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THE WHITE HOUSE
WASHINGTON

DRAFT

PWBuchen - - September 26, 1974

Name and address

Dear Mr. Chairman:

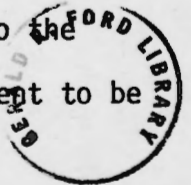
This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370. With your September 18 letter you furnished copies of the respective resolutions.

This letter also follows my letters to you of September 20, 1974, and September 23, 1974, the first of which was accompanied by enclosures of the following:

- (i) Text of the proclamation by me granting pardon to Richard Nixon issued September 8, 1974;
- (ii) Transcript of my televised message to the American people on the same day;
- (iii) Transcript of my news conference on September 16, 1974;
- (iv) Additional background information provided at White House briefings on September 8 and 10.

By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent to be



less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

If, as indicated by the resolutions before you, my proclamation for pardon of the former President has not immediately had its intended effect to allow this Nation to concentrate on its urgent present problems, I make this further response in the earnest hope of overcoming those concerns which are still directed toward past events. I do so as an extraordinary measure and without prejudice in other circumstances to reliance on rights granted or inuring to the President of the United States under our Constitution and to the full protection of such rights, not only for myself while in this Office but for all future Presidents.

Further response to H. Res. 1367

"1. Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

The only information I had which is in any way related to these ~~questions~~ ^{first inquiry} has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared ~~by~~ ^{for} Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force.* So far as I know, no representative of mine had any related information beyond what appears in such memorandum.

* See Tab A



"2. Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

I have no knowledge of the matters covered by ^{these questions} ~~the second inquiry~~ ^{question (a)} ~~the third inquiry~~ except as stated in my response below to ~~the third inquiry~~ and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the ^{nature} ~~contents~~ of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to Alexander M. Haig, Jr., and others within the White House.

"3. When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives except on



August 1 and 2, 1974, as related in the response below. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

"4(a). Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

✓ On August 1, 1974, at my Vice Presidential office, Alexander M. Haig, Jr. reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, at my office. Later the same day, I called General Haig at his office to tell him that I was opposed to any consideration by Mr. Nixon, or by anyone advising him, of a pardon or any ✓ promise of a pardon as a precondition or inducement for his resignation; and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

"4(b). Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives ~~or aides~~ about a possible pardon for him, which I know about, took place starting September 4, 1974. Counsel to the President Philip W. Buchen met with Herbert J. Miller, Counsel for Richard M. Nixon, on the morning of that day and again on the



morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although ✓ these discussions related ^{predominantly} to unresolved matters of the Nixon papers and tape recordings.

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

I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of ^{the} opinion, which was confined to the points mentioned and



did not relate to the pardon, was not received until the first week of September.* In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests on my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you.** No other facts or legal authorities were given me by either of the men in question.

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

Mr. Rockefeller gave me no facts or legal authorities on the pardon subject. However, I advised him on September 6, 1974, of my pending decision to issue a pardon for Mr. Nixon, but I did not seek or receive his advice on the subject.

"7. Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"

I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but not solely on legal questions.

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

* See Tab B

** See Tab C



No confessions or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

"9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final statement as issued was subject to our advance approval.

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

I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to ^{paragraph} ~~inquiry~~ (2) of H. Res. 1370.

Further response to H. Res. 1370

Insert (1) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of Richard M. Nixon to the President?"



No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information or facts presented to the President with respect to the mental or physical health of Richard M. Nixon?"

Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been furnished to you, ^{*}~~as follows~~: The reports I have had from Dr. Lukash, which I mentioned at the press conference, came after my pardon decision and are not relevant to the inquiry. Observations came to me from Benton Becker concerning Mr. Nixon's appearance and conversations on September 6, 1974, but these, like similar observations coming to me over a period prior to then, were not those of persons qualified to evaluate medically the condition of Mr. Nixon's health and, therefore, also were not a controlling factor in my decision. However, I did believe and still do, that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.

(3) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information in possession or control of the President with respect to the offenses which were allegedly committed by Richard M. Nixon and for which a pardon was granted?"

The only special information in my possession or control bearing on ^{or possible} alleged offenses covered by the pardon of Richard M. Nixon was the

* See Tab D



information provided in the memorandum of the Watergate Special Prosecution Force dated September ³~~8~~, 1974, copy of which is enclosed.* The balance of my information involves the transcripts of Presidential conversations made public August 5, 1974, matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have found probably~~ly~~ cause for naming him earlier as an unindicted co-conspirator, ~~in addition to information from the transcripts made public August 5, 1974.~~

(4) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of the President to Richard M. Nixon in connection with a pardon for alleged offenses against the United States?"

No representations were made by or on my behalf to Richard M. Nixon or his representatives in connection with a pardon for alleged offenses against the United States.

(5) What are "the full and complete information and facts in [the President's] possession or control and relating to any pardon which may be granted to any person who is or may be charged or convicted of any offense against the United States within the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force?"

~~In response to the subject of the last paragraph of the resolution,~~
I assure you that I have ^{no} ~~no~~ intention of granting ^a ~~any~~ pardon ^{to} ~~for~~ any of the persons in question. ^{insert} ~~However, If a request for pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal with~~

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THE WHITE HOUSE
WASHINGTON

DRAFT III

PWBuchen - -

September 26, 1974

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370. With your September 18 letter you furnished copies of the respective resolutions.

