

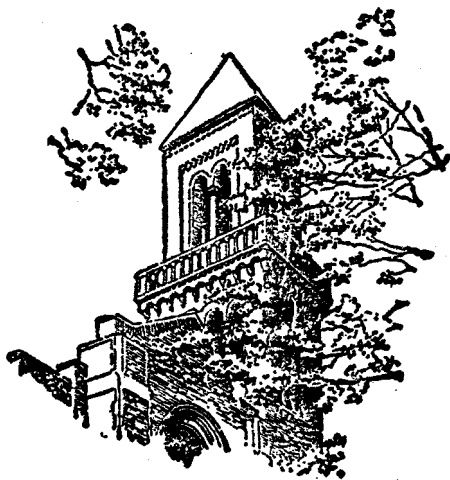
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The Pardon for President Nixon



September 15, 1974

Fountain Street Church

Grand Rapids, Michigan



The Pardon for President Nixon

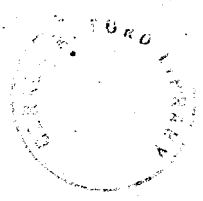
The whole history of religion is one of conflict between idealism and realism. As Paul put it so succinctly, "between what I want to do and what I do, between what I profess and the way in which I really act." Religion is valid not so much because it has created a good society but because it holds up the ideal of a good society. It is good not only for the good people; it's good because it holds out hope for those who are not good and know they aren't. No matter how good we become, religion will still be valid because it will be casting further ideals toward which to aspire.

Abraham was early in the history of the Jewish people, 1500 B.C. at least. Remember the story of how Abraham taught God about forgiveness? For centuries after that the Jewish people were ruthless in wiping out their enemies, destroying children and old people and cattle, throwing salt in the fields of their defeated enemies . . . not much forgiveness. But I wonder what it would have been like without the ideals. So Abraham took God apart and God was going to destroy Sodom and Gormorrah. Abraham said, "Now, God, if there were fifty good people there, would you still destroy it?" And God said, "No, for the sake of fifty perhaps I wouldn't." And Abraham worked Him down until there were only ten there, and God growing in his wisdom and graciousness finally decided that for the sake of ten people He wouldn't destroy the city. Also recall how Jonah, many centuries later, was sent on a mission by God to destroy the city of Ninevah and he was relishing the destruction. They were a wicked, bad people and he could taste it.



in his mouth, his joy and his pleasure at seeing God destroy these wicked, evil people. God caused a gourd to grow up to shade Jonah, lamenting and wailing in the heat of the desert, and then He had the gourd cut down and Jonah was very angry over the gourd's failing him, and in the end God said to Jonah, "You're angry over a little gourd. Do you not think I would be much more concerned for the people of Ninevah? Jonah, doest thou well to be angry."

I am going to read to you a few verses from the 20th Chapter of the Gospel according to St. Matthew, which puts something in story form for you to work on and for me to work on. It is one of those scandalous, foolish statements. Jesus is trying to describe the kingdom of heaven and hopefully the kingdom would be a little better than the society we have. Listen to the strange counsel and advice and consider what it might mean. "The kingdom of heaven is like this. There was once a landowner who went out early one morning to hire laborers for his vineyards, and after agreeing to them the usual day's wage, he sent them off to work. Going out three hours later he saw some more men standing idle in the market place. 'Go and join the others in the vineyard,' he said, 'and I will pay you a fair wage.' So off they went. At midday he went out again and at three in the afternoon and made the arrangements the same as before. And then an hour before sunset he went out and found another group standing there. So he said to them, 'Why are you standing about like this with nothing to do?' 'Because no one has hired us,' they replied. So he told them to go and join the others in the vineyard. When evening fell, the owner of the vineyard said to his steward, "Call the laborers and give them their pay beginning with those that came last and ending with the first." Those who had started work an hour before sunset came forward and were paid the full day's wage. When it was the turn of the men who had come first, they expected something extra but were paid the same amount as the others. As they took it, they grumbled at their employer, 'These late comers have done only one hour's work



and yet you have put them on a level with us who have sweated the whole day long in the blazing sun.' The owner turned to one of them and said, 'My friend, I am not being unfair to you. You agreed on the usual wage for the day, did you not? Take your pay and go home. I choose to pay the last man the same as you. Surely I am free to do what I like with my own money. Why be jealous because I am kind?'"

* * * * *

Let it be our prayer that we will learn more the ways of justice, that we will learn better how to apply the rules we know and that we may enhance and redeem the quality and character of those who are bitter and hurt and inadequate. Let it be our prayer that we will continue to grow in our ability to handle the misdeeds of our children, our spouses, our friends, our neighbors, and all people. Let it be our prayer that we will grow, not only in our capacity for justice, but in our understanding and appreciation of our great needs, that we may learn not only to do justly but to love mercy and to walk humbly with our God and with our principles.

* * * * *

I want first of all to state the prejudicial position from which I speak to you this morning. I have been a citizen of this country now for almost forty years, and because I adopted the country and came with eager anticipation, I have a very deep and abiding faith and satisfaction in the traditions and the glory of our history. I am so deeply appreciative of what kind of place this is and the freedom that it offers and the hope that it offers to the world. I am as idealistic about that now as I was as a child and as a youth. In all those forty years I have had three persons that I thought violated the ideals and the traditions and the hopes and the quality of this country as I understood them. That's my personal judgment and I have stated it a number of times. I hold no opinions that I sooner or later do not discuss publicly. So many of you have been aware for many, many years that I have considered Richard Nixon as a deep, basic enemy of the ideals and the hopes of America. I put him



along with Senator McCarthy and J. Edgar Hoover. I know this opinion was not shared with very many. Not until McCarthy had run his course, did the evil and wickedness of his approach and destructiveness become apparent. So I express my prejudice against the man Richard Nixon. It is longstanding. I didn't have to wait for Watergate . . . it was nothing that I really found difficult to believe. Perhaps that is why I am not quite as angry as some of you are.

Secondly, I want to say that I have been here in Grand Rapids all the years of Gerald Ford's public life. I have seldom ever agreed with any of his positions or votes. That too was clear to you. I am not prejudicially disposed in his favor. I have had to fight him over and over again. However, I do want to say that I am shocked and outraged by the terrible allegations and suspicions of motivations that have been raised in our own community this past week in ascription to his act in pardoning President Nixon. You may agree or disagree with his decision but I am horrified that we would, ministers and other good people, in the name of our worry over idealism and over qualitative living, attribute to him the very worst of motives, scandalously outrageous motives without any single bit of evidence. Now that may be all right, although it isn't, for persons in the country around to do. As decent, religious people we ought to at least accept a man's public declaration of why he is doing something. Until you find out better, isn't that the decent thing to do? Certainly it is the religious thing to do, but I have read preachers this week denouncing him for inculcating immorality while they spread doubt and lack of faith and ugliness with sheer, unadulterated gossip. When those people speak on behalf of morality and high idealism for a better nation — that kind of conversation and talk is destructive.

Gerald Ford lived in this community. We should know better. In all those years of my opposition to him I never once have had occasion to call into question his motivations, his integrity, his honor or his honesty. He moves in and out



of our homes. He is no stranger to us. We have had him under a microscope for thirty years. We ought to know that man. However bad his judgment, we ought to know he is a decent, honorable, honest person, as deeply devoted to the ideals of America and to the qualities of democracy as any one you will ever have met. This is not just hearsay; it's there on the record. There is no valid reason for impugning to President Ford a dishonest or dishonorable motivation. His whole life speaks against it. And we, we know. We ought to know.

One. I want to say that it is absurd to say that a pardon for President Nixon undermines our legal system or destroys our principle of equal treatment under the law. It is absurd to make such a claim. President Ford did not invent the pardon. The privilege and responsibility of clemency and pardon is built into the system of our law, on every level from the merest local district up to the federal. It is an important part of our law. It is a responsibility more often than it is a privilege. It is equivalent in effect to the veto which we attribute to the President. Congress writes laws but the President may veto them. Congress passes laws many, many times knowing that the President will veto them. Good men and women have voted for causes and issues and programs that they didn't want to support but did for the public effect, knowing that the President would veto them and they would not go through. Juries have convicted persons knowing that there would be clemency and pardon for them and that the penalty to be exacted was too great, but they knew there would be a pardon forthcoming. Juries have refused to convict persons obviously or seemingly most guilty because they knew that the penalties for such crimes were too harsh in the particular instance. They took justice into their own hands.

Pardons are a responsibility. They are a necessary part of our whole system of justice. Without them our justice would be much less. Criticize President Ford's judgment but his act is not a violation of the law. He was assuming his



responsibility and he felt in his own conscience that he had to do it and he had to do it in the way he did.

The second aspect of the fact that it is not a violation of the law for the president to do this, that it is not anti-system, that it is not anti-legal — the second aspect is the fact that while equal treatment in our system is one of the most important functions we have, the same offense does not always warrant the same treatment. Surely no principle is more basic than this to our justice. Equal treatment of all offenders, given a moment's consideration, must surely come through as a travesty of justice or of a legal system. There has always been unequal treatment and always the provision for unequal treatment, for equal treatment would be a horror and a nightmare.

Let me make some suggestions for consideration. We do not object to plea bargaining although the latest officially sanctioned commission to investigate criminal justice is suggesting that plea bargaining be dispensed with. Plea bargaining has always been a part of our system. We have used it from the lowest local prosecuting attorney up to and including the special attorneys appointed by the presidents. Under plea bargaining, if a person will plead guilty to a small offense, we will forgive him for the major offenses so that we can use him in the prosecution of further justice. This is not equal treatment, but it is a part of our system.

We have traditionally and continually given freedom and clemency and forgiveness and pardon to informers, those who will help us reach further to get more grievous law-breakers.

Justice has always been based upon the principle of motivation. We give three different formulas for punishment for murder based on the nature of motivation. There is a first degree and a third degree. We always want to inquire into what caused the person to do what he did. You wouldn't take the offense without investigating his frame of mind or his attitude.



Would you treat a first offender in the same way you would treat an habitual offender? Is that equal treatment — to take a person who has done something for the first time and give him the same punishment as someone else who has been doing the same thing over and over again?

Do we not always consider when we consider justice the capacity for rehabilitation of the offender? Do we not at least take into consideration his age, his social status, his history and tradition up to that time, his social record, his standing in the community, his honor, and would we not assume that a person who had lived for thirty or forty years in a community with honor and status should be treated somewhat differently from some one who has paid no attention to the community and used it only to ravage it? Surely there is a value for our previous life and our previous standards and for our relationships in the community.

I ask you also to raise in your mind the fact that in any kind of justice we must always consider the value of any punishment. Punishment is not the purpose of justice and punishment may not always serve justice. We are obviously aware of that on every possible level. If it is true for poor people, as one friend of mine said, wouldn't the same principle apply to the rich? If it is true and valid for the unpowerful, wouldn't it apply equally well to the powerful? Shouldn't we stop and consider whether or not punishment would really be of any value? There is a committee working in this County to secure special privilege for the good citizens here who fall into trouble and to help them avoid the bad record of a prison confinement or even a day in court. The basis is that these people who on investigation turn out to be good people are capable of rehabilitation and we don't want to punish them unnecessarily for punishment may only push them further down, degrade and hurt both them and our society. There are hundreds of illustrations that any one of you can pull up to your minds. Consider the neighbor you have known who has had trouble. Your understanding



and knowledge and conviction is that punishing that person would do no good, and you have worked, haven't you — I have, over and over again to get such people off. This was done not so they could avoid the justice system but so that justice could be served, so that they could grow in their qualities, so that they could be strengthened in their weakness to go on making a contribution to society. One little illustration. Congressman McCormick, Speaker of the House, left the House in disgrace, an old man, everyone knew. Would it have served justice and decency and honor and the welfare of Congress, Massachusetts, or America to have put McCormick in jail, at his age?

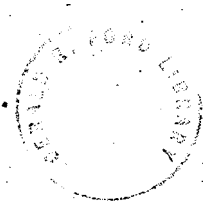
Two. I have already said it is absurd to say that the law is mocked or that equal treatment has been violated. The second point I make is that the due process of law for Presidents is not, I repeat *not*, the same as for an ordinary citizen. Our Constitution set it up that way. President Ford was not initiating some new procedure. He was following the Constitution. We had been following the Constitutional process. The President could not be tried in an ordinary court. That is why the impeachment procedure was set up. He was tried according to the law, according to our standards, to our precedents and traditions. He had to be duly charged in the House and then tried in the Senate. It was perfectly clear — the record is there in print, and there will be more of it — that he stood guilty and that is the reason for his resignation. He did not escape our law. He was not above the law. His resignation expressed that guilt. The penalty under the law for a President's wrongdoing was exacted. The President did not escape.

Three. The President of the United States is not just another person. There is some remarkable political wisdom involved in this. We do like to remember that President Ford is just Jerry, that we know him, that we have drunk with him, eaten with him, played with him, that he is just another guy. But not when he is President. He could say, "I hope my friends will not call me Mr. Vice President, that I'll still be



Jerry," but when he assumed the rank of Vice President, he was something more, and that is a minor office compared to the presidency. The presidency carries with it so much dignity, so much power, so much history, so much tradition that the man who occupies it is not just another citizen. He is king as well as ordinary citizen. This President carries the burden of acting like royalty even while he must remember, as we must remember, that he is just another ordinary citizen . . . but he is both. He is the President, and you address him "Mr. President." The simplest person and the sophisticated person as well stands in awe before that figure. The President is not to be treated as just an ordinary citizen. He is the office as well as the executive. He is the nation as well as a political and party leader. He is a symbol of our nation, our tradition, our history.

Do you think we have not been humiliated enough? Do you think there would be any real value in humiliating the presidency any more? I know the horror and I share it. Do you want more? Back in the early days of Watergate I remember particularly a cultured academic witness and lecturer being called in by the net works from Australia to discuss the case. He said, "Why is it that the Americans like to flagellate themselves? Why do they like to bring out all this and hang it in front of the world?" I have moved around enough to know that that's the way Canadians feel, too. And I have read, the British, the French, the Scandinavians and almost all of West Europe want to know why we do this. "Why do you do this to yourselves? Couldn't you meet the problem and handle it and get on about your business. Do you have to lay it out for the world to see and beat your breast in shame and degradation?" Well, we did bring it out. That is part of our nobility. It will be forever a stirring part of our tradition, that we were strong enough and courageous enough and honest enough to bring it all out. It isn't just Richard Nixon — it's the presidency that has been shamed, and I think we all know it. If that presidency is going to be something, there is no need to



drag it any further, it seems to me. We have taken our punishment. We are not escaping our guilt. We are not escaping a wrongdoing.

Do you really want more? Do you think that more shame would help us as a nation? Do you think that more shame would make the presidency more august and more significant and more important? Do you really think that more punishment would make us better?

I entitled this "The pardon for President Nixon." I used the term President advisedly, not Richard Nixon. Remember the pardon was for the President. It was for the office.

Four. The pardon was a symbolic act of mercy. It should be seen as an expression of our desire to be forgiving. I advocated that we forgive them all. But if we cannot forgive everyone because we are not yet that good, and I wish we could and I wish we were, surely we can forgive some one if for no other reason than to hold up the ideal of forgiveness.

The Jews didn't rise to the level of Abraham and God didn't rise to that level for centuries and centuries. The ideal is there. It must never be forgotten. The time to hold up the ideal is when you need it most, when you are most bitter, resentful, hateful. Hold up forgiveness. That's when you need it most. If you can't forgive all your friends, forgive some. If you can't forgive all the way, forgive part of the way. Help where you can if you can't help everywhere. Show mercy where you can, wherever you can, even if you can't show it all the way to everyone. Remember the story of the owner who paid all his employees equally, expressing an act of kindness. The others got what they bargained for. Was he unjust or is kindness the point of the story?

Five. Whatever the "world" may say, and I put world in quotes as I referred to those outside of our own community earlier, whatever the law may do, and whatever your critical judgment of guilt and innocence may be, a religious person should not be found in vain against forgiveness.

How many million times today will Christians say, "Forgive us our trespasses." Is it words only? Does it really express our desire? Is it really our belief? Then we had better start exercising it. Forgive us our trespasses as we forgive those who trespass against us, for we need it and we will need it.

The most solemn event in Christianity is Jesus on the cross. Millions and millions who go to church at no other time go to lament and wonder and marvel at that man on the cross, and they refer invariably when they go to the fact that this man was able to forgive his enemies who were killing him. An innocent man he was, and they were killing him. On the cross he asked for forgiveness for them. Is this only words? Do we mean it? Then will we struggle a little in our religion to rise to it sometime, somewhere? Could we not then muster a little forgiveness for Richard Nixon, for one who has wronged us but one who has served us as well for many, many years and, according to millions of us, served us well whatever his faults of character and whatever his later misdeeds? If we claim the glory of an innocent man forgiving those who kill him, it doesn't seem so much that we rise to that level. What a mockery of our religion if we cannot.

Remember the woman taken in adultery. Jesus forgave her. There were no extenuating circumstances presented for that woman. It was a flagrant case. Hundreds and hundreds of Jewish women had been stoned to death for the same offense and would continue to be stoned to death for that offense, and this woman went free. Would you rather have had justice or did the mercy mean something? Jesus did not intend to abolish the law and its penalties when he succeeded in that act. It was a symbolic act of mercy and forgiveness that comes ringing down the centuries holding us to an ideal and holding up an ideal for us. Forgive when you can.

