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NEWS CONFERENCE

#195

AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:32 A.M. EDT

APRIL 25, 1975

FRIDAY

MR. NESSEN: The President is having a meeting right now with his Economic and Energy Advisers. Bill Greener and John Carlson are in the meeting, and if there is anything afterward we will either have a posting or a read-out of it.

At 12:30 the President will receive the leaders of the American Hellenic Educational Progressive Association, known as AHEPA, for a courtesy call in the Cabinet Room. This organization has 50,000 members, and the leaders requested this meeting to express their views to the President on the situation in Cyprus. If anybody is interested, I think it would be all right to take pictures and film at the beginning of that meeting.

At 2:00 this afternoon the President will be speaking to a group of State legislative leaders in the East Room. These legislative leaders are here for a leadership conference sponsored by the National Conference of State Legislatures. The President will open the session in the East Room, and his remarks, which will mainly involve revenue sharing, will be available for open coverage. The text is being run off, and you will probably have it by the time the briefing is over.

I think you had your briefing on revenue sharing, and you have the material on revenue sharing.

The program with the State legislative leaders will go on after the President's remarks, so it will be necessary to break down the camera gear and so forth and move out as quickly as possible.

In the bins is the bible for tonight's trip to New Haven, the detailed press schedule. Not enough people expressed an interest in a bus so there will not be a bus. You will need to go ahead out to Andrews on your own.

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The text is in the works. We hope to get it in our hands by 1:00 and get it to you by 2:00 or 3:00.

The subject will be crime and law enforcement. I would say it is a forerunner of a message the President will be sending to Congress in a month and a half or so on crime and law enforcement.

Q Is that for 6:00 p.m. release?

MR. NESSEN: I think we will put it out that way, yes.

Q Why has that message been so long in coming?

MR. NESSEN: I had not heard any timetable. The President did want to get the views of the new Attorney General and the new Director of Domestic Council, which he is getting.

We have this announcement today. His Imperial Majesty, Mohammad Reza Pahlavi Shahanshah of Iran has accepted President Ford's invitation to make a State visit to the United States.

His Imperial Majesty the Shahanshah will be accompanied by Her Imperial Majesty, Farah Pahlavi, Shahbanou of Iran.

His Imperial Majesty the Shahanshah will meet with the President on May 15 following an arrival ceremony at the White House. President and Mrs. Ford will host a State Dinner in honor of their Imperial Majesties, the Shahanshah and Shahbanou, on the evening of May 15.

His Imperial Majesty the Shahanshah will meet with high level officials of the Administration and Members of Congress during his visit to Washington. This visit reflects the very close and warm relations that have long existed between the United States and Iran.

Q Could I ask a scheduling question? Did the President meet with Secretary Butz this morning or is he planning to meet with Secretary Butz today on the farm bill?

MR. NESSEN: Butz is in the economic meeting.

Q Is he going to have a private meeting with the President on the farm bill or will the farm bill be discussed in the economic meeting?

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MR. NESSEN: Wait. Let me take one thing at a time.

Yes, the farm bill is on the agenda of the economic meeting.

Now, I think Tom said -- wait, Walt had another question on that subject.

Q If Secretary Butz urges the President to veto the farm bill, have you heard whether the President is inclined to follow the Secretary's advice, because I understand Mr. Butz is coming down here urging the President to veto that bill?

MR. NESSEN: I expect he will follow the Secretary's advice.

Q And veto it?

MR. NESSEN: Yes.

Q Are you telling us the Secretary has advised him to veto the bill?

MR. NESSEN: He said that several weeks ago. What I am saying now is he is inclined to follow that advice.

Q Is he inclined to follow the Secretary's advice to raise the loan rate on wheat and corn?

MR. NESSEN: I am not that much of an expert, but Carlson is and he will be out here.

Tom wanted to know if the Middle East assessment ---

Q If the Middle East assessment is completed.

MR. NESSEN: It is not.