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My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent to be



less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

If, as indicated by the resolutions before you, my proclamation for pardon of the former President has not immediately had its intended effect to allow this Nation to concentrate on its urgent present problems, I make this further response in the earnest hope of overcoming those concerns which are still directed toward past events. I do so as an extraordinary measure and without prejudice in other circumstances to reliance on rights granted or inuring to the President of the United States under our Constitution and to the full protection of such rights, not only for myself while in this Office but for all future Presidents.

Further response to H. Res. 1367

"¶1. *Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

The only information I had which is in any way related to the first inquiry has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force. So far as I know, no representative of mine had any related information beyond what appears in such memorandum.



"2. Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

I have no knowledge of the matters covered by the second inquiry except as stated in my response below to the third inquiry and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the contents of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to Alexander M. Haig, Jr., and others within the White House.

"3. When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives except on



August 1 and 2, 1974, as related in the response below. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

"4(a). Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

On August 1, 1974, at my Vice Presidential office, Alexander M. Haig reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, at my office. Later the same day, I called General Haig at his office to tell him that I was opposed to any consideration by Mr. Nixon, or by anyone advising him, of a pardon or any promise of a pardon as a precondition or inducement for his resignation, and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

"4(b). Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, took place starting September 4, 1974. Counsel to the President Philip W. Buchen met with Herbert J. Miller, Counsel for Richard M. Nixon, on the morning of that day and again on the



morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related to unresolved matters of the Nixon papers and tape recordings.

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

I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of opinion, which was confined to the points mentioned and



did not relate to the pardon, was not received until the first week of September. In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests in my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you. No other facts or legal authorities were given me by either of the men in question.

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

Mr. Rockefeller gave me no facts or legal authorities on the pardon subject. However, I advised him on September 6, 1974, of my pending decision to issue a pardon for Mr. Nixon, but I did not seek or receive his advice on the subject.

"7. Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"

I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but not solely on legal questions.

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



No confessions or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

"9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final statement as issued was subject to our approval.

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

I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of Richard M. Nixon to the President?"



No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information or facts presented to the President with respect to the mental or physical health of Richard M. Nixon?"

Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been furnished to you as follows: The reports I have had from Dr. Lukash, which I mentioned at the press conference, came after my pardon decision and are not relevant to the inquiry. Observations came to me from Benton Becker concerning Mr. Nixon's appearance and conversations on September 6, 1974, but these, like similar observations coming to me over a period prior to then, were not those of persons qualified to evaluate medically the condition of Mr. Nixon's health and, therefore, also were not a controlling factor in my decision. However, I did believe and still do, that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.

(3) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information in possession or control of the President with respect to the offenses which were allegedly committed by Richard M. Nixon and for which a pardon was granted?"

The only special information in my possession or control bearing on alleged offenses covered by the pardon of Richard M. Nixon was the



information provided in the memorandum of the Watergate Special Prosecution Force dated September ³~~8~~, 1974, copy of which is enclosed. The balance of my information involves the transcripts of Presidential conversations made public August 5, 1974, matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have found probably cause for naming him earlier as an unindicted co-conspirator, in addition to information from the transcripts made public August 5, 1974.

(4) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of the President to Richard M. Nixon in connection with a pardon for alleged offenses against the United States?"

No representations were made by or on my behalf to Richard M. Nixon or his representatives in connection with a pardon for alleged offenses against the United States.

(5) What are "the full and complete information and facts in [the President's] possession or control and relating to any pardon which may be granted to any person who is or may be charged or convicted of any offense against the United States within the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force?"

In response to the subject of the last paragraph of the resolution, I assure you that I have no intention of granting any pardon for any of the persons in question. However, if a request for pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal with



such request just as I would from persons who had been convicted of offenses outside the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force. No such request is before me, although Counsel to the President advises me that one request received by him in behalf of a Watergate defendant has been referred to the Pardon Attorney for processing, as I have asked be done with a request received from any offender.

The foregoing now lays before you the information, as I see it, which is called for by the resolutions in question. In having responded for reasons stated at the beginning of this letter, I have strong reservations about the unusual scope of the inquiries, and I believe they represent too broad a use of the inquiry powers of the Congress which in any other circumstances I would seriously question. I raise this point because of my desire that the Congress itself consider in a broader context what limitations it should demand for resolutions of this type.

Also, because of the full responses I have given, I question the need to have Philip W. Buchen, or someone else with the same knowledge as he does of the circumstances, to appear before your Subcommittee on Criminal Justice. No one on my staff has knowledge nearly equivalent to mine of the facts involved in the inquiry and reported to you in these responses. Also, in the cases of my legal advisers, not only does the governmental principle of my right and need for confidential counsel apply but also the principle of a lawyer's relationship to his client.



Therefore, I respectfully decline your request for the appearance before the Subcommittee, and I trust that you and your colleagues will respect my reasons for declining.

Sincerely yours,

The Honorable William L. Hungate
Chairman, Subcommittee on Criminal Justice
Committee on the Judiciary
House of Representatives
Washington, D. C. 20515



PETER W. RODINO, JR. (N.J.) CHAIRMAN

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JOSEPH J. MARAZITI, N.J.
DELBERT L. LATTA, OHIO

Congress of the United States
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

GENERAL COUNSEL:
JEROME M. ZEIFMAN
ASSOCIATE GENERAL COUNSEL:
GARNER J. CLINE
COUNSEL:
HERBERT FUCHS
WILLIAM P. SHATTUCK
H. CHRISTOPHER NOLDE
ALAN A. PARKER
JAMES F. FALCO
MAURICE A. BARBOZA
ARTHUR P. ENDRES, JR.
FRANKLIN G. POLK
THOMAS E. MOONEY
MICHAEL W. BLOMMER
ALEXANDER B. COOK
CONSTANTINE J. GEKAS
ALAN F. COFFEY, JR.

