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THE WHITE HOUSE

PRESS CONFERENCE
OF
SENATOR HUGH SCOTT
AND
CONGRESSMAN JOHN RHODES

THE BRIEFING ROOM

9:55 A.M. EDT

MR. HUSHEN: Good morning.

We just have one brief announcement before we go to the briefing.

The Conference on Inflation began about ten minutes ago over in the East Room. Those of you who wish to remain here for this briefing will be taken over to the East Room following this session.

Now to the matter at hand.

The President had his first meeting with the Republican leadership this morning. It ran about an hour and three quarters. The President said he hoped to continue these on a regular basis.

We have the minority leader of the Senate, Senator Scott, and the minority leader of the House, Representative Rhodes, here to detail what happened this morning.

Mr. Rhodes will go first.

CONGRESSMAN RHODES: Good morning, ladies and gentlemen.

The meeting, as Mr. Hushen said, took about an hour and 45 minutes. Mr. Seidman first explained the pre-summit conferences, which are to take place around the country, and there was some discussion concerning the summit conference itself.

Mr. Ash then reported the fact that there will be some requests forwarded to the House and Senate under the Budget Control Act for deferrals and certain rescissions. As I think you know, the deferrals will be effective unless one House of the Congress takes affirmative action. The rescissions will not be effective unless both Houses of Congress take affirmative action within 45 days.

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(OVER)



So, these are requests for both deferrals and rescissions, one requiring action, the other requiring inaction.

Also, it was discussed that the President has requested that the pay increase for Federal employees be deferred for three months. The fact that it would save some \$700 million in this fiscal year was set forth and, of course, the reason for the discussion was requesting that the leadership give its attention to sustaining the President's request on this.

It is a very important anti-inflation move. In fact, it probably will be the first test of the President's anti-inflation program, which the Congress may be called upon to vote.

Then, of course, there was some discussion concerning a message which the Congress will receive from the President, possibly tomorrow, and possibly next week, concerning legislative requests for the balance of this Congress.

The President expressed his hope that the Congress could adjourn sine die on or about October 15, but this is a list of actions which he hopes sincerely the Congress will take prior to any adjournment sine die.

As Senator Scott mentions, obviously, there are some priorities which are indicated in the message. In other words, the requests are not just thrown in hodge-podge, there is some shading of demand insofar as action is concerned.

Now, Senator Scott has an announcement to make.

SENATOR SCOTT: Well, ladies and gentlemen, what struck me most, I think, in the meeting with the President this morning was his opening statement that these will continue on a regular basis and that the party's leadership will be consulted for its recommendations prior to the making of important decisions, such as we discussed this morning.

The President has a statement bearing on some of yesterday's comments. This is the statement: "The announcement yesterday by Mr. Hushen concerning study of the entire matter of Presidential clemency and pardons was prompted by inquiries to the White House Press Office concerning Mrs. John Dean's reported statement in reference to pardoning of her husband and similar public statements on behalf of others.

"Such a study is, of course, made for any request concerning pardon of an individual. However, no inference should be drawn as to the outcome of such study in any case, nor is my pardon of the former President, under the unique circumstances stated by me in granting it, related to any other case which is or may be under study."

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Further, yesterday at about 12:15, I spoke to the Special Prosecutor, Mr. Jaworski, assured him of my interest in full disclosure and of my full support of him --

Q Are you speaking for yourself?

SENATOR SCOTT: Yes, I am speaking for myself. I ended the President's statement. I spoke to Mr. Jaworski at 12:15 yesterday and made it clear that I supported him fully, and I urged that any correspondence which could legitimately and properly be released, that that be done, having in mind the memorandum from Mr. Ruth to Mr. Jaworski regarding the ten areas of alleged involvement of the former President.

He told me that he had come to the conclusion that this should be released, and was so advising the White House. I understand it has been released.

I call your attention to the final paragraph again -- although you have had it all -- referring to these ten matters.

"None of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon, but I thought you ought to know which of the pending investigations were even remotely connected to Mr. Nixon. Of course, the Watergate cover-up is the subject of a separate memorandum."

As to that, you know that any conversations or correspondence of Mr. Jaworski are under the restriction, the broad, general restriction -- not referring to any special letter -- of Judge Sirica's order, which does affect the possibility of any such release at this time.

You also know from Mr. Buchen's statement to you yesterday that they, the defendants, will be called to trial, unlike Richard M. Nixon, if indicted without any previous adverse finding by an investigatory body holding public hearings on its conclusions.

The statement of the letter from Mr. Miller on behalf of Mr. Nixon referring on page 13 to the destruction of an environment for trial consistent with due process has been nationwide.

The President has repeated his judgment, his statement of his judgment that what he has done is right. He believes it will be seen to be right in the longrun. I think we all admit that it is controversial.

Now we will both be glad to answer questions.

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Q Why did you call Jaworski to spring that memorandum? I mean, why did you interfere?

SENATOR SCOTT: Well, Helen, I don't know that it is interfering. I am one of the eight leaders involved in the consensus who had consistently assured him that if he had any troubles, we would back up his independence.

Q You felt he had troubles?

SENATOR SCOTT: If he had any problems. And he has been to see us, waited on the Judiciary Committee once, and we affirmed our belief and our satisfaction that he should be protected, his independence.

And so, I had said in Congress the night before that I thought all of this material should be released. It was part of a broad statement that I made favoring full disclosure of everything not affected by national defense and not affecting the rights of defendants.

I heard there was concern about that, and I thought I owed it to Mr. Jaworski to initiate a call to him, which I did, to assure him that I would in no way interfere with the rights of defendants, and he assured me that he appreciated my continued support.

Q You are referring to the document that was released here?

SENATOR SCOTT: The September 3 memorandum from Mr. Ruth to Mr. Jaworski.

Q Did you express to the President your concern that you all were not consulted prior to his decision on the pardon for Mr. Nixon?

SENATOR SCOTT: Well, the President did reach a very substantial number of people -- I can't say who all of them were -- prior to announcing his decision. I was one of them.

In this case, I think the President arrived at his decision on his own and on his sole determination. It was the kind of decision which could not be discussed until after the agreement had been reached late Saturday night. Early Sunday morning he called me and I knew that he was trying to reach Congressman Rhodes, who was enjoying himself more than I was that morning.

Q That wasn't to consult you, it was to tell you.

SENATOR SCOTT: In this case it had to be, as I view it, to tell us.

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Q Why?

SENATOR SCOTT: Because the agreement had been made in a firm form involving representatives of the former President and of this President. They had arrived at a decision which could not have been arrived at by a committee of the leadership.

Therefore, the decision was the President's alone and what, as I see it, the President did with regard to the material, on which he had an opinion from the Attorney General, is solely the property of a President, and these precedents go back to George Washington, so that instead of granting to Richard Nixon privileges, or advantages which he would not have held otherwise, he actually insisted on restrictions so he reduced the right of the former President by agreements rather than enlarging it.

Q Senator, or Congressman, did the President give you any reasons this morning, other than the ones that have been stated, about why he did this, and did he mention anything about the former President's health or that he had talked to any member of the former President's family about that?

CONGRESSMAN RHODES: The answer to the latter is in the negative. Nothing was said about the former President's health and nothing was said about any contact with any member of the President's family.

Q So that means that Julie Eisenhower did not call the President or make any plea on his behalf?

CONGRESSMAN RHODES: It means, Helen, nothing was said in this meeting about that, and I --

Q So you can't really say --

CONGRESSMAN RHODES: -- know nothing about it because the question did not arise.

Q So the health question did not come up at all?

CONGRESSMAN RHODES: Nobody mentioned the health --

Q Did Julie Eisenhower appeal to either of you gentlemen?

CONGRESSMAN RHODES: No, sir, not to me.

SENATOR SCOTT: Not to me. The President made a general statement in which he said there were various ramifications to my decision. You can read anything you want into that. He did not elaborate it.

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Q The President seems to be rolling back this morning from these mass pardons, and he also seems to be apologizing to you for not consulting. In your emphasis on consultation today for more important decisions, and also this statement, he appears very worried about the reaction to blanket pardons. Is that a fair analysis?

SENATOR SCOTT: I won't agree, Helen. In the first place, he volunteered the statements of prior consultation. It certainly had no bearing in my mind on his decision, which is one of those unique decisions which, if I were President, I would certainly have taken the responsibility for making alone. I would never have submitted it to a committee.

I don't think this statement is for any purpose except to make clear that applications for pardon have not reached the President's desk. When they are, they will receive such consideration as they are certainly fairly entitled to receive, and that he is trying to clear up, in effect, that that is when the study would be necessitated rather than take general study.

Q There is no study now?

SENATOR SCOTT: Not that I know of, and I think there are none.

Q What is going on on that score? I mean, we were told yesterday that the study is underway, or there is a study. What do you understand the situation to be?

SENATOR SCOTT: I would like to have John comment. What I understand the situation to be is that if, as, and when the President receives any request for action by him having to do with his Executive powers under Article II, Section 2, he will react by considering it and considering it most carefully. That is my view of it.

Is that right, John?

CONGRESSMAN RHODES: I think that is precisely correct. Of course, the Constitution leaves the matter of pardon completely in the hands of the Executive. It isn't a matter of whether there is any Congressional review, so his nonconsultation with Members of the House and Senate is perfectly understandable.

It is true, as the Senator said, there is no study going on, nor does there need to be. The power the President has to either pardon or not pardon is very clear under the Constitution, and I think what the President is saying here is that if he receives in due course and in due form requests for consideration for a pardon from any of these people in this rather large class, that they will not be thrown in the wastebasket, that they will be considered on their merits, each of them.

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Q Under those circumstances, why do you suppose a one sentence statement of that nature was made yesterday which created so much unnecessary turmoil in the light of what you are saying now?

CONGRESSMAN RHODES: Of course, I wasn't here yesterday, and I have no means of replying to the question. All I am saying is that my understanding is as Senator Scott and I have stated.

Q May I ask you another question, while I have both of your attentions. Did the President make a mistake by pardoning the former President at this juncture?

CONGRESSMAN RHODES: In my opinion, the answer to that is definitely no. I think that President Ford acted at a proper time and for proper reasons, and I completely support his decision to act as he did.

Q Why?

Q Mr. Rhodes, or Senator Scott, did you either ask --

CONGRESSMAN RHODES: There was a follow-up question here. The lady asked why I support the decision. I support the decision, Miss Thomas, because in my opinion, continuing the Watergate matter is not in the best interest of the country. The trying of a President of the United States would be to reopen the whole matter.

There is considerable doubt in my mind and doubt in the minds of most people who have considered it that President Nixon could get a fair trial anywhere in the United States because of the publicity of Watergate, and all in all it seemed to me to be a very good decision to make. Since the decision had to be made at some time anyway, it seemed proper to make it before the matter had gone any further.

Q Do either of you have any information on former President Nixon's health that we don't know about?

CONGRESSMAN RHODES: Speaking for myself, the answer is in the negative. I have no information from Mr. Nixon or any member of his family as to his health.

Q I don't think Senator Scott answered my question.

SENATOR SCOTT: Well, I did hope to avoid it.
(Laughter)

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The answer is that I agree with Congressman Rhodes. I indicated to the President when he called me that I knew it would be controversial. I knew that it would create much discussion, that I thought that if it were going to be done, if t'were done, t'were well t'were done quickly, if I could borrow from Sam Shaffer's version of Shakespeare. (Laughter)

It is a tragic thing. My mail is running at the moment very heavily critical, no question of that. I detect, however, that they are my ancient and honorable critics of the past, and they are indeed repetitive here.

I believe that had the President delayed, the country would have divided into two factions -- pro lenity or pro leniency, and against. It would have been highly divisive. I think the trial would have taken at least a year or a year and a half to get started. There could have been trials on at least ten areas where the Special Prosecutor admits there is insufficient evidence; for example, that the trials could have occurred, there could have been trials on the cover-up, the appeals could take from three to five years, as we know, and the country during this time would have been engaged in a riotous controversy.

Quoting the New York Times, quoting Sophocles, there is a statement that even justice is sometimes unjust, and the President has been deprived of his office, deprived of his profession, deprived of a large part of his means and, therefore, has been severely punished.

I realize there is discrimination, but I make the distinction.

Q Do you think he should not have been deprived of his office?

Q He resigned, Senator. He resigned his office, he resigned the bar.

SENATOR SCOTT: Well, if you are going to fence with me, he resigned because the evidence brought him to that conclusion.

Q He resigned because he thought he would be put out.

SENATOR SCOTT: Well, I am not going to argue with you, but we all know the facts. He resigned under circumstances which have been more widely publicized than anything, even including the battle of Gettysburg.

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Q Senator Scott and Congressman Rhodes, do you think the confusion that has existed this week, the past couple of days, especially, has in any way prejudiced the forthcoming Watergate trials, and do you think the President erred by not letting Special Prosecutor Jaworski know of his plans to consider these pardons in whatever form he will be considering them?

SENATOR SCOTT: I think Prosecutor Jaworski and the President both must make their own judgments as to what is proper to do. I find no fault with either one of them. Whether the rights of defendants have been prejudiced is a matter for Judge Sirica to rule upon, and if necessary for the circuit courts to rule upon, and I will abide by the decision of the courts, Tom, as always.

Q Did the President say to the leadership this morning whether he had or had not authorized Mr. Hushen to make the statement that he made yesterday?

SENATOR SCOTT: The President simply said, I have a statement which I would hope that one of you would read, and then he indicated to us what it was. Beyond that, he did go on.

Another matter. The Rules Committee is meeting this morning, and I have to leave because we will determine today when we open hearings on the confirmation of the Vice President-designate. I hope we can do that next Monday and begin with the statements of the two New York Senators and the opening statement by Vice President-designate Rockefeller.

Q Just so we can get the background on this, is the President disturbed at the stories that came out yesterday saying that he was considering the matter?

SENATOR SCOTT: Helen, I am pretty good at reading people's facial expressions, and I saw nothing that indicated that pro or con, and he said nothing to indicate it.

END (AT 10:17 A.M. EDT)

