

The original documents are located in Box C34, folder “Presidential Handwriting, 1/28/1976” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

**MEETING WITH
CLEMENT STONE**

Wednesday, January 28, 1976

12:30 P. M.

THE WHITE HOUSE
WASHINGTON

Jim -

I plan to keep this here

Agree?

Trudy

~~THE~~ PRESIDENT HAS SEEN.....

THE WHITE HOUSE

WASHINGTON

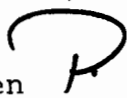
January 27, 1976

MEETING WITH W. CLEMENT STONE

Wednesday, January 28, 1976

12:30 p.m. (20 minutes)

The Oval Office

From: Philip Buchen 

I. PURPOSE

To allow Mr. Stone to have a courtesy visit with you.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

Background: In the event Mr. Stone should raise the question with you of pardoning Otto Kerner, Jr., the attached (Tab A) will give you the necessary background.

Participants: W. Clement Stone. (You may also want Mr. Cheney present and if Mr. Stone should raise the question of a pardon, you may want to ask me to step into the meeting.)

Press Plan: David Hume Kennerly photograph only. Meeting will not be announced.

III. TALKING POINTS

(If question of pardon is raised, see Tab A.)

THE WHITE HOUSE

WASHINGTON

January 27, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN *T.W.B.*
FROM: KENNETH LAZARUS *KL*
SUBJECT: Otto Kerner, Jr.

You have requested a memorandum setting forth the considerations, both favorable and unfavorable, involved in granting a Presidential pardon to Otto Kerner, Jr., who was convicted of conspiracy, mail fraud and income tax evasion and on April 20, 1973, sentenced to three years' imprisonment and fined \$20,000. He was released from prison on parole in March 1975 after serving more than seven months and will be on parole until April 1976. He has paid the fine.

Under the normal rules governing petitions for Executive clemency, Mr. Kerner will not be eligible to apply for a pardon until March 1980. However, in order to permit immediate consideration of his application, he filed a petition for pardon on October 16, 1975 and requested that he be granted a waiver of the rule requiring a person convicted of income tax evasion to wait five years from the date of his release from confinement before applying for pardon. He pointed out, correctly, that the regulation is a permissive guide and not mandatory. He cited as reasons for present consideration of the petition his age (67) and health, which was described as substandard. As a principal reason for granting the petition he stated that a pardon would constitute an appropriate recognition by his country of acknowledged good service to society. While acknowledging that the verdict of guilt in his case is final, he suggested that the essential dispute was a moral one involving proprieties, rather than venality or corruption in its usual sense.

Mr. Kerner's request for a waiver was presented to the Attorney General, who recused himself from consideration of the case,

and requested the Deputy Attorney General to consider it. On December 16, 1975, the Deputy Attorney General denied a waiver of the five year waiting period.

Favorable Factors

(1) Public Service: Mr. Kerner has a long record of dedicated and distinguished public service, as a United States Attorney, state judge, Governor of Illinois and finally as a Federal judge. A pardon certainly could be justified as recognition of the importance and significance of his many contributions to his state and the Nation.

(2) Age and Health: It is understood that Mr. Kerner has experienced many health problems. His petition filed in October stated he had recently suffered a malignant cancer of the lung and had undergone surgery which left him in a weakened condition, that he had a chronic heart condition and had suffered coronary incidents of moderate severity, and had a mild diabetic-arteriosclerotic condition. If Mr. Kerner is required to wait until 1980 before applying for pardon, he may not live long enough to enjoy or possibly even to receive it. Although age alone has never been considered a basis for early pardon consideration, there have been instances in the past in which waivers of the usual waiting period have been granted in cases of terminal illness.

(3) Rehabilitation: One of the undoubted principal reasons for requiring a waiting period of applicants for pardon is to afford them an opportunity to demonstrate their rehabilitation. In some cases the concept of rehabilitation is meaningless, as in the case of Mr. Kerner. As pointed out in his request for a waiver, there is "no question but that he will at all times be not merely a law-abiding citizen but an actively useful citizen."

(4) Waiting period requirement is not mandatory: The rule requiring a waiting period is not mandatory in its terms and it is well established that it is intended only as a guide for officials in the Department of Justice who are charged with responsibility for processing petitions for pardon. It has been held that the President's action in granting clemency cannot be challenged on the ground that the President did not comply with

the procedures for consideration of petitions for Executive clemency as contained in the Code of Federal Regulations. Hoffa v. Saxbe, 378 F. Supp. 1221 (D.D.C. 1974). (The decision has been appealed but not yet decided by the Court of Appeals.) See also Yelvington v. Presidential Pardon and Parole Attorneys, 211 F. 2d 642 (D.C.Cir. 1954).

Unfavorable Factors

(1) Ineligibility: As previously indicated, Mr. Kerner is not eligible to apply for pardon at this time under the rules governing petitions for Executive clemency. His request for a waiver of the waiting period was considered in the Department and ultimately denied by the Deputy Attorney General. The fact of Mr. Kerner's application for a waiver was well publicized, particularly in the Chicago area media. The fact of denial also has been equally well publicized. Thus, a pardon would necessarily emphasize that the Department and the White House were in disagreement.

(2) Effect on Watergate Offenders: At a press conference on February 26, 1975, you were asked about the possibility of pardons for former top Administration figures who had been sentenced in the Watergate case. You replied in part: ". . . If and when the time comes, the proper thing for them to do would be to apply in the regular procedure or process, which is through the Pardon Attorney in the Department of Justice." (Weekly Presidential Documents, Vol. II, No. 9, p. 221). A pardon for Mr. Kerner could revive the controversy surrounding the pardon of former President Nixon and other "Watergate" issues.

(3) United States Attorney's Opposition: The present United States Attorney in Chicago, during consideration of Mr. Kerner's request for a waiver, made clear his emphatic opposition to favorable consideration of the request.

(4) Public indignation: It is difficult to believe that a pardon of Mr. Kerner at this time would not arouse sustained and vociferous denunciation in the press and among a substantial portion of the public once it became generally known, as, of course, it would, that special consideration had been given to Mr. Kerner which is rarely given to others.

January 27, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN
FROM: KENNETH LAZARUS
SUBJECT: Otto Kerner, Jr.

You have requested a memorandum setting forth the considerations, both favorable and unfavorable, involved in granting a Presidential pardon to Otto Kerner, Jr., who was convicted of conspiracy, mail fraud and income tax evasion and on April 30, 1973, sentenced to three years' imprisonment and fined \$20,000. He was released from prison on parole in March 1975 after serving more than seven months and will be on parole until April 1976. He has paid the fine.

Under the normal rules governing petitions for Executive clemency, Mr. Kerner will not be eligible to apply for a pardon until March 1980. However, in order to permit immediate consideration of his application, he filed a petition for pardon on October 16, 1975 and requested that he be granted a waiver of the rule requiring a person convicted of income tax evasion to wait five years from the date of his release from confinement before applying for pardon. He pointed out, correctly, that the regulation is a permissive guide and not mandatory. He cited as reasons for present consideration of the petition his age (67) and health, which was described as substandard. As a principal reason for granting the petition he stated that a pardon would constitute an appropriate recognition by his country of acknowledged good service to society. While acknowledging that the verdict of guilt in his case is final, he suggested that the essential dispute was a moral one involving proprieties, rather than venality or corruption in its usual sense.

Mr. Kerner's request for a waiver was presented to the Attorney General, who recused himself from consideration of the case,

and requested the Deputy Attorney General to consider it. On December 16, 1975, the Deputy Attorney General denied a waiver of the five year waiting period.

Favorable Factors

(1) Public Service: Mr. Kerner has a long record of dedicated and distinguished public service, as a United States Attorney, state judge, Governor of Illinois and finally as a Federal judge. A pardon certainly could be justified as recognition of the importance and significance of his many contributions to his state and the Nation.

(2) Age and Health: It is understood that Mr. Kerner has experienced many health problems. His petition filed in October stated he had recently suffered a malignant cancer of the lung and had undergone surgery which left him in a weakened condition, that he had a chronic heart condition and had suffered coronary incidents of moderate severity, and had a mild diabetic-arteriosclerotic condition. If Mr. Kerner is required to wait until 1980 before applying for pardon, he may not live long enough to enjoy or possibly even to receive it. Although age alone has never been considered a basis for early pardon consideration, there have been instances in the past in which waivers of the usual waiting period have been granted in cases of terminal illness.

(3) Rehabilitation: One of the undoubted principal reasons for requiring a waiting period of applicants for pardon is to afford them an opportunity to demonstrate their rehabilitation. In some cases the concept of rehabilitation is meaningless, as in the case of Mr. Kerner. As pointed out in his request for a waiver, there is "no question but that he will at all times be not merely a law-abiding citizen but an actively useful citizen."

(4) Waiting period requirement is not mandatory: The rule requiring a waiting period is not mandatory in its terms and it is well established that it is intended only as a guide for officials in the Department of Justice who are charged with responsibility for processing petitions for pardon. It has been held that the President's action in granting clemency cannot be challenged on the ground that the President did not comply with

the procedures for consideration of petitions for Executive clemency as contained in the Code of Federal Regulations. Hoffa v. Saxbe, 378 F. Supp. 1221 (D. D. C. 1974). (The decision has been appealed but not yet decided by the Court of Appeals.) See also Yelvington v. Presidential Pardon and Parole Attorneys, 211 F. 2d 642 (D. C. Cir. 1954).

Unfavorable Factors

(1) Ineligibility: As previously indicated, Mr. Kerner is not eligible to apply for pardon at this time under the rules governing petitions for Executive clemency. His request for a waiver of the waiting period was considered in the Department and ultimately denied by the Deputy Attorney General. The fact of Mr. Kerner's application for a waiver was well publicized, particularly in the Chicago area media. The fact of denial also has been equally well publicized. Thus, a pardon would necessarily emphasize that the Department and the White House were in disagreement.

(2) Effect on Watergate Offenders: At a press conference on February 26, 1975, you were asked about the possibility of pardons for former top Administration figures who had been sentenced in the Watergate case. You replied in part: "... If and when the time comes, the proper thing for them to do would be to apply in the regular procedure for process, which is through the Pardon Attorney in the Department of Justice." (Weekly Presidential Documents, Vol. II, No. 9, p. 221). A pardon for Mr. Kerner could revive the controversy surrounding the pardon of former President Nixon and other "Watergate" issues.

(3) United States Attorney's Opposition: The present United States Attorney in Chicago, during consideration of Mr. Kerner's request for a waiver, made clear his emphatic opposition to favorable consideration of the request.

(4) Public indignation: It is difficult to believe that a pardon of Mr. Kerner at this time would not arouse sustained and vociferous denunciation in the press and among a substantial portion of the public once it became generally known, as, of course, it would, that special consideration had been given to Mr. Kerner which is rarely given to others.

January 27, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN
FROM: KENNETH LAZARUS
SUBJECT: Otto Kerner, Jr.

You have requested a memorandum setting forth the considerations, both favorable and unfavorable, involved in granting a Presidential pardon to Otto Kerner, Jr., who was convicted of conspiracy, mail fraud and income tax evasion and on April 20, 1973, sentenced to three years' imprisonment and fined \$20,000. He was released from prison on parole in March 1975 after serving more than seven months and will be on parole until April 1976. He has paid the fine.

Under the normal rules governing petitions for Executive clemency, Mr. Kerner will not be eligible to apply for a pardon until March 1980. However, in order to permit immediate consideration of his application, he filed a petition for pardon on October 16, 1975 and requested that he be granted a waiver of the rule requiring a person convicted of income tax evasion to wait five years from the date of his release from confinement before applying for pardon. He pointed out, correctly, that the regulation is a permissive guide and not mandatory. He cited as reasons for present consideration of the petition his age (67) and health, which was described as substandard. As a principal reason for granting the petition he stated that a pardon would constitute an appropriate recognition by his country of acknowledged good service to society. While acknowledging that the verdict of guilt in his case is final, he suggested that the essential dispute was a moral one involving proprieties, rather than venality or corruption in its usual sense.

Mr. Kerner's request for a waiver was presented to the Attorney General, who recused himself from consideration of the case,

and requested the Deputy Attorney General to consider it. On December 16, 1975, the Deputy Attorney General denied a waiver of the five year waiting period.

Favorable Factors

(1) **Public Service:** Mr. Kerner has a long record of dedicated and distinguished public service, as a United States Attorney, state judge, Governor of Illinois and finally as a Federal judge. A pardon certainly could be justified as recognition of the importance and significance of his many contributions to his state and the Nation.

(2) **Age and Health:** It is understood that Mr. Kerner has experienced many health problems. His petition filed in October stated he had recently suffered a malignant cancer of the lung and had undergone surgery which left him in a weakened condition, that he had a chronic heart condition and had suffered coronary incidents of moderate severity, and had a mild diabetic-arteriosclerotic condition. If Mr. Kerner is required to wait until 1980 before applying for pardon, he may not live long enough to enjoy or possibly even to receive it. Although age alone has never been considered a basis for early pardon consideration, there have been instances in the past in which waivers of the usual waiting period have been granted in cases of terminal illness.

(3) **Rehabilitation:** One of the undoubted principal reasons for requiring a waiting period of applicants for pardon is to afford them an opportunity to demonstrate their rehabilitation. In some cases the concept of rehabilitation is meaningless, as in the case of Mr. Kerner. As pointed out in his request for a waiver, there is "no question but that he will at all times be not merely a law-abiding citizen but an actively useful citizen."

(4) **Waiting period requirement is not mandatory:** The rule requiring a waiting period is not mandatory in its terms and it is well established that it is intended only as a guide for officials in the Department of Justice who are charged with responsibility for processing petitions for pardon. It has been held that the President's action in granting clemency cannot be challenged on the ground that the President did not comply with

the procedures for consideration of petitions for Executive clemency as contained in the Code of Federal Regulations. Hoffa v. Saxbe, 378 F. Supp. 1221 (D.D.C. 1974). (The decision has been appealed but not yet decided by the Court of Appeals.) See also Yeivington v. Presidential Pardon and Parole Attorneys, 211 F. 2d 642 (D.C. Cir. 1954).

Unfavorable Factors

(1) Ineligibility: As previously indicated, Mr. Kerner is not eligible to apply for pardon at this time under the rules governing petitions for Executive clemency. His request for a waiver of the waiting period was considered in the Department and ultimately denied by the Deputy Attorney General. The fact of Mr. Kerner's application for a waiver was well publicized, particularly in the Chicago area media. The fact of denial also has been equally well publicized. Thus, a pardon would necessarily emphasize that the Department and the White House were in disagreement.

(2) Effect on Watergate Offenders: At a press conference on February 26, 1975, you were asked about the possibility of pardons for former top Administration figures who had been sentenced in the Watergate case. You replied in part: "... If and when the time comes, the proper thing for them to do would be to apply in the regular procedure for process, which is through the Pardon Attorney in the Department of Justice." (Weekly Presidential Documents, Vol. II, No. 9, p. 221). A pardon for Mr. Kerner could revive the controversy surrounding the pardon of former President Nixon and other "Watergate" issues.

(3) United States Attorney's Opposition: The present United States Attorney in Chicago, during consideration of Mr. Kerner's request for a waiver, made clear his emphatic opposition to favorable consideration of the request.

(4) Public indignation: It is difficult to believe that a pardon of Mr. Kerner at this time would not arouse sustained and vociferous denunciation in the press and among a substantial portion of the public once it became generally known, as, of course, it would, that special consideration had been given to Mr. Kerner which is rarely given to others.

January 27, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN
FROM: KENNETH LAZARUS
SUBJECT: Otto Kerner, Jr.

You have requested a memorandum setting forth the considerations, both favorable and unfavorable, involved in granting a Presidential pardon to Otto Kerner, Jr., who was convicted of conspiracy, mail fraud and income tax evasion and on April 20, 1973, sentenced to three years' imprisonment and fined \$20,000. He was released from prison on parole in March 1975 after serving more than seven months and will be on parole until April 1976. He has paid the fine.

Under the normal rules governing petitions for Executive clemency, Mr. Kerner will not be eligible to apply for a pardon until March 1980. However, in order to permit immediate consideration of his application, he filed a petition for pardon on October 16, 1975 and requested that he be granted a waiver of the rule requiring a person convicted of income tax evasion to wait five years from the date of his release from confinement before applying for pardon. He pointed out, correctly, that the regulation is a permissive guide and not mandatory. He cited as reasons for present consideration of the petition his age (67) and health, which was described as substandard. As a principal reason for granting the petition he stated that a pardon would constitute an appropriate recognition by his country of acknowledged good service to society. While acknowledging that the verdict of guilt in his case is final, he suggested that the essential dispute was a moral one involving proprieties, rather than venality or corruption in its usual sense.

Mr. Kerner's request for a waiver was presented to the Attorney General, who recused himself from consideration of the case,

and requested the Deputy Attorney General to consider it. On December 16, 1975, the Deputy Attorney General denied a waiver of the five year waiting period.

Favorable Factors

(1) **Public Service:** Mr. Kerner has a long record of dedicated and distinguished public service, as a United States Attorney, state judge, Governor of Illinois and finally as a Federal judge. A pardon certainly could be justified as recognition of the importance and significance of his many contributions to his state and the Nation.

(2) **Age and Health:** It is understood that Mr. Kerner has experienced many health problems. His petition filed in October stated he had recently suffered a malignant cancer of the lung and had undergone surgery which left him in a weakened condition, that he had a chronic heart condition and had suffered coronary incidents of moderate severity, and had a mild diabetic-arteriosclerotic condition. If Mr. Kerner is required to wait until 1980 before applying for pardon, he may not live long enough to enjoy or possibly even to receive it. Although age alone has never been considered a basis for early pardon consideration, there have been instances in the past in which waivers of the usual waiting period have been granted in cases of terminal illness.

(3) **Rehabilitation:** One of the undoubted principal reasons for requiring a waiting period of applicants for pardon is to afford them an opportunity to demonstrate their rehabilitation. In some cases the concept of rehabilitation is meaningless, as in the case of Mr. Kerner. As pointed out in his request for a waiver, there is "no question but that he will at all times be not merely a law-abiding citizen but an actively useful citizen."

(4) **Waiting period requirement is not mandatory:** The rule requiring a waiting period is not mandatory in its terms and it is well established that it is intended only as a guide for officials in the Department of Justice who are charged with responsibility for processing petitions for pardon. It has been held that the President's action in granting clemency cannot be challenged on the ground that the President did not comply with

the procedures for consideration of petitions for Executive clemency as contained in the Code of Federal Regulations. Hoffa v. Searbe, 378 F. Supp. 1221 (D. D. C. 1974). (The decision has been appealed but not yet decided by the Court of Appeals.) See also Yalvington v. Presidential Pardon and Parole Attorneys, 211 F. 2d 642 (D. C. Cir. 1954).

Unfavorable Factors

(1) Ineligibility: As previously indicated, Mr. Kerner is not eligible to apply for pardon at this time under the rules governing petitions for Executive clemency. His request for a waiver of the waiting period was considered in the Department and ultimately denied by the Deputy Attorney General. The fact of Mr. Kerner's application for a waiver was well publicized, particularly in the Chicago area media. The fact of denial also has been equally well publicized. Thus, a pardon would necessarily emphasize that the Department and the White House were in disagreement.

(2) Effect on Watergate Offenders: At a press conference on February 26, 1975, you were asked about the possibility of pardons for former top Administration figures who had been sentenced in the Watergate case. You replied in part: "... If and when the time comes, the proper thing for them to do would be to apply in the regular procedure for process, which is through the Pardon Attorney in the Department of Justice." (Weekly Presidential Documents, Vol. II, No. 9, p. 221). A pardon for Mr. Kerner could revive the controversy surrounding the pardon of former President Nixon and other "Watergate" issues.

(3) United States Attorney's Opposition: The present United States Attorney in Chicago, during consideration of Mr. Kerner's request for a waiver, made clear his emphatic opposition to favorable consideration of the request.

(4) Public indignation: It is difficult to believe that a pardon of Mr. Kerner at this time would not arouse sustained and vociferous denunciation in the press and among a substantial portion of the public once it became generally known, as, of course, it would, that special consideration had been given to Mr. Kerner which is rarely given to others.

January 27, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN
FROM: KENNETH LAZARUS
SUBJECT: Otto Kerner, Jr.

You have requested a memorandum setting forth the considerations, both favorable and unfavorable, involved in granting a Presidential pardon to Otto Kerner, Jr., who was convicted of conspiracy, mail fraud and income tax evasion and on April 20, 1973, sentenced to three years' imprisonment and fined \$20,000. He was released from prison on parole in March 1975 after serving more than seven months and will be on parole until April 1976. He has paid the fine.

Under the normal rules governing petitions for Executive clemency, Mr. Kerner will not be eligible to apply for a pardon until March 1980. However, in order to permit immediate consideration of his application, he filed a petition for pardon on October 16, 1975 and requested that he be granted a waiver of the rule requiring a person convicted of income tax evasion to wait five years from the date of his release from confinement before applying for pardon. He pointed out, correctly, that the regulation is a permissive guide and not mandatory. He cited as reasons for present consideration of the petition his age (67) and health, which was described as substandard. As a principal reason for granting the petition he stated that a pardon would constitute an appropriate recognition by his country of acknowledged good service to society. While acknowledging that the verdict of guilt in his case is final, he suggested that the essential dispute was a moral one involving proprieties, rather than venality or corruption in its usual sense.

Mr. Kerner's request for a waiver was presented to the Attorney General, who recused himself from consideration of the case,

and requested the Deputy Attorney General to consider it. On December 16, 1975, the Deputy Attorney General denied a waiver of the five year waiting period.

Favorable Factors

(1) Public Service: Mr. Kerner has a long record of dedicated and distinguished public service, as a United States Attorney, state judge, Governor of Illinois and finally as a Federal judge. A pardon certainly could be justified as recognition of the importance and significance of his many contributions to his state and the Nation.

(2) Age and Health: It is understood that Mr. Kerner has experienced many health problems. His petition filed in October stated he had recently suffered a malignant cancer of the lung and had undergone surgery which left him in a weakened condition, that he had a chronic heart condition and had suffered coronary incidents of moderate severity, and had a mild diabetic-arteriosclerotic condition. If Mr. Kerner is required to wait until 1980 before applying for pardon, he may not live long enough to enjoy or possibly even to receive it. Although age alone has never been considered a basis for early pardon consideration, there have been instances in the past in which waivers of the usual waiting period have been granted in cases of terminal illness.

(3) Rehabilitation: One of the undoubted principal reasons for requiring a waiting period of applicants for pardon is to afford them an opportunity to demonstrate their rehabilitation. In some cases the concept of rehabilitation is meaningless, as in the case of Mr. Kerner. As pointed out in his request for a waiver, there is "no question but that he will at all times be not merely a law-abiding citizen but an actively useful citizen."

(4) Waiting period requirement is not mandatory: The rule requiring a waiting period is not mandatory in its terms and it is well established that it is intended only as a guide for officials in the Department of Justice who are charged with responsibility for processing petitions for pardon. It has been held that the President's action in granting clemency cannot be challenged on the ground that the President did not comply with

the procedures for consideration of petitions for Executive clemency as contained in the Code of Federal Regulations. Hoffa v. Saxbe, 378 F. Supp. 1221 (D. D.C. 1974). (The decision has been appealed but not yet decided by the Court of Appeals.) See also Yelvington v. Presidential Pardon and Parole Attorneys, 211 F. 2d 642 (D.C. Cir. 1954).

Unfavorable Factors

(1) Ineligibility: As previously indicated, Mr. Kerner is not eligible to apply for pardon at this time under the rules governing petitions for Executive clemency. His request for a waiver of the waiting period was considered in the Department and ultimately denied by the Deputy Attorney General. The fact of Mr. Kerner's application for a waiver was well publicized, particularly in the Chicago area media. The fact of denial also has been equally well publicized. Thus, a pardon would necessarily emphasize that the Department and the White House were in disagreement.

(2) Effect on Watergate Offenders: At a press conference on February 26, 1975, you were asked about the possibility of pardons for former top Administration figures who had been sentenced in the Watergate case. You replied in part: "... If and when the time comes, the proper thing for them to do would be to apply in the regular procedure for process, which is through the Pardon Attorney in the Department of Justice." (Weekly Presidential Documents, Vol. II, No. 9, p. 221). A pardon for Mr. Kerner could revive the controversy surrounding the pardon of former President Nixon and other "Watergate" issues.

(3) United States Attorney's Opposition: The present United States Attorney in Chicago, during consideration of Mr. Kerner's request for a waiver, made clear his emphatic opposition to favorable consideration of the request.

(4) Public indignation: It is difficult to believe that a pardon of Mr. Kerner at this time would not arouse sustained and vociferous denunciation in the press and among a substantial portion of the public once it became generally known, as, of course, it would, that special consideration had been given to Mr. Kerner which is rarely given to others.