September 25, 1974

President Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

I am in receipt of your letters dated September 20, 1974, and September 23, 1974, responding to my letters concerning the privileged resolutions, H.Res. 1367, and H.Res. 1370, introduced by Representatives Abzug and Conyers, respectively. A review has been made of the documents accompanying your letter of September 20, 1974, for the purpose of determining whether your and members of your staff's prior statements concerning the pardon of former President Nixon are responsive to the questions posed in the privileged measures.

Due to the difficulty in determining which portions of these statements you mean to apply to each specific question, I respectfully request that you respond individually to each inquiry and that your responses be forwarded to the Subcommittee on Criminal Justice by the close of business on Thursday, September 26, 1974.

In addition, I further respectfully request, after having consulted with the bipartisan membership of the Subcommittee on Criminal Justice, that Philip Buchen, Counsel to the President, or someone with equivalent knowledge of the circumstances surrounding the pardon of the former President, appear and testify before the Subcommittee on Tuesday, October 1, 1974.

Respectfully yours,

William L. Hungate

William L. Hungate
Chairman
Subcommittee on Criminal Justice

WLH/rtb



[9/26/74?]

H. Res. 1367

1. "Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

2. "Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

3. "When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

4(a) "Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

4(b) "Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

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

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

7. "Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"



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

" 9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

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



Ready with
draft
DRAFT PWBuchen

9/26/74

PWB copy II

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370, and With your September 18 letter you furnished copies of the respective resolutions.

This letter also follows my letters to you of September 20, 1974, and September 23, 1974, the first of which was accompanied by enclosures of the following:

- (i) Text of the proclamation by me granting pardon to Richard Nixon issued September 8, 1974;
- (ii) Transcript of my televised message to the American people on the same day;
- (iii) Transcript of my news conference on September 16, 1974;
- (iv) Additional background information provided at White House briefings on September 8 and 10.

By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. *Insert B*
~~In addition, I have prepared this further response to you in the interests of accomplishing what I had sought~~



~~to do by my proclamation and message. The object was to overcome~~
as quickly as possible disruptions to the efforts and cooperation we
desperately need for solving current problems that gravely threaten the
future stability and welfare of our country. These disruptions relate
to the events that brought about the resignation of the former President
and were the result of offenses against the United States occurring before
~~I came to the Presidency on August 9, 1974.~~

If, as indicated by the resolutions before you, my proclamation for
pardon of the former President has not ~~had~~ immediately ^{had} its intended effect
to allow this Nation to concentrate on its urgent present problems, I make
this further response in the earnest hope of overcoming those concerns
which are still directed toward past events. I do so as an extraordinary
measure and without prejudice in other circumstances to reliance on rights
granted or inuring to the President of the United States under our
Constitution and to the full protection of such rights, not only for myself
while in this Office but for all future Presidents.

Further response to H. Res. 1367

^{1.} The only information I had which is in any way related to the
first inquiry has been disclosed through release on September 10, 1974,
of copies of the enclosed memorandum of September 3, 1974, prepared



by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force. So far as I know, no representative of mine had any related information beyond what appears in such memorandum.

2. I have no knowledge of the matters covered by the second inquiry except as stated in my response below to the third ^{and fourth} ^{ies} inquiry and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the contents of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to General Alexander M. Haig, Jr., and others within the White House.

~~While I was a Member of Congress or Vice President, the possibility of a pardon for Mr. Nixon was not a subject of discussion~~

~~with Richard M. Nixon or any of his representatives except as follows:~~

On ~~July 31 and August 1, 1974~~ ^{about 5:00 p.m.} in my Vice Presidential office, ~~General Haig~~ ^{Alexander M.} reported to me about developments and suggestions that were current within the White House staff ~~at the end of July 1974.~~ ^{when I was on August 2, 1974} I

~~I personally opposed consideration by Mr. Nixon, or by anyone advising him, which would involve a pardon or any promise of a pardon as a precondition or inducement for his resignation; and I made my opposition~~



Handwritten notes and signatures on the right margin:
- "I was on August 2, 1974"
- "about 5:00 p.m."
- "when I was on August 2, 1974"
- "I attended"
- "I was on August 2, 1974"
- "I was on August 2, 1974"
- "I was on August 2, 1974"

Insert B (p 4)

32
2. While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ^{ever} a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ^{ever} a subject of discussion with Richard M. Nixon or any of his representatives except on August 1 and 2, 1974, as related in the response ^{below.} ~~to inquiry 4.~~ Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

4(a) On August 1, 1974, ^{at} ~~in~~ my Vice Presidential office, Alexander M. Haig reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, ^{also at my office.} Later the same day, I called General Haig at his office to tell him that I was opposed to ^{any} consideration by Mr. Nixon, or by anyone advising him, ^{of a} ~~which would involve~~ a pardon or any promise of a pardon as a precondition or inducement for his resignation, and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

4(b) After I became ^{the} President, the only discussions ^{by me or on my behalf} with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, took place starting September 4, 1974. ^{etc.} go to p. 4 - Counsel, ...