Q Ron, yesterday you said you would check and find out the President's viewpoint on the Panama Canal situation.

MR. NESSEN: I did?

Q Yes, you did.

MR. NESSEN: On the Panama Canal?

Q That is right. 37 Senators have signed a very strongly worded resolution -- it is also in the House -- about what they point out is Dr. Kissinger's position that we will gradually relinquish control over the Canal.

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MR. NESSEN: Can you think in my busy day I have had time to look that up?

Q I don't think, I just go on the basis of what you said -- Sigma Delta Chi: We always track down things."

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Q Let us know how you feel about the alimentary canal. (Laughter)

MR. NESSEN: The President supports the negotiations now underway on the canal. The President wants to call to your attention Dr. Kissinger's remarks in his speech in Houston in which he talked at some length about the question of American interest in the Canal.

In case you don't recall Secretary Kissinger's remarks, he said, "We will expect Panama to understand our perspective that the efficient, fair and secure operation of the Canal is of vital economic and security interest to the United States, that a new treaty must provide for the operation and defense of the Canal by the United States for an extended period of time, and that a new treaty must protect the legitimate interests of our citizens and property in Panama."

Secretary Kissinger continued, "A new treaty based on these principles will make the United States and Panama partners in the operation of the Canal, protect the essential national interests of both countries and provide a secure arrangement for the long term."

To sum up the President's own views, he has no intention of supporting any agreement that would not protect America's vital defense interests.

Q Did the President have an input in the Kissinger speech in Houston? (Laughter)

Q Forgive me, if this has been asked earlier in the week --

MR. NESSEN: Right.

Q I didn't hear an answer, Ron.

Q It was routinely circulated with the Press Office, wasn't it? (Laughter)

Q I should say I thank you for tracking it down.

Q Forgive me if this has been asked earlier in the week, but some of his constituents appealed to the President to pardon Congressman Hansen so he won't have to go over to Allenwood for a couple of months. What is the President going to do about that?

MR. NESSEN: Any pardon requests from anyone would go through the normal procedure of being filed with the Pardon Attorney at the Justice Department.

Q That is a "no"?

MR. NESSEN: That is the way it works.

Q Is the White House asking the conferees on the aid legislation to permit use of the money for the evacuation and resettlement of refugees?

MR. NESSEN: I don't know exactly what you mean by that.

Q One chamber bill is silent on the subject and the other specifically prohibits it.

MR. NESSEN: I thought they had reached an agreement on the bill.

Q Dean Brown said yesterday they hadn't reached an agreement.

MR. NESSEN: I think they reached agreement after Dean Brown's new conference.

Q Is it your understanding the money can be used in that measure for the project?

MR. NESSEN: AS you know, there is no money involved in this bill at all. This is an authorization bill and the President is pleased that the conferees have agreed to this bill. He feels that it was good work on their part.

He does urge Congress to provide the actual money quickly. The fact of the matter is that the money available for refugees and so forth has run out and the President sent to the Hill today letters to Speaker Albert and Senator Sparkman, along with copies to Senators Mansfield, Scott and Case; Congressmen Rhodes, Morgan and Broomfield, a letter in which he points out that the money available for financing of evacuation of certain South Vietnamese nationals and third country nationals has run out and that he is notifying Congress he is taking advantage of a provision of the Foreign Assistance Act of 1975 which permits him to transfer funds from other sections of the appropriations Act, and that those funds are being transferred as an interim measure.

They must be repaid and it is for that reason that he is urging Congress to now appropriate the money that was authorized, or will be authorized, in the conference report when it is finally sent here for signature.

Q How much money is he transferring?

MR. NESSEN: That is not in the letter, and it depends really on how quickly -- there is a limitation on the amount that can be transferred, which is no more than 20 percent can be transferred from another category into --

Q Twenty percent of what?

MR. NESSEN: If there is \$100 million in a category, he can take out no more than \$20 million to use for refugees. I am using that as a hypothetical. There is no dollar figure cited in this.

Q Can we get a copy of this letter?

MR. NESSEN: I see no problem with that.

Q Can he pull from five different categories?

MR. NESSEN: Primarily, the money is being taken from the Indochina Postwar Reconstruction Fund. This is quite a legalistic document, but if you would like to see it, it has been sent to appropriate people on the Hill.

Q We would like to have it.

Q In other words, Ron, do you have any idea what the total amount of the bill was?

MR. NESSEN: The Foreign Assistance Act of 1975?

Q Right.

MR. NESSEN: I don't have that in front of me.

Q More importantly, he says these funds are being transferred. Now he certainly knows approximately how much.

MR. NESSEN: Let me get the exact text of the letter.

Q Ron, Ambassador Brown indicated that any consideration of raising the limit of parolees would have to be made by the White House, the Attorney General and Congress.

MR. NESSEN: Yes, that has been the process that has been followed all along.

Q Is any consideration being given of raising the limit from 50,000?

MR. NESSEN: At the moment, there is no need to, but he said if a need later turned up, he would consider it.

Q Why was Senator Kennedy not reappointed to the John F. Kennedy Center for the Performing Arts?

MR. NESSEN: I don't know. Perhaps he asked not to be. He was not reappointed?

Q He wasn't. He was succeeded by Congressman Frelinghuysen. My other question is, did he ask not to be? Did he make his wishes known?

MR. NESSEN: I will have to check that.

Q Can we get back to the Middle East reassessment? Do you have any idea how much longer it will take?

MR. NESSEN: We said in the beginning it would take four to six weeks. I don't think it has been that long yet.

Q Secondly, now that King Hussein is coming here, has consideration been given to a visit by Prime Minister Rabin?

MR. NESSEN: Let me tidy up one thing. Someone asked, couldn't he take 20 percent of every category left. The letter makes clear that he is simply transferring or dipping into temporarily one portion of the appropriations Act, the Indochina Postwar Reconstruction Fund.

Q How large is that?

Q Primarily; that is the only one?

MR. NESSEN: That is the only one. It is not just "primarily."

Q Do you know what the total figure was?

MR. NESSEN: I will try to get that number.

Q Ron, what has come of Senator Sparkman's request?

MR. NESSEN: That recommendation for response is on the President's desk now, and I anticipate that I will probably be able to tell you what the response by the President will be within a day or two.

Q Ron, there were some stories out of the Pentagon yesterday that Secretary Schlesinger had given the Israelis assurances that their weapons requests would not be used to put the squeeze on them while the reassessment is going on. Can you tell us if those weapons requests are part of the reassessment?

MR. NESSEN: I think we have said before that the reassessment takes in all the countries and all the policies in the Middle East. I can't really go beyond that.

Q Do you have any particular comment on the stories that were attributed to the Pentagon and Israeli sources yesterday?

MR. NESSEN: The reassessment is not complete, so the basic part of the story is incorrect. As I understand it, the story said the reassessment is finished and this is the result of it. The reassessment is not finished.

Q Did Dr. Kissinger request, to your knowledge, any request that you, in no way, spell out what the President meant when he said, "Israel should have been more flexible" or is there some reason? I mean, you tracked this question about the Panama Canal Zone down immediately, but I have asked this question about how can Israel be more flexible three times, and you know it is a very important subject, and you have never been able.

I just wonder, did Dr. Kissinger or someone else ask you not to specify, or did the President?

MR. NESSEN: It is just not possible to be any more precise than the President was.

Q That was not very precise, Ron, in all due respect.

MR. NESSEN: I think it did come up the other night in the CBS interview, and the President gave some additional views, did he not?

Q How did he say Israel could be more flexible? How? Give away the oil fields? Give away the Mitla and Gidi passes, or how? If you can, spell it out. I would be very interested in knowing.

MR. NESSEN: I am not able to, Les.

Q Today, in Senator Kennedy's refugee committee, Philip Habib said Ambassador Brown could not appear because of an exercise of Executive privilege. I believe that is the first time in the Ford Administration that Executive privilege has been exercised, and I wondered if you could explain why?

MR. NESSEN: The Office of the White House Counsel indicates the White House did not invoke Executive privilege. The office of the legal counsel told members of Senator Kennedy's staff who called last night and inquired whether Ambassador Brown could testify that traditionally appointees of the President who are not subject to confirmation by the Senate are not called to testify.

The legal counsel's office told the staff members of the Kennedy subcommittee that he didn't want to start a precedent of having Presidential advisers in the nonconfirmed category begin to testify before Congressional committees, and that whatever information Ambassador Brown might have available, that would be available from other State Department sources.

The Ford Administration has never invoked Executive privilege, and I think perhaps, just by way of explanation, I believe that Phil Habib did not understand the legal distinction that Executive privilege is a specific legal invocation and that did not take place.

Q What is the difference?

MR. NESSEN: As I say, one is an informal explanation to the committee that the legal counsel's office didn't think a precedent should be started by having nonconfirmed Presidential appointees testify, and there was no legal invocation of Executive privilege.

Q Would that happen only if they went ahead and subpoenaed him and he refused to appear?

MR. NESSEN: I don't want to project ahead what might happen, Adam.

Q Is that the distinction between the informal thing you are talking about and the Executive privilege?

MR. NESSEN: No, the Executive privilege, which has never been invoked by the Ford Administration, requires the President to invoke his Executive privilege to prevent any aide from testifying. That did not happen. It was done in an informal way, with an explanation that it would set a precedent that the White House didn't feel it wanted to set.

Q Executive privilege itself is a creation that arose in the beginning on an informal basis.

MR. NESSEN: But it has now been sanctioned by the Supreme Court.

Q Is this not a substitute for Executive privilege, perhaps deserving a different name, but accomplishing the same result?

MR. NESSEN: I don't know that I can answer that question.

Q Further, Kennedy said during the Biafran war, a personal representative of President Nixon was up before his committee countless times talking about methods of getting refugee relief accomplished and no such privilege was ever invoked formally or informally.

MR. NESSEN: No privilege has been invoked in this case, either.

Q The point is that the witness did testify, that a nonconfirmed appointee of the President, special representative of the President, did testify on Biafran relief, and this is a parallel situation and I wonder, since you could hold that as precedent for this incident, you seem to be establishing some precedent rather than following an old one.

MR. NESSEN: I am passing on to you the judgment of the President's legal counsel's office as to what happened.

Q Did the President participate in this decision himself?

MR. NESSEN: I am not aware that he did.

Q Ron, do you have any information for us on the situation in Vietnam? Is there any change in the situation there? Is the evacuation still going at the same rate?

MR. NESSEN: Yes.

Q Will the United States be satisfied to see Big Minh as the leader of that government?

MR. NESSEN: I think whatever decision is made about the government in Saigon has to be made by the Vietnamese themselves.

Q Has the President yet made a decision to evacuate all Americans from Saigon?

MR. NESSEN: The evacuation is proceeding and, as Ambassador Brown said yesterday, a decision on how many will remain as an absolute minimum to run the mission there is a decision for the Ambassador to make. But, he is carrying out the President's directive to reduce the number.

Q Do we have any information yet as to whether the other side has decided not to attack and whether they are interested in negotiations for some sort of transfer of power?

MR. NESSEN: I don't have anything to give you on that, Bob.

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Q Ron, to return to Mort's question, haven't directors of the Office of Management and Budget, and before that, the Budget Bureau, testified before Congressional committees repeatedly? I mean, what is the basis for this assertion that nonconfirmed appointees don't testify?

MR. NESSEN: I would like to explore that a little more with Phil Buchen. I think I know the answer but I would rather make sure.

Q Don't the military officers testify?

MR. NESSEN: Flag officers are confirmed, I think.

Q Could this have been invoked to keep John Dean from testifying?

MR. NESSEN: I would rather not speak for another Administration.

Q Could this have been invoked to keep the present White House Counsel from testifying?

MR. NESSEN: I think we are dealing with a hypothetical case. Here, we are dealing with a specific case and I would like to get all the information.

Q The President of the United States, himself, has been willing to break all precedents in history and go up before a Congressional committee. I don't see why a fellow who is appointed to handle a pressing problem that you need Congressional help with for money, is not just sent up there quietly in response to the committee's request.

MR. NESSEN: As I said, the information Ambassador Brown has is completely available from other officials at the State Department.

But do let me see if I can get some answers to some of these other questions you raise.

Q Did we get that figure yet on the money for evacuation?

MR. NESSEN: We are getting it.

Q Why is money coming from the Indochina Postwar Reconstruction Fund as opposed to any other funds in foreign assistance?

MR. NESSEN: That was the fund the President decided to dip in to. It does, as I say, need to be replenished once Congress appropriates the money to support the authorization of last night.

Q Does the President plan to send postwar reconstruction money to Indochina after it is all taken over by the Communists, if the entire area is taken over by the Communists?

MR. NESSEN: Let's wait until we get there before we talk about that.

Q I think it is an important issue right now because the intent of the Administration is very important in this area and it has quite a bit to do with negotiations which may involve evacuation of the Vietnamese.

MR. NESSEN: I don't know that I see that connection there.

Q If this Administration considers itself bound by earlier commitments of earlier Administrations to Vietnam, the late President Johnson, while he was at Johns Hopkins first proposed this notion for aid to all of Indochina after hostilities had ceased.

MR. NESSEN: I don't think the moment has come to make a decision on that.

Q Ron, there is a report in the paper this morning on an interview given by Senator Griffin yesterday on the developing Ford Administration foreign policy, and Secretary Kissinger's role in it. The story points out that Senator Griffin is often known to speak for the President as a long-time friend and intimate to the President.

Senator Griffin says in this interview that Mr. Ford is determined to put his own mark on the Nation's foreign policy and Secretary Kissinger may be an obstacle to that inasmuch as he has lost some credibility. Is Senator Griffin speaking for the President in that instance? Does that reflect the President's position?

MR. NESSEN: I think I will not comment on Senator Griffin's interview. I have not seen it yet and I would rather read it before I do.

Q Where was this interview?

MR. NESSEN: I don't know where it appeared.

Q It is an interview by the Knight Newspapers, Saul Friedman, which appears in the Knight Newspapers and publications, this morning.

MR. NESSEN: I think I would rather read the interview before I comment on it.

Q Ron, reports are coming off the Hill today that a tacit understanding has been reached with the North Vietnamese that they not attack Saigon this weekend, allowing time for the evacuation of Americans. Can you comment on that? These reports are being attributed to Ford Administration officials that a tacit understanding has been reached with the North Vietnamese.

MR. NESSEN: I don't have any comment on that, Russ, but I do want to say that my "no comment" should not be taken as a confirmation of that.

Q In conjunction with that, and rephrasing an earlier question I asked, in the President's directive to the Ambassador in Saigon, did he in that directive put a target date or issue any directive to get all Americans out of Saigon; that is, did he go beyond what you said in saying reducing the number to the barest minimum? Did the President set a limit as to when all Americans should be out, timewise?

MR. NESSEN: No.

Q Ron, in response to a previous question by Mort, you made the statement, "Executive privilege is now santified by the Supreme Court." What is your reference?

MR. NESSEN: My reference was to the Nixon tapes case.

Q And you read that as bestowing Executive privilege in a testimonial situation?

MR. NESSEN: I hope you are not going to turn that into a legal opinion by the Ford Administration. I think the question was prefaced with the idea that Executive privilege is nowhere in the Constitution or in law but I think probably you have all written the fact that that case was interpreted as giving some legal standing to the doctrine of Executive privilege. But I am not a lawyer.

