

October 12, 1974

DRAFT NARRATIVE RESPONSE TO H. RES. 1367  
(after introductory remarks)

The resolutions before this Subcommittee call for me to report about certain incidents that may have occurred before--even long before--my decision to grant a pardon to former President Nixon on September 8.

The time covered by this part of my response includes when I was a Congressman, Minority Leader, and then Vice President. In that entire period no references or discussions on a possible pardon for then President Nixon occurred until August 1 and 2, 1974.

You will recall that since the beginning of the Watergate episode, I had consistently made statements and speeches about President Nixon's innocence in either planning the break-in or participating in the cover-up. I sincerely believed he was innocent.

Even in the closing months before he resigned, I made public statements that in my opinion the adverse revelations so far did not constitute an impeachable offense.

I was coming under increasing criticism for such <sup>public</sup> statements but I still believed them to be true. *based on the facts as I knew them.*

In the early morning of Thursday, August 1, 1974, I had a meeting in my Vice Presidential office, with Alexander H. Haig, Jr., Chief of Staff for President Nixon. At this meeting, I was told in a general way



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about fears arising because of additional tape evidence scheduled for delivery to Judge Sirica on Monday, August 5, 1974. I was told that there could be evidence which, when disclosed to the House of Representatives, would likely tip the vote in favor of impeachment. However, I was given no indication that this development would lead to any change in President Nixon's plans to oppose the impeachment vote.

Then shortly after noon, General Haig requested another appointment as promptly as possible. He came to my office about 3:30 for a meeting that was to last for approximately three-quarters of an hour. Only then did I learn of the damaging nature of a conversation on June 23, 1972, in one of the tapes which was due to go to Judge Sirica.

I describe this meeting because at one point it did include references to a possible pardon for Mr. Nixon, to which the third and fourth questions in H. Res. 1367 are directed. However, nearly the entire meeting covered other subjects, all dealing with the totally new situation resulting from the critical evidence on the tape of June 23, 1972.<sup>3</sup> General Haig told me he had been told of the <sup>new and damaging</sup> evidence by lawyers on the White House staff who had first-hand knowledge of what was on the tape. The substance of his conversation was that the new disclosure would be devastating, even catastrophic, insofar as President Nixon



was concerned; and based on what he could tell me of the conversation on the tape, he wanted to know whether I was prepared to assume the Presidency within a very short time, and whether I would be willing to make recommendations to the President as to what course he should now follow.

I cannot really express adequately in words how shocked and stunned I was by <sup>unbelievable</sup> this revelation. First, was the sudden awareness I was to become President under <sup>most unusual</sup> these conditions; and secondly, the realization these new disclosures <sup>completely</sup> ran counter to the position I had taken for months, which was the President was not guilty of any impeachable offense.

General Haig in his conversation <sup>in my office</sup> went on to tell me of discussions in the White House among those who knew of this new evidence.

General Haig asked for my assessment of the whole situation. He wanted my thoughts about the timing of a resignation if that decision was made and about how to do it and accomplish an orderly change of administration. We discussed what scheduling problems there might be and what the early organizational problems would be.

General Haig outlined for me President Nixon's situation as he saw it and the different views <sup>in the White House</sup> as to the courses of action that might be available, and which were being advanced by various people <sup>on the White House staff</sup> around him. As I recall there were different major courses being considered:

(1) Some suggested "riding it out" by letting the impeachment take its course through the House and the Senate trial, fighting all the way against conviction.



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(2) Others were urging resignation sooner or later.

I was told some people backed the first course and other people a resignation but not with the same views as to how and when it should take place.

On the resignation issue, there were put forth a number of options which General Haig reviewed with me. As I recall his conversation, various possible options being considered included:

- (1) The President temporarily step aside under the 25th Amendment.
- (2) Delaying resignation until further down the impeachment <sup>process</sup> road.
- (3) Resorting first to censure to preclude either impeachment or resignation.
- (4) The question of whether the President could pardon himself.
- (5) Pardoning various Watergate defendants, then himself, followed by resignation.
- (6) A pardon to the President, should he resign.

The rush of events placed an urgency on what was to be done. It became even more critical when you viewed a prolonged impeachment trial which was expected to last possibly four months or longer.

The impact of the <sup>Senate</sup> trial on the country, the handling of possible international crises, the economic situation here at home, and the marked slowdown in developing needed new programs by the federal government were all factors to be considered, and were discussed.

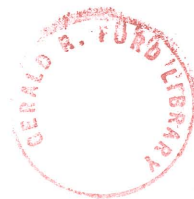


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General Haig wanted my views on the various courses of action as well as my attitude on the options of resignation. However, he indicated he was not advocating any of the options. I inquired as to what was the President's pardon power, and he answered that it was his understanding from White House lawyers that a President did have the authority to grant a pardon even before any criminal action had been taken against an individual, but obviously, he was in no position to have any opinion on a matter of law.

As I saw it, at this point the question clearly before me was, under the circumstances, what was the course of action that would be in the best interest of the country.

I told General Haig I had to have time to think. Further, that I wanted to talk to James St. Clair. I also said I wanted to talk to my wife before giving a response. I had consistently and firmly held the view while I was Vice President that in no way whatsoever could I recommend either publicly or privately any step by the President that might cause a change in my status. As the man who would become President if a vacancy occurred for any reason in that office, a Vice President, I believed, ought never to do or say anything which might affect his President's tenure in office. Therefore, I certainly was not ready even under these new circumstances to make any recommendations about resignation without having adequate time to consider further what I should properly do.



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Shortly after 8:00 the next morning James St. Clair came to my office. Although he did not spell out in detail the new evidence, there was no question in my mind that he considered these revelations to be so damaging that impeachment in the House was a certainty and conviction in the Senate a high probability. When I asked Mr. St. Clair if he knew of any other new and damaging evidence besides that on the June 23, 1972<sup>3</sup> tape, he said "no." When I pointed out to him the various options mentioned to me by General Haig, he told me he had not been the source of any opinion about Presidential pardon power.

After further thought on the matter, I was determined not to make any recommendations to President Nixon on his resignation. I had not given any advice or recommendations in my conversations with his representatives, but I also did not want anyone who might talk to the President to suggest that I had some intention to do so.

For that reason I decided I ~~had better~~<sup>should</sup> call General Haig the afternoon of August 2. I did make the call late that afternoon and told him I wanted him to understand that I had no intention of recommending what President Nixon should do about resigning or not resigning, and that nothing we had talked about the day<sup>previous afternoon</sup> before should be given any consideration in whatever decision the President might make. General Haig told me he was in full agreement with this position.