~~in telephone conversation with Haig~~
~~who concurred in my stand.~~
-4-

known to General Haig. Also, I made no such promise whatsoever and gave no assurances, express or implied, in that regard. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

~~After I became President,~~

4. ~~The only discussions with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, that took place after I became President occurred starting September 4, 1974.~~
Counsel to the President Philip W. Buchen met with Herbert J. Miller, counsel for Richard M. Nixon, on the morning of that day and again on the morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related ^{predominantly} ~~principally~~ to unresolved matters of the Nixon papers and tape recordings.



5. I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of opinion, which was confined to the points mentioned and did not relate to the pardon, was not received until the first week of September. In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests in my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you, ~~copy of which is now being furnished in connection with the first response above.~~ No other facts or legal authorities were given me by either of the men in question.

6. Yes, I did ^{talk with} telephone Vice Presidential nominee Nelson Rockefeller on the subject of the pardon, the date being ~~September 10, 1974~~, although I have had other consultations with him on unrelated subjects.



Mr. Rockefeller gave me no facts or legal authorities on the pardon subject, ^{However:} ~~and, although~~ ^{on September 6, 1974} I advised him of my pending decision to issue a pardon for Mr. Nixon, ^{but} I did not seek or receive his advice on the subject.

7. I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but ^{solely} not on legal questions.

8. No confession or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

9. An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final ^{statement} ~~draft~~ as issued was subject to our approval.



10. I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been

furnished to you, ~~as follows~~. The reports ^{have} I had from Dr. Lukash, which

I mentioned, ^{at the press conference, coming after my pardon decision} ~~insofar as they preceded my pardon decision~~, were not a ~~controlling factor in my decision~~ and ~~are not relevant to the inquiry~~. These reports were verbal and not

based on his own examination of Mr. Nixon during the period I was

considering the decision, and they related to developments which have

progressively led to his required hospitalization and treatment and to the

~~condition of his health as publicly reported most recently by his principal~~

~~attending physician~~. Other observations came to me from ~~Mr.~~ Benton Becker

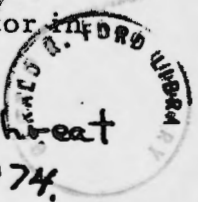
concerning Mr. Nixon's appearance and conversations on September 6, 1974,

but these, like similar observations ^{I read about or heard} ~~coming to me~~, over a period prior to

then, were not those of persons qualified to evaluate medically the condition

of Mr. Nixon's health and, therefore, ~~also~~ ^{and still do,} were not a controlling factor in

my decision. However, I did believe ^{and still do,} that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.



(3) The only special information in my possession or control bearing on alleged offenses covered by the pardon of Richard M. Nixon was the information provided in the memorandum of the Watergate Special Prosecution Force dated September 3, 1974, copy of which is enclosed.

The transcripts of Presidential conversations made public August 5, 1974,
The balance of my information involves matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have earlier naming him earlier as an unindicted co-conspirator, in addition to found probable cause for indicting him, as well as information from the transcripts made public August 5, 1974.

(4) No representations were made by or on ^{my} behalf ^{to Richard M. Nixon or his} of me in connection ^{Representatives} with a pardon for alleged offenses against the United States.

(5) ~~Also,~~ In response to the subject of the last paragraph of the resolution, I assure you that I have no intention of granting any pardon for any of the persons in question. However, if a request for a pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal with such request just as I would from persons who had been convicted of offenses outside the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force. No such request is before me, although Counsel to the President advises me that one request received by him in behalf of a Watergate defendant has been referred to the Pardon Attorney for processing, as I have asked be done with ^a any request received from any offender.



The foregoing now lays before you the information, as I see it, which is called for by the resolutions in question. In having responded for reasons stated at the beginning of this letter, I have strong reservations about the unusual scope of the inquiries, and I believe they represent too broad a use of the inquiry powers of the Congress which in any other circumstances I would seriously question. I raise this point because of my desire that the Congress itself consider in a broader context what limitations it should demand for resolutions of this type.

Also, because of the full responses I have given, I question the need to have Philip W. Buchen, or someone ^{else} ^{the same} ^{as he does} with ~~equivalent~~ knowledge of the circumstances, to appear before your Subcommittee on Criminal Justice. ~~However, if your Subcommittee would still want him to appear in executive session for questioning on facts relevant to the inquiries as framed, I would allow him to respond in that manner. You are aware, of course, that further public disclosures on the subject by any officers of this Government could conceivably work against prompt and fair trial of the defendants under prosecution by the Special Prosecutor, as one or more of them has already argued before Judge Sirica.~~

Sincerely yours,

Governmental
No one on my staff has knowledge ^{nearly} equivalent to mine of the facts involved in the inquiry and reported to you in these responses. Also, in the case of my legal advisers, not only does the principle of my right and need for

confidential counsel apply to the principle of a lawyer's relationship to his client.
CONFIDENTIAL COUNSEL
GERALD R. FORD

~~(~~not~~ ~~at~~ ~~all~~ ~~and~~ ~~complete~~ ~~info~~)~~

Insert A. (p. 1)

← It was in no way my intent to be less than serious ~~non-serious or trifling~~ in my initial replies to your letters, but ~~merely~~ ^{show} to ~~point out~~ that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

Insert C (p. 9)

Therefore, I respectfully decline your request for the appearance before the Subcommittee, and I trust that you and your ~~are~~ colleagues will respect my reasons for declining.