Mercy and forgiveness cannot be weighed and measured and balanced and counted. It must always be free and un-

earned and undeserved. It is the foolish nature of mercy.

In conclusion I want to ask why such an outpouring, unequalled in my life, of bitterness, resentment, outrage and hate? The reaction is too great to be justified by the occasion. It is something more. We have got to find an explanation. The wisdom of our race and of our religion gives us the explanation. We know. If you stop for a moment, I think you really know. We have been hurt. We have been shamed. We have been betrayed. We have been diminished. We have been frightened and we have been endangered. We have been exposed by what President Nixon and his people did to us. The emotions have been dammed up too long, swirling within us as a dark, muddy, unwholesome flood. We want to pour them out, pour them out on some person, some thing, some animal, anything so that we can get rid of them. The function of a scapegoat. From before history there were scapegoats. You poured out your guilt on some animal and then killed it, drove it out into the wilderness. This is a deep human, psychological trait and understanding. It's valid. It works. But I am praying that we understand what we are doing, and I pray that there is a better way than this primitive way of scapegoating, and if we can't rise to that better way, at least understand what we are doing. The way out is through understanding and forgiveness.

Remember Jonah and the people of Ninevah. God said, "Jonah, doest thou well to be angry." Have mercy.

We must find it in our hearts, for our own salvation and our children's and perhaps the world's, to forgive President Nixon and the people around him, President Ford, and me, and yourself and all of us. We cannot live without it.

This sermon by Dr. Duncan E. Littlefair was delivered without manuscript on September 15, 1974, and is printed from a tape recording.



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Pardon

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Suit Fights Pardoning Of Nixon

Special to the Free Press

MARQUETTE — A Marquette attorney Tuesday filed a civil suit against President Ford asking that Ford's pardon of former President Richard M. Nixon be set aside as unconstitutional.

The suit, filed in District Court in Marquette, claims the pardon is

including regular reports on the whereabouts of "Searchlight," as Nixon is code-named. Then the Secret Service got wise and all that the TV crews could hear was an electronic hissing. But newsmen did learn that Nixon was still driving a golf cart to his office a short distance from the house. He was seen in the swimming pool and walking about the grounds without crutches or a cane.

While Nixon is in the hospital, his lawyers will be questioned about his health. A California judge must decide whether to grant their motion to quash a subpoena for Nixon to appear in San-

ta Ana and give a deposition in a civil suit challenging security arrangements at a 1971 rally in Charlotte, N.C. The plaintiffs charge that their civil rights were violated when they were refused entry. Miller & Co. argue that giving the deposition would impose an "unreasonable burden" on their ailing client.

Too ill. That proceeding is overshadowed by the Watergate conspiracy trial scheduled to begin Oct. 1. Dr. Tkach has advised the defendants that Nixon is too ill to testify in court and that it might jeopardize his health even to take a deposition from him. But Nixon

has been subpoenaed as a witness by both Defendant John Ehrlichman and Prosecutor Leon Jaworski. Federal Judge John J. Sirica has turned down Ehrlichman's motion to delay the trial again because of Nixon's ill health, and the U.S. Court of Appeals has upheld an earlier Sirica ruling turning down six requests for delay on other grounds. To forestall any further postponements, Jaworski suggested last week that Miller "inform the court, if he is able to do so, what Mr. Nixon's present condition is." Despite news reports, Jaworski added pointedly, the court has "no sound ba-

THE PRESIDENCY/HUGH SIDNEY

A Loyalist's Departure

General Alexander Haig has paid his dues to the United States. Several times.

From West Point to Korea, from the Pentagon to Viet-

nam, Haig has helped Nixon continue his deception.

Yet, six months before the end, Haig and Kissinger saw an anguished impeachment trial, bare survival for Nixon. And even that was the thinnest of hunches. Did Haig begin to ease the way for a Nixon resignation then? Probably.

Haig knew that Watergate was taking a terrible physical toll of Nixon. The viral pneumonia was the first signal. Yet Nixon could come back to his peak. Said Haig: "The Pres-

Buzhardt from the Pentagon and urged Nixon to lay out all of the Watergate case. When Nixon made his May 22 statement, Haig thought that was the whole story. How could he have continued to believe as one by one Nixon's defenses were shown to be false, incomplete? That is the part that Haig cannot explain away. Maybe it was the fighter in him, responding to his commander no matter what. The transcripts

17 months ago. He still is a fighter. He goes to the NATO command with relish, despite criticism. And even with some humor. Henry Kissinger came into Haig's office the other day, when the morning papers were filled with accusations against Haig. "The trouble with Haig," said Kissinger, "is that he is always improving his image." The two friends exploded with laughter.

THE WHITE HOUSE

WASHINGTON

Total Spending for Watergate and related
investigation and prosecution = \$10,000,000

Total Annual Budgets for Prosecution, 1972

Cincinnati	\$ 367,000
Cleveland	1,054,000
Dallas	1,418,000
Ft. Worth	643,000
Miami	1,199,000
Milwaukee	1,386,000
Minneapolis	883,000
New Orleans	358,000
Pittsburgh	1,561,000
St. Paul	<u>500,000</u>
	\$9,639,000

*courtesy of National Association of
County Officials*

E. Kulp, 10/7



WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

October 12, 1974

Honorable William B. Saxbe
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear Mr. Saxbe:

With the prosecution of United States v. Mitchell, et al., now in progress under the guidance of Associate Special Prosecutor James F. Neal and his Assistants, the Watergate Special Prosecution Force is beginning to address itself to the completion of remaining investigations and to such prosecutions as are still to be conducted. The bulk of the work entrusted to the care of this office having been discharged, I am confident that such of our responsibilities as remain unfulfilled can well be completed under the leadership of another Special Prosecutor. A part of the unfinished matters relates to the area of "milk fund" investigations, and as to these, I filed a letter of recusal shortly after becoming Special Prosecutor. Accordingly, after serving since November 5 of last year in this office, I tender my resignation effective October 25, 1974.

By separate letter, I am forwarding to you an interim report giving a resume of the work of this office to date. In that letter, I am also submitting some additional observations relative to the work of the Special Prosecution Force.

When you testified at your nomination hearings, you made it clear that you did not intend to interfere with the operation of my office and that you would permit me to act independently and without hindrance. You abided by this assurance and I express to you my appreciation for having permitted me to proceed with my responsibilities as I saw them.



- 2 -

I would appreciate receiving from you a communication accepting this resignation effective on the date indicated.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Leon Jaworski".

LEON JAWORSKI
Special Prosecutor



Pardon

THE WHITE HOUSE

WASHINGTON

December 19, 1975

MEMORANDUM FOR: WILLIAM GREENER

FROM: PHILIP BUCHEN *P.*

A Woodward and Bernstein article on events preceding the Nixon pardon appeared in the Washington Post December 18, 1975.

To give you additional background and comments on this article, I point out the following:

1. Woodward came to see me on Tuesday, December 9, ostensibly to check out the veracity of a story he had acquired which involved material he and Bernstein were developing for the book they were nearly finished writing on the first 100 days of the Ford Administration to be published in April. He had much earlier interviewed me for purposes of gathering material for the book and now had some new information that at least partly involved my role in the events.

2. The story he claimed to have was that Len Garment and Ray Price had, early in the morning of August 28, prepared a document addressed to me advocating that the President act promptly to announce his intention to pardon the former President. According to Woodward's informants, the documents involved were a memorandum from Garment pointing out the merits of prompt action and attached to it a draft statement by Price for the President to make such announcement at his upcoming press conference that afternoon. He also stated that Al Haig was given a duplicate of these documents at the same time, that he had presented them to the President early the morning of August 28, and that he then telephoned Garment that the President wanted to go ahead with the suggestion. This development, according to Woodward was followed an hour and a quarter later by a call from Haig to Garment that, contrary to his previous advice, the President had put a "hold" on doing anything along this line.

3. My response to Woodward was as follows:

(a) I did recall that Len Garment, after the staff meeting on the morning of August 28, had handed me a memo addressed to me



which presented the case for the President to respond at his press conference that he intended to pardon the former President but I did not recall that there was any statement by Price or anyone else attached to this memorandum.

(b) I had on August 27 prepared a draft question and answer for the President which in effect called for his stating that he was not ready to make any decision on the matter.

(c) I learned during the course of the morning from the President that he was planning to answer questions about a possible pardon in much the manner I had suggested by my proposed question and answer, and therefore I returned the Garment memo to him either just before the press conference or right afterwards.

(d) I was not aware that anyone else received a copy of the Garment memo or that he had given one to Al Haig if that was the case.

(e) I found incredible the story Woodward gave about the President's having led Al Haig to believe he was going to state at the press conference his intention to grant a pardon, because such story was entirely inconsistent with what I understood from the President was his intention at the press conference and which, as the answers to the questions given, he enunciated.

Woodward then asked whether Ron Nessen could determine from the President whether he in fact did see the Garment memo on the morning of August 28, and I said I would get back to him on the matter.

4. I discussed the matter with Jack Marsh, who had been closely involved at the same time when I was in the developments concerning the matter of the Nixon pardon, and Jack and I talked to the President on December 11.

5. The President advised Jack and me that he had no recollection of seeing any such memo but suggested that I talk to Al Haig.

6. I reached Al Haig in Brussels on Friday, December 12. He acknowledged that he knew of the Garment memo and thought he might have shown it to the President either before or after the press

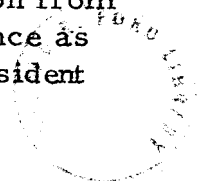
conference but it could well have been afterwards. He said he would check whatever files he had with him but also suggested I check files here to see if there was any indication that the President might have received a copy of the memo and the date and the time when he did receive it.

7. Through Jim Connor, both the President's files and Al Haig's files were checked, and I was advised that no copy of the memorandum could be found. I also checked my own files and found that I had no copy, which was consistent with my recollection that I had returned the Garment memo to him.

8. Al Haig called me back on Tuesday, December 16, and said he could tell nothing from his records which would indicate whether or when he might have shown the Garment memo to the President. He did say, however, that he was sure he had some discussions with the President on the subject of a possible pardon but he again was unsure whether it was before or after the press conference.

9. I promised Woodward to get back to him within a few days of our original conference, and I talked to him next on Tuesday, December 16, to advise him that the President had no recollection of having seen the Garment memo and that a preliminary check of the files indicated no record of the Garment memo having gone to the President. In fact, we could not even find a copy. I held off being more decisive until I had heard again from Al Haig.

10. Al Haig then called me the same day, but after I had talked with Woodward. On that call, Al said he could not verify anything from his files but that he did recall discussing the pardon with the President and might have done so before the press conference. The next day Woodward called me again to ascertain whether I had found out anything more and I said that we still had not found anything in the files about the Garment memo, but, in the course of the conversation, I said there could have been some discussions that I didn't know about which preceded my first learning on Friday, August 30, that the President had pretty much decided to go ahead with the pardon if I was able to advise him that it was legally possible and provided I obtained certain information from the Special Prosecutor. The portion of the Washington Post article which says that "Buchen acknowledged yesterday that the President now 'recalls that he talked with Haig about the pardon from time to time' -- possibly on the day of his first press conference as President" is not accurate in that I merely stated that the President



may have talked to Haig on the subject of the pardon before making his decision but that the decision was made by the President alone as he had publicly stated. The other quotes were also not accurate in that the President had not asked me to check the files and I did not say so. Actually, I had caused the search as a result of Haig's uncertainty as to what the files might show. I also raised with Woodward the possibility that the pardon could have been discussed after the press conference and before I was involved only because it was customary for the President to conduct a post mortem of his press conferences to review what questions had been given and how they had been answered, although I was not involved in such a post mortem. I also mentioned that the first indication of the President's desire to consider a pardon came to me as a surprise when we met, along with Hartmann, Marsh and Haig, on August 30 as an indication that he had not really addressed the matter until after his press conference when he had had time to reflect on the effect of his answers to three or four different questions on the same subject at the press conference. I also made no statement about Haig's involvement except to say that, so far as I was concerned, he withdrew himself entirely from any followup to the President's tentative plan to go ahead with any pardon if I could advise that he was legally permitted to do so and if the information from the Special Prosecutor was obtained concerning the length of time before a fair trial could be held in the matters under investigation by the Special Prosecutor's office.

11. The Post story says that the question by the House Judiciary Subcommittee about Al Haig's discussing a pardon was rephrased in answering the question. Such is not the case because the question did involve only Haig's discussions "with Richard M. Nixon or representatives of Mr. Nixon" (see question 2 in the attached resolution).

cc: Jack Marsh
Dick Cheney



H. RES. 1367

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1974

Ms. ABZUG (for herself, Mr. BADILLO, Mr. JOHN L. BURTON, Mr. DELLUMS, Mr. EILBERG, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. KOCH, Mr. ROSENTHAL, Mr. STARK, Mr. STOKES, Mr. SYMINGTON, and Mr. CHARLES H. WILSON of California) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

1 *Resolved*, That the President of the United States is
2 hereby requested to furnish the House, within ten days, with
3 the following information:

4 1. Did you or your representatives have specific knowl-
5 edge of any formal criminal charges pending against Richard
6 M. Nixon prior to issuance of the pardon? If so, what were
7 these charges?

8 2. Did Alexander Haig refer to or discuss a pardon for
9 Richard M. Nixon with Richard M. Nixon or representa-
10 tives of Mr. Nixon at any time during the week of August 4,
11 1974, or at any subsequent time? If so, what promises were



1 made or conditions set for a pardon, if any? If so, were tapes
2 or transcriptions of any kind made of these conversations or
3 were any notes taken? If so, please provide such tapes,
4 transcriptions or notes.


5 3. When was a pardon for Richard M. Nixon first re-
6 ferred to or discussed with Richard M. Nixon, or representa-
7 tives or Mr. Nixon, by you or your representatives or aides,
8 including the period when you were a Member of Congress
9 or Vice President?

10 4. Who participated in these and subsequent discussions
11 or negotiations with Richard M. Nixon or his representa-
12 tives regarding a pardon, and at what specific times and
13 locations?

14 5. Did you consult with Attorney General William
15 Saxbe or Special Prosecutor Leon Jaworski before making
16 the decision to pardon Richard M. Nixon and, if so, what
17 facts and legal authorities did they give to you?

18 6. Did you consult with the Vice Presidential nominee,
19 Nelson Rockefeller, before making the decision to pardon
20 Richard M. Nixon and, if so, what facts and legal authorities
21 did he give to you?

22 7. Did you consult with any other attorneys or profes-
23 sors of law before making the decision to pardon Richard M.
24 Nixon, and, if so, what facts or legal authorities did they
25 give to you?



1 8. Did you or your representatives ask Richard M.
2 Nixon to make a confession or statement of criminal guilt,
3 and, if so, what language was suggested or requested by
4 you, your representatives, Mr. Nixon, or his representatives?
5 Was any statement of any kind requested from Mr. Nixon
6 in exchange for the pardon, and, if so, please provide the
7 suggested or requested language.

8 9. Was the statement issued by Richard M. Nixon im-
9 mediately subsequent to announcement of the pardon made
10 known to you or your representatives prior to its announce-
11 ment, and was it approved by you or your representatives?

12 10. Did you receive any report from a psychiatrist or
13 other physician stating that Richard M. Nixon was in other
14 than good health? If so, please provide such reports.



WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

STATUS REPORT

October 7, 1974



Watergate Special Prosecution Force Status Report

TABLE OF CONTENTS

	Page
Chronological List of Court Actions	1
Appellate Matters Under the Jurisdiction of the Special Prosecutor	11
Grand Jury Decision to Request Court to Turn Over Documents to the House Judiciary Committee Investigation of President Nixon	13
July 23, 1973, Subpoena of Presidential Tapes.....	13
Examination of June 20, 1972, White House Tape by Panel of Experts Appointed by the U.S. District Court	14
March 15, 1974, Subpoena of White House Documents	15
April 16, 1974, Request for Trial Subpoena for the September 9 Watergate Cover-up Trial	15
Federal Grand Juries Investigating Watergate Break-In, Cover-Up and Other Matters Under the Jurisdiction of the Special Prosecutor	16
Description of Attorney Generals' Orders Establishing Special Prosecutor's Office	18

(Information updated through 10/1/74)

LIST OF COURT ACTIONS BY OFFICE
OF WATERGATE SPECIAL PROSECUTOR
JUNE 27, 1973 - OCTOBER 1, 1974

INDIVIDUALS

<u>Subject</u>	<u>Status</u>
Frederick C. LaRue	Pleaded guilty on June 27, 1973, to an information charging violation of 18 USC Section 371, Conspiracy to Obstruct Justice. Sentencing deferred.
Jeb S. Magruder	Pleaded guilty on August 16, 1973, to an information charging violation of 18 USC Section 371, Conspiracy to Obstruct Justice and Defraud the United States of America. Sentenced on May 21 to a prison term of 10 months to four years. Sentence being served at U.S. Bureau of Prisons Camp, Allenwood, Pa.
Donald Segretti	Pleaded guilty on October 1, 1973, to an indictment charging one count of violation of 18 USC Section 612, Distribution of Illegal Campaign Literature. Defendant was sentenced on November 5, 1973, to serve six months in prison. Released March 25, 1974.
Egil Krogh, Jr.	Indicted on October 11, 1973, on two counts of violation of 18 USC Section 1623, Making False Declaration before Grand Jury or Court. Indictment dismissed, January 24, 1974. Pleaded guilty on November 30, 1973, to an information charging violation of 18 USC Section 241, Conspiracy Against Rights of Citizens. On January 24, 1974, Judge Gerhard Gesell sentenced Krogh to a prison term of two to six years. All but six months of

The prison term were suspended.
Released June 21, 1974.

