Richard Nixon, has committed or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September in the year of our Lord Nineteen Hundred Seventy-Four, and of the Independence of the United States of America the 199th.