Sincerely,



PWB copy II
DRAFT PWBuchen

9/26/74

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370, and With your September 18 letter you furnished copies of the respective resolutions.

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By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

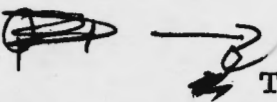
My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. *Insert A* In addition, I have prepared this further response to you in the interests of accomplishing what I had sought



~~to do by my proclamation and message. The object was to overcome~~
as quickly as possible disruptions to the efforts and cooperation we
desperately need for solving current problems that gravely threaten the
future stability and welfare of our country. These disruptions relate
to the events that brought about the resignation of the former President
and were the result of offenses against the United States occurring before
~~I came to the Presidency on August 9, 1974.~~

If, as indicated by the resolutions before you, my proclamation for
pardon of the former President has not ~~had~~ immediately ^{had} its intended effect
to allow this Nation to concentrate on its urgent present problems, I make
this further response in the earnest hope of overcoming those concerns
which are still directed toward past events. I do so as an extraordinary
measure and without prejudice in other circumstances to reliance on rights
granted or inuring to the President of the United States under our
Constitution and to the full protection of such rights, not only for myself
while in this Office but for all future Presidents.

Further response to H. Res. 1367

 The only information I had which is in any way related to the
first inquiry has been disclosed through release on September 10, 1974,
of copies of the enclosed memorandum of September 3, 1974, prepared



by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force. So far as I know, no representative of mine had any related information beyond what appears in such memorandum.

~~I~~ I have no knowledge of the matters covered by the second inquiry except as stated in my response below to the third inquiry and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the contents of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to General Alexander M. Haig, Jr., and others within the White House.

~~While I was a Member of Congress or Vice President, the possibility of a pardon for Mr. Nixon was not a subject of discussion~~

with Richard M. Nixon or any of his representatives except as follows:

On ~~July 27 and August 1, 1974~~ ^{about 5:00 p.m.} in my Vice Presidential office, General Haig reported to me about developments and suggestions that Alexander M. Haig, Jr. on August 2, 1974, I

were current within the White House staff at the end of July 1974.

I personally opposed consideration by Mr. Nixon, or by anyone advising

him, which would involve a pardon or any promise of a pardon as a

precondition or inducement for his resignation, and I made my opposition

who concurred in my stand.

known to General Haig. Also, I made no such promise whatsoever and gave no assurances, express or implied, in that regard. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

After I became President,

the only discussions with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, that took place after I became President occurred starting September 4, 1974.

Counsel to the President Philip W. Buchen met with Herbert J. Miller, counsel for Richard M. Nixon, on the morning of that day and again on the morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related principally to unresolved matters of the Nixon papers and tape recordings.



5. I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of opinion, which was confined to the points mentioned and did not relate to the pardon, was not received until the first week of September. In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests in my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you, ~~copy of which is now being furnished in connection with the first response above.~~ No other facts or legal authorities were given me by either of the men in question.

B. ~~Yes, I did telephone~~ Vice Presidential nominee Nelson Rockefeller on the subject of the pardon, the date being ~~September 10, 1974~~. Although I have had other consultations with him on unrelated subjects.



Mr. Rockefeller gave me no facts or legal authorities on the pardon subject, ^{However,} ~~and, although~~ ^{on September 6, 1974} I advised him of my pending decision to issue a pardon for Mr. Nixon, ^{but} I did not seek or receive his advice on the subject.

7. I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but ^{solely} not on legal questions.

8. No confession or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

9. An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final ^{statement} ~~draft~~ as issued was subject to our approval.



10. I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been

have
furnished to you as follows: The reports I had from Dr. Lukash, which
~~I mentioned insofar as they preceded my pardon decision, were not a~~
~~controlling factor in my decision. These reports were verbal and not~~
~~based on his own examination of Mr. Nixon during the period I was~~
~~considering the decision, and they related to developments which have~~
~~progressively led to his required hospitalization and treatment and to the~~
~~condition of his health as publicly reported most recently by his principal~~
~~attending physician. Other observations came to me from Mr. Benton Becker~~
←

at the press conference, came after my pardon decision and are not relevant to the inquiry

concerning Mr. Nixon's appearance and conversations on September 6, 1974, but these, like similar observations coming to me over a period prior to then, were not those of persons qualified to evaluate medically the condition of Mr. Nixon's health and, therefore, also were not a controlling factor in

my decision. However, I did believe, ^{and still do,} that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.



(3) The only special information in my possession or control bearing on alleged offenses covered by the pardon of Richard M. Nixon was the information provided in the memorandum of the Watergate Special Prosecution Force dated September 3, 1974, copy of which is enclosed. *August 5, 1974*
The balance of my information involves ^{*The transcripts of Presidential conversations made public*} matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have ~~earlier~~ ^{*naming him earlier as an unindicted co-conspirator, in addition to*} found probable cause for ~~indicting him, as well as information from the~~ ^{*STET*} ~~transcripts made public August 5, 1974.~~

(4) No representations were made by or on ^{*my*} behalf ^{*to Richard M. Nixon or his*} of ~~me~~ in connection ^{*Representatives.*} with a pardon for alleged offenses against the United States.

(5) ~~Also,~~ ^{*I*} In response to the subject of the last paragraph of the resolution, I assure you that I have no intention of granting any pardon for any of the persons in question. However, if a request for a pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal with such request just as I would from persons who had been convicted of offenses outside the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force. No such request is before me, although Counsel to the President advises me that one request received by him in behalf of a Watergate defendant has been referred to the Pardon Attorney for processing, ^{*a*} as I have asked be done with ~~any~~ request received from any offender.