John W. Dean III

Pleaded guilty on October 19, 1973, to an information charging one count of violation of 18 USC Section 371, Conspiracy to Obstruct Justice and Defraud the United States of America. Sentenced August 2, 1974, to a prison term of one to four years.

Dwight L. Chapin

Indicted on November 29, 1973, on four counts of violation of 18 USC Section 1623, Making False Declaration before Grand Jury or Court. Found guilty on two counts, April 5, 1974. Sentenced May 15 to serve 10 to 30 months in prison. Conviction appealed.

Herbert L. Porter

Pleaded guilty on January 28, 1974, to an information charging a one-count violation on 18 USC Section 1001, Making False Statements to Agents of the FBI. Information filed January 21, 1974. Sentenced on April 11, 1974, to a minimum of five months and maximum of 15 months in prison, all but 30 days suspended. Released May 23.

Jake Jacobsen

Indicted on February 21, 1974, on one count of violation of 18 USC Section 1623, Making False Declaration to Grand Jury or Court. Indictment dismissed May 3, 1974. Indicted July 29, 1974, on one count of making an illegal payment to a public official. Pleaded guilty August 7, 1974. Sentencing deferred.

Herbert W. Kalmbach

Pleaded guilty on February 25, 1974, to charges of violation of the Federal Corrupt Practices Act (2 USC Sections 242a and 252b) and a charge of promising federal employment as reward for political activity and for support of a

candidate (18 USC Section 600).
Sentenced to serve six to eighteen
months in prison and fined \$10,000.

Charles W. Colson

Indicted on March 1, 1974, on one
count of conspiracy (18 USC
Section 371) and one count of
Obstruction of justice (18 USC
Section 1503). Indictment dismissed.

Indicted on March 7, 1974, on one
count of conspiracy against rights
of citizens (18 USC Section 241).
Indictment dismissed.

Pleaded guilty on June 3, 1974,
to one count of obstruction of
justice, 18 USC Section 1503.
Sentenced to serve one to three
years in prison and fined \$5,000.

Harry R. Haldeman

Indicted on March 1, 1974, on
one count of conspiracy (18 USC
Section 371), one count of obstruc-
tion of Justice (18 USC Section
1503) and three counts of perjury
(18 USC Section 1621). Trial
in progress.

John Ehrlichman

Indicted on March 1, 1974, on
one count of conspiracy (18 USC
Section 371), one count of
obstruction of justice (18 USC
Section 1503), one count of making
false statements to agents of
the FBI (18 USC Section 1001),
and two counts of making a false
statement to a Grand Jury or
Court (18 USC Section 1623).
Trial in progress.

Indicted on March 7, 1974, on
one count of conspiracy against
rights of citizens (18 USC
Section 241), one count of making
a false statement to agents of
the FBI (18 USC Section 1001),
and three counts of making a
false declaration to a Grand
Jury or Court (18 USC Section 1623).

On July 12, 1974, Ehrlichman was found guilty on all charges, except on count of making a false declaration before a Grand Jury. On July 22, Judge Gerhard Gesell set aside Ehrlichman's conviction on the Section 1001 charge. On July 31, 1974, he was sentenced to a prison term of 20 months to five years on all counts.

John Mitchell

Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503), two counts of making a false declaration to a Grand Jury or Court (18 USC Section 1623), one count of perjury (18 USC Section 1621), and one count of making a false statement to an agent of the FBI (18 USC Section 1001). Trial in progress.

Gordon Strachan

Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503) and one count of making a false statement to a Grand Jury or Court (18 USC Section 1623). (Case severed.)

Kenneth W. Parkinson

Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371) and one count of obstruction of justice (18 USC Section 1503). Trial in progress.

Robert C. Mardian

Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371). Trial in progress.

Bernard L. Barker

Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC

Section 241). Found guilty July 12, 1974. Suspended sentence. Three years probation.

Eugenio Martinez

Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Found guilty July 12, 1974. Suspended sentence. Three years probation.

Felipe De Diego

Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Indictment dismissed May 21, 1974. Action under appeal.

G. Gordon Liddy

Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Found guilty July 12, 1974. One to three year sentence to run concurrent with other sentence.

Indicted on March 7, 1974, on two counts of refusal to testify or produce papers before either House of Congress. Found guilty on both counts May 10, 1974. Sentenced to six months on each count, sentences to run concurrently. Sentences suspended.

Howard Edwin Reinecke

Indicted April 3, 1974, on three counts of perjury (18 USC Section 1621). Arraigned April 10, 1974. Found guilty on one count, July 27, 1974. Received suspended 18-month sentence October 2, 1974.

Richard G. Kleindienst

Pleaded guilty on March 16, 1974, to an information charging violation of 18 USC Section 192. Sentenced to prison term of 30 days and fined \$100. Prison term and sentence suspended.

John B. Connally

Indicted on July 29, 1974, on two counts of accepting an illegal payment, one count of

conspiracy to commit perjury and obstruct justice and two counts of making a false declaration before a Grand Jury. Pleaded not guilty August 9, 1974.

Harry Heltzer
(Chairman of the
Board, Minnesota
Mining and Manu-
facturing Co.)

Pleaded guilty on October 17, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$500.

Russell DeYoung
(Chairman of the
Board, Goodyear Tire
and Rubber Co.)

Pleaded guilty on October 17, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fine \$1,000.

Dwayne O. Andreas
(Chairman of the
Board, First Inter-
oceanic Corporation)

An information was filed on October 19, 1973, in Minneapolis, charging four counts of non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. A plea of not guilty was entered on behalf of Mr. Andreas. Acquitted July 12, 1974.

Harding L. Lawrence
(Chairman of the
Board, Braniff
Airways)

Pleaded guilty on November 12, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$1,000.

Claude C. Wild Jr.
(former Vice Presi-
dent, Gulf Oil Corp.)

Pleaded guilty on November 13, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$1,000.

Orin E. Atkins
(Chairman of the
Board, Ashland Oil
Inc.)

Pleaded no contest on November 13, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$1,000.

William W. Keeler
(Chairman of the
Board, Phillips
Petroleum Co.)

Pleaded guilty on December 4, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$1,000.

H. Everett Olson
(Chairman of the
Board, Carnation
Company)

Pleaded guilty on December 19,
1973, to an information charging
a non-willful violation of 18
USC Section 610, Illegal Campaign
Contribution. Fined \$1,000.

Ray Dubrowin
(Vice President,
Diamond Interna-
tional Corp.)

Pleaded guilty on March 7, 1974,
to an information charging a non-
willful violation of 18 USC
Section 610, Illegal Campaign
Contribution. Fined \$1,000.

George M. Steinbrenner
(Chairman of the
Board, American
Shipbuilding Co.)

Indicted April 5, 1974, on one
count of conspiracy (18 USC
Section 371); five counts willful
violation of 18 USC Section 610,
illegal campaign contribution;
two counts, aiding and abetting
an individual to make a false
statement to agents of the FBI
(18 USC Section 1001); four
counts obstruction of justice
(18 USC Section 1503) and two
counts obstruction of a criminal
investigation (18 USC Section 1510).


On August 23, Steinbrenner pleaded
guilty to one count of conspiracy
to violate 18 USC Section 610 and
one count of being an accessory
after the fact to an illegal
campaign contribution. He was
fined \$15,000.

John H. Melcher Jr.
(Executive Vice
President, Counsel,
American Ship-
building Co.)

Pleaded guilty on April 11, 1974,
to a charge of being an accessory
after the fact to a violation of
18 USC Section 610, Illegal Cam-
paign Contribution. 18 USC
Sections 3 and 610. Fined \$2,500.

Thomas V. Jones
(Chairman of the
Board, Northrop
Corporation)

Pleaded guilty on May 1, 1974,
to an information charging vio-
lation of 18 USC Sections 2 and
611, aiding and abetting firm
to commit violation of statue
prohibiting campaign contributions
by government contractors. Fined
\$5,000.



James Allen
(Vice President,
Northrop Corporation)

Pleaded guilty on May 1, 1974,
to an information charging
violation of 18 USC Section
610, illegal campaign con-
tribution. Fined \$1,000.

Robert L. Allison

Pleaded guilty on May 17,
1974, to a non-willful vio-
lation of 18 USC Section 610,
Illegal Campaign Contribution.
One month unsupervised pro-
bation and suspended \$1,000 fine.

Francis X. Carroll

Pleaded guilty May 28 to a charge
of aiding and abetting an individ-
ual to commit violation of 18
USC Section 610, Illegal Campaign
Contribution. Received suspended
sentence.

David L. Parr

Pleaded guilty on July 23, 1974,
to a one-count information charg-
ing conspiracy to violate Title
18, USC, Section 610, illegal
campaign contribution. Sentencing
deferred pending pre-sentence
report.

John Valentine

An information was filed on July
30, 1974, charging a one-count
violation of Title 18, USC,
Sections 2 and 610, aiding and
abetting an illegal campaign
contribution. A guilty plea was
entered on August 12. Sentencing
postponed.

Norman Sherman

An information was filed on July
30, 1974, charging a one-count
violation of Title 18, USC,
Sections 2 and 610, aiding and
abetting an illegal campaign
contribution. A guilty plea
was entered on August 12.
Sentencing postponed.

Harold S. Nelson

Pleaded guilty on July 31, 1974, to a one-count information charging conspiracy to violate Title 18, USC, Section 610, illegal campaign contribution. Sentencing deferred pending pre-sentence report.

William Lyles Sr.
(Chairman of the
Board and President,
LBC & W Inc.)

Pleaded guilty on September 17, 1974, to two counts of non-willful violation of 18 USC, Section 610, illegal campaign contribution. He was fined \$2,000.

CORPORATIONS

American Airlines

Pleaded guilty on October 17, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.

Minnesota Mining and
Manufacturing Co.

Pleaded guilty on October 17, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$3,000.

Goodyear Tire and
Rubber Company

Pleaded guilty on October 17, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.

First Interoceanic
Corp.

An information was filed on October 19, 1973, in Minneapolis, charging a four-count violation of 18 USC Section 610, Illegal Campaign Contribution. Corporation entered a plea of not guilty to charge. Acquitted July 12, 1974.

Braniff Airways

Pleaded guilty on November 12, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.

Gulf Oil Corp.	Pleaded guilty on November 13, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.
Ashland Petroleum Gabon Inc.	Pleaded guilty on November 13, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.
Phillips Petroleum Co.	Pleaded guilty on December 4, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.
Carnation Company	Pleaded guilty on December 19, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.
Diamond International Corporation	Pleaded guilty on March 7, 1974, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined \$5,000.
American Shipbuilding Company	Indicted April 5, 1974, on one count conspiracy (18 USC Section 371) and one count violation of 18 USC Section 610, Illegal Campaign Contribution. Pleaded guilty on August 23, 1974, to counts one and seven of the indictment and was fined \$20,000.
Northrop Corporation	Pleaded guilty on May 1, 1974, to a charge of violation of 18 USC Section 611, Illegal Campaign Contribution of Government Contractor. Fined \$5,000.
Lehigh Valley Coopera- tive Farmers	Pleaded guilty on May 6, 1974, to an information charging violation of 18 USC Section, Illegal Campaign Contribution. Fined \$5,000.

Associated Milk Pro-
ducers Inc.

Pleaded guilty on August 2, 1974,
to one count of conspiracy and
five counts of making an illegal
and willful campaign contribution.
Fined \$35,000.

LBC & W Inc.

Pleaded guilty on September 17,
1974, to one count of violation
of 18 USC Section 611, Illegal
campaign contribution by govern-
ment contractor. Fined \$5,000.

Greyhound Corporation

An information was filed on
October 2, 1974, charging a
one-count violation of 18 USC
Section 610, illegal campaign
contribution. No plea taken at
filing.

APPELLATE MATTERS UNDER THE
JURISDICTION OF THE SPECIAL
PROSECUTOR

The Special Prosecutor's Office has represented the
United States in the following matters before the U.S.
Court of Appeals:

Nixon v. Sirica (73-1962)
U.S. v. Sirica (73-1967)

These matters refer to the Writ of Mandamus filed
with the U.S. Court of Appeals following Judge
John J. Sirica's decision on August 29, 1973,
ordering the President to turn over subpoenaed
tapes to the Special Prosecutor. Denied October
12, 1973.

Haldeman v. Sirica (74-1364)
Strachan v. Sirica (74-1368)

A petition for a Writ of Mandamus was filed by
attorneys for Haldeman and Strachan after March
18, 1974, decision by Judge Sirica to permit trans-
fer of Grand Jury report to House Judiciary Commit-
tee investigation of impeachment of President Nixon.
Petition denied March 21, 1974.

Mitchell v. Sirica (74-1492)

Motion of defendants to recuse Judge John J. Sirica from presiding at trial of defendants in U.S. v. Mitchell et al. Motion denied by Sirica and confirmed by Court of Appeals on June 7, 1974. Supreme Court denied petition for a writ of certiorari on July 26.

U.S. v. Chapin

Appeal of conviction in U.S. District Court.
Government briefs due September 4, 1974.

In Re: Grand Jury Subpoena Duces Tecum
Issued to Richard M. Nixon v. Richard M.
Nixon, Appellant (74-1618 & 74-1753)

The Special Prosecutor's Office originally received 33 minutes of the September 15, 1972, tape of a conversation in the President's EOB office between the President, Haldeman and Dean. On June 3, 1974, the Special Prosecutor requested an additional 17 minutes of this taped conversation. On June 7, Judge John J. Sirica signed an order providing access to the additional 17 minutes.

The Special Prosecutor's office represented the United States in the following matter before the United States Supreme Court:

U.S. v. Nixon (73-1766)

On May 24, the White House filed notice of appeal with the U.S. Court of Appeals asking the court to overturn Judge John J. Sirica's May 20 ruling ordering the White House to turn over tapes and documents contained in a trial subpoena issued on April 16. On May 24, after the notice of appeal was filed, the Special Prosecutor applied to the U.S. Supreme Court for a Writ of Certiorari. The court granted the writ on May 31 and heard arguments on July 8. On July 24, 1974, the Supreme Court upheld the District Court order by a vote of 8-0.

GRAND JURY DECISION TO REQUEST
COURT TO TURN OVER DOCUMENTS TO
HOUSE JUDICIARY COMMITTEE INVES-
TIGATION OF PRESIDENT NIXON

On March 1, 1974, the Watergate Grand Jury handed up an indictment naming as defendants John Mitchell, Charles W. Colson, Harry R. Haldeman, John Ehrlichman, Gordon Strachan, Kenneth W. Parkinson and Robert C. Mardian. With the indictment the Grand Jury presented to Judge Sirica a briefcase containing material which the Grand Jury considered pertinent to the impeachment inquiry being conducted by the House Judiciary Committee. The Grand Jury requested that the material be turned over to the impeachment inquiry. The following is a chronology of events leading to the eventual transfer of the material to the House Judiciary Committee:

March 6, 1974	Hearing before Judge Sirica on objections to transfer of materials to House Judiciary Committee
March 18, 1974	Sirica announces decision to permit transfer of material
March 20, 1974	Attorneys for H.R. Haldeman and Gordon Strachan file petition for Writ of Mandamus with U.S. Court of Appeals
March 21, 1974	U.S. Court of Appeals holds hearing on Haldeman's petition. Rules later in the day to deny petition
March 25, 1974	Materials transferred to the House Judiciary Committee

JULY 23, 1973, SUBPOENA
OF PRESIDENTIAL TAPES

On July 18, 1973, one day after Alexander H. Butterfield testified before the Senate Select Committee on Presidential Campaign Activities on the existence of a Presidential taping system in the White House, the Special Prosecutor wrote to White House counsel J. Fred Buzhardt requesting tapes for use in the investigation being conducted by this office.

After receiving a letter from the President's counsel, Charles Alan Wright, refusing to turn over these tapes, the Special Prosecutor announced on July 23 that he would subpoena tapes and other documents needed for use by the Grand Jury investigating the Watergate cover-up. A subpoena was issued later that day. On July 26, President Nixon wrote to Judge John J. Sirica refusing to produce the tapes. The Special Prosecutor then filed a motion for an order to show cause why the tapes should not be produced. Oral arguments were heard on August 22 and a District Court decision ordering in camera inspection of the tapes was issued on August 29. On September 6 the White House filed a petition for Writ of Mandamus with the U.S. Court of Appeals. A cross petition was filed by the Special Prosecutor on September 7. Oral arguments were heard September 11. The Court issued a decision on October 12 ordering the President to produce the tapes. On October 23 the White House informed Judge Sirica it would comply with the order. The tapes were turned over to the judge on November 26.