Q Ron, the President said the other night at Tulane that he wants to restore the Nation's pride in itself. To help that along, should he not withdraw the totally unsubstantiated charge he made on CBS Monday night that the Nation made a commitment to try to enforce the Paris peace agreement which, if true, it would certainly not be a matter to be proud of, to have made that commitment and reneged on it?

MR. NESSEN: I didn't hear a question, Ted.

Q My question is, should he withdraw, should he not withdraw that statement that he made?

MR. NESSEN: Ted, I am not going to toy with the President's words. I don't think this is a very productive exercise.

Q Ron, I was informed by a White House official this morning that all records of the Nixon Administration, including his travel records, had been impounded and removed from the files in the White House. If this is so, who is holding them and under what authority?

MR. NESSEN: That is essentially true. Under a ruling by Judge Richey, all the papers of that period, Presidential papers, are impounded. Some are here and some are at the Archives.

Q What is the basis for impounding the records of the President's travel?

MR. NESSEN: You need to talk to Judge Richey, who issued the order.

Q Ron, I wonder if I could ask one very brief follow-up on this Panama thing. As Congressman Rinaldo has pointed out, the Panama government has changed 54 times since World War II. This proposed negotiation is to surrender territory to the present Panamanian government. I am just wondering, if we do surrender that territory, couldn't they just abrogate the treaty and doesn't this imperil a \$6 billion investment?

MR. NESSEN: Those negotiations are being carried on by representatives from the State Department and I think they can probably give you --

Q It is in secret. This is another charge he made, they are being done secretly, they are having closed hearings.

MR. NESSEN: I guess I just can't help you on that, Les.

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Q Can you explain why the Deputy Director of the Evacuation Task Force is the special assistant to William Colby? Why was that assignment made? Why was Colby's assistant put in as Deputy Director of the Evacuation Task Force?

MR. NESSEN: I have no idea.

Q Ron, what is being discussed in the economic and energy meeting besides the farm bill?

MR. NESSEN: Some discussion of what is to be done next on the energy bill, and a discussion of what should be done in terms of legislation to help the railroads. Those are the three items on the agenda.

Q On the energy situation, one of the papers has a report this morning that the President, should he decide to go ahead next week with the second dollar and also this plan to decontrol old oil, might have a plan for gradually decontrolling it over the next two or three years rather than the one-step thing he planned a couple of months back. Is this under discussion?

MR. NESSEN: Frank is supposed to bring his recommendations in to the President on Monday on what to do and it is just not possible to say what he is going to do until Frank turns in those recommendations.

Q Can you tell us if this plan is one option under consideration?

MR. NESSEN: I am not really sure of all the options under consideration.

Q An AP report from Saigon quoting a government official, high ranking, said President Huong had initiated talks with North Vietnam on a negotiated peace settlement and the official said Huong was trying to send a minister of cabinet rank to Hanoi and the Saigon government official says the United States has approved the minister's flight to Hanoi on a U.S. Air Force plane. What can you tell us about that?

MR. NESSEN: One, I never heard of that until you read it to me; and secondly, whatever may or may not transpire in the way of negotiations I think is a subject too delicate and sensitive to talk about here.

Q Ron, our Ambassador has been talking with Huong. Can you shed any light on those conversations? Is he involved in any kind of negotiations of this sort?

MR. NESSEN: I can't shed any light on those discussions.

Q Can you tell us when the President might act on the farm bill?

MR. NESSEN: It is here and the deadline is May 5. I would think the action will be sooner rather than later.

Q Over the weekend?

MR. NESSEN: I don't anticipate over the weekend.

Q Have you got those figures yet on rehabilitation?

MR. NESSEN: We are not able to get them right now but we will get them for you and post them.

THE PRESS: Thank you, Ron.

END

(AT 12:12 P.M. EDT)