The foregoing now lays before you the information, as I see it, which is called for by the resolutions in question. In having responded for reasons stated at the beginning of this letter, I have strong reservations about the unusual scope of the inquiries, and I believe they represent too broad a use of the inquiry powers of the Congress which in any other circumstances I would seriously question. I raise this point because of my desire that the Congress itself consider in a broader context what limitations it should demand for resolutions of this type.

Also, because of the full responses I have given, I question the need to have Philip W. Buchen, or someone ^{also the same as he does} with ~~equivalent~~ knowledge of the circumstances, to appear before your Subcommittee on Criminal Justice. ~~However, if your Subcommittee would still want him to appear in executive session for questioning on facts relevant to the inquiries as framed, I would allow him to respond in that manner. You are aware, of course, that further public disclosures on the subject by any officers of this Government could conceivably work against prompt and fair trial of the defendants under prosecution by the Special Prosecutor, as one or more of them has already argued before Judge Sirica.~~

Sincerely yours,



Government
No one on my staff has knowledge ^{nearly} equivalent to mine of the facts involved in the inquiry and reported to you in these responses. Also, in the case of my legal advisers, not only does the general principle of my right and need for

confidential counsel apply but also the principle of lawyer's relationship to his client (Enacted)

Insert B (p. 4)

2. While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ^{ever} a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ^{ever} a subject of discussion with Richard M. Nixon or any of his representatives except on August 1 and 2, 1974, as related in the response ^{below,} ~~to inquiry 4.~~ Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

4(a) On August 1, 1974, ^{at} ~~in~~ my Vice Presidential office, Alexander M. Haig reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, ^{also at my office.} Later the same day, I called General Haig at his office to tell him that I was opposed to ^{any} ~~any~~ consideration by Mr. Nixon, or by anyone advising him, ^{of a} ~~which would involve~~ a pardon or any promise of a pardon as a precondition or inducement for his resignation, and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

4(b) After I became ^{the} President, the only discussions ^{by me or on my behalf} with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, took place starting September 4, 1974. ^{go to p. 4 - Counsel, ...}



~~(1) What is the full and complete info~~

~~A.~~
Insert A. (p. 1)

← It was in no way my intent to be less than serious, ~~non-serious or trivial~~ in my initial replies to your letters, but ~~merely~~ to ^{show} ~~point out~~ that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

Insert C (p. 9)

Therefore, I respectfully decline your request for the appearance before the Subcommittee, and I trust that you and ^{your} ~~are~~ colleagues will respect my reasons for declining.

Sincerely



original
Draft III

THE WHITE HOUSE

WASHINGTON

DRAFT

PWBuchen - - September 26, 1974

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370. With your September 18 letter you furnished copies of the respective resolutions.

This letter also follows my letters to you of September 20, 1974, and September 23, 1974, the first of which was accompanied by enclosures of the following:

- (i) Text of the proclamation by me granting pardon to Richard Nixon issued September 8, 1974;
- (ii) Transcript of my televised message to the American people on the same day;
- (iii) Transcript of my news conference on September 16, 1974;
- (iv) Additional background information provided at White House briefings on September 8 and 10.

By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent to be



less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

If, as indicated by the resolutions before you, my proclamation for pardon of the former President has not immediately had its intended effect to allow this Nation to concentrate on its urgent present problems, I make this further response in the earnest hope of overcoming those concerns which are still directed toward past events. I do so as an extraordinary measure and without prejudice in other circumstances to reliance on rights granted or inuring to the President of the United States under our Constitution and to the full protection of such rights, not only for myself while in this Office but for all future Presidents.

Further response to H. Res. 1367

"1. Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

The only information I had which is in any way related to the first inquiry has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force. So far as I know, no representative of mine had any related information beyond what appears in such memorandum.



"2. Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

I have no knowledge of the matters covered by the second inquiry except as stated in my response below to the third inquiry and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the contents of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to Alexander M. Haig, Jr., and others within the White House.

"3. When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives except on



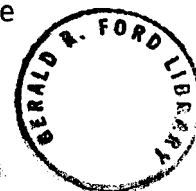
August 1 and 2, 1974, as related in the response below. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

"4(a). Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

On August 1, 1974, at my Vice Presidential office, Alexander M. Haig reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, at my office. Later the same day, I called General Haig at his office to tell him that I was opposed to any consideration by Mr. Nixon, or by anyone advising him, of a pardon or any promise of a pardon as a precondition or inducement for his resignation, and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

"4(b). Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, took place starting September 4, 1974. Counsel to the President Philip W. Buchen met with Herbert J. Miller, Counsel for Richard M. Nixon, on the morning of that day and again on the



morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related to unresolved matters of the Nixon papers and tape recordings.

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

I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of opinion, which was confined to the points mentioned and



did not relate to the pardon, was not received until the first week of September. In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests in my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you. No other facts or legal authorities were given me by either of the men in question.

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

Mr. Rockefeller gave me no facts or legal authorities on the pardon subject. However, I advised him on September 6, 1974, of my pending decision to issue a pardon for Mr. Nixon, but I did not seek or receive his advice on the subject.

"7. Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"

I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but not solely on legal questions.

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



No confessions or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

"9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final statement as issued was subject to our approval.

