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NEWS CONFERENCE

#9

AT THE WHITE HOUSE

WITH JERRY TER HORST

AT 12:13 P.M. EDT

AUGUST 16, 1974

FRIDAY

MR. TER HORST: The President has been working in the Oval Office again this morning. He met with General Haig, Counsellor Marsh, Ambassador Rumsfeld, Secretary Kissinger, General Scowcroft, and myself.

He also, as you know, met with Frank Fitzsimmons, the President of the Brotherhood of Teamsters. They discussed the economy in general and inflation in particular. You may recall that the President met earlier this week with George Meany, the President of the AFL-CIO. He probably will be meeting with other labor leaders as time goes on.

The President is now meeting with King Hussein. That meeting is about to conclude, and they will go to the State Department for a luncheon being given by Secretary of State Kissinger. The meeting this morning with the President and King Hussein gave a chance for the President to renew his past friendship with the King and to review matters of common interest in the spirit of the close ties that obviously exist between Jordan and the United States and personally between the King and the American President.

They reviewed the state of Middle East peace negotiations as well, in which the United States has obviously played a major role in the past ten months. If I have more to give you after the luncheon, we will try to get it to you; otherwise, I would suggest for guest lists and that sort of thing that you check with the State Department, since it is the Secretary's luncheon.

This afternoon, the President will meet with Counsellor Kenneth Rush. This is an extension of yesterday's meeting of the economic advisers.

This afternoon the President also will discuss the budget with Roy Ash and other officials of the OMB.

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Tonight at 8 the President and Mrs. Ford will host the State Dinner in honor of King Hussein and Queen Alia here in the White House. As to coverage, I can give you a few details on that.

We will have the usual coverage of arrival at the North Portico, the traditional staircase shot, pool camera for the toasts and the still photos and then we will try to get photos of the dancing after dinner.

I suggest writers who will be covering that to check with Helen Smith on the East side of the White House and for those covering anything inside on the pool, black tie will be required since the writers will probably be to some degree mingling with the guests.

We have to pool some of the inside photos, obviously, but that will depend on how much room there is and where the picture sessions occur.

I have a couple of other announcements I would like to make.

First of all, I would like to make some announcements here about the staff in the White House Press Office. Most of these gentlemen are here in the doorway, and I will try to ask them to step forward to make sure you know who they are. Most of you know who they are already and know them from past experience, but I would like them to step forward and come up here with me so they can be seen.

Q Will you have biographies?

MR. TER HORST: We will try to get biographies to you. I don't have them at the moment, but we will shortly.

First, I would like to announce the President's appointment of John Hushen as Deputy Press Secretary to the President. Jack Hushen, as you know, has been Public Affairs Director for the Department of Justice and is known in Washington as a highly skilled professional public affairs man.

I have known Jack for probably 16 years. We used to work together as newsmen and kept in good and close contact with each other in his previous job with Senator Griffin and at the Justice Department.

The President is confident that Jack's abilities are just the kind of thing that we are trying to do here in the press operation.

I would also like to announce the President's appointments of Paul Miltich and James Holland as Assistant Press Secretaries to the President. Paul you know, and Jim Holland has been working with the old Office of Communications in the EOB as Deputy Director. Paul and Jim will have separate areas of responsibility there, and those areas are those which were formerly in the area of the Office of Communications. They will both report to me.

As I have tried to explain to some of you, I am conceiving of the operation as a one-wheel operation with myself, the Press Secretary, as the hub, and spokes radiating out and everybody reporting in to me and through me out to them.

Paul Miltich and Jim Holland will also have other responsibilities that will have to be worked out as time goes along. I can't be too specific, but they are available to help you, and I know they are eager to do that.

One thing I do want to note is that Jim will continue at least in the role that he has been functioning as liaison man for all the public affairs directors of all the Executive agencies. Paul will have responsibilities that especially make good use of his writing ability and his long association with the President.

Also, I know you have seen him here the past week, Bill Roberts, who will continue to function in the area of handling press queries, but his speciality, as you know, is a long-time broadcaster whose concentration is going to be working with the broadcasters and the electronic media.

I don't think Bill needs an introduction. He has been around this town, I think, longer than I have and longer than most of us in this room.

Q What is his title?

MR. TER HORST: I don't have a specific title at the moment, but that is not important. He is happy to be here, and I am happy to have him, and we all know he is going to do a good job for us.

You should also know I have asked Larry Speakes, who has been serving as public affairs man for Jim St. Clair and before that as the man working with Jim Holland in the old Office of Communications, to stay on and work closely with me, and you, and you will see a lot of him in this building as time goes on.

Larry has a high degree of southern charm, which I think will be something that will be pleasant to have around.

I would also like to note that John Carlson, who is my liaison with the Domestic Council on issues and programs and legislation in the area of the Domestic Council is also staying on. You all know John, I am sure.

I can't tell you how much these fellows have meant to me in this past week of transition. Just before I came up here, somebody looked at his watch and said it has been a week since President Ford was sworn in.

We hope now that we have some people in responsible positions that we will be able to do a better job for you, and obviously for the President of the United States.

Jack is on board now, so is everybody else, so we are here to try to help. Jack will obviously be doing some of the briefing from time to time, also, because I physically can't do it every day, although I do intend as much as possible to remain the principal briefer in this room.

Q What happens to Tom DeCair?

MR. TER HORST: Tom is staying on with me. He is going to be assistant with me, and I am glad you mentioned that, Adam. I didn't mean to neglect him. He is going to be working very closely as my assistant.

Q Is he an Assistant Press Secretary?

MR. TER HORST: I tell you frankly, none of us have been worried so much about titles. Particularly the Office of Communications in the EOB had to be brought under my control, and we had to straighten out those titles over there.

Q Do you envision the Office of Communication going on and doing what it did under Klein and Clawson?

MR. TER HORST: No, it is going to work a little differently. I have already talked with George Bush, the Chairman of the Republican National Committee, and it is his feeling and mine that matters dealing with the Republican Party, political issues of that nature, will be hopefully done by the Republican Party, those that seem useful to Chairman Bush to undertake.

We hope to run a very professional shop here representing the President of the United States and as spokesmen to the press and through the press to the American people and the Congress and everyone else.

Q What will it do that you are not doing here in the White House, I guess that is my question? The Office of Communication, what will it be doing?

MR. TER HORST: There are a lot of ongoing things over there that at one time I understand did exist in the Press Secretary's office, but served to form a nucleus for the Office of Communications at the time it was established with Herb Klein as the first director back in those early days.

For instance the liaison with all the Cabinet agencies and independent agencies is a function that occurs physically from the EOB. Now, that must continue. Physically, we don't have room in the White House here to do that necessary work, so that is one sort of thing.

Maintaining contact and ongoing programs with the news media outside of Washington, to me, is very important and must continue, because this is an extension of the President. It gives me an extension of the way to get the President's positions and messages out besides just the White House briefing room.

Q What has happened to Ken Clawson?

MR. TER HORST: Mr. Clawson has, at his own request, decided that he is going to go back to journalism so he has some time to undertake that, and that is what he is doing.

Q Where is he going?

MR. TER HORST: I have no idea. You will have to ask Ken.

Q Would you ask these gentlemen to give us a fairly quick biography?

MR. TER HORST: Yes, I will do that. We will try to get that to you as fast as we can.

Q Who is the Director of the Office of Communication?

MR. TER HORST: There is no Director of the Office of Communication. Ken Clawson has the title of Director of Communications, but the Office of Communications now reports to me.

Q Jerry, it was my understanding about the press arrangements in the Nixon Administration that every major announcement from every agency in the Executive department was sort of cleared through the Communications Office and in a nature orchestrated as to how announcements would be made in various departments, and that was all done centrally in here; in other words, the White House operation dictated when various releases would come out.

Do you plan to continue that policy, or is there going to be more independence on the part of individual agencies?

MR. TER HORST: Without accepting your words, "dictation from the White House," it should be obvious to all of you that the President is at the top of the Executive branch and that the Cabinet agencies have a certain degree of autonomy, but their policies are necessarily set by President Ford and, therefore, it is important for me to have direct line of communications to all the departments of public affairs.

We just necessarily must continue that I know what those departments are announcing and that they know what we are announcing from here and that there is a high degree of coordination.

Q Jerry, you said that some of these functions that were political in nature would be done through the Republican National Committee?

MR. TER HORST: That is the Chairman's wish.

Q Just as you gave us a list of the functions that are now going to be continuing in the communications operations in the EOB, can you give us a listing of some of the functions that used to be done in the Communications Office or in the Press Secretary's Office, but which are political and which will now be done by the RNC?

MR. TER HORST: No, I can't do that precisely because I have not had the full opportunity to chart through everything that occurs under the Office of the Press Secretary or the Office of Communications. I am still in the learning process of everything that needs to be done, but we will work it out, and it will be very obvious to you how it is going to work.

Q Just to follow, could you give us any example at all, one or two things? What are you talking about when you say political activities that were done here? What sort of things were done here that were political, in the Communications Office?

MR. TER HORST: I think we are all familiar with the problems of recent and past months, and I don't think it is necessary for me to go into any detailed description on that.

Q They had one of those telephones, telephone things in different cities, with Chambers of Commerce and people would ask questions, and it was always piped in to Clawson. Maybe that is what he means? I don't know.

MR. TER HORST: I don't either.

Q Specifically following that, the Communications Office used to regularly send out copies of the President's speeches, sometimes press conferences, thousands of them, and that was paid for by the Republican National Committee, if my recollection is correct.

Have you decided what will happen there? Will they not be sent out? Will they now be paid for by the Government or what?

MR. TER HORST: I haven't explored that area fully yet, although I do sense a great need to continue communicating with people, editors, broadcasters, outside Washington. It is a liaison that will be very useful for the President of the United States.

Just under what arrangements we do this, I haven't had an opportunity yet even to take up with him or with myself, but I can say this: It will be done in a highly professional manner, and it will be the same sort of thing that we give to you in this room from this podium.

Q Jerry, what about these little get-togethers that Clawson used to arrange with senior officials?

MR. TER HORST: I am highly in favor of having meetings of various correspondents in small groups where you can meet with officials of Government and informally chat with them on issues of concern to the Government of the United States, and I think that is the kind of thing that is useful to you.

If you don't care for meetings with officials, I wish you would let me know, because I am sure they have other things they would rather do.

Q How about just open meetings? We would all like to meet with these people.

MR. TER HORST: As much as possible I hope to be able to bring them here. When it is possible to do that, we will do that. But there are times when individuals on the White House staff or in agencies want to talk directly to a specialized segment of the media, economic writers, transportation writers, perhaps medical writers or science writers which might be not useful to the generalists that many of you and I are.

So, that is the kind of thing I am thinking of.

Q You have named Mr. Carlson as the liaison with the Domestic Council --

MR. TER HORST: That is a continuing role for him.

Q -- but does that mean that it has been settled that the Domestic Council will go on under this Administration?

MR. TER HORST: No, I am not trying to indicate anything along that line, nor am I trying to say it won't be there. I am trying to say that Mr. Carlson has been functioning as liaison with a very useful and existing Domestic Council, and I want him to continue that role, and he will continue that role as long as the Domestic Council is here.

Q Who is going to run the Office of Communications? You are in charge, but who will run it?

MR. TER HORST: As I tried to explain, the division of labors over there will be with Paul Miltich and Jim Holland. They will report to me.

Q When they established the office and as it continued along, it was made clear to most of us--at least I understand it to be the case--where the Nixon White House believed that the people who stand in this room every day and others put too much leftward English on the ball, and that is why they wanted to make the massive mailings.

If that is not your motivation for continuing this office, I would like you to tell me again why it is necessary.

MR. TER HORST: It is necessary -- and I want to state clearly that if that work continues, as I hope it will -- it is necessary because as we all know, a good many small papers in small towns around the country have available to them only the services of the two wires, perhaps, or perhaps network broadcasts. The small newspapers and small stations appreciate getting copies of Presidential speeches, major bills or presentations to the Congress.

If the President should put out, for example, a packet of explanatory press material on a certain subject or dealing with a certain area -- I am thinking of a bill that deals with lumber, or the fishing industry or something like that -- I think it is very useful.

I am not denigrating any work here because I certainly don't want to denigrate my own as recently as last week, but the fact is a lot of those editors and broadcasters have needs for things like this. They enjoy getting them, and I can't see why they should be cut off, and I don't see it as a conflict of what we do in Washington.



Q What about the telephone calls on the night the President makes a speech to editors around the country either soliciting their views or inquiring whether they will write editorials?

MR. TER HORST: Those things are still under review. I have not made a rule on any of that in or out, because I just haven't had a chance to tackle it. I assure you what is done will not be done in a way that gives anything a Madison Avenue PR approach. This is going to be done only in a fashion in which I can operate and that is as a responsible and professional spokesman for the President of the United States to the American people, and by definition I have to use every mechanism available to me. We are not going to be a politicized operation.

Q Can you tell us something about the discussions with the President on his meeting with the press, on his coming here once in a while or arranging to have open press conferences?

MR. TER HORST: As I said before, the President is very desirous of holding press conferences. He has not had an opportunity yet to decide when he will hold his first one. But as I also said, I would expect it to be sooner rather than later.

Q Jerry, will you urge him to have press conferences on an average of once a week?

MR. TER HORST: The President and I have not had a chance to discuss this fully. I don't want to get locked into a position where I am portrayed as recommending any course of action right now because the President has so many things on his mind at the moment, we have postponed consideration of the number of press conferences, when they should be done, the format and all of that sort of thing until his schedule frees up a little bit and he is through more of the transition process, which he obviously has to put higher priority on.

Q With respect to two other activities of the Office of Communications in recent years, do you envision either of these will continue -- one was preparation of a kit to advise all people in the Administration as to how to slam the Democrats on the budget in early 1973 and the second was a practice that the director had of calling anchorman on nightly television newscasts to tell them in the middle of a program or between the two versions of the show to tell them how they had done badly for the Administration and hoped they would change it?

MR. TER HORST: As I said, this is going to be a professional operation and not a politicized operation. As you heard the President say to Congress the other night, he believes in the free press and the First Amendment. Those are the principles that are going to guide me.

Q One of the original functions of that office also was to serve as a conduit for the press to the departments and agencies with which they were having trouble getting information. Will that function be resumed?

MR. TER HORST: Yes, ma'am. As the President again said to the Cabinet, he wants all Cabinet agencies to be affirmative in their press relations, and it is my duty to set a good example here, and that liaison work and the encouragement of departments to be forthcoming and open applies to them just as much as it applies to us in the White House.

Q Jerry, a practice of past Administrations which many in this room individually favor and which the White House Correspondents Association as a group favors is the restoration of the daily 4 o'clock briefing. What is your position on that?

MR. TER HORST: I haven't made a flat decision on it. I know it is a concern, and it is also a concern of mine. As I mentioned to some of you -- I can't recall whether I did it in the large session or just in a small group on the side after a briefing -- but I don't want to see us get in a position where in order to have a 4 o'clock briefing subconsciously or psychologically I decide I will save that for the 4 o'clock briefing so I will have something to brief on. I really don't think you want that either. My general policy is to get things out to you as fast as they occur so that I don't have to worry about your deadline problems. I think you have enough to worry about them yourself.

Larry, that policy is under review. It may be that there will be days when we will have afternoon briefings. In fact, I think one day this week we had three briefings in one day, but it is not my policy to go to a three-a-day briefing.

That is one thing I think we may not need, especially if we do nothing but replot the ground gone over in the morning and end up doing nothing but wasting each other's time, perhaps, and we all have more important things to do.

Q Jerry, is Mr. Buzhardt still working here?

MR. TER HORST: I have something I would like to read to you because it applies to questions that came up yesterday, and that is the possibility of having Mr. Buchen or someone in the Legal Office come out here and brief to explain to you matters of concern to you.

I asked Mr. Buchen to tell me what his attitude was not only on this particular request, but on the whole framework as to how he conceives his role to be now that he is the new Counsel to the President. I put this down on paper, and I would like to stick pretty closely to my statement that I am making here.

Mr. Buchen talked to me as the newly appointed Counsel to the President about how he should deal with questions raised about whatever legal advice he provides or may be called upon to provide to assist the President in the duties and responsibilities of his office.

His relationship to the President, as Mr. Buchen sees it, basically is that of lawyer to client. He intends to respect that relationship by making no public disclosures about his opinions or points of concern which might anticipate actions of the President or might weaken their effectiveness.

Mr. Buchen believes that these are proper standards of conduct for any lawyer and throughout his professional career he believes he has tried to adhere to these standards.

Now, specifically on the tapes and documents of the Administration of the former President still in the temporary custody of the White House, President Ford has as yet taken no action. In the interests of allowing timely consideration of possible legal issues raised by the Special Prosecutor or others, movement of the tapes and documents is being deferred.

Mr. Buchen tells me that this development in no way constitutes a denial that the materials are the personal property of the former President. Instead, he has assured me it merely allows for orderly and more studied efforts to resolve questions of when and under what conditions possession and sole control of the property should be transferred.

As you already know, but Mr. Buchen asked me to mention it to you again today, so I will, Mr. Buchen did join Mr. Buzhardt in meeting yesterday with representatives of the Special Prosecutor's Office, and he also conferred with Mr. Buzhardt on pending legal issues of concern to the White House.

Mr. Buchen is very desirous that I relay to you his deep appreciation to Mr. Buzhardt for his offer of continued assistance to ease the transition in the White House operations from one counsel to another.

Mr. Buchen also told me that he realizes what a difficult time Mr. Buzhardt has been having in bearing the burden of his office after so recently returning from a severe illness. Although he had not personally known Mr. Buzhardt until yesterday, Mr. Buchen also wanted me to convey to you the high respect in which he holds Mr. Buzhardt as a lawyer, a conscientious public servant and a gentleman.

Based on what I have given you so far in my conversation with Mr. Buchen, he really believes that his remarks adequately cover, for the present, the situation and the policies of the White House Legal Office. However, as I am endeavoring to do and will continue to do, if you have specific questions that do not conflict with the principles against certain disclosures as he has stated, I will pass them on to Mr. Buchen and see if I can get answers for you.

Q Jerry, could I ask you two things? One, does this mean that the President has made the basic decision to turn over the tapes and documents and it is only a question of when and under what circumstances?

MR. TER HORST: I am going to refer back to what I just gave you based on my conversation with Mr. Buchen, who is the legal counsel and adviser to the President, and I don't want to stray from his words because these are his words to me, and you already have them, and that is about all I can give you.

Q Can I ask one other thing? You say that the movement has been deferred. Deferred from what? Was there a time when they were supposed to move and that has been deferred?

MR. TER HORST: No, there was no time set. As you know, the tapes, as Mr. Buchen says, are in the custody of the White House. Any request for transfer of the papers, obviously, now will be deferred until, as Mr. Buchen says, this matter and consulting process with the Special Prosecutor's Office is completed.

Q Does this refer to all papers and documents and tapes of the previous President, or just those that were involved in the Watergate subpoenas and investigations?

MR. TER HORST: No, if I read Mr. Buchen correctly, and understand his position, I would think that this would apply to those personal papers and documents that are in the physical custody of the White House. I can't get into legal areas because there is a legal issue here, and we are going to have to pass it on to Mr. Buchen.

Q Does Mr. Buchen's feeling about what he can discuss about his relations with his client preclude explaining it after he has given his advice and after the President has taken whatever action he may? That is, if something is eventually settled with the tapes and the President agrees with it, does Mr. Buchen's statement preclude his subsequently explaining that?

MR. TER HORST: I will have to get back to him and ask him that sort of question, Adam, but let me also say that I have a couple of other sentences which I carefully crafted, and I don't like to see my story cut. (Laughter)

He also wants to assure me, and pass on to you, that he is willing to cooperate in providing answers -- and Adam, this may touch on the point you raise -- which I can pass on to you when they deal with topics of interest.

But his underlying principle is that he will have to abide by the standards already discussed, his lawyer-client relationship and the standards of privileged communication that are involved in that relationship.

Q Judge Nichol, in St. Paul, has ordered the White House to search a variety of tapes to see if there was discussion of Wounded Knee in the winter of 1973.

What is the White House going to do about that court order?

MR. TER HORST: I presume Mr. Buchen has been notified of that suit, and I am sure his response will be forthcoming in the court.

Q Do you know?

MR. TER HORST: I have no position to give you on it. That is a question that Mr. Buchen will have to handle now that he is legal counsel.

Q I have a specific question that maybe you can pass on to Mr. Buchen in connection with your offer to do so. I would like a fuller elaboration from him on his rationale for how the lawyer-client relationship that we all know exists in legal matters involving private citizens--how that applies to something such as this which is so demonstrably the public's business and is not a personal legal problem of Gerald Ford, private citizen, with some part of the Judicial branch of the Government or of a city or county government, or whatever.

MR. TER HORST: All right, let me pass that on to him.

Q Jerry, the other day you said that President Ford concurred with the opinion of two lawyers that the tapes and all documents belong to the former President. Is that still true?

MR. TER HORST: I have no information that that position is changed. However, I want to point out to you that, as Mr. Buchen told me and as you are aware, there was this meeting yesterday between representatives of the Special Prosecutor's Office and Mr. Buzhardt and Mr. Buchen and the decision was that more consultations would have to occur, and the matter of the whole thing is at that point.

Q May I also ask, then this ruling for a deferral of any movement comes from Ford, doesn't it?

MR. TER HORST: I would not think Mr. Buchen would act without consulting with the President.

Q Jerry, have Mr. Buchen and President Ford decided to temporarily impound Richard Nixon's papers until these issues are settled?

MR. TER HORST: I couldn't accept that language, Gaylord.

Q I mean, Richard Nixon can't come in and get his papers, so they are in the custody --

MR. TER HORST: They are in the physical custody of the White House at the present time, and as Mr. Buchen says, that disposition or movement has been deferred until they can have more consultation with the Special Prosecutor's Office.

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Q Jerry, with all appreciation for the goal of an open Administration, we are in a position now where it is still another day we have to ask you questions about "has the White House heard about a Wounded Knee decision" and "what is being done," and "do you mean all the tapes and documents or just those subpoenaed," and things like that.

The answer we get is that "I will have to check with Mr. Buchen and get back to you." It would be a lot easier and better if we could have Mr. Buchen come up there, ask him questions, and those which he feels he can't answer he could tell us he couldn't and why and we understand that, and the others that he could answer.

Otherwise we have to wait a day, after we ask the questions before we get a response. Now from his statement, I take it we are not going to be able to see him. Why is this?

MR. TER HORST: I don't think you should assume that he has ruled that out for all time. I am giving you his position as he see his duties as legal counsel. I will, as I have in the past with Mr. Buzhardt and Mr. St. Clair, again put to Mr. Buchen your desires that he come here and do this personally.

Obviously this is a decision that has to be made in the framework that he has outlined here to see if it is possible under the lawyer-client relationship and the matter of privileged communication.

Q When are we going to get an announcement on the Vice President?

MR. TER HORST: I would not look for an announcement on the Vice President this week.

Q After Chicago?

MR. TER HORST: Well, we have to go to Chicago for the speech to the Veterans of Foreign Wars on Monday and that day doesn't sound to me like it would be a good day, so for BACKGROUND, if I may, I would encourage you to think about Tuesday or Wednesday.

Q Jerry, the matter of the legal situation, Mr. Buchen says he is deeply appreciative of Mr. Buzhardt's offer to continue to assist in the transition. Does that mean he has accepted his offer, as well, and how long, if he has, does he expect the transition period to last?

MR. TER HORST: I don't think you could put a time deadline on it. Mr. Buchen just took over that office yesterday, about noon, and this is something they will have to work out between them.

Q If I may follow that, I am told Mr. Buzhardt is out of the White House for a long weekend today. Did he concur in the statement put out by Mr. Buchen this morning that was given to you?

MR. TER HORST: I have no direct knowledge that he did or did not. If it is a matter of great concern to you, I will put that question to Mr. Buchen.

Q Jerry, the statement does not seem to indicate, but circumstances seem to indicate the decision that the tapes belong to the President is under review. Would it be proper to say that the decision is under review? The statement doesn't indicate that, but the fact that you are holding things up in the middle --

MR. TER HORST: I just have to give you what he gave me. I am not a lawyer, as we all know. I am not going to get into this area of sticky legal questions and try winging things from here about which I know practically nothing. I have to go to my expert advice who is Counsel to the President, which is all I can do, and that is what I am willing to do and am trying to do, and as you can see, I talked with him a long time and was able to bring you out this much.

Q Who initiated the meeting between Mr. Buchen and Mr. Buzhardt on the one hand and the Jaworski people on the other? Who asked for the meeting?

MR. TER HORST: I cannot tell you. I do not know.

Q Can you confirm or deny the reports that President Ford was angry or irritated over the St. Clair-Buzhardt decision and the way it was handled and that is why he moved so quickly to put in Mr. Buchen as the Counsel, and to -- I guess the word is get rid of Mr. Buzhardt?

MR. TER HORST: Yes, I can flatly deny that.

Q Mr. terHorst, I have a related question, if I may, on this thing. I am sorry if I am asking something that everybody else already knows, but who initiated the idea that these tapes and papers which have been figuring so much in a court investigation, who initiated the idea they should be given to President Nixon who might in the future rearrange those tapes for history, and by what authority did they say that these matters which have been in court litigation are now the private papers of a former President who has been suspect?

MR. TER HORST: Sarah, according to the information I was able to give you the other day, based on an informal opinion, but based on precedent going back to George Washington's time, Mr. Buzhardt and Mr. St. Clair came to the decision that these papers and documents and tapes were the personal property of the former President.



Q But George Washington didn't have a Watergate. (Laughter)

That is a very serious matter, Jerry. Maybe they took that as their opinion, but it seems to me that this -- you say they are the one who initiated this?

MR. TER HORST: They came to an informal opinion, as I told you, that these papers --

Q An informal opinion?

MR. TER HORST: Informal because there is no law covering this subject.

Q Was there a request from the former President to have these papers and documents returned to him?

MR. TER HORST: To my knowledge there has been no request from the former President for these documents or tapes.

Q Does Mr. Nixon know about the decision that they are not going to be immediately available to him?

MR. TER HORST: I presume through his legal counsel, and I presume he may have legal counsel -- I don't really know --

Q You don't know whether anybody from the White House informed him about this?

MR. TER HORST: I do not know.

Q Was Buzhardt's decision and St. Clair's decision reduced to writing that their opinion was that the tapes and papers belonged to the former President?

MR. TER HORST: No, it is an informal opinion, not a written opinion, because there is no law to base it on. They are basing it on precedent going back to George Washington and personal papers of past Presidents are personal property.

Q Jerry, at another meeting this morning with reporters that was on the record, I believe you said that the whole matter of the tapes was under review, and you used the expression "in a holding pattern." From what you said now, are you changing what you said this morning?

MR. TER HORST: No, I am not changing that. As I have tried to indicate here from my long conversation and interview with Mr. Buchen, the decision that these tapes and documents are still in a temporary custody of the White House means that President Ford has yet taken no final action, and to answer your question a little bit more specifically,

movement of the tapes and documents is being deferred, but he also wanted me to understand that this development in no way constitutes a denial that the materials are the personal property of the former President. Instead it merely allows for an orderly and more studied effort to resolve questions of when and under what conditions possession and sole control of the property should be transferred.

I have just repeated what I gave you earlier.

Q Just to follow that, to make it very clear, there seems to be a question, even with that language, about whether the decision is being renewed or whether the decision stands and it is just a question of how it is implemented.

MR. TER HORST: If there is confusion on your part on that, let me refer that question to Mr. Buchen and see if I can get a response.

Q Jerry, since the tapes and documents are now in the temporary custody of the White House, but are acknowledged to be eventually the personal property of the former President, if the Special Prosecutor or someone else wants to subpoena additional documents or tapes, who do they serve the subpoena on, the White House or the former President?

MR. TER HORST: That is a legal question. I will have to refer it to the legal office.

Q The Justice Department said that somebody here made an informal request for the ruling, and the Justice Department informally, without doing any research, said by tradition they are the President's. Who here made the request to the Justice Department and who at the Justice Department gave the informal ruling?

MR. TER HORST: I don't know.

Q Could you find out?

MR. TER HORST: I will submit that to him.

Q In your capacity as the new Press Secretary, are you going to be following this same procedure of allowing officials who work on the White House staff to make their own decisions as to what their policy and attitude towards the press will be?

MR. TER HORST: Essentially my policy on that is this: I do, as I have said to many of you, and may have said it here, not intend to be a traffic cop here and say which members of the media may talk to which officials in the White House and which may not talk to the press.

I am operating under the rule that anyone who is deemed to be a responsible person, capable of employment by the President of the United States in the White House must be responsible enough to decide whether he is going to meet with reporters and what he is going to say to them.

On the other hand, your requests for information naturally have to come through some place, and that is one of my jobs, to see if I can be forthcoming in getting your questions answered, either by them personally or through me.

But I cannot tell Mr. Buchen how to run his department any more than I can tell Henry Kissinger how to run the National Security Council. That is not my function.

Q Jerry, the question has come back here several times and there are several who want to know why Al Haig was here today when everybody else was introduced as part of the new press team. What was Mr. Haig doing here?

MR. TER HORST: You will have to ask Mr. Haig. I saw him here for a moment. It is an open room, you know. It is part of the White House. It is fine with me if he is here. It would save me a lot of time if they would all come here and hear it and wouldn't have to wait for the transcript.

I have an explanation for you. Bob Hartmann says that Al Haig was just showing Counsellors Jack Marsh and Bob Hartmann the layout around the White House and they happened to see that the briefing was in process and put their heads in the door.

Q Jerry, yesterday you said that the President has asked General Haig to stay on for the duration.

MR. TER HORST: Yes.

Q Have you found out yet what he meant by the word "duration"?

MR. TER HORST: No. As I have said, the President used the word "duration." He has not defined it specifically to me, but he has said that it means indefinitely. There is where it stands.

Q There was an earlier question you didn't hear and that was what about Andrew Falkiewicz, who is part of the press office?

MR. TER HORST: I should have mentioned that. Andy Falkiewicz is staying on in his present role as adviser to me and to you on matters of foreign policy, and I hope we are going to find a way in which he can be even more useful in that area.

Q What is Jerry Warren doing?

MR. TER HORST: Jerry Warren is still aboard and thank God he is, because I would never be able to tackle this assignment if he had not remained.

As you know, the transition from the Nixon Administration to the Ford Administration occurred within an hour and a half and Ron was able to give me only about twenty minutes of oral briefing on a transition that normally occurs between an election and January 20.

Jerry Warren knows where everything is in this place. He has been Deputy for many years. He practically had to show me where the men's room was. (Laughter)

Q How long will he be here?

MR. TER HORST: Jerry is going to stay aboard to help me in this transition process. He has not made a decision on his personal plans. He obviously has some liaison work which he is also doing for Ron Ziegler and the former President and he is going to be working out of an office in the EOB for awhile.

Frankly I am delighted to have him aboard because every time I turn around there is another question I have to put to Jerry Warren and to ask what has been past policy.

Q What about Agnes Waldron, Jerry, who works on Presidential documents?

MR. TER HORST: She is still working on Presidential documents. Everybody is in place.

Q Any guidance on the weekend, Jerry?

MR. TER HORST: I expect the President to remain in the area, and when I say that I don't mean, ON BACKGROUND, to imply Camp David, nor am I ruling it out, but I mean that the President, living in Alexandria and commuting to the White House will obviously continue.

Q Do you have a schedule for Saturday of any kind?

MR. TER HORST: We will have a schedule. I haven't seen it yet, but when it is up we will post it.

Q Jerry, the Ghana foreign office has said that Shirley Temple Black was to be the new Ambassador to Ghana. Can you confirm that?

MR. TER HORST: I cannot confirm it from here, but let me check that.

Q Are you going to brief tomorrow?

MR. TER HORST: I hope not to have to brief tomorrow. I hope the day will be light enough so we don't have to work too hard this weekend, but I will advise you when I see the schedule.

THE PRESS: Thank you, Mr. Press Secretary.

END

(AT 1:14 P.M. EDT)