EXAMINATION OF JUNE 20, 1972,
WHITE HOUSE TAPE BY PANEL OF EXPERTS
APPOINTED BY U.S. DISTRICT COURT

On November 21, 1973, Judge John J. Sirica appointed a panel of scientific experts to examine tapes and other recordings of Presidential conversations turned over to him under the July 23, 1973, subpoena issued by the Special Prosecutor. The panel issued its preliminary findings on its examination of the June 20, 1972, tape, on January 15, 1974. It issued its final report on May 3, 1974. Judge Sirica made this report public on June 4, 1974.

Representatives of the Special Prosecutor's Office and the White House were present during many of the panel's testing sessions.

Members of the panel include:

Dr. Richard H. Bolt, Cambridge, Massachusetts
Mark Weiss, New York, New York
Tom Stockham, Salt Lake City, Utah
James Flanigan, Murreyhill, New Jersey
Dr. Franklin Cooper, New Haven, Connecticut
Jay McKnight, Palo Alto, California

MARCH 15, 1974
SUBPOENA OF WHITE
HOUSE DOCUMENTS

On March 15, 1974, the Special Prosecutor issued a subpoena directing the White House to turn over specified documents for use by the August 13, 1973 Grand Jury. The subpoena was returnable March 25. The documents subpoenaed were described as being "a limited number pertaining to a limited area of the Special Prosecutor's investigation." On March 25, White House counsel requested and received an extension of four days in which to comply with the subpoena. On March 29, documents were received by the Special Prosecutor and later turned over to the Grand Jury.

APRIL 16, 1974 REQUEST
FOR TRIAL SUBPOENA FOR
SEPTEMBER 9 WATERGATE
COVER-UP TRIAL

On April 16, 1974, the Watergate Special Prosecutor filed a motion requesting an order directing the issuance of a subpoena for tapes and other documents required for the September 9 trial in U.S. v. Mitchell et al. District Court Judge John Sirica signed the order on April 18 and set May 1 as the return date. On May 1, President Nixon informed Judge Sirica he would not turn over the tapes and documents. Attorneys for the President filed a motion to quash the subpoena. At a hearing on May 2, Judge Sirica asked the Special Prosecutor's office to file briefs on the matter on May 6 and scheduled a hearing for May 8. On May 6, White House counsel and the Special Prosecutor requested an extension of time in which to file briefs. Judge Sirica announced he was granting the extension and listed "discussions leading to possible compliance with the subpoena" as the reason for granting the extension. The White House counsel announced the following day, however, that there would be no voluntary compliance with the subpoena.

On May 10, the Special Prosecutor's brief was filed with the court under seal. A hearing was held on the matter, in camera, on May 13. On May 20, Judge Sirica ordered the White House to turn over subpoenaed tapes. On May 24, the White House filed notice of appeal with the U.S. Court of Appeals. That afternoon, the Special Prosecutor applied to the U.S. Supreme Court for a Writ of Certiorari. This writ was granted on May 31. Arguments were heard July 8.

Briefs were filed on June 21. The White House filed a cross petition for Writ of Certiorari on June 6. This application was made public on June 11 and granted by the Court on June 15. In a related matter, the White House filed a motion with the U.S. District Court on June 6, asking the court to lift its protective order on briefs and in camera hearings concerning the April 16 subpoena. Sirica lifted his protective order on June 7. On June 10, the Special Prosecutor, with the concurrence of the White House, filed a motion with the Supreme Court, requesting the court to unseal these matters. On June 15, one paragraph from the Special Prosecutor's brief was made public. On July 24, 1974, the Supreme Court handed down its decision upholding the lower court order. A hearing was held by Judge John J. Sirica on July 26 on a motion by the Special Prosecutor requesting expedited delivery of the tapes. The first tapes were turned over to Judge Sirica on July 29. Additional tapes were turned over on August 2. The remaining tapes were to be turned over to Judge Sirica for in camera inspection on August 7.

FEDERAL GRAND JURIES INVESTIGATING
WATERGATE BREAK-IN, COVER-UP AND OTHER
MATTERS UNDER THE JURISDICTION OF THE
SPECIAL PROSECUTOR

- I. Grand Jury empanelled on June 5, 1972. This Grand Jury was due to expire on December 1, 1973, but was extended up to one year by Congressional authorization. This extension, contained in Public Law 93-172, was approved by the President on November 30, 1973. This grand jury is investigating Watergate break-in and cover-up. On May 31, 1974, Chief Judge George Hart granted an application by the Special Prosecutor, on behalf of the Grand Jury, to extend its life until December 4, 1974.

- II. Grand Jury empanelled on August 13, 1973.
This grand jury is investigating other matters arising out of the Special Prosecutor's jurisdiction (campaign contributions, political espionage, plumbers and ITT)
- III. Grand Jury empanelled on January 7, 1974.
This grand jury will investigate matters similar to those under investigation by the second grand jury.

All three grand juries are under the general jurisdiction of the U.S. District Court, Washington, D.C.



The Watergate Special Prosecution Force was established by Order No. 517-73 of the Attorney General on May 25, 1973. The Office of the Special Prosecutor was re-established by Order No. 551-73 of the Attorney General on November 2, 1973. Archibald Cox of Cambridge, Massachusetts, served as Special Prosecutor from May 25 to October 20, 1973. The incumbent, Leon Jaworski of Houston, Texas, became Special Prosecutor on November 5, 1973.

The decision to establish the Office of the Special Prosecutor came as a result of hearings before the Senate Judiciary Committee on the nomination of Elliot L. Richardson to be Attorney General on May 9, 10, 14, 15, 21 and 22, 1973.

December 3, 1974

Dear Douglas:

By this letter, I acknowledge receipt of your correspondence of November fourth, concerning the picture of the pardon granted to former President Nixon, which was published by Parade Magazine on November 3, 1974.

The picture which you saw on the cover was made from the actual pardon that was signed by the President. Further, the Proclamation correctly states that this is the 199th year of the independence of the United States. On the first day of our independence, July 4, 1776, we were in the first year even though the first anniversary of independence was not celebrated until July 4, 1777.

Douglas, it was a pleasure to respond to your letter.

Sincerely,

**Philip W. Buchen
Counsel to the President**

**Mr. Douglas Hardy
716 Scrubgrass Road
Mt. Lebanon, Pennsylvania 15243**

PWB:JF:em



Tuesday 10/15/74

4:40 Howard Kerr stopped by to say Mr. Marsh has checked with the Secret Service and believes General Haig called the President 2rd the evening of August 1 at approximately 10 p. m. at his house and the President returned the call at approximately midnight.



Friday 12/19/75

3:00 Mr. Schmults said to tell you the Dayton Journal Herald is going to put out a negative editorial tomorrow on the Nixon pardon. Bob Wolthius thinks a call from someone knowledgeable might head off the editorial.

Call should be made to Alvin Sanoff of that paper
BEFORE 4 o'clock.

(513) 223-1111

Mr. Bucher
asked if
Mr. Greener or
Mr. Hushon could call.



Thursday 12/10/73

11:00 Gertrude Engel called to talk with you. Said she has her own Public Relations firm (Michigan). 293-1707

Said to tell you she is sorry about the article that appeared in the Post today. You know that President Ford saved Nixon's life when he pardoned him. He needed that valve release...in his body and mind...to make sure he didn't kill himself. The way everybody treated it was pretty bad. She said she was the one who defended it. Mr. Nixon was a very, very sick man. They're going to make this a terrible issue. It will be so misinterpreted.

The only thing that should be said is ---- Nixon is a sick man and President Ford saved his life. Something had to be done to save him. It requires no further explanation than that.

She thinks we should come out with a public release and say "Regardless of how it was done, he saved his life when he pardoned Mr. Nixon."



THE WHITE HOUSE
WASHINGTON

April 28, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN *P.W.B.*

The Department of Justice has recently sent us an interesting opinion written by our old friend, Judge Noel P. Fox, copy attached.

In it he upholds your constitutional power to have pardoned former President Nixon.

This matter had not previously come to my attention and it appears that it has not received any national attention.

Attachment

Pardon

Bailey had attachment



APR 18 1975

Mr. Phillip H. Buchen
Counsel to the President
The White House Office
Washington, D. C. 20501

Dear Mr. Buchen:

We enclose for your information a copy of an Opinion recently
entered in proceedings entitled F. Gregory Murphy v. Gerald R.
Ford, Western District of Michigan, Civil Number M-74-141.

Sincerely,

IRVING JAFFE
Acting Assistant Attorney General



Pardon
Presidential

July 18, 1975

To: Bob Hartmann

From: Phil Buchen

**Thought you might be
interested in the attached
article if you have not
already seen it.**



INSTITUTE FOR SOCIAL RESEARCH THE UNIVERSITY OF MICHIGAN

ISR NEWSLETTER

SUMMER — 1975

Deteriorating Trust in Government— What Was the Impact of Watergate?

(see page 4)

Watergate Crisis Had Indirect Impact On Deteriorating Trust in Government

The Watergate scandal and reports of growing political cynicism captured headlines almost simultaneously months ago. Many persons naturally assumed that the two were causally connected.

But recent studies conducted by the Institute's Center for Political Studies (CPS) have shown that the Watergate crisis had no substantial *direct* effect on trust in government. It did have an indirect impact on public support for the political system through a rather complex interplay of other attitudes and variables which the researchers term "intervening links."

Study Director Arthur H. Miller and researchers

gained wide circulation at the time among political elites that the public was both uninformed and apprehensive about the mechanism and propriety of the impeachment process," the researchers note, "this degree of consensus is striking."

Even though by the time of Nixon's resignation in August 1974 the Watergate affair had become old news, the public's response to the close of the affair was far from indifferent. Miller, Brudney, and Joftis write: "Nixon's resignation and Ford's pardon [of Nixon] rank as two of the most controversial decisions of our time. Yet, for one reason or another . . .

THE ATTACHED DOCUMENT HAS BEEN TRANSFERRED TO
THE VALUABLE DOCUMENTS FILE.

Lusa Tobin
Ord Library
August 16, 1988

DRAFT 12/18/75

MEMORANDUM FOR: WILLIAM GREENER
(with copies to Jack Marsh and Dick Cheney)

FROM: PHIL BUCHEN

A Woodward and Bernstein article on events preceding the Nixon pardon appeared in the Washington Post December 18, 1975.

To give you ^{additional} ~~some~~ background and comments on this article, ~~for purposes of enabling you to handle any further press inquiries,~~

I point out the following:

1. Woodward came to see me on Tuesday, December 9, ostensibly to check out the veracity of a story he had acquired which ~~dealt~~ involved material he and Bernstein were developing for the book they ^{were nearly finished} ~~are~~ writing on the first 100 days of the Ford Administration to be published in April. He had much earlier interviewed me for purposes of gathering material for the book and now had some new information that at least partly involved my role in the events.

2. The story he claimed to have was that Len Garment and Ray Price had, early in the morning of August 28, prepared a document addressed to me advocating that the President act promptly to announce his intention to pardon the former President. According to ^{Woodward's} ~~his~~ informants,

ORIGINAL RETIRED TO
SPECIAL DOCUMENTS FILE

the documents involved were a memorandum from Garment pointing out the merits of prompt action and attached to it a draft statement by Price for the President to make such announcement at his upcoming press conference that afternoon. He also stated that Al Haig was given a duplicate of these documents at the same time, that he had presented them to the President early the morning of August 28, ^{that he} and then telephoned Garment that the President wanted to ^{show} go with the suggestion. This development, according to Woodward was followed an hour and a quarter later by a call from Haig to Garment that, contrary to his previous advice, the President had put a "hold" on doing anything along this line.

3. My response to Woodward was as follows:

(a) I did recall that Len Garment, ~~had~~ after the staff meeting on the morning of August 28, ^{had} handed me a memo addressed to me which presented the case for the President to respond at his press conference that he intended to pardon the former President but I did not recall that there was any statement by Price or anyone else attached to this memorandum.

(b) I had on August 27 prepared a draft question and answer for the President which in effect called for his stating that he was not ready to make any decision on the matter.



(c) I learned during the course of the morning from the President that he was planning to answer ~~any~~ questions about a possible pardon in much the manner I had suggested by my proposed question and answer, and therefore I returned the Garment memo to him either just before the press conference or ^{right} afterwards.

(d) I was not aware that anyone else received a copy of the Garment memo or that he had given one to Al Haig if that was the case.

(e) I found incredible the story Woodward gave about the President's having led Al Haig to believe he was going to state at the press conference his intention to grant a pardon, because such story was entirely inconsistent with what I understood from the President was his intention at the press conference and which, as the answers to the questions given, ~~he enunciated.~~ ~~proved was his decision.~~ Woodward then asked whether ^{Don Nesson} he could determine from the President whether he in fact did see the Garment memo on the morning of August 28, and I said I would get back to him on ^{the matter.} ~~that point.~~

4. I discussed the matter with Jack Marsh who had been closely involved at the same time ^{when} I was in the developments concerning the matter of the Nixon pardon and Jack and I talked to the President on December 11.

5. The President advised Jack and me that he had no recollection of seeing any such memo but suggested that I talk to Al Haig.



6. I reached Al Haig in Brussels on

He acknowledged that he knew of the Garment memo and thought he might have shown it to the President either before or after the press conference but he ^{it could well have been} ~~thought~~ afterwards. He said he would check whatever files he had with him but also suggested I check files here to see if there was any indication that the President might have received a copy of the memo and the date and the time when he did receive it.

7. Through Jim Connor, both the President's files and Al Haig's files were checked, and I was advised that no copy of the memorandum ^{could be} ~~was~~ found. I also checked my own files and found that I had no copy, which was consistent with my recollection that I had returned the Garment memo to him.

8. Al Haig called me back on (Tues.) and said he could tell nothing from his records which would indicate whether or when he might have shown the Garment memo to the President. He did say, however, that he was sure he had some discussions with the President ^{on the subject of} ~~about~~ a possible pardon but ^{he} ~~again~~ was unsure whether it was before or after the press conference.

9. I promised Woodward to get back to him within a few days of our original conference, and I talked to him next on Tuesday, December 16, to advise him that the President had no recollection of having seen the

GENERAL

Garment memo and that a preliminary check of the files indicated no record of the Garment memo having gone to the President. In fact, we could not even find a copy. I held off being more decisive until I had heard again from Al Haig.

10. Al Haig then called me the same day, but after I had talked with Woodward. On that call Al said he could not verify anything from his files but that he did recall discussing the pardon with the President and might have done so before the press conference. The next day Woodward called me again to ascertain whether I had found out anything more and I said that we still had not found anything in the files about the Garment memo, but, in the course of the conversation, I did ~~reaffirm that the President did not recall seeing the memo although~~ ^{said} there could have been some discussions that I didn't know about which preceded my first learning on Friday, August 30, that the President had pretty much decided to go ahead with the pardon if I was able to advise him that it was legally possible and provided I obtained certain information from the Special Prosecutor. The portion of the Washington Post article which says that "Buchen acknowledged yesterday that the President now 'recalls that he talked with Haig about the pardon from time to time' -- possibly on the day of his first press conference as President" is not accurate in that I merely stated that the President may have talked to Haig on the subject of the pardon before making his decision but that the decision was made by the President alone as he had publicly stated. The other quotes were also not accurate in that the

ORIGINAL RETIRED TO
SPECIAL DOCUMENTS FILE

President had not asked me to check the files, ^{and I did not say so,} but ~~that~~ ^{Actually,} I had ~~done~~ ^{caused the search} so as a result of Haig's uncertainty as to what the files might show.

I also ~~had~~ ^{with Woodward} raised the possibility that the pardon could have been ^{after} discussed ~~at~~ the press conference and before I was involved only because it was customary for the President to conduct a post mortem of his press conferences to review what questions had been given and how they had been answered, ^{although} ~~but that~~ I was not involved in such a post mortem.

I also mentioned that the first indication of the President's desire to ~~even~~ consider a pardon came to me as a surprise when we met, along with Hartmann, Marsh and Haig, on August 30 as an indication that he ~~had~~ ^{addressed} did not really ~~address~~ the matter until after his press conference when he had had time to reflect on the effect of his answers to three or four different questions on the same subject at the press conference. My point was that the statement of the President that it was only after the press conference ^{when} ~~that~~ he had considered the matter was ^{supported by these} ~~indicated by the cir-~~ cumstances and made the story about the Garment memo and its effect ~~before the press conference incredible.~~

I also made no statement about Haig's involvement except to say that, so far as I was concerned, he ~~had~~ withdrawn ^{from} ~~himself entirely in participating in~~ any follow-up to the

President's tentative plan to go ahead with any pardon if he was legally ^{I could advise that} permitted to do so ^{if} and the information from the Special Prosecutor

was obtained concerning the length of time before a fair trial could be

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JUL 10 1969

held and the matters under investigation by the Special Prosecutor's office.

11. The Post story says that the question by the House Judiciary Subcommittee about Al Haig's discussing a pardon was rephrased in answering the question. Such is not the case because the question did involve only Haig's discussions "with Richard M. Nixon or representatives of Mr. Nixon" (see question 2 in the attached resolution).



THE BOSTON GLOBE July 27, 1976

Rubbing salt in a Nixon wound

With the exception of the ovation given to Hubert Humphrey, the biggest cheer at the Democratic National Convention came when Walter F. Mondale, furiously indignant, thundered:

"We have just lived through the worst political scandal in American history and are now led by a President who pardoned the person who did it."

Disgraced, ostracized, disbarred, the privacy of his marriage bed invaded by sensa-

DAVID B. WILSON

ditional special prosecutor to proceed against the former President.

So it is fair to say that without the pardon Nixon almost certainly would have been indicted.

News of so momentous an indictment could scarcely have been kept from the

Danbury or Lewisburg, after almost two more years of intensely publicized Watergate litigation. Would either outcome have been good for the country?

We tend to forget that at the time of his resignation Richard Nixon was not the only American at the ragged edge of emotional exhaustion. There was a serious question in the autumn of 1974 as to whether the fabric of our political life was about to be irreparably torn.



C-20



"Nixon's trip to China didn't hurt me;
nothing concerning him can hurt me!"

The Washington Star

JOE L. ALLBRITTON, *Publisher*

JAMES G. BELLOW, *Editor*

SIDNEY EPSTEIN, *Managing Editor*

EDWIN M. YODER JR., *Associate Editor*

SATURDAY, JULY 24, 1976



Resurrecting the pardon issue

You can depend on it. President Ford's pardon of President Nixon will become an issue, or at any rate a consideration in the back of voters' minds, in the forthcoming presidential campaign — at least if Mr. Ford prevails at Kansas City.

Whether it becomes more than a mere consideration will depend on the character of the

Nixon would have availed himself of the protections of the Fifth Amendment.

Mr. Ford seems to be saving for his memoirs a full explanation of the Nixon pardon. But two considerations must have figured in the decision. The first was that a long trial of Mr. Nixon would absorb public attention throughout much of Mr. Ford's term, distracting the nation from

The Boston Globe Tuesday, July 27, 1976

MR. CARTER, APART FROM THAT
ONE UNMENTIONABLE THING WHICH
YOU SAY YOU NEVER WILL BRING
UP IN YOUR CAMPAIGN. WHAT



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Lesa Tobin
Arch Library
August 16, 1988

DRAFT 12/18/75

MEMORANDUM FOR: WILLIAM GREENER
(with copies to Jack Marsh and Dick Cheney)

FROM: PHIL BUCHEN

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To give you ^{additional} ~~some~~ background and comments on this article, ~~for purposes of enabling you to handle any further press inquiries,~~

I point out the following:

1. Woodward came to see me on Tuesday, December 9, ostensibly to check out the veracity of a story he had acquired which ~~dealt~~ ^{was nearly finished} involved material he and Bernstein were developing for the book they are writing on the first 100 days of the Ford Administration to be published in April. He had much earlier interviewed me for purposes of gathering material for the book and now had some new information that at least partly involved my role in the events.

2. The story he claimed to have was that Len Garment and Ray Price had, early in the morning of August 28, prepared a document addressed to me advocating that the President act promptly to announce his intention to pardon the former President. According to ^{Woodward's} ~~his~~ informants,

RECEIVED
JAN 1 1976

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1074430

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PRESIDENTIAL RECORD BOOK
SECTION, WHITE HOUSE

02 E. O. B.

DATE: 7/26/76

TO: Mr. Bucher

attn: Eva

RETURN DATE: _____

WP 7/25/76

FORD LIBRARY

Jack Anderson

Mr. Ford's Secret Battle Plan

The war of nerves over the Republican presidential nomination has reached the final stages. The public, caught up in the drama, is watching in fascination as Gerald Ford and Ronald Reagan struggle for the last few delegates. There have been bitter, conflicting claims from both camps.

But in the backrooms of President Ford's campaign headquarters, his top political strategists are behaving as if the nomination has already been won. They have turned their attentions to

lects an aggressive campaigner like ex-Treasury Secretary John Connally, Ford should not campaign actively. But if he chooses a lackluster running-mate like Commerce Secretary Elliot Richardson, the President may be needed on the campaign trail.

His personal preference, he has told senior White House aides, is "to run a national campaign," soliciting electoral votes in all 50 states. But many aides, disagreeing, want to concentrate on "selected areas."

describe as "a vague feeling of unease about Carter."

As one aide explained it, "Carter is starting to make compromises—the hard, tough compromises that all politicians must make." As an example, he cited Carter's selection of Sen. Walter Mondale (D-Minn.) as a running-mate and called this a concession to the Democratic Party liberals.

The Ford forces will point to these compromises as evidence that Carter isn't really the anti-Washington politi-

cord as long as Jimmy Carter's arm."

The report even seeks to portray Carter as a defender of homosexuals. It quotes him as having said he would sign a bill to stop the prosecution of homosexuals. The report charges, quoting the Bible, that the bill would violate God's law. Then the report cites an alleged statement by Carter last month that Christians should disobey civil authorities when they go against the laws of God.

Another paper charges that Carter's

Mrs. Buchen had asked if we could
get a copy of the Boston Globe for
the article which David Wilson told
you he had written about the Nixon pardon.

This is all Research could come up with.

H. P. expected something from the PFC
but hasn't received it.

Asked
Mr. B. if
I should
call Mr. Wilson
he said David
was to send
him a copy
just wait



Boston Globe - 7-21-76

Mondale and the pardon

Walter Mondale has denounced President Ford's pardon of Richard Nixon, Mr. Ford has defended it, and with that the issue should end. Mr. Nixon hurt this country, and Mr. Ford was morally wrong and perhaps politically motivated in setting him free without even an admission of guilt. But after figuring in the past six elections Mr. Nixon is out of politics forever.

(Jimmy Carter yesterday said President Ford's pardon of Nixon was "improper or ill-advised" and restated that he would not make it a campaign issue: "Had I been President I would not have pardoned Nixon until after the

But a panel of judges in New York State has disbarred Mr. Nixon for committing crimes in office. The only dissenter agreed Nixon was a criminal but said the disbarment was unnecessary because everyone knew what Nixon had done.

The trial of Haldeman, Ehrlichman, Mitchell and the other conspirators — with Nixon as an unindicted co-conspirator — established their guilt, and his, beyond question.

Mr. Nixon's self-recorded contempt for law and democracy is a part of our history, protected by court order from tampering or destruction.

Wednesday 7/28/76

1:30 Mrs. Buchen said a letter was just received from David Wilson attaching a copy of the article he has written on the pardon. Apparently it will be in the Globe on Tuesday.



8/2/76

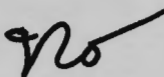
9:25

Helen Freniere in News Summaries 7100
will check for the two articles by
David Wilson --

7/27 re the Pardon

7/19 Carter--All Things to All People

The people who prepare the News Summaries
have thrown out all the old Globes.

She will check to see if either of the
articles was in the News Summaries --
if so, they ~~will~~ would have a copy in their
files. 

I called Boston Globe Newspaper

State	*	223-0860
1750 Pa.		298-9169

* talked to one of the men and he will
have Cindy call when she comes in around 10

8/2/76

4:10 Miss Taylor called back.
She checked to see if
they had the papers;
she had the 7/27 paper
but said she would
xerox the 7/18 paper
for us.

4:15 I asked a messenger
to go to 1750 Pa. Ave.
(Rm. 1318) and pick
the envelope up for us.

5:25 called Parker to see
where it was.

Said he had seen it
and would check,

5:30 Received.



Monday 8/2/76

5:30 No one in the White House seemed to have the Boston Globe articles written by David Wilson.

I called the Boston Globe here and got the Tuesday 7/27 paper but she only had her file copy on the 7/18 article so she xeroxed it for us.



THE DAVID B. WILSON COLUMN

FOR IMMEDIATE RELEASE (Distributed 7/19/76)

CARTER--ALL THINGS TO ALL PEOPLE

by David B. Wilson

(c) 1976, Globe Newspaper Co.

Distributed by Los Angeles Times Syndicate.

What Jimmy Carter didn't say in Madison Square Garden last week is that there is precious little risk of lying to people if you don't tell them anything.

The decency and goodwill of the Democratic candidate, brilliantly merchandised and organized by a keen political mind, have won him the nomination. The polls give him an overwhelming lead at this time over either President Ford or Ronald Reagan. Despite some muttering, the Democratic Party, with its enormous numerical advantage, seems unified behind him.

But wait a minute. Take a deep breath.

Now, ask yourself, What does this man stand for? What are his innermost political convictions, if any? Is he a liberal or a conservative? In what direction might he be expected to lead the country?

(MORE)



Page Two...DAVID B. WILSON...(Dist. 7/19/76)...country?

It would seem pertinent to make such inquiries of what is supposed to be the best-educated electorate in history.

True, Carter is for tax reform, welfare reform, a strong defense, reorganization and economy in government, uncontaminated milk and, presumably, peace. He is in favor of the environment, a bold position some find reassuring.

To vote against so splendid a fellow would almost seem evidence of bad citizenship. But when you look for specific commitments on Carter's part, you encounter what appear to be glaring inconsistencies.

Item: He is all over the place on Right to Work, saying he would not fight for repeal of 14-B but would sign a repealer if it reached his desk. He says he has no strong convictions on the matter, either way. This sounds like a middle, moderate position. It is not. It is a commitment to repeal. The presidential pen is a mighty instrument.

Item: He has been running against Washington, but he has agreed to support the Humphrey-Hawkins bill, which is not only a blank check for federal payroll patriots but also a giant step toward a centrally managed economy in which government planners would allocate capital and redistribute

(Sentence continues)

Page Three...DAVID B. WILSON...(Dist. 7/19/76)...redistribute income in contravention of the laws of the marketplace and individual and regional preferences.

Item: He says he is against abortion, but a weasel-worded plank in the Democratic platform takes a neutral position on this issue and opposes a Right-to-Life Amendment to the Constitution. So does the supposedly anti-abortion candidate.

Item: He says he is against busing, that he prefers other means of achieving quality integrated education. But he offers no antibusing program, and he is opposed to an antibusing amendment to the Constitution.

Item: He is against "quotas" but he is not against affirmative action and he believes in something called "compensatory opportunity." He is also for compassion, justice and equality, consecutively and simultaneously.

Item: He has threatened the Soviet Union with a trade boycott should the Russians offend him. This is not going to give the Russians any sleepless nights, but Midwestern grain growers and bankers sensitive to the consequences of such action on our balance of payments may want to ponder that one a little.

(MORE)



Page Four...DAVID B. WILSON...(Dist. 7/19/76)...little.

Item: With the federal government running a \$70 billion deficit, he is running on a platform demanding compulsory national health insurance and a federal takeover of local and, eventually, state welfare burdens at a cost of billions which either will have to be extorted from the taxpayers or inflated off the federal printing presses.

Last Feb. 8, David Nordan, political editor of the Atlanta Journal, wrote this about the former governor of Georgia:

"Few instances can be found where Carter lied outright or seriously contradicted himself. But like most Georgia politicians he is a master of the art of leaving his position sufficiently vague to allow everyone to hear what they wanted to hear."

Georgia politicians, of course, are not the only ones familiar with the art. It is indispensable to the political trade, as indispensable in Washington as in Atlanta or Boston. But an element of the art is not getting caught at it.

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Calif. 90053

The Boston Globe

Boston, Massachusetts 02107 Telephone 617-929-2000

July 23

Dear Phil -

This will be in Tuesday's
Globe and scattered around
the country next week.
I hope it does some good.

I am most grateful for the
opportunity to chat with you.
Also am enclosing another
political piece you might find
interesting or useful or both.

Love to Bunny & all,

Dave



7/27/76

wilson

tuesday

DAVID B. WILSON

— With the exception of the ovation given to Hubert Humphrey, the biggest cheer at the Democratic National Convention came when Walter F. Mondale, furiously indignant, thundered:

"We have just lived through the worst political scandal in American history and are now led by a President who pardoned the person who did it."

Disgraced, ostracized, disbarred, the privacy of his marriage bed invaded by sensational journalism, his wife stricken, his role in history certain to be that of blackguard, Richard M. Nixon cannot fairly be said to have gone unpunished.



On the other hand, it is impossible to argue that it is fair for Howard Hunt to rot in prison while Nixon surveys the Pacific from the broad lawns of San Clemente. The unindicted coconspirator remains unindicted.

Having chosen to challenge President Ford on the issue, the Democrats should be willing to debate the pardon on its merits as a discretionary exercise of executive power rather than exploit it as campaign-year demagoguery.

One way of looking at the matter is to suggest what might and probably would have happened if Nixon had not been pardoned Sept. 8, 1974, just three weeks before the opening of the Watergate coverup trial.

At the time, Special Prosecutor Leon Jaworski was under increasing pressure to move to indict Nixon. There were even suggestions that, if ~~Jaworski~~ ^{a Federal} Jaworski did not act, ~~the~~ judge might have appointed an additional special prosecutor to proceed against the former President.

So it is fair to say that without the pardon Nixon almost certainly would have been indicted.



News of so momentous an indictment could scarcely have been kept from the sequestered jury at the three-month coverup trial of John N. Mitchell, H.R. Haldeman, John D. Ehrlichman and two others. And if the jury learned of the indictment while the trial was in progress, a directed verdict of acquittal would have been a likely result.

But that was only one of the problems the President had to deal with. Another was Jaworski's opinion that after any indictment of Nixon at least a year would have to elapse before a trial could take place without a taint of prejudicial publicity that might have given the defendant sustainable grounds for ^{successful} appeal.

Think about it. Think what it would have meant to the United States for an indicted ex-President to be waiting around from, say, October, 1974, until October, 1975. ~~==~~ The case ~~==~~ ^{around} quite probably would have gone to the jury last Christmas. And the defendant almost certainly would have appealed any conviction.

Suppose, then, that an appeals court reversed a conviction. Or suppose ~~==~~ Nixon was, right now, in the Federal penitentiary at Danbury or Lewisburg, after almost two more years of intensely publicized Watergate litigation. Would ~~==~~ ^{either outcome} have been good for the ^{country?}

wilson-tuesday 4

We tend to forget that at the time of his resignation Richard Nixon was not the only American at the ragged edge of emotional exhaustion. There was a serious question in the autumn of 1974 as to whether the fabric of our political life was about to be irreparably torn.

Should Nixon have been required to make a detailed confession to an indictment, thereby clearing the historical record? Well, he could not have been obliged to do so if he chose to resist. And if he did, would he not ~~have~~ ^{have} fatally prejudiced the rights of the defendants in the coverup trial?

Life is unfair, as John F. Kennedy is supposed to have said. But I suspect that Nixon is punished, perhaps as severely as Hunt and probably more severely than Ehrlichman, every time he looks into his daughters' eyes.

The fact is that, in pardoning Nixon, Jerry Ford inflicted on himself a severe political wound that still has not closed and into which the likes of Mondale are rubbing salt. That is their right. But the tactic may backfire.

For a lot of Americans, among them the three out of five voters who chose Nixon in 1972, know that the pardon was extended not only to him but to the democratic process which re-elected him.

4m



[July 1976?] Thank you - Thank
You! No - This is

THE WHITE HOUSE
WASHINGTON

an earlier
one - but you

Mrs. B are 50
Thoughtful.

Can this be the

Jack Anderson
article you
were looking for?

I had torn it
out some time
ago at home so
don't have a date on it.





JACK ANDERSON with LES WHITTEN

Ford's Pardon Of Nixon

A harried but stubborn Richard Nixon was headed in September 1974 for the trial of the century.

Sources inside the Special Prosecutor's office have told us that he definitely would have been indicted for obstruction of justice.

At the same time, sources close to the former President have told us that he would never have agreed to a deal with the prosecutors. He would have spurned plea bargaining and would have fought for his freedom in the courts.

This epic drama was aborted on Sept. 8, 1974, when President Ford granted his predecessor a pardon. Millions of Americans still wonder whether it was a set-up, whether Ford in return for his vice presidential appointment had promised to keep Nixon out of prison.

In response to literally thousands of re-

Although they didn't reach San Clemente until 11 p.m., Pacific time, they went immediately into a three-hour huddle with Nixon aide Ronald Ziegler.

The talks were resumed the following morning in Ziegler's office. Frequently, Ziegler and Miller would slip out of the room for whispered consultations. At one point, Ziegler received a call from the White House. It was Haig on the phone, advising Ziegler that Nixon didn't have to sign any statement at all.

An understanding was reached, nevertheless, that any pardon would be followed by a statement of contrition from San Clemente. Not until the negotiations were completed did a fatigued, forlorn Nixon appear. He looked aged as if he were not Nixon but Nixon's father, Becker recalled. The former President also gave Becker the impression that his head was too big for his

From President's Q&A session
March 12, 1976

Page 13

at Buffalo Grove, Ill.

QUESTION: I think that we should get some power in more countries because if we don't, the Communists are just going to take over the rest of the world and they are going to attack on us.

THE PRESIDENT: Could you repeat that again, please?

QUESTION: I think we should get more power in other countries because if we don't, the Communists are going to take over the world and going to attack on us.