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

I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of Richard M. Nixon to the President?"



No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information or facts presented to the President with respect to the mental or physical health of Richard M. Nixon?"

Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been furnished to you as follows: The reports I have had from Dr. Lukash, which I mentioned at the press conference, came after my pardon decision and are not relevant to the inquiry. Observations came to me from Benton Becker concerning Mr. Nixon's appearance and conversations on September 6, 1974, but these, like similar observations coming to me over a period prior to then, were not those of persons qualified to evaluate medically the condition of Mr. Nixon's health and, therefore, also were not a controlling factor in my decision. However, I did believe and still do, that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.

(3) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information in possession or control of the President with respect to the offenses which were allegedly committed by Richard M. Nixon and for which a pardon was granted?"

The only special information in my possession or control bearing on alleged offenses covered by the pardon of Richard M. Nixon was the



information provided in the memorandum of the Watergate Special Prosecution Force dated September ~~8~~³, 1974, copy of which is enclosed. The balance of my information involves the transcripts of Presidential conversations made public August 5, 1974, matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have found probable cause for naming him earlier as an unindicted co-conspirator, in addition to information from the transcripts made public August 5, 1974.

(4) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of the President to Richard M. Nixon in connection with a pardon for alleged offenses against the United States?"

No representations were made by or on my behalf to Richard M. Nixon or his representatives in connection with a pardon for alleged offenses against the United States.

(5) What are "the full and complete information and facts in [the President's] possession or control and relating to any pardon which may be granted to any person who is or may be charged or convicted of any offense against the United States within the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force?"

In response to the subject of the last paragraph of the resolution, I assure you that I have no intention of granting any pardon for any of the persons in question. However, if a request for pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal



such request just as I would from persons who had been convicted of offenses outside the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force. No such request is before me, although Counsel to the President advises me that one request received by him in behalf of a Watergate defendant has been referred to the Pardon Attorney for processing, as I have asked be done with a request received from any offender.

The foregoing now lays before you the information, as I see it, which is called for by the resolutions in question. In having responded for reasons stated at the beginning of this letter, I have strong reservations about the unusual scope of the inquiries, and I believe they represent too broad a use of the inquiry powers of the Congress which in any other circumstances I would seriously question. I raise this point because of my desire that the Congress itself consider in a broader context what limitations it should demand for resolutions of this type.

Also, because of the full responses I have given, I question the need to have Philip W. Buchen, or someone else with the same knowledge as he does of the circumstances, to appear before your Subcommittee on Criminal Justice. No one on my staff has knowledge nearly equivalent to mine of the facts involved in the inquiry and reported to you in these responses. Also, in the cases of my legal advisers, not only does the governmental principle of my right and need for confidential counsel apply but also the principle of a lawyer's relationship to his client.



Therefore, I respectfully decline your request for the appearance before the Subcommittee, and I trust that you and your colleagues will respect my reasons for declining.

Sincerely yours,

The Honorable William L. Hungate
Chairman, Subcommittee on Criminal Justice
Committee on the Judiciary
House of Representatives
Washington, D. C. 20515





THE WHITE HOUSE
WASHINGTON

DRAFT III
PWBuchen - -

September 26, 1974

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370. With your September 18 letter you furnished copies of the respective resolutions.

This letter also follows my letters to you of September 20, 1974, and September 23, 1974, the first of which was accompanied by enclosures of the following:

- (i) Text of the proclamation by me granting pardon to Richard Nixon issued September 8, 1974;
- (ii) Transcript of my televised message to the American people on the same day;
- (iii) Transcript of my news conference on September 16, 1974;
- (iv) Additional background information provided at White House briefings on September 8 and 10.

By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent to



less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

If, as indicated by the resolutions before you, my proclamation for pardon of the former President has not immediately had its intended effect to allow this Nation to concentrate on its urgent present problems, I make this further response in the earnest hope of overcoming those concerns which are still directed toward past events. I do so as an extraordinary measure and without prejudice in other circumstances to reliance on rights granted or inuring to the President of the United States under our Constitution and to the full protection of such rights, not only for myself while in this Office but for all future Presidents.

Further response to H. Res. 1367

"1. Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

The only information I had which is in any way related to the first inquiry has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force. So far as I know, no representative of mine had any related information beyond what appears in such memorandum.



"2. Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

I have no knowledge of the matters covered by the second inquiry except as stated in my response below to the third inquiry and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

The time referred to was just after the contents of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to Alexander M. Haig, Jr., and others within the White House.

"3. When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives except on

August 1 and 2, 1974, as related in the response below. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

"4(a). Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

On August 1, 1974, at my Vice Presidential office, Alexander M. Haig reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, at my office. Later the same day, I called General Haig at his office to tell him that I was opposed to any consideration by Mr. Nixon, or by anyone advising him, of a pardon or any promise of a pardon as a precondition or inducement for his resignation, and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

"4(b). Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives or aides about a possible pardon for him, which I know about, took place starting September 4, 1974. Counsel to the President Philip W. Buchen met with Herbert J. Miller, Counsel for Richard M. Nixon, on the morning of that day and again on the



morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related to unresolved matters of the Nixon papers and tape recordings.

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

I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of opinion, which was confined to the points mentioned and

did not relate to the pardon, was not received until the first week of September. In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests in my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you. No other facts or legal authorities were given me by either of the men in question.

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

Mr. Rockefeller gave me no facts or legal authorities on the pardon subject. However, I advised him on September 6, 1974, of my pending decision to issue a pardon for Mr. Nixon, but I did not seek or receive his advice on the subject.

"7. Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"

I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but not solely on legal questions.

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



No confessions or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

"9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final statement as issued was subject to our approval.

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

I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of Richard M. Nixon to the President?"



No representations were made by or on behalf of Richard M. Nixon to me that provided any information or facts upon which I based my decision to grant a pardon to Richard M. Nixon.

(2) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information or facts presented to the President with respect to the mental or physical health of Richard M. Nixon?"

Information or facts I had with respect to the mental or physical health of Richard M. Nixon were dealt with at pages 3 and 4 of the transcript of my news conference on September 16, 1974, copy of which has been furnished to you as follows: The reports I have had from Dr. Lukash, which I mentioned at the press conference, came after my pardon decision and are not relevant to the inquiry. Observations came to me from Benton Becker concerning Mr. Nixon's appearance and conversations on September 6, 1974, but these, like similar observations coming to me over a period prior to then, were not those of persons qualified to evaluate medically the condition of Mr. Nixon's health and, therefore, also were not a controlling factor in my decision. However, I did believe and still do, that a prolonged prosecution of the former President would be a threat to his health, as I stated in my message on September 8, 1974.

(3) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any information in possession or control of the President with respect to the offenses which were allegedly committed by Richard M. Nixon and for which a pardon was granted?"

The only special information in my possession or control bearing on alleged offenses covered by the pardon of Richard M. Nixon was the



information provided in the memorandum of the Watergate Special Prosecution Force dated September ~~8~~³, 1974, copy of which is enclosed. The balance of my information involves the transcripts of Presidential conversations made public August 5, 1974, matters reported from the inquiry and investigation of the Committee on the Judiciary of the House of Representatives on the impeachment resolutions against former President Nixon, and the publicly disclosed intent of the Watergate Grand Jury to have found probable cause for naming him earlier as an unindicted co-conspirator, in addition to information from the transcripts made public August 5, 1974.

(4) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of the President to Richard M. Nixon in connection with a pardon for alleged offenses against the United States?"

No representations were made by or on my behalf to Richard M. Nixon or his representatives in connection with a pardon for alleged offenses against the United States.

(5) What are "the full and complete information and facts in [the President's] possession or control and relating to any pardon which may be granted to any person who is or may be charged or convicted of any offense against the United States within the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force?"

In response to the subject of the last paragraph of the resolution, I assure you that I have no intention of granting any pardon for any of the persons in question. However, if a request for pardon of a convicted offender comes to me after full consideration first by the Pardon Attorney's office in the Department of Justice, I would deal with



such request just as I would from persons who had been convicted of offenses outside the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force. No such request is before me, although Counsel to the President advises me that one request received by him in behalf of a Watergate defendant has been referred to the Pardon Attorney for processing, as I have asked be done with a request received from any offender.

The foregoing now lays before you the information, as I see it, which is called for by the resolutions in question. In having responded for reasons stated at the beginning of this letter, I have strong reservations about the unusual scope of the inquiries, and I believe they represent too broad a use of the inquiry powers of the Congress which in any other circumstances I would seriously question. I raise this point because of my desire that the Congress itself consider in a broader context what limitations it should demand for resolutions of this type.

Also, because of the full responses I have given, I question the need to have Philip W. Buchen, or someone else with the same knowledge as he does of the circumstances, to appear before your Subcommittee on Criminal Justice. No one on my staff has knowledge nearly equivalent to mine of the facts involved in the inquiry and reported to you in these responses. Also, in the cases of my legal advisers, not only does the governmental principle of my right and need for confidential counsel apply but also the principle of a lawyer's relationship to his client.



Therefore, I respectfully decline your request for the appearance before the Subcommittee, and I trust that you and your colleagues will respect my reasons for declining.

Sincerely yours,

The Honorable William L. Hungate
Chairman, Subcommittee on Criminal Justice
Committee on the Judiciary
House of Representatives
Washington, D. C. 20515

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Congress of the United States
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

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GARNER J. CLINE
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JAMES F. FALCO
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ARTHUR P. ENDRES, JR.
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THOMAS E. MOONEY
MICHAEL W. BLOMMER
ALEXANDER S. COOK
CONSTANTINE J. GEKAS
ALAN F. COFFEY, JR.

September 25, 1974

President Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

I am in receipt of your letters dated September 20, 1974, and September 23, 1974, responding to my letters concerning the privileged resolutions, H.Res. 1367, and H.Res. 1370, introduced by Representatives Abzug and Conyers, respectively. A review has been made of the documents accompanying your letter of September 20, 1974, for the purpose of determining whether your and members of your staff's prior statements concerning the pardon of former President Nixon are responsive to the questions posed in the privileged measures.

Due to the difficulty in determining which portions of these statements you mean to apply to each specific question, I respectfully request that you respond individually to each inquiry and that your responses be forwarded to the Subcommittee on Criminal Justice by the close of business on Thursday, September 26, 1974.

In addition, I further respectfully request, after having consulted with the bipartisan membership of the Subcommittee on Criminal Justice, that Philip Buchen, Counsel to the President, or someone with equivalent knowledge of the circumstances surrounding the pardon of the former President, appear and testify before the Subcommittee on Tuesday, October 1, 1974.

Respectfully yours,

William L. Hungate

William L. Hungate
Chairman
Subcommittee on Criminal Justