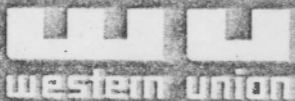


**The original documents are located in Box 18, folder “President - Assassination Attempts” of the Ron Nessen Papers at the Gerald R. Ford Presidential Library.**

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western union

# Telegram

NO. WDS. - CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS		OVER NIGHT TELEGRAM
					DPR	NPR	

Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

POOL REPORT\*\*AIR FORCE ONE\*\*SACRAMENTO TO ANDREWS AFB\*\*SEPT 5, 1975

the president left the senator hotel at 2:49 p.m. and went directly to his limousine without shaking any hands. the pool noted that the press buses were parked directly across from the hotel entrance and partially shielding the president from a fairly large crowd which had gathered.

enroute, nessen said "there was never any debate, discussion or disagreement about the walk" (to the statehouse ~~where~~ today) between the secret service and the president. what followed then was some back-and-forth during which nessen admitted, "it scared the shit out of me."

nessen said ford hadn't talked with mrs. ford yet but that dick keiser (head of the secret service detail), lukash and david kennerly had called to assure mrs. ford the president was all right. nessen assured us that the president was composed throughout today's incident and he was "not shaken at all." he said the president went on with his schedule and at one point counsellor robert hartmann kidded mr. ford about his foresight in choosing the subject (crime) for his speech to the legislature. nessen said ford "laughed heartily" at hartmann's wit.

asked if the secret service had long ago given up on trying to rein in ford's handshaking et al, nessen said ford was always well protected. "it may look like he's wading into a crowd unprotected, but there's always an envelope around him."

as for saturday's schedule, nessen said that senate democrats some will be meeting with ford at nine a.m. to discuss mostly <sup>energy matters.</sup> Later in the day the president will play in a golf tournament in burning tree country club.

on arrival at mclellan afb, several thousand people lined the ~~xxxxx~~ route. The top of the limousine stayed up throughout and some poolers thought the limousine was pulled up to the air force on ramp more closely than usual. the president didn't work the fences as usual but boarded the plane after shaking a few ~~AT THE RAMP~~ wheels up 3:20 local.

nessen came back early and said ford hadn't called betty yet because he thought she was taking a nap. he will call, though.

on energy, nessen said NO veto before tuesday on the six-month extension of controls. the reason ford has been holding off was because "there seemed to be spirit of compromise and conciliation" and ford didn't want to do anything that would ~~look~~ like he was slapping them in the face.

asked if the incident today had changed ford's views on gun control, nessen said: "i have no reason to ~~think~~ think that it will." believe

--more--

NO. WDS.—CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS		OVER NIGHT TELEGRAM
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page 2

the pool asked to talk to agent larry beundorf and the acting head of the detail, ernie ~~luzia~~ luzania. buendorf isn't on the plane and, after checking, nessen said luzania was prohibited from talking about the incident or about secret procedures by ss regulations.

asked if the mansfield energy compromise would fly, n essen said there was no doubt it would fly in the senate but that the problem was the house. he noted that the last compromise plan lost in the house by 39 votes so only 20 switches would carry the day this time. he added "there's a feeling...we might be able to change that many votes on the basis of what some of the members heard at home, which is that people don't want controls to end all at once." he said ford doesn't want controls to end all at once, either; his first choice is phased decontrol.

as for a televised veto speech, nessen said "it just hasn't been decided yet."

ford plans to leave for golf at burning tree around 11:30 saturday.

nessen said he'd never heard ford talk about ever being close to death (in response to a question). he said he'd never heard him talk in those terms but vaguely remembered an interview where ford talked about how a president couldn't keep himself barricaded in the white house or becoming a prisoner of the white house because of the fear something might happen.

nessen said the bentli interview--which was very low-key and (nessen implied) not too newsworthy --will be released for tuesday ayeams.

nessen said none of the family had called ford and that he didn't know if anyone had notified rockefeller of friday's attempted shooting.

defrank/rodgers/farney



NO WDS.—CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS		OVER NIGHT TELEGRAM
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Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

page 3

midway in the flight nessen came back for loose ends. he said ford had called his wife and asked her to relay word to the rest of the family and that all was well. they spoke about five minutes.

still no attendance list on the meeting with demos saturday morning at 9 .

he will leave the white house for golf around noon and tee off at one twenty.

~~\_\_\_\_\_~~ ford and governor brown did talk about offshore drilling but it wasn't a major topic.

nessen said "a few" staffers had asked to welcome ford back tonight and will be on hand to welcome the president back. he said it was totally spontaneous. and that mrs. ford might be on hand ~~at the airport~~. *AT THE SOUTH LAWN*

he reiterated one more time--and more strongly--that it was "absolutely untrue" there had been hassling over the advisability of ford's walk. he produced a diagram prepared by the pre-advance team dated august 31 xx which clearly indicates a presidential walk from the hotel to the statehouse.

~~\_\_\_\_\_~~

about 90 minutes before touchdown, ford came back to the <sup>MID-SECTION</sup> ~~\_\_\_\_\_~~ of the plane. he was wearing white sport shirt open ~~\_\_\_\_\_~~ at the collar under the blue poplin presidential windbreaker. he appeared to be joking with his <sup>S.F.</sup> agents, then he walked forward to the staff compartment and chatted with robert hartmann, ~~and~~ bob orben <sup>and other staff members</sup>. he appeared quite at ease, smoking his pipe and laughing. our view was obscured when the cabin door was ~~\_\_\_\_\_~~ closed. about that time the nbc nightly news coverage of the assassination was ~~\_\_\_\_\_~~ piped over the stereo system.

defrank/rodgers/farney



UNITED STATES GOVERNMENT

# Memorandum

TO : Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

FROM : *DK* D. Dwayne Keyes  
United States Attorney  
Eastern District of California

SUBJECT: LYNETTE ALICE FROMME

DATE: OCT 31 1975

The defendant, Lynette Alice Fromme, has been indicted for attempting to assassinate Gerald R. Ford, President of the United States.

Her trial is presently scheduled to commence on November 4, 1975, before the Honorable Thomas J. MacBride, Chief Judge, United States District Court for the Eastern District of California.

There were 20 to 25 known persons at the scene who saw various portions of the alleged attempt on the life of the President or who heard various statements attributed to the defendant.

There were numerous others in the immediate vicinity who neither saw nor heard anything.

The defense has stated they wish to inquire further into the President's recollection concerning the click of the handgun and statements attributed to the defendant. It can also be expected that the President will be asked about the appearance or demeanor of the defendant when she pointed the gun at him.





FOR IMMEDIATE RELEASE  
MEMORANDUM FOR CORRESPONDENTS:

September 23, 1975

Secretary of the Treasury William E. Simon announced today that an evaluation of the Secret Service protective intelligence function has been intensified as a result of the two recent alleged assassination attempts on the President. In this connection, an outside evaluation of protective intelligence procedures has been redirected toward these incidents.

He said that over the years since the Warren Commission first made its recommendations in 1964, the Treasury Department and the Secret Service have had numerous outside organizations (including psychiatric, criminal, behavioral psychologists and other specialists from the academic and Government community) review all aspects of the Secret Service protective function.

To give some perspective to the magnitude of the task facing the Secret Service, the Secretary noted that the Secret Service in a normal year screens 200,000 pieces of information regarding persons of possible protective interest; as a result of this input, it interviews 4,000 people in connection with its protective responsibilities; it arrests approximately 60 people as a result of distinct threats made against protected officials; identifies 275-300 people who merit special attention in connection with each trip of a protected official.

Secretary Simon noted that "in striving to perfect procedures, neither the Secret Service nor we at Treasury are ever satisfied with the job we are doing in this area, and this is particularly true when two back-to-back incidents like this occur. The public can be sure that the Secret Service will continue to operate in as effective a manner as is humanly possible in a free society."

D A

AGENTS 9-9

NORFOLK, VA. (UPI) -- H. STEWART KNIGHT, DIRECTOR OF THE SECRET SERVICE, SAID TUESDAY THAT SECURITY FOR PRESIDENT FORD IS ADEQUATE AND HAS NOT BEEN TIGHTENED BECAUSE OF THE APPARENT ATTEMPT ON HIS LIFE IN SACRAMENTO.

HE SAID AND THE WHITE HOUSE PROTECTION DETAIL -- THE SIZE OF WHICH IS NEVER MADE PUBLIC -- IS SUFFICIENT FOR THE JOB.

IN AN INTERVIEW WITH BILL BURKE OF THE NORFOLK LEDGER-STAR, KNIGHT SAID THE AGENTS IN SACRAMENTO LAST FRIDAY "HANDLED THE INCIDENT PERFECTLY AND I COMMENDED THEM FOR IT."

KNIGHT WAS IN NORFOLK TO GIVE THE PRINCIPAL ADDRESS TO A GATHERING OF THE VIRGINIA POLICE OFFICERS ASSOCIATION.

HE SAID HE PERSONALLY CONGRATULATED SECRET SERVICE AGENT LARRY M. BUENDORF, WHO DISARMED THE WOMAN WHO HAD POINTED A LOADED PISTOL AT FORD AS HE WORKED HIS WAY THROUGH A CROWD ON THE STREET BETWEEN HIS HOTEL AND THE CALIFORNIA STATE CAPITOL.

KNIGHT SAID BUENDORF ACTED SO QUICKLY THAT "ACCORDING TO PHOTOGRAPHS AND ACCOUNTS OF THE INCIDENT" HE RECEIVED, THE WOMAN IDENTIFIED AS LYNETTE ALICE FROMME NEVER ACTUALLY HAD THE GUN HIGHER THAN HER MID-THIGH.

HE QUOTED BUENDORF AS SAYING "IT APPEARS THE GUN WAS NEVER ACTUALLY POINTED AT THE PRESIDENT'S VITAL AREAS."

KNIGHT SAID HE WAS IN HIS WASHINGTON HEADQUARTERS FRIDAY WHEN HE LEARNED OF THE SACRAMENTO INCIDENT AND WENT TO ANDREWS AIR FORCE BASE TO PERSONALLY CONGRATULATE BUENDORF WHEN HE ARRIVED BACK.

KNIGHT SAID THE WOMAN WITH THE GUN HAD NOT BEEN UNDER SECRET SERVICE SURVEILLANCE EVEN THOUGH SHE IS A FOLLOWER OF CHARLES MANSON, SERVING A LIFE SENTENCE FOR THE 1969 MURDER OF ACTRESS SHARON TATE AND SIX OTHERS.

## SECRET SERVICE PROCEDURES

Q: Has there been any change in the White House position that it is entirely satisfied with the Secret Service protection of the President and has not asked for any investigation of how Lyn Fromme could get within two feet of the President with a loaded gun?

A: As a result of all the questions at yesterday's briefing about this matter, we raised the issue at the senior staff meeting this morning. Steven Gardner, Deputy Secretary of Treasury, said that the Secret Service was doing a report on the incident, but that this was a normal procedure. Steve said the Service is constantly looking for ways to improve its protection of the President.

Q: Did anyone in the White House ask for the review?

A: No, I am told that this is something the Secret Service does as a matter of course.

Q: Will the report be sent to the President?

A: I would expect that it would be sent to the White House if there is some reason to do so.

Q: Will it be made public?

A: It seems to me that the security of the President is not something that lends itself to public discussion, certainly not the procedures the Service uses to protect the President.

Q: Will this review or study go into the apparent weakness in intelligence gathering?

A: That is not something I can respond to, but as I said earlier, the Service is always looking for ways to improve the protection of the President, and intelligence-gathering would seem to be part of that.



THE WHITE HOUSE  
WASHINGTON  
September 24, 1975

PHONE CALL AND TELEGRAM COUNT CONCERNING  
THE ASSASSINATION ATTEMPT IN SAN FRANCISCO:

AS OF 9:00 a.m. this morning

TELEGRAMS TOTAL 401

Against the attempt and with congratulations such as  
"thank God you are alive" -- 223

Against the attempt with congratulations, but against  
public appearances -- 101

With reference to the attempts and for increased  
gun control -- 35

Against increased gun control -- 15

Against the attempt and with suggestions such as  
"wear a vest, etc. -- 27

PHONE CALLS TOTAL 122

Assorted comments -- 58

Against public appearances -- 52

For public appearances -- 12



THE WHITE HOUSE

WASHINGTON

September 25, 1975

PHONE CALL AND TELEGRAM COUNT CONCERNING  
THE ASSASSINATION ATTEMPT IN SAN FRANCISCO:

11:00  
AS OF [REDACTED] a.m. this morning

TELEGRAMS TOTAL [REDACTED] 719

Against the attempt and with congratulations such as  
"thank God you are alive" -- [REDACTED] 329

Against the attempt with congratulations, but against  
public appearances -- [REDACTED] 199

With reference to the attempts and for increased  
gun control -- [REDACTED] 63

Against increased gun control -- [REDACTED] 30

Against the attempt and with suggestions such as  
"wear a vest, etc. -- [REDACTED] 98

PHONE CALLS TOTAL [REDACTED] 179

Assorted comments -- [REDACTED] 88

Against public appearances -- [REDACTED] 76

For public appearances -- [REDACTED] 15

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

---

## THE WHITE HOUSE

REMARKS OF THE PRESIDENT  
UPON HIS ARRIVAL  
FROM SACRAMENTO, CALIFORNIA

## THE SOUTH LAWN

10:50 P.M. EDT

It is nice to be home. (Laughter) It is especially really good to see Betty and Steve and Jack and to see all of you.

We had a great trip--just a fraction of a second or two that disturbed things--but everything else was superb, and I am most grateful that you all came out here. I don't know why all the bother. (Laughter)

It was a very successful visit in Washington, Oregon, California and Sacramento, particularly the people were wonderful, and just a single incident I don't think we should feel was a distraction in the overall things that were done in a very affirmative way.

I want to thank the Secret Service and the other law enforcement people. I particularly was impressed with the wonderful reception we got in California and in Sacramento, especially.

I wouldn't, under any circumstances, let one individual's efforts to undercut the warmth that we felt from the people of California.

Let me say with emphasis, we are going to be among the people in all of our States because I think it is highly important that a President has that opportunity to meet people from all parts of our country and to let them have an opportunity to express to me their views, whether they agree or disagree.

This is one of the greatest assets, I think, in a country such as our own.

END (AT 10:53 P.M. EDT)

## REDUCTION IN PRESIDENTIAL TRAVEL

Q: Senator Scott said at his briefing this morning that the President was giving consideration to reducing his travel and that there would not be as much travel in the future as there has been in the past. Is that true?

A: I think what Senator Scott may have been reflecting on was the President's overall travel plans, rather than those of the next few weeks. You may recall that last spring, for instance, the President did little traveling, although there were many invitations that came to the White House from all parts of the country. During the summer and into the fall, his travel schedule was much heavier as he responded to many of these invitations. As we move toward the end of the year, I would look for some slacking off as the President prepares for his State of the Union message and his legislative program for next year.





## Office of the White House Press Secretary

THE WHITE HOUSE

## STATEMENT BY THE PRESS SECRETARY

At the conclusion of a t.v. interview with KPIX-TV, in a suite on the 6th floor of the St. Francis Hotel in San Francisco, President Ford boarded an elevator and rode to the ground floor of the Hotel on the Post Street side. The President greeted a small group of well-wishers in the lobby of the hotel.

The President stepped out on Post Street, where his car was parked at the curb. As he walked from the hotel door to the car, he waved briefly to a large crowd, on the other side of Post Street.

At that point there was a sound of a single gun shot.

Secret Service agents Ron Pontius and Jack Merchant and Assistant to the President Donald Rumsfeld pushed the President down toward the sidewalk shielding him behind his car from the crowd. The President, agents Pontius and Merchant, and Donald Rumsfeld entered the car and the motorcade departed immediately for the San Francisco International Airport.

For the first several blocks after departing from the hotel, the President was stretched out on the floor of his car between the seats with agents Pontius and Merchant and Mr. Rumsfeld shielding his body. After the car was out of the area, the President sat in the middle of the rear seat with agents Pontius and Merchant on either side and Mr. Rumsfeld in the jump seat.

Mrs. Ford arrived at the San Francisco International Airport by U.S. Air Force C-9 aircraft from Monterey a moment or two after the President and boarded Air Force 1.

She was told of the episode in the Presidential cabin. Mrs. Ford received the information calmly. The President can be described as serious following the episode and on the flight home to Washington.

The individual who fired the gun has been identified as Sarah Moore, age 47. The weapon has been identified as a 5 shot .38 revolver.

During the flight home to Washington, the President told his staff aboard Air Force 1 that he felt that the U.S. Secret Service and the State and Local law enforcement officials had performed their duties in an outstanding manner and he asked that his thanks be expressed to all involved.

The President indicated to his staff that a circumstance where the political leaders are forced into isolation from their constituents because of the threats of a few would be intolerable. The communication of ideas is fundamental in our system, and to allow it to be unduly restricted, warped, or inhibited would be to weaken, if not destroy it.

He believes it is vitally important for the leadership of our country to be free to communicate with the people they serve.

# # #

## PRESIDENTIAL TRAVEL

Q: Can you confirm the New York Times story that the President plans six more trips of one day or more in the next five weeks?

A: As you know, we have announced that the President will be going to Chicago the night of Tuesday, September 30, for a fund-raising dinner and will have some activities the next day before coming back to Washington. We also have indicated the President will be returning to California at the end of October for two fund-raising dinners. Beyond that, I have nothing to give you today on future travel plans.

(FYI ONLY: Future travel is as follows:

White House officials said privately that Mr. Ford had tentatively planned six trips of one day or more outside Washington in the next five weeks. The President will go to Illinois and Nebraska early next week and, barring a change in plans, will also visit West Virginia, New Jersey, North Carolina, Michigan, Kansas, Florida, Georgia and Alabama before appearing at Republican party fund-raising events in Los Angeles and San Francisco at the end of October.

{ Tues. Sept 30 Chicago  
 { Wed. Oct 1 Evanston  
 & Omaha  
 Sat. Oct 4 West Va.  
 New Jersey  
 Tues. Oct 7 N. Car.  
 Tennessee  
 { Fri. Oct 10 Detroit  
 { Sat. Oct 11 E. Lansing  
 Tues. Oct 15 Conn.  
 Thurs Oct 17 Kentucky  
 { Fri Oct 24 Florida  
 { Sat. Oct 25 Alabama  
 So Car.  
 { Wed. Oct 29 New Mex  
 Calif (LA)  
 { Thurs Oct 30 Calif (SF)  
 Milwaukee

Q: Can you confirm the accuracy of the New York Times list?

A: All I will say is that the New York Times list is not accurate, but I will not indicate where it is right or where it is wrong.

SECRET SERVICE PROTECTION

Q: What are the partial recommendations for new procedures that the Secret Service will be making, according to Phil Buchen?

A: I spoke to Phil Buchen about that quote and what he said he said was: If the Secret Service has new recommendations to make regarding procedures for protecting the President, I would expect them to be made before the President's next trip. It seems to me that that is obvious. But if there are any new procedures, it certainly doesn't behoove me to discuss them publicly.

One other thing you should understand about Presidential security procedures and that is that they are constantly under review. Each trip presents different security requirements. So in that sense, the Secret Service often makes recommendations for new or different procedures for the President to follow. And as I said yesterday, these discussions are usually worked out with the Advance Office.





9-23-75

THE WHITE HOUSE  
WASHINGTON

**Re:**

Jack Warner tells me that the plastic canopy on the President's golf cart was to protect him from the elements, not bullets. But he hopes that we won't confirm or deny anything about security procedures for the President.

JWH

## Secret Service Investigations

Q: Has the White House asked the Secret Service for a report on the ~~most~~ latest attempted assassination?

A: No, we have not. However, you should be aware that the Treasury Department is issuing a statement shortly which will spell out the status of the report which Treasury asked the Secret Service to prepare as a result of the Sacramento incident. As I understand it, the statement also will discuss ~~what~~ what the Service will be doing about the incident yesterday.

The man to talk to, and who has promised to be available, is Ass't Secretary for Enforcement Dave McDonald, 964-2033. (We will try to get a copy of the statement and make it available here, but don't know when.)

## INDICTMENT OF PRESIDENTIAL ASSASSINATION PLANNERS

- Q: Was the President told in advance of the plot to assassinate him during his visit to Sacramento?
- A: No, he was not told, and, as a general rule, the Secret Service does not advise the President of threats against his life.
- Q: Were any precautions taken during that trip because of the existence of the plot?
- A: You will have to ask the Secret Service about that. I would only remind you that the men who have been indicted in this matter were in custody at the time of the President's visit.

(FYI: Any questions about the indictment must be referred to the Justice Department. Anything about Presidential security should go to Secret Service. I am told by the SS White House detail that Don Rumsfeld wants to be advised of threats against the President's life, but he doesn't want the President told.)

September 22, 1975

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESS SECRETARY

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He believes it is vitally important for the leadership of our country to be free to communicate with the people they serve.

# # #

Sept. 23, 1975

FOR: RON NESSEN

FROM: BILL ROBERTS

PHONE CALL AND TELEGRAM COUNT ON THE ST. FRANCIS HOTEL INCIDENT

(AS OF 10 a.m., 9/23/75)

TOTAL TELEGRAMS AND PHONE CALLS                    **234**

**ALL** EXPRESSED REACTION AGAINST THE ATTEMPT, AND MOST CONGRATULATED THE PRESIDENT: ██████████ "THANK GOD YOU'RE ALL RIGHT, ETC."

██████████ OTHER COMMENTS BROKE DOWN LIKE THIS: TOTAL OF 119

AGAINST PUBLIC APPEARANCES \_\_\_\_\_ 68

FOR CONTINUED PUBLIC APPEARANCES \_\_\_\_\_ 5

FOR INCREASED GUN CONTROLS \_\_\_\_\_ 23

FOR INCREASED PRECAUTIONS \_\_\_\_\_ 13

MISCELLANEOUS COMMENTS \_\_\_\_\_ 10

SEPT.. 24, 1975

MEMORANDUM FOR:     RON NESSEN  
FROM:                 BILL ROBERTS  
RE:                    UPDATE ON REACTION TO SAN FRANCISCO INDEEDENT

TOTAL OF TELEGRAMS AND PHONE CALLS-----523  
  (AS OF 9:00 a.m. today, 9/24)  
INCLUDED IN THAT TOTAL:  
OPPOSITION TO CONTINUNING PUBLIC APPEARANCES-----153  
FAVORING CONTINUED PUBLIC APPEARANCES----- 12  
  
  FOR INCREASED GUN CONTROL  
  ██-----35  
AGAINST INCREASED GUN CONTROL-----15

NOTE:

ON THE ██████ TODAY SHOW TODAY, 9/24)  
THE NBC NEWS POLL REPORTED THE FOLLOWING  
RESULTS OF A NATIONWIDE TELEPHONE POLL (680 People)  
FROM A BALANCED SAMPLE:

QUESTION: SHOUD THE PRESIDENT AVOID CROWDS:

YES 45%            NO 47%            UNDECIDED 8%

QUESTION: DO YOU REGARD THE PRESIDENT'S PLAN TO  
CONTINUE PUBLIC APPEARANCES AS COURAGEOUS  
OR ██████ FOOLHARDY?

COURAGEOUS 46%    FOOLHARDY 33%    UNDECIDED 21%

QUESTION: HOW DO YOU REGARD THE SECRET SERVICE PERFORMANCE?

FAVORABLE 79%    UNFAVORABLE 17%    UNDECIDED 10%

SEPT 26, 1975

UPDATE ON TELEGRAMS, LETTERS AND PHONE CALLS ON SAN FRANCISCO

As of <sup>11:00</sup>~~10:00~~ a.m. today the tabulations show this:

<u>TELEGRAMS, MAILGRAMS, AND LETTERS</u> -----	TOTAL	1,343
GOOD WISHES, ETC.-----		511
REDUCE TRAVEL-----		402
CONTINUE APPEARANCES-----		52
FOR GUN CONTROLS-----		117
AGAINST GUN CONTROLS-----		52
URGING ADDITIONAL SAFETY-----		209
<u>TELEPHONE CALLS</u> -----	TOTAL	197
GENERAL COMMENT-----		96
(GOOD WISHES, ETC)		
<del>XXXXXXXX</del>		
REDUCE TRAVEL & APPEARANCES----		84
CONTINUE APPEARANCES-----		17

NOTE: ~~THE~~ FOR SOME REASON THE MAIL ROOM DID NOT LOOK FOR, OR  
**COUNT** ~~THE~~ COMMENTS IN THE MAIL AND TELEGRAMS URGING THE  
PRESIDENT TO CONTINUE TRAVEL UNTIL I ASKED ABOUT IT TODAY.  
THEY ~~ARE~~ RESURVEYING THE PREVIOUS ACCUMULATION AND **THINK**  
**THEY** ~~THEY~~ HAVE A COMPLETE TABULATION ~~OF THE~~

*Jurb*



# PRESIDENTS AND EX-PRESIDENTS AS WITNESSES: A BRIEF HISTORICAL FOOTNOTE

Ronald D. Rotunda\*

WHEN Richard Nixon resigned the Presidency, it was clear that his legal problems were only beginning. Although he has now been granted immunity from federal prosecution by President Ford's surprise pardon, Mr. Nixon remains subject to civil liability and state prosecution for past acts. He has already been subpoenaed to testify in a civil deposition. Assuming that his appearance is not excused because of ill health, he may well be called in other civil and criminal trials, as well as future grand jury or congressional investigations, although he was not a witness in the main Watergate trial.<sup>1</sup>

On the eve of Mr. Nixon's resignation, some political leaders urged that he be spared these legal obligations.<sup>2</sup> Even now, many people believe that subjecting Mr. Nixon to the burden of testifying before various judicial or congressional bodies would be vindictive, and demeaning both to him and to the institution of the Presidency. Such beliefs are groundless when placed in historical perspective. Several American Presidents and former Presidents have given testimony under oath in judicial or quasi-judicial settings. In the past, both former Presidents and sitting Presidents have submitted, either voluntarily or pursuant to subpoena, to questions under oath. In so doing they implicitly recognized the common law rule that

. . . [t]he public (in the words of Lord Hardwicke) has a right to every man's evidence. Is there any reason why this right should suffer an exception when the desired knowledge is in the posses-

\* *Assistant Professor of Law, University of Illinois. B.A. 1967, J.D. 1970, Harvard University. The author was assistant counsel to Samuel Dash, Chief Counsel for the Senate Select Committee on Presidential Campaign Activities, and much of the research for this article was done while with the Committee. The opinions expressed in this article do not necessarily reflect the views of the Committee, any of its members, or any other member of the staff.*

1. *United States v. Mitchell*, Crim. No. 74-110 (D.D.C., filed May 20, 1974). In addition to Watergate-related matters, Mr. Nixon may be summoned for other investigations. Senator Baker has hinted Mr. Nixon may be called to testify in the probe of CIA domestic surveillance. *Wash. Post*, Jan. 28, 1975, at A11, col. 1.

2. *See, e.g., Wash. Post*, Aug. 9, 1974, at A7, cols. 4-5, A23, col. 1.

sion of a person occupying at the moment the office of *chief executive* of a state?

There is no reason at all. His temporary duties as an official cannot overcome his permanent and fundamental duty as a citizen and as a debtor to justice.<sup>3</sup>

This article does not set out all the circumstances under which a former or sitting President may legally be compelled to give evidence before a congressional or judicial body. Rather the purpose is only to make some historical observations that should prove helpful to the debate. A collection of these historical examples,<sup>4</sup> many of which have heretofore been lost in the dust of the National Archives, should also serve to demythologize the Presidency. It is to this history that we now turn.

Several Presidents have appeared voluntarily as witnesses in a variety of contexts. One of the most interesting appearances before a congressional body occurred in the midst of the Civil War, when President Lincoln made a surprise visit to the House Judiciary Committee.

*President Abraham Lincoln.* Prior to delivery, one of Lincoln's messages to Congress was leaked to the *New York Herald* and promptly published. It was immediately alleged that Mrs. Lincoln, often suspected of being a Southern sympathizer, had given the speech to one Henry Wycoff, who telegraphed it to the *Herald*.<sup>5</sup> In an investigation conducted by the House Judiciary Committee, Wycoff admitted that he had sent part of the speech to the *Herald*, but refused to reveal his source. Then Lincoln, to still the rumors and protect his wife, appeared before the Committee. A newspaper of the day reported:

Mr. Henri Wikof yesterday (Feb. 13, 1862) went before the Judiciary Committee, the President having previously been with the

3. 8 WIGMORE, EVIDENCE § 2370(c) (McNaughton ed. 1961) (emphasis in original).

4. Excluded from this historical analysis are those instances in which selected Congressmen have met with the President at the White House or a similar place such as Camp David. In those instances, of which there are many, Congress is meeting at the call of the President; the President is not meeting at the call of the Congress. Similarly excluded are appearances by the President before Congress to deliver a formal address and appearances not intended to give evidence about factual matters. The most obvious example is the State of the Union Address. A less well-known incident is President Washington's only appearance before the full Senate in August 1789 for its advice and consent to some propositions respecting a treaty with the Southern Indians. See THE JOURNAL OF WILLIAM MACLAY, UNITED STATES SENATOR FROM PENNSYLVANIA 1789-1791, at 124-30 (1965); W. HOLT, TREATIES DEFEATED BY THE SENATE 28-33 (1933). Washington was displeased that the Senate did not approve the treaty forthwith, and aside from his reappearance the following Monday, "no President of the United States has since that day ever darkened the doors of the Senate for the purpose of personal consultation with it concerning the advisability of a desired negotiation." E. CORWIN, THE PRESIDENT: OFFICE AND POWERS 1787-1957, at 56-57 (3d rev. ed. 1948).

5. J. TURNER & L. TURNER, MARY TODD LINCOLN: HER LIFE AND LETTERS 97-98 (1972).

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

October 31, 1975

Office of the White House Press Secretary

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NOTICE TO THE PRESS

The President's deposition will be taken at 10:00 AM Saturday in Room 345 of the Executive Office Building. Present at the meeting will be U.S. District Judge Thomas J. MacBride of the Eastern District of California; John Virga, Attorney for the defendant; Dwayne Keyes, U.S. Attorney for the Eastern District of California, and Richard Thornburg, Assistant Attorney General in charge of the Criminal Division of the Department of Justice, who represent the prosecution, and Richard Fong, a court reporter.

The Navy Photo Center will provide the videotaping equipment and technicians to operate it. The videotape will be turned over to the court and will be shown only during the trial. Defense and prosecution attorneys will receive a written transcript of the deposition.

Court rules preclude press coverage.

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THE WHITE HOUSE  
WASHINGTON  
September 25, 1975

PHONE CALL AND TELEGRAM COUNT CONCERNING  
THE ASSASSINATION ATTEMPT IN SAN FRANCISCO:

11:00  
AS OF ~~11:00~~ a.m. this morning

TELEGRAMS TOTAL 719

Against the attempt and with congratulations such as  
"thank God you are alive" -- 329

Against the attempt with congratulations, but against  
public appearances -- 199

With reference to the attempts and for increased  
gun control -- 63

Against increased gun control -- 30

Against the attempt and with suggestions such as  
"wear a vest, etc." -- 98

PHONE CALLS TOTAL 179

Assorted comments -- 88

Against public appearances -- 76

For public appearances -- 15

MR. NESSEN: Let me answer that but let me just say that Larry has handed me a note saying that the mail room people tell him that they have a hard time finding pro New York City mail from outside New York City and New York State. The mail room man says that a majority of the letters favoring aid to New York City are from New York City and State, but he does not have an accurate percentage.

Q Does that mean that the rest of the country does not care what happens? I mean, how do you interpret that?

MR. NESSEN: Oh, I think I will leave it to you to interpret that, Helen.

Q You know, your laughs and your smiles and so forth are spreading through the country and people are really wondering whether you are enjoying this plight.

MR. NESSEN: Oh, Helen, I am sure you don't believe for a minute that the President or anybody else -- why are you laughing?

Q I am just laughing because you are appearing on television quite often with your big grin and people are wondering.

MR. NESSEN: Have you ever seen my grin during a discussion on New York City?

Q Yes.

Q Yes.

MR. NESSEN: Well, it certainly does not lack any lack of seriousness here at the White House about the seriousness of this situation.

The question is about the court order in Sacramento for the President to give a deposition by videotape in the case of Lynette Fromme. The answer to that is that the response to that order is being handled by the Justice Department.

Q The question was, what instructions did the White House give the Justice Department to take in a response?

MR. NESSEN: As far as I have seen, there have been no instructions sent from the White House.

Q They are acting strictly on their own without any direction from the President?

MR. NESSEN: That is my understanding.



9-26-75

*RA saw*

THE WHITE HOUSE  
WASHINGTON

Re:

Attached are copies of the two short briefings I gave in San Francisco after the shot was fired, FYI.

The second briefing resulted in a delay in the departure of the press plane, which bothered a few people. But most of the reporters were gratified with the additional information.

JWH



AT THE WHITE HOUSE

WITH JACK HUSHEN

AT 4:10 P.M. PDT

SEPTEMBER 22, 1975

MONDAY

(San Francisco, California)

MR. HUSHEN: Let me just give you a little bit of added information here. They have one person right now taken into custody. The name the Secret Service gave me is Sara Moore.

Q Any middle name?

MR. HUSHEN: I have none.

Age 45, and I have no local address.

Q This is a female?

MR. HUSHEN: Correct.

Q White or black?

MR. HUSHEN: I do not know.

They have recovered a .38 caliber handgun.

Q Who is they?

MR. HUSHEN: The San Francisco Police and the Secret Service.

They marked the time the shot was fired as 3:30 p.m. -- one shot fired.

Q 3:30 even?

MR. HUSHEN: That is what they are using.

Q And only one shot?

MR. HUSHEN: That is correct.

Q Where was the gun? Was she holding the gun?

MR. HUSHEN: I don't know. I don't have any more for you.

Q Do they know where the bullet struck?

MR. HUSHEN: No. They are in the process now -- because there are a lot of officers down there and a lot of Secret Service agents in the area -- of trying to reconstruct what happened so that they get an accurate story and that is what they are doing right now.

Q Was there anyone else arrested in connection with Mrs. Moore?

MR. HUSHEN: Not that I am aware of.

Also, there was a report of other shots fired, possibly during the motorcade route, and this is untrue. There was only just the one shot fired.

This comes from -- let me just give you the name of the Special Agent in Charge of the San Francisco office. It is Ken Iacavone. He is the Special Agent in Charge of the San Francisco Field Office of the Secret Service -- Kenneth Iacavone.

Q What is he doing?

MR. HUSHEN: He is the man who is supplying this information to you.

Q Where is the suspect?

MR. HUSHEN: I can't say any more right now.

Q UPI has a report this woman was checked out last night as a possible threat to the President. Could you see if Iacavone can give us anything on that?

MR. HUSHEN: We are going to have a lot of questions but I don't think I will be able to get any answers for awhile.

THE PRESS: Thank you.

END

(AT 4:15 P.M. PDT)

AT THE WHITE HOUSE

WITH JACK HUSHEN

AT 5:30 P.M. PDT

SEPTEMBER 22, 1975

MONDAY

(San Francisco, California)

MR. HUSHEN: I am going to give you some more information. This is from Ken Iacovoni, whose name I gave you earlier. He is the special agent in charge of the San Francisco field office of the Secret Service.

The gun that was recovered is a .38 caliber Smith & Wesson revolver. It was fully loaded with six rounds and one expended.

Q Six left in it?

MR. HUSHEN: No, five left in it. Five rounds left in it.

According to the Secret Service, a witness knocked the woman's arm down and took the gun away from her.

Q Who did?

MR. HUSHEN: A witness, a private individual citizen.

Q Did you say it was a woman?

MR. HUSHEN: No.

Q What was it, a woman or a man?

MR. HUSHEN: I don't know.

Q The witness says this was done?

MR. HUSHEN: This is what the witness tells the Secret Service -- that he was the one who knocked her arm down.

Q Why are you saying "he"?

MR. HUSHEN: I will have to check that. I don't know what the sex is of this witness.

Q And took the gun away from her?

MR. HUSHEN: Correct.

Q How did you put it -- knocked the woman's arm down?

MR. HUSHEN: And took the gun away from her.

Q After a shot was fired?

MR. HUSHEN: Correct.

Now the bullet that was fired apparently ricocheted off something and struck a man standing on Post near Mason.

Q Which street is that?

MR. HUSHEN: Isn't that the street that runs up here behind the hotel?

Q Standing where?

MR. HUSHEN: On Post up the street from where the shooting occurred.

Q Further up the street?

MR. HUSHEN: Yes.

Q That is quite a ways up, Jack.

Q And struck a man?

Q It is quite a ways up.

MR. HUSHEN: What is the next street?

Q It is the next street.

MR. HUSHEN: He was standing up towards Mason. He wasn't standing on the corner.

Q It is a whole block.

Q He was standing on Mason or Post?

MR. HUSHEN: On Post.

Q I was there and I can tell you he wasn't standing up there. He was standing about 15 feet from where the President's limousine had been and he walked up and handed the cop the thing and he didn't say it had struck him. He said it had fallen on his feet.

Q It was on his clothing and he said he had knocked it off his clothing. When it fell with a clunk he investigated it and saw it appeared to be a bullet.

MR. HUSHEN: Okay, his name is John M. Ludwig. He is 46 years old and he is a cab driver, and he was treated for an injury in the area of the groin, from this ricocheted slug.

Q He was?

MR. HUSHEN: Yes. (Laughter) He was treated and released.

Q You said it struck a man standing further up the street and you didn't say anything more except the identification of the street and where he was standing.

MR. HUSHEN: Correct. Standing near -- I don't know how far away he was from ---

Q Standing nearby?

MR. HUSHEN: Right.

The woman who was arrested was questioned here in the Borgia Room at the hotel.

Q Would you spell that?

MR. HUSHEN: B-o-r-g-i-a.

Q The Borgia Room of the hotel?

MR. HUSHEN: Of the St. Francis Hotel. It is on the mezzanine landing just up from the Post Street entrance to the hotel. She has now been taken by the FBI to the San Francisco Police Department for further questioning.

Q Why the FBI?

MR. HUSHEN: Because she is being held on a Federal crime of assault on a President.

Q What did she say, Jack?

MR. HUSHEN: I have no information to give you about what she has said.

Q Now is that the same ---

MR. HUSHEN: I don't know what the statute is on which she is charged, but it is a Federal statute.

Q But it is the same as a threat on his life?

Q What about the arraignment?

MR. HUSHEN: I have no information to give you on that at all.

Q May I interrupt? I have a live broadcast. I will not use this material until the briefing is over, but I have to go on live in less than 60 seconds. So if I start talking I am not filing on this.

MR. HUSHEN: I understand. Let me add this one thing. She was interviewed yesterday by the Secret Service and by the San Francisco Police Department, and Iacovoni said that the San Francisco Police Department took a gun away from her yesterday.

Q Who said that?

MR. HUSHEN: Iacovoni.

Q Agent Iacovoni?

MR. HUSHEN: Yes, right.

Q They took a gun from her yesterday?

Q Were they there today?

MR. HUSHEN: No, they were there when -- it was a joint interview by the Secret Service and the San Francisco Police Department.

Q The police took the gun away from her?

MR. HUSHEN: The police took the gun away from her and charged her on some State offense -- I am not clear what it is -- and released her.

Q How did they know to pick her up?

MR. HUSHEN: I think in a review of whatever the Secret Service procedures are to check on -- well, I am not ---

Q Where was she picked up?

MR. HUSHEN: I don't know.

Q When? That is my question.

MR. HUSHEN: Yesterday. That is all I have.

MORE

#326





Q The Secret Service interviewed her yesterday?

MR. HUSHEN: That is correct, the Secret Service and the San Francisco Police Department. During the course of this interview they found out she had a gun. The caliber and make, I don't know.

Q She was carrying the gun with her?

MR. HUSHEN: I don't know. The gun was taken away from her.

Q Why can't we talk to this guy Iacovoni?

MR. HUSHEN: Because he has gone over to the police headquarters.

Q You know these bits and pieces. I don't know, but this is pretty hot stuff we are playing around with and it is very open-ended information.

Q Can we file now?

MR. HUSHEN: As far as I am concerned, file.

THE PRESS: Thank you.

END (AT 5:40 P.M. PDT)