THE PRESIDENT: I think that your concern is a very legitimate one. This country has to be strong enough internally and domestically with our economy and with our will and we have to have sufficient military capability to protect us externally. If we don't have the wherewithal internally and externally and the will to defend freedom, what you are saying will take place, but I happen to be an optimist that your father and your father's friends and a lot of other Americans all over this country will defend freedom, will be willing to support an adequate defense budget to make America strong so that we can handle the problem of Soviet and any other aggression by Communists and we will make it a safe country for you, young man.

QUESTION: Mr. President, maybe this is not a good question to bring up at a political rally for you, sir, but it is an issue that I think affects everyone and that touched the country for a long time and this is Watergate. I would like to ask you, sir, and I am sure many of the reporters have asked you before, if our country is based on justice and on the laws that make up that justice and our court rooms and all our public facilities are here to protect that justice and you, sir, are there to protect that justice, why you would pardon Mr. Nixon for something that we are not sure that he has done. You pardoned him for all crimes that he may have committed or that he did commit, and I am wondering why you would want in such an open Administration to keep us so in the dark?

THE PRESIDENT: I was sworn in as President in August of 1974 and for the first month of that Administration the country was continuously divided as it had been for the previous 18 months and it was perfectly obvious to me that with the economic problems that we had and the challenges we still had in Southeast Asia that we had to get that unfortunate incident or circumstance in our country off the deck and concentrate on building our economy and protecting America. And so I made the conscious decision that for the good of the country -- not for Mr. Nixon's good, but for the good of the country -- the best way to do it was to handle it the way I did, and I am glad that I did.

MORE



Before I did it, I checked with the responsible people, the Special Prosecutor, and I was led to believe that there would be continuous charges, potential if not real criminal charges, and this whole problem would have gone on for a long, long time and our country would have become more divided, and the basis upon which the decision was made then was to bring back some unity in this country and to get that long nightmare off our back, which I think it has.

QUESTION: I would like to know if you do become President, what is your major goal you will try to reach while you are in office?

THE PRESIDENT: Could you repeat that again, please? Speak into the microphone, if you would.

QUESTION: While you are in office, what is the major goal you are going to try to reach?

THE PRESIDENT: Well, I think you have to put it on two grounds; one, what we want to do materially for the country and what we have as our long range goal and objective.

From the material point of view, we want a prosperous healthy economy so that people have an opportunity to be gainfully employed, to work and to enjoy themselves and we want a country that is strong enough to protect freedom here and to work with those who want freedom elsewhere, but the long range goal of this country ought to be -- this is the vision or the dream that I think we ought to have for you and those your age -- we want freedom, freedom from mass Government, freedom from mass education, freedom from mass industry and mass labor.

We want individuals to have that great opportunity, the freedom that was enjoyed by our forefathers more than 200 years ago. That is what we want for you and those like you when you are the age of many of the people in this auditorium or this gymnasium. That is the long range goal and I think we are making some headway toward it.

QUESTION: Mr. President, I would like to present my thanks on behalf of this school and everyone in it and the entire neighborhood for you being here and explaining the policies that have illuminated a lot of people who may have been in the dark about these kinds of things. It will enable us to vote in a much more intelligent manner, so I am highly appreciative of the fact that you came here, not just the fact that you are high in principle.

MORE



THE WHITE HOUSE
WASHINGTON

5/1/75

Phil Buchen:

Per your request, attached is the NY Times article on the pardon decision

I have also attached another article from the same day alleging that the President is serving illegally. We have no record of ever having been served in either case.

Bary



THE NEW YORK TIMES, SUNDAY, MARCH 30, 1975

*Pardon
on
Nixon
Gordon*

Judge Upholds Pardon of Nixon Under Power to Calm Rebellion

GRAND RAPIDS, Mich., March 29 (AP)—A Federal judge sitting in President Ford's hometown has ruled that Mr. Ford's pardon of former President Richard M. Nixon was

Alexander Hamilton wrote in 1788 in support of the proposed United States Constitution. Hamilton argued that the President's pardoning power should be unrestricted because

New York Times

3/30/75

OUSTING OF FORD BY COURT URGED

Suit Holds Appointment
Was Unconstitutional

By WARREN WEAVER Jr.

Special to The New York Times

WASHINGTON, March 29—
A 64-year-old self-styled "consultant to lawyers" has gone into Federal Court here seeking a ruling that President Ford's appointment as Vice President was unconstitutional and that he thus has no right to occupy the White House today.

So far, Randolph Phillips of New York City has not gotten very far. Last

One Interpretation

Under this interpretation, a man who secured appointment as Vice President by a bribe or who succeeded to the Presidency by arranging the death of the incumbent could not be challenged in the courts at all but only removed from office by the impeachment process.

When Mr. Nixon nominated Mr. Saxbe, then a Senator from Ohio, as Attorney General in 1973, he was later discovered

THE WHITE HOUSE
WASHINGTON

April 28, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN

P.W.B.

The Department of Justice has recently sent us an interesting opinion written by our old friend, Judge Noel P. Fox, copy attached.

In it he upholds your constitutional power to have pardoned former President Nixon.

This matter had not previously come to my attention and it appears that it has not received any national attention.

Attachment

*(Barry has
att. document)*



APR 18 1975

Mr. Phillip H. Buchen
Counsel to the President
The White House Office
Washington, D. C. 20501

Dear Mr. Buchen:

We enclose for your information a copy of an Opinion recently entered in proceedings entitled F. Gregory Murphy v. Gerald R. Ford, Western District of Michigan, Civil Number M-74-141.

Sincerely,

IRVING JAFFE
Acting Assistant Attorney General



Wall Street Journal
10/16/74

The Pardon of Nixon Was Timely, Legal, Jaworski Believes

He Says Nixon's Acceptance
Clearly Shows His Guilt
And More Evidence Is Due

By KAREN J. ELLIOTT
Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON—Special Watergate Prosecutor Leon Jaworski sees nothing wrong with President Ford's decision last month to pardon Richard Nixon.

Mr. Jaworski, talking publicly about the controversy for the first time, concedes that

"The Best-Prepared Case"

The special prosecutor said that evidence to be presented during the current Watergate trial will further enmesh the former President in the cover-up. Mr. Jaworski, who won't be participating in the prosecution, called it "the best-prepared case I've been associated with."

Mr. Jaworski's attitude about the controversial pardon rests on the assumption drawn from an early Ford news conference that President Ford always intended to pardon Mr. Nixon eventually. Thus, to Mr. Jaworski, all that is at issue is the timing of the pardon.

Mr. Jaworski insists that if Mr. Nixon's case had been allowed to proceed to indictment and trial, the public would have learned nothing more about the former President's role than will come out in the trial of his former aides. "It's a mistake to believe there would have been more evidence for the public if he had been tried," the special prosecutor said.

WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

October 12, 1974

Honorable William B. Saxbe
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear Mr. Saxbe:

Along with my letter of resignation, I beg to hand you herewith a copy of our latest interim report which reflects the principal activities of the Special Prosecutor's office to date.

Two of the results achieved relate to the mandate directed to this office to investigate allegations involving the President. Both are without precedent.

One is the extensive grand jury report on the involvement of Richard M. Nixon in Watergate cover-up activities, prepared for the grand jury by this office and sent to the House Judiciary Committee last March, after successful litigation through the trial and appellate courts. While the grand jury report, which presented the chain of evidence in detail, has not been published, I am informed that it served as a major guide for the staff and members of the Committee in the development of the presentation leading to the Articles of Impeachment.

The second involved the successful litigation of a trial subpoena for tape recorded evidence in the hands of the President of the United States. The Supreme Court's unanimous decision supporting the subpoena of the Special Prosecutor compelled the former President to release, among others, the tape recording of June 23, 1973, which served as a forerunner to his resignation.



Although not appropriate for comment until after the sequestering of the jury in United States v. Mitchell, et al., in view of suggestions that an indictment be returned against former President Richard M. Nixon questioning the validity of the pardon granted him, I think it proper that I express to you my views on this subject to dispel any thought that there may be some relation between my resignation and that issue.

As you realize, one of my responsibilities, not only as an officer of the court, but as a prosecutor as well, is not to take a position in which I lack faith or which my judgment dictates is not supported by probable cause. The provision in the Constitution investing the President with the right to grant pardons, and the recognition by the United States Supreme Court that a pardon may be granted prior to the filing of charges are so clear, in my opinion, as not to admit of doubt. Philip Lacovara, then Counsel to the Special Prosecutor, by written memorandum on file in this office, came to the same conclusion, pointing out that:

"...the pardon power can be exercised at any time after a federal crime has been committed and it is not necessary that there be any criminal proceedings pending. In fact, the pardon power has been used frequently to relieve federal offenders of criminal liability and other penalties and disabilities attaching to their offenses even where no criminal proceedings against the individual are contemplated."

I have also concluded, after thorough study, that there is nothing in the charter and guidelines appertaining to the office of the Special Prosecutor that impairs or curtails the President's free exercise of the constitutional right of pardon.

I was co-architect along with Acting Attorney General Robert Bork, of the provisions some theorists now point to as inhibiting the constitutional pardoning power of the President. The additional safeguards of independence on which I insisted and which Mr. Bork, on former President Nixon's authority, was willing to grant were solely for purposes of limiting the grounds on which my discharge could be based and not for the purpose of enlarging on the jurisdiction of the Special Prosecutor.



Hearings held by the Senate Judiciary Committee subsequent to my appointment make it clear that my jurisdiction as Special Prosecutor was to be no different from that possessed by my predecessor.

There was considerable concern expressed by some Senators that Acting Attorney General Bork, by supplemental order, inadvertently had limited the jurisdiction that previously existed. The hearings fully developed the concept that the thrust of the new provisions giving me the aid of the Congressional "consensus" committee were to insulate me from groundless efforts to terminate my employment or to limit the jurisdiction that existed. It was made clear, however, that there was no "redefining" of the jurisdiction of the Special Prosecutor as it existed from the beginning. There emerged from these hearings the definite understanding that in no sense were the additional provisions inserted in the Special Prosecutor's Charter for the purpose of either enlarging or diminishing his jurisdiction. I did stress, as I argued in the Supreme Court in U. S. v. Nixon, that I was given the verbal assurance that I could bring suit against the President to enforce subpoena rights, a point upheld by the Court. This, of course, has no bearing on the pardoning power.

I cannot escape the conclusion, therefore, that additional provisions to the Charter do not subordinate the constitutional pardoning power to the Special Prosecutor's jurisdictional rights. For me now to contend otherwise would not only be contrary to the interpretation agreed upon in Congressional hearings -- it also would be, on my part, intellectually dishonest.

Thus, in the light of these conclusions, for me to procure an indictment of Richard M. Nixon for the sole purpose of generating a purported court test on the legality of the pardon, would constitute a spurious proceeding in which I had no faith; in fact, it would be tantamount to unprofessional conduct and violative of my responsibility as prosecutor and officer of the court.

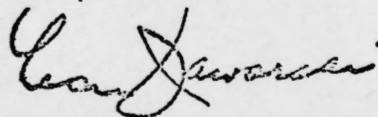


Perhaps one of the more important functions yet to be discharged relates to our final report. It is contemplated that this report will be as all-encompassing as the authority granted this office permits, consistent with the prosecutorial function as delineated by the American Bar Association Standards for Criminal Justice. While this report will be cast in final form subsequent to my term as Special Prosecutor, I will be available to the authors for such contributions and consultations as they deem advantageous.

You are aware, of course, of the position this office has taken regarding access to former President Nixon's White House materials for all remaining investigations and prosecutions. Legislation now pending, if enacted, will solve the problem. If not enacted, I shall continue to be available, to whatever extent my successor desires, for counseling on reaching a solution to this problem so that all relevant materials will be forthcoming.

My Deputy, Henry Ruth, and most of the other members of the staff have worked together since the creation of the office. Mr. Ruth has a familiarity with all matters still under investigation as well as those still to be tried. He has been in charge of all "milk fund" matters, in view of my recusal. I trust that you will not mind my offering the suggestion that he be given consideration to serve as my successor, thus permitting the unfinished matters to continue without interruption.

Sincerely,



LEON JAWORSKI
Special Prosecutor



The National Broadcasting Company Presents



MEET THE PRESS

America's Press Conference of the Air

Produced by LAWRENCE E. SPIVAK

Guest: LEON JAWORSKI
Watergate Special Prosecutor

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Panel: **LESLIE OELSNER**, *The New York Times*
ROBERT WOODWARD, *The Washington Post*
PETER LISAGOR, *Chicago Daily News*
CARL STERN, *NBC News*

Moderator: **LAWRENCE E. SPIVAK**

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MEET THE PRESS

MR. SPIVAK: Our guest today on MEET THE PRESS is Watergate Special Prosecutor Leon Jaworski, who announced his resignation effective next Friday.

Mr. Jaworski, a noted Texas attorney and former President of the American Bar Association, was appointed last November after the firing of Archibald Cox.

The MEET THE PRESS interview with the new French Minister for Women's Affairs, Francoise Giroud, previously announced for today, has been postponed.

We will have the first questions now for Mr. Jaworski from Carl Stern of NBC News.

MR. STERN: Mr. Jaworski, you have been quoted recently as indicating there was enough evidence to convict Mr. Nixon of obstruction of justice had he not been pardoned.

Does it follow then that you would have prosecuted Mr. Nixon, had he not been pardoned?

MR. JAWORSKI: Of course, I think that question really has been mooted. I don't think I should at this point undertake to observe what my actions would have been. When the pardon was granted, that ended my end of the work insofar as the matter of delineating and also evaluating the evidence against Mr. Nixon. However, let me say to you that if you will follow the news media, and I know you will be following it from day to day, you are going to see the evidence brought out very fully in the trial that is now in progress.

MR. STERN: Didn't you or your office inform the Ford White House at least in substance that Mr. Nixon was likely to be indicted or indictable?

MR. JAWORSKI: We were not asked that question, and we did not undertake to offer any unsolicited advice.

MR. STERN: Some matters remain unresolved, matters about which Mr. Nixon would have crucial knowledge, for example, perhaps the 18-minute gap. Does the Special Prosecutor's office at least have some intention of bringing Mr. Nixon before a Grand Jury for questioning to clear up some of these matters now?

MR. JAWORSKI: Of course, Mr. Nixon was given an opportunity to appear before the Grand Jury and didn't do so. I would assume if he were brought before the Grand Jury now, he would plead the Fifth Amendment. But I might say to you that the particular inquiry that you are talking about with respect to the 18-minute gap has been followed through with considerable determination.

As you know, Rick Ben-Veniste was in charge of that partic-

ular inquiry before the Grand Jury, and everyone knows the ardor with which Rick pursues matters.

MR. STERN: With what results though? What is going to happen about the 18-minute gap?

MR. JAWORSKI: Up to the present time no indictment has been returned.

MR. STERN: Do you expect one to be?

MR. JAWORSKI: I don't know. The Grand Jury has not been adjourned.

(Announcements)

MR. WOODWARD: Mr. Jaworski, you were not consulted by President Ford about the pardon he granted Richard Nixon, but suppose you had been consulted, what advice would you have given him?

MR. JAWORSKI: That is somewhat similar to the question, I think, that Mr. Stern propounded, and I have refused to divulge my own beliefs with respect to this matter, because I honestly think the inquiry has been mooted by the granting of the pardon.

MR. WOODWARD: But would you have suggested that President Ford get Richard Nixon to acknowledge in some more extensive form his role in Watergate?

MR. JAWORSKI: I don't know that that is going to be of any material consequence, very frankly. I believe by the time that the trial that is now in progress has completely unfolded, together with the evidence that has already been mentioned by the House Judiciary Committee in its report, I think you are going to have the story of Watergate and Mr. Nixon's involvement in Watergate.

MR. WOODWARD: A couple of days before President Nixon resigned you had a meeting with General Haig. It is my understanding that he told you that Richard Nixon as a private citizen might invoke some privilege if he were called to testify, is that correct?

MR. JAWORSKI: No, the meeting I had with General Haig was on the day that Mr. Nixon resigned. We met about noon. He told me that Mr. Nixon would resign. Before we began our conversation, I said to General Haig that I assumed that we were there without any understandings. I was making no promises, expressed or implied, nor was he asking for any, and we had that sort of a conversation, with that understanding.

MS. OELSNER: Mr. Jaworski, a lot of people, including some of the jurors in the Watergate coverup case, apparently think it is somewhat unfair to prosecute Mr. Nixon's former subordinates when Mr. Nixon himself goes free. Why didn't you at least ask President Ford to delay the pardon until after the jury had been sequestered?

MR. JAWORSKI: I have always considered that the pardoning power was his prerogative exclusively. There are certain things I wouldn't have wanted President Ford to tell me because I thought they were in my particular area of concern and responsibility, and I considered that to be his. Your reference to the jurors—let me just say to you, no juror has said that to me.

MS. OELSNER: I believe some of them did say that in the jury selection process.

Can you tell me why is it really fair to prosecute these other people when Mr. Nixon does go free when in fact he, as his own tapes show, ordered at least parts of the cover-up?

MR. JAWORSKI: I think the pardoning power is one that ought to be exercised individually and on a basis of individual facts. I do not believe in any across-the-board pardoning power, and I so expressed myself. I think in the instances of the men that are now involved, it is appropriate for them to ask for whatever clemency or pardon they may wish. If there is anything in the situation that warrants their having a pardon granted or clemency extended, as President Ford felt was true in the case of Mr. Nixon, then obviously it is up to President Ford to do it.

MR. LISAGOR: Mr. Jaworski, in a Wall Street Journal interview, you said that in the final report that the Special Prosecutor's office makes you could paint a full picture of Mr. Nixon's role in obstructing justice, but not in "other areas" unless Congress authorized it. What other areas did you have in mind?

MR. JAWORSKI: There are other areas that probably would not have brought on a prosecution. You remember the ten areas that we listed in the investigation.

MR. LISAGOR: Were those the ones you had in mind?

MR. JAWORSKI: Those were the ones I had in mind although we did not have sufficient evidence as to any of them to bring charges.

MR. LISAGOR: Did that include the tax areas?

MR. JAWORSKI: Yes, it was also under investigation.

MR. LISAGOR: You have investigated a number of illegal campaign contributions from corporations, and some 16, I think, have copped a plea and come forward and gotten fines or whatever.

Why does not the Special Prosecutor's office go after the recipients of those illegal campaign contributions? Have you, or does the office plan to after you leave?

MR. JAWORSKI: I cannot disclose to you exactly what is going to be done. I will say to you that certainly that particular area of inquiry has not been ignored. It is still receiving attention. It has received attention, and I assure you that there is going to be taken such action as is warranted with respect to a recipient.

MR. LISAGOR: Could I be more specific? Is a recipient as culpable as a giver of an illegal campaign contribution?

MR. JAWORSKI: In my judgment I think he is.

MR. SPIVAK: Mr. Jaworski, according to the Wall Street Journal, you said that both the offering of a pardon and Mr. Nixon's acceptance of it clearly signifies his guilt.

Can you tell us specifically what it signifies Mr. Nixon was guilty of?

MR. JAWORSKI: I think it relates to the obstruction of justice.

MR. SPIVAK: Is the acceptance of a pardon legally a confession of a crime?

MR. JAWORSKI: I don't believe that I would accept a pardon, and I don't think you would, sir, unless there was culpability, because it would just be an idle exercise otherwise.

MR. SPIVAK: Couldn't you accept a pardon in order to get rid of the nuisance of any possible suits or the harassment or anything of that kind?

MR. JAWORSKI: I think you could, but I certainly wouldn't.

MR. STERN: Should we expect further indictments from your office?

MR. JAWORSKI: Let's put it in the terms of charges. There may be charges; there may be indictments. I cannot identify the areas, but I will say that there are a few matters that have been brought to the point of charges being considered. They are matters on which I am passing myself.

MR. STERN: Some of these responses are very titillating. I am not quite sure though. Are ninety per cent of the facts of Watergate out now? Ninety-five per cent? Seventy per cent? How much do we know now?

MR. JAWORSKI: When you say Watergate, are you talking about the obstruction of justice?

MR. STERN: I am talking about the whole panoply of incidents your office was charged with investigating. How much more is still to come from the Special Prosecutor's office?

MR. JAWORSKI: I don't know that I can put it in the area of percentages, but I can tell you there is not much that remains.

MR. WOODWARD: Was there a breach of faith on President Nixon's second team, the people who came to be his chief legal advisers and chief aides after Haldeman and Ehrlichman resigned, namely in terms of the agreement they made with you when you took the job as Special Prosecutor and then the tedious and dilatory tactics you were confronted with as your investigation proceeded this year?

MR. JAWORSKI: You may remember that I complained, and

I complained not only to Congress, but I also complained in court. I thought I had an understanding that was different from that which was carried out.

MR. WOODWARD: How was it different?

MR. JAWORSKI: It was different because in the first place I thought I had the complete understanding that I could file suit without any jurisdictional questions being raised on me. That doesn't mean that the court shouldn't consider them anyway, but I expected it to be said that I did have the right instead for it to be argued that I didn't. As it turned out, the court held with us anyway.

MS. OELSNER: I just wanted to follow up on one of your responses earlier to Carl regarding Nixon's testifying. You said that he would probably plead the Fifth Amendment. Now that he has been pardoned, how can he really claim the 5th Amendment and get away with it; couldn't he be forced to testify anyway?

MR. JAWORSKI: That is arguable. One reason is we don't know what state charges might be considered.

MS. OELSNER: Oh, I see.

Another subject; with Mr. Kleindienst, you suggested there is some additional reason why former Attorney General Kleindienst was allowed to plead guilty to a misdemeanor rather than being prosecuted on the felony of perjury. What is that other reason?

MR. JAWORSKI: Let me say first that it is true that I had a very tough decision to make, and one of the tough decisions was whether to charge him at all, and I want to tell you that I not only had that concern, but Archibald Cox, my predecessor, had the same concern and so expressed it to me and said that he was very glad I made the decision and he did not have to make it. I cannot divulge one factor that entered into the matter, it wouldn't be fair. But certainly I can say that he did come forward in the beginning, and he gave us information voluntarily which the office, from the time it was established, all through Archibald Cox's administration, as well as mine, has always given considerable consideration to. This was one of the reasons that he was given the consideration that was extended to him.

Even at that he was charged with something for which he could have gotten a year and a mandatory sentence of 30 days. As you know, I have nothing to do with the sentencing of the individual.

MR. LISAGOR: Mr. Jaworski, as we would all agree, Watergate was an unusual business, and I wondered if you would support a proposal to make those tapes public, that is, so that the American public can hear them.

MR. JAWORSKI: I would like to see all of those tape recordings that we obtained as a result of the Supreme Court decision to be made public, yes, sir.

I might say, sir, that I believe you are going to find that most of them will be made public during this trial.

MR. LISAGOR: Should Presidential papers paid for by the public, dealing with the public's business, belong to the President or to the people?

MR. JAWORSKI: I think there is an Attorney General's ruling to the effect that probably they belong to the individual.

However, when crime or wrongdoing is being investigated, as is true in this case, then I think they should be made available. I have taken that position in court and elsewhere, and I think that before it is all over they will be made available.

MR. LISAGOR: Were you consulted or should you have been consulted by the President when he made the agreement with Mr. Nixon on the disposition of those tapes and documents?

MR. JAWORSKI: I think I should have been, yes, sir.

MR. LISAGOR: You were not?

MR. JAWORSKI: I was not.

MR. SPIVAK: Mr. Jaworski, a recent editorial in The New York Times says you deserve the nation's thanks for the job you did, but criticizes you for the jobs you left undone. How do you respond to the Times' criticism that you should have tested the legality of the President's pardon of Mr. Nixon?

MR. JAWORSKI: May I say first about that editorial, it reminds me of the contract where the bold print giveth and the fine print taketh away. It was just about that sort of an ambivalent situation, and I don't know that I want to answer the full editorial. But I want to say to you, sir, that I did just that which I thought it was my obligation to do. I did it because I felt that I could not in good conscience do otherwise. I took the position that I felt as a lawyer and as an officer of the court I should take.

MR. SPIVAK: Are there any circumstances under which it would have been your duty to challenge the pardon?

MR. JAWORSKI: I could not have challenged it. The reason I couldn't have challenged it—because the only basis that has ever been suggested that might have given me some ground is that I got more authority and more jurisdiction than Archibald Cox had, because, as you may remember, I did insist upon certain additional provisions and safeguards of independence. But I got no additional authority as far as jurisdiction was concerned, and that was thoroughly threshed out at the time of the Senate hearings.

MR. SPIVAK: You did have jurisdiction to seek the indictment of Mr. Nixon before the pardon?

MR. JAWORSKI: I did, sir. That is right.

MR. SPIVAK: You had almost a month before the pardon to seek that indictment. Why didn't you seek it immediately?

MR. JAWORSKI: I couldn't have because we were waiting for

the trial in the Mitchell, et al. case. I mean if I had wanted to go ahead and proceed with the indictment, I couldn't have done it, because I would have completely messed up, if I may use the expression, the Mitchell trial.

MR. SPIVAK: How would you have messed it up? I don't quite understand that.

MR. JAWORSKI: Because, the very fact—supposing an indictment would have been returned, either position that you take on the matter would have affected the selection of the jury.

MR. SPIVAK: Could it not also have affected the pardon?

MR. JAWORSKI: In what sense?

MR. SPIVAK: I mean if the man was indicted, wouldn't the President have hesitated to have pardoned him at that particular time?

MR. JAWORSKI: I would have thought that for the reasons stated by the President it would have spurred on his efforts to grant the pardon.

MR. STERN: Mr. Jaworski, are you aware of any facts behind President Ford's pardon of Mr. Nixon that the President, President Ford, has not discussed publicly?

MR. JAWORSKI: No, sir. You know the story. I was asked for an opinion with respect to the length of time that was given—the length of time it would take before he could probably be brought to trial. I gave an opinion on that. President Ford has disclosed that. The only other communication was the one that related to the ten areas that were under investigation.

MR. STERN: In short, then, you are 100 percent satisfied with Mr. Ford's account of the reasons he gave the pardon to Mr. Nixon?

MR. JAWORSKI: No. He put it on a basis of a national interest being involved, and that is for him to pass on and not for me to pass on.

MR. STERN: But are you satisfied that we know the full story, that's my question?

MR. JAWORSKI: As far as the full story on the obstruction of justice is concerned, as I have indicated, it is going to come out. I don't know of any other place where we would be authorized at this time. I am not even sure we would be authorized unless there is additional legislation at any time to go into the other areas.

MR. WOODWARD: In sort of a more philosophical vein, there has been a lot of disenchantment voiced by individuals, some newspaper columnists, about too many investigations, that people are digging into too many areas. You have the problem of the Vice President designate, Mr. Rockefeller, Wilbur Mills' involvement in that incident, which went on for days, and all sorts of

newspaper stories. Have we become jaded, do you think? Do you leave Washington with sort of a feeling that we have lost our heads, that we are having too much of the truth?

MR. JAWORSKI: No, I think that the investigations that have been made—and you deserve much of the credit for the beginning of them—I think were needed, as tragic as they are, but I do also believe that there comes a time when investigations should be wound up.

MR. SPIVAK: We have only four minutes. Ms. Oelsner.

MS. OELSNER: In that regard do you think there should not be a permanent special prosecution office?

MR. JAWORSKI: I have mixed feelings about that. I could see some reason for it, and then I began to wonder whether it is really warranted to have one.

MR. LISAGOR: Mr. Jaworski, the associate counsel of the House Judiciary Committee, Mr. Jenner, called the pardon a subversion of the criminal justice system. As a former president of the American Bar Association, do you agree with that? Was your work subverted by that pardon?

MR. JAWORSKI: I don't think it was. I think that what happened was that through our efforts the Grand Jury sent to the House Judiciary Committee—and we litigated this at great end then and were successful in the litigation. It turned out that the House had the benefit of that story, and the House Judiciary Committee has written its report.

MR. SPIVAK: Mr. Jaworski, the Houston Chronicle quotes you as saying that there is "more to the Watergate case" than the public knows. Is that "more" of great importance and significance to the public in your judgment?

MR. JAWORSKI: I think there are some things I know that haven't come out. I don't think they are anything more than cumulative.

MR. SPIVAK: Is it of any importance to the public to know it, because you say you would like Congress to expand your powers to allow the additional information to come out?

MR. JAWORSKI: Yes.

MR. SPIVAK: Is that information of importance?

MR. JAWORSKI: Yes. I would like, for instance—if all of the 64 recordings are not used in court, I would like for them to come out, and I certainly have no objection to the Nelson legislation, which I think would permit an entire report to be written. The difference lies in what the prosecutor can do.

MR. STERN: One of your colleagues, or ex-colleagues, estimates that the odds of getting a conviction now in the conspiracy case being tried are less than 50-50, because of the Ford pardon of Nixon. Do you share that estimate?

MR. JAWORSKI: I certainly don't. I don't know to whom you refer, but all I can tell you is that I don't share the estimate. But it wouldn't be proper for me, as you know, to get into the matter of discussing whether these matters—

MR. WOODWARD: In the coverup trial it was stated by some of your assistants that John Mitchell approved the Watergate breakin. How come there has not been an indictment of Mr. Mitchell for that alleged involvement?

MR. JAWORSKI: Bob, I am sorry. Mr. Mitchell is on trial, and I just simply cannot answer that question. I am not going to ask you, either, who "Deep Throat" is.

MS. OELSNER: There is a good chance that a lot of your cases are going to end up in the appeals court. Who is going to handle the appeals for the government if you have left and your office is going to be disbanded in a few months?

MR. JAWORSKI: The Justice Department.

MS. OELSNER: Isn't that contrary to the theory on which your office was created, that Watergate should not be investigated by an agency which might itself be involved in Watergate?

MR. JAWORSKI: The investigation and handling of the appeal—the appeal involves only legal questions. That is an entirely different matter. I see nothing inconsistent in that at all.

MR. LISAGOR: Mr. Jaworski, do you have a brief answer as to how we prevent future Watergates?

MR. JAWORSKI: I think what has transpired here from beginning to end is going to be helpful in preventing them. You are not going to find a complete answer to these matters for all time to come.

MR. LISAGOR: You don't in short believe that a campaign finance reform bill is fundamental enough to prevent them?

MR. JAWORSKI: I think it will be helpful, yes, sir.

MR. STERN: Do you have a specific agreement from the White House that no tapes will be sent to California, to Mr. Nixon, needed by the Special Prosecutor's Office?

MR. JAWORSKI: I have an agreement that nothing for the time being will be sent, whether it is tapes or documents.

MR. WOODWARD: From the Watergate breakin until the '72 Presidential election, was Richard Nixon spending a lot of time on Watergate, based on the tapes you have listened to?

MR. JAWORSKI: I would say, yes, sir.

MR. SPIVAK: I am sorry to interrupt, but our time is up. Thank you, Mr. Jaworski, for being with us today on MEET THE PRESS.

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THE WHITE HOUSE
WASHINGTON

4 Oct

Mr. President -

We were able
to locate the
tapes on the trip
South, and here are
the transcripts.

Jack



A Bitter Spirit That Won't Die

By VERMONT ROYSTER

WASHINGTON — It has been difficult the last 10 days to shake off a sense of sadness about the country.

For one blessed month—from the 9th of August to the 8th of September—you could believe that the country had awakened from that nightmare known as Watergate. All across the land there was a feeling of relief, and a visitor here at that time could hope that we were going to have a time of healing.

The new President had brought a breath of fresh air into the White House. With it had come a wave of good feeling that swept over the press galleries and into the halls of Congress. At long last, or so it seemed, we had a government not preoccupied with the scandals of the past and so ready to turn to the urgent problems of the

Thinking Things Over

error was compounded by the bungling that followed over whether he would extend other pardons to those involved in Watergate.

One consequence is that now this President, like his two predecessors, will hereafter have a credibility problem. He lost both his press secretary and the confid-

An indictment being brought, that he should wait perchance for a conviction. And then for at least "some" punishment. 'The Whole Truth'

Many justify this by saying we shall never know "the whole truth" unless the ex-President himself is brought to trial, as if we did not know enough after all those Senate hearings, all those tapes, all that impeachment inquiry. Yet the man who conducted that impeachment inquiry, House Judiciary Committee counsel John Doar, certainly does not think so. "The facts have been established," he says, and anything else would at most "just be cumulative."

Observing the outcry you cannot escape the feeling that accumulation is what many of these people really want, not just the accumulation of facts but the accumu-

*Offers Advice re. R's appearance before
House subcommittee on Pardon -*

JOHN W. BEVERIDGE

ATTORNEY AT LAW

ROUTE 8 BOX 586

FORT WORTH, TEXAS 76108

October 2, 1974

President Gerald Ford
White House
Washington, D. C.

Pardon for Richard Nixon

Dear President Ford:

The enclosed note was written ten days before the pardon granted Richard Nixon, and was addressed to the point that he should not be indicted.

Your pardon of course settled the problem as it should have been settled. Some of the language and the quotations may be of use to you in answering some of the criticism.

No doubt you did the right thing and the fact that you did it without hesitation is all to the good.

Very truly yours,

John W. Beveridge
John W. Beveridge

JWB:mm



Introduction

The Government is faced with the task of making a decision as to Richard Nixon. It can adopt a hard line and seek indictments or it can get on to other things which are more important to the country. There are overwhelming reasons why President Ford must turn his mind away from the small and petty controversies that have no meaning for the country at large.

I.

President Ford and the Attorney-General have stated that the decision as to whether or not to seek an indictment and institute criminal proceedings against Mr. Nixon is to be made by the Special Prosecutor, Mr. Leon Jaworski. This does not mean that Mr. Jaworski is duty-bound to present a case to the Grand Jury.

Mr. Jaworski has recently properly exercised his discretion in the Kleindeist case, and surely many of the other decisions made by his office were based upon considerations as to the proper aim and purpose of any criminal proceeding. The same criteria should be applied in considering indictments against Richard Nixon.

It is part and parcel of the American system of criminal justice that the district attorney and the grand jury shall exercise their discretion about instituting criminal proceedings even in cases in which the evidence reasonably indicates that a crime has been committed. This discretion is exercised every day in the week in every state in the Union. If this were not done the courts would be spending most of their time hearing cases in which guilt could not be proved and cases of only slight importance to the people. Beyond this it is common practice for a prosecuting attorney or a grand jury to take into consideration other factors such as the nature of the offense alleged, the physical and mental condition of the accused, and the situation of his family, and the punishment already suffered by the accused.

II.

I hold no brief for Richard Nixon the man, or the President. I have been a member of the Republican Party all my life, and I voted for Richard Nixon. BRAD BUT since the second year of his administration I became convinced that by his stupid negligence, he would wreck the financial and economic foundations of ~~the~~ this country, and at the same time bring disgrace and despair to himself and to his

family. Most of this he has accomplished -- far beyond what I feared.

III.

Richard Nixon would have been well-advised to adopt the position taken by Francis Bacon when he was charged by Parliament in 1621 with corruption in the exercise of his office. Bacon admitted his error in these words:

"I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defense. I beseech your Lordships to be merciful to a broken reed."

Nevertheless we cannot deny mercy to Richard Nixon because he has not admitted his fault, because he is not contrite.

IV.

To turn this problem over to the criminal courts will not help the situation and will only prolong the miserable spectacle and the deadly boredom. Although I have practiced law for over 40 years and have read much that has been written about the process of judicial decision by philosophers and practical jurists such as Cardozo and Frankfurter, I must admit that Dickens, Rabelais and Cervantes had a more realistic view of the accomplishments of the judicial system than most of the jurists. The common man has a dim view of the wisdom of our courts. Mr. Dooley said: "Justice is blind, Blind she is, an' deaf and dumb - an' has a wooden leg." Mr. Bumble said: "The law is a ass - a idiot."

V.

Mercy must season justice. We should think now of Richard Nixon, the struggling, earnest, ambitious young man who lost sight of the precepts of his Quaker faith. We should think now of the Richard Nixon we have seen in recent months - his ashen gray face, the terror and agony in his eyes as he attempted to answer his accusers. We should consider the effect of an indictment upon this broken and helpless man. And above all we should think of his family, his courageous and loyal wife, the two "little girls" who stood up and fought for their father. They have all suffered enough.



The overriding need now is to do what is fair and magnanimous, and to do it at once. This is not the time to ponder over a legal proceeding or to talk of "justice and the enforcement of the law."

"Though justice be thy plea, consider this

That in the course of justice none of us

Should see salvation: We do pray for mercy

And that same prayer doth teach us all to render

The deeds of mercy." (Merchant of Venice. Act III, Scene ").

VI.

The country today is not at all interested in what Richard Nixon has done, but it is interested in what Gerald Ford will do. And it is time to get immersed and absorbed in the doing of the jobs that need to be done.

"That which is past is gone and irrevocable, and wise men have enough to do with things present and to come; therefore they do but trifle with themselves that labor in past matters." (Francis Bacon)

John W. Beveridge

Route 8, Box 586

Fort Worth, Texas 76108



THE WHITE HOUSE

WASHINGTON

September 12, 1974

MEMORANDUM FOR:

ANNE ARMSTRONG

FROM:

PHILLIP AREEDA

Most of the questions posed in your September 11 memoranda are answered in the attached. Brief additional responses to your 13 queries follow:

1. President Ford changed his mind in response to further reflection that persuaded him that mercy was appropriate.
2. The Nixon situation is unique. (See Part II of the memorandum.)
3. The fact of a pardon does not prevent the facts about Mr. Nixon from coming out. (See Part I of the memorandum.)
4. We cannot speak for Mr. Jaworski, but presumably he thinks it unnecessary to speak about a matter that has been definitively determined.
5. Excessive pre-trial publicity may require the postponement of a trial in the effort to obtain a jury free of pre-trial impressions about Nixon's guilt. Indeed, that might never be possible for the reasons indicated in a footnote to Part II of the memorandum.
6. Richard Nixon is a private citizen who may be required to appear as a witness in the same manner as every other citizen. To be sure, the former President can have the benefit of any claim of privilege that a court sees fit to allow.
7. The privilege against self-incrimination is not available where the possibility of incrimination has been definitively precluded by a pardon. A claim that one might incriminate himself under State law would not ordinarily be affected by a Federal pardon.



8. The pardon will not affect liability for any Federal offense, including contempt, committed after August 9, 1974.
9. Subpoenaed tapes or documents can be introduced in evidence, except insofar as protected by a recognized claim of privilege.
10. The grant of and acceptance of a pardon probably implies that guilt is thought probable by a prosecutor, President, and/or recipient.
11. Draft dodgers and deserters present different issues. (See Part II of the memorandum.)
12. Once President Ford decided upon a pardon, there was no compelling reason for delay.
13. It is not for us to interpret Jaworski's freedom to discuss the Watergate matter. The fact is, however, that Jaworski did not publicly discuss his ten-point memorandum. Nor did he disclose it to the White House for purposes of release. It may be noted, furthermore, that the ten-point memorandum did not itself bear on the Watergate coverup.



Rabbi Quotes Nixon As Opposed to Pardon

October 3, 1974

PROVIDENCE, Oct. 6 (AP) — President Nixon said three days before he resigned Aug. 9 that he was willing to go to jail and did not want to be pardoned, Rabbi Baruch Korff was quoted as saying by today's Providence Journal-Bulletin.

The paper quoted Korff, who has organized a fund to help pay Mr. Nixon's legal fees, as saying that Mr. Nixon told him, "If they want to put me behind bars, let them do it."

President Ford has since pardoned Mr. Nixon and he has accepted the pardon.

Korff made the comments in an interview detailing a conversation he said he had alone with President Nixon on

sign, the Journal-Bulletin said.

Korff said he and Mr. Nixon discussed a possible resignation and the President said: "Now if I do not resign that means I have to devote the next eight months to an impeachment trial."

Korff said Mr. Nixon spoke of inflation problems that might be ignored during that period. "He knew the country would suffer," Korff said.

Korff said he asked Mr. Nixon: "Do you think that after toppling you your detractors will stop? That Watergate will be laid to rest?"

"Then he said, 'You did quite a job on my family convincing them Nixon should not resign. I wish you would dissuade

including regular reports on the whereabouts of "Searchlight," as Nixon is code-named. Then the Secret Service got wise and all that the TV crews could hear was an electronic hissing. But newsmen did learn that Nixon was still driving a golf cart to his office a short distance from the house. He was seen in the swimming pool and walking about the grounds without crutches or a cane.

While Nixon is in the hospital, his lawyers will be questioned about his health. A California judge must decide whether to grant their motion to quash a subpoena for Nixon to appear in San-

ta Ana and give a deposition in a civil suit challenging security arrangements at a 1971 rally in Charlotte, N.C. The plaintiffs charge that their civil rights were violated when they were refused entry. Miller & Co. argue that giving the deposition would impose an "unreasonable burden" on their ailing client.

Too ill. That proceeding is overshadowed by the Watergate conspiracy trial scheduled to begin Oct. 1. Dr. Tkach has advised the defendants that Nixon is too ill to testify in court and that it might jeopardize his health even to take a deposition from him. But Nix-

on has been subpoenaed as a witness by both Defendant John Ehrlichman and Prosecutor Leon Jaworski. Federal Judge John J. Sirica has turned down Ehrlichman's motion to delay the trial again because of Nixon's ill health. And the U.S. Court of Appeals has upheld an earlier Sirica ruling turning down six requests for delay on other grounds. To forestall any further postponements, Jaworski suggested last week that Miller "inform the court, if he is able to do so, what Mr. Nixon's present condition is." Despite news reports, Jaworski added pointedly, the court has "no sound ba-

THE PRESIDENCY/HUGH SIDNEY

A Loyalist's Departure

General Alexander Haig has paid his dues to the United States. Several times.

From West Point to Korea, from the Pentagon to Viet Nam, he answered every call to duty. Then Richard Nixon

show that he helped Nixon continue his deception.

Yet, six months before the end, Haig and Kissinger saw an anguished impeachment trial, bare survival for Nixon. And even that was the thinnest of hunches. Did Haig begin to ease the way for a Nixon resignation then? Probably.

Haig knew that Watergate was taking a terrible physical toll of Nixon. The viral pneumonia was the first signal. Yet Nixon could come back to his peak. Said Haig: "The President performed brilliantly in the Middle East and Russia."

have continued to believe as one by one Nixon's defenses were shown to be false, incomplete? That is the part that Haig cannot explain away. Maybe it was the fighter in him, responding to his commander no matter what. The transcripts

day, when the morning papers were filled with accusations against Haig. "The trouble with Haig," said Kissinger, "is that he is always improving his image." The two friends exploded with laughter.

The Final Presidential Crisis

The Last 17 Days of the Nixon Reign

Richard Milhous Nixon's final presidential crisis was thrust upon him by the Supreme Court's ruling that he could no longer lawfully withhold 64 disputed White House tapes from the prosecutors. Here, recon-

be a warm day, although it was not yet, and an aide who saw Mr. Nixon soon afterward remembers that he was perspiring.

What he said to Haig is not re-

would become the architect of the transition to Gerald R. Ford

No one knew better than Mr. Nixon that the die had been cast against him by the court's decision. Though he would become vague and unapproachable on several instances in the few

The End of the Nixon Reign

NIXON, From A1

It was a considerable understatement. Buzhardt, who already had been reviewing the tape for possible problems, quickly located the damaging passages in which Mr. Nixon and for-



ment on a late flight home that day to Traverse City, Mich. He recalls that he spent a sleepless night. The next morning he telephoned and dictated a letter to his Washington office for immediate delivery to the White House.

The Griffin letter was a master



The Last 17 Days of Richard Nixon's Reign

NIXON, From A10

was still capable of governing the nation.

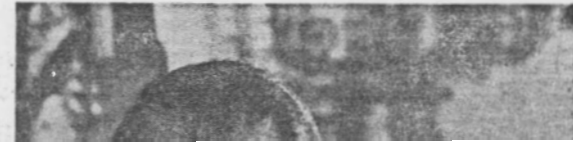
"It was a most curious meeting," recalled one of the participants. "Nixon assembled the Cabinet not to ask for advice but to announce a decision that he would not resign. He had a sort of eerie calm about him. The mood in the room was one of considerable disbe-



early date they were convinced that Haig must go, and the name of Donald Rumsfeld immediately came up as his replacement. But Haig could wait. The priority was the press office, long the special province of Ron Ziegler.

"It was a necessity to clean it out," Buchen said. "That was the first thing that had to be changed and changed quickly."

Without dissent the Ford advisers



The government is going through a very difficult period, and we as a people are going to go through a very difficult period," Kissinger said. "It is

them cried. ("Sometimes," Mr. Nixon had written in "Six Crises," "even

was higher than that, that Mr. Nixon might actually have 50 or 60 votes.

who had over the years been responsible for the most compelling and personal pictorial portraits of the President. Atkins was summoned on

Making a point during farewell speech, Aug. 9.

It was all over with Mr. Nixon by enemies rather than honorable recall.

Nixon that morning that he was down to 20 hard-core votes in the Senate. He had since spoken to the five senators whose attitudes Mr. Nixon had asked him to assess, and all five said the situation was hopeless. Timmons repeated this to the President. Soon thereafter, Mr. Nixon met with the man who had done the most to rally support for him around the country, Rabbi Baruch Korff, and hinted he might quit. Mr. Nixon also placed several calls to Kissinger, asking him to assess the impact of resignation on foreign policy.

And, through Haig, he gave the most significant instruction of all. He told Ray Price to begin working on his resignation speech, this time not for any contingency.

Looking back on the events of the week preceding the resignation, some of the White House aides who were closest to events remembered it as a seemingly endless jumble punctuated by wild rumors, still wilder hopes and brief flashes of reality. Many of them worked far into the night at their desks and made additional phone calls when they reached home. A few of

who was fighting for him and the other emotional composure. Before the meeting, Timmons briefed the two minority leaders and urged that they not tell Mr. Nixon directly to resign. Haig intercepted all three congressmen on their way in to make the same point.

"I did that for two reasons," Timmons recalled. "First, I felt it was something they could live with more comfortably for the rest of their lives. I didn't think any of them wanted to tell the President to quit. Second, I thought the President would do whatever he decided was right regardless of what they recommended."

The meeting, when it finally came at 3 p.m., was anti-climatic. Scott recalls that Mr. Nixon, his feet propped up on the desk, spent time trying to reassure the congressmen and make them feel at ease about their mission. Goldwater told Mr. Nixon that he was down to 15 votes in the Senate, which caused the President to say to Rhodes that he probably only had 10 votes in the House. Rhodes agreed with Mr. Nixon, privately thinking that the loyalist vote

last assembly was overhanging him.

Mr. Ford asked Buchen to take on the responsibility of calling some old friends to begin transition planning for the new administration. Buchen called John Byrnes, the former Wisconsin congressman and a close friend of Mr. Ford in the House; former Pennsylvania Gov. William Scranton; Bryce Harlow, an adviser to President Eisenhower and one of the most knowledgeable men in Washington; Sen. Griffin and Clay Whitehead, who was just resigning as head of the White House Office of Telecommunications Policy.

This group met for seven hours on Wednesday at the Washington home of William G. Whyte, the U.S. Steel Corp. chief lobbyist and a friend of Mr. Ford's for 20 years. By coincidence, the meeting started at 5 p.m., the same time that Goldwater, Scott and Rhodes were seeing President Nixon in the White House. Scranton, who caught a late plane, did not arrive at the transition meeting until 7:30.

The advisers discussed the outline of the new administration. Even at that

U.S. Military Clubs in Thailand Probed

By Michael Getler
Washington Post Staff Writer
More than 50 Air Force and Army investigators are looking into allegations of a major

witnesses were beaten up, apparently to prevent them from testifying.

Four years ago, the Army was rocked by revelation of a

authorities at a few specific clubs, but investigators say agents from the Air Force Office of Special Investigations and the Army's Criminal In-

Sources also say that about half of those under investigation are civilians, including the Thai citizens. The investigation is being coordinated

Kissinger Suggests Awe of Hoover Fostered Role in Wiretaps

By Laurence Stern
Washington Post Staff Writer

Secretary of State Henry A. Kissinger suggested to Senate investigators that his acquiescence

testimony of other bureau witnesses.

My impression was that Hoover was rather suspicious of me and therefore in

over would take orders from a presidential assistant who had just come to Washington. I think, would be contradicted by the fact that I did not get from

FBI records as having initiated requests for 12 of the 17 wiretaps, testified that "I never would have submitted a

bookkeeping can be inaccurate, yes."

The final round of hearings last July on the wiretapping program was held at Kissinger's

questions raised about Secretary Kissinger's role.

One aspect of the case the committee was unable to resolve was the disclosure that Haig here."

account, quoted Kissinger as saying: "It is clear that I do not have anybody in my office that I can trust except Col.

cause he was a personal friend of mine, but I quite frankly assumed I was being surveilled at that time."

Kissinger, at one point, ac-

Chicago Daily News 9/14-15/74

Pardon doesn't bar Nixon trial -- experts

By Jack C. Landau
Newhouse News Service

WASHINGTON—There are now a number of legal experts—both inside and outside the federal government—who argue that President Ford's "absolute . . . pardon" of former President Nixon cannot stop the federal courts from bringing Nixon to trial for Watergate related crimes.

The contention, which has divided the Watergate special prosecutor's office, is based on separate legal arguments:

- That Ford was bound by the executive order establishing the Watergate prosecutor, which provides that the Watergate special prosecutor "shall have full authority . . . for prosecuting offenses . . . involving the President."

- That a pardon, under an 1866 Supreme Court ruling stops the courts from imposing a "punishment" but does not prevent an indictment a trial

Leon Jaworski

his claim of "executive privilege."

The Supreme Court replied that "so long as the regulation remains in force, the United States . . . as composed of the three branches of government, is bound to respect and enforce

yers agree with a letter sent to Ford late this week by the public Citizen Litigation Group that "it is our conclusion that your attempted pardon of Richard M. Nixon was invalid."

THE LEADING Supreme Court case, decided in 1866, involved an attorney who, having supported the Confederacy, was pardoned from a charge of treason.

The opinions says, "When the pardon is full, it releases the punishment and blots out the existence of guilt . . . If granted before conviction, it prevents any of the penalties and disabilities . . . upon conviction from attaching."

Thus, the opinion implies strongly that the pardon can not stop an indictment, a trial or a conviction but merely bars the "disabilities . . . upon conviction."

Other cases point out that a pardon is an "exoneration" only for the individual and does not treat the crime as if it

downs them, which hold mass meetings at the track.

The racing board seeks to determine whether \$110,000 in campaign contributions from the three racing groups were made in 1971 and 1972 in order to win preferred racing dates from the previous racing board under former Gov. Richard B. Ogilvie.

Ogilvie testified last month before another federal grand jury in Springfield and reportedly was asked about racing dates awarded by his board.

AT FRIDAY'S hearing, the board's attorney, Martin Oberman, sought to show that \$16,810 of the campaign gifts went to Ogilvie's 1972 re-election campaign; and another \$46,585 went to the campaign fund of Edmund J. Kucharski, unsuccessful Republican candidate for secretary of state.

Kucharski did not appear at the hearing, although he was under subpoena. His attorney, Warren Wolfson, said he challenged the right of the racing board to subpoena financial records of the campaign fund.

F. THOMAS Bertsche, a public relations executive, stormed from the hearing room, led by his attorney, S. Jack Micheletto, when Oberman sought to question Bertsche about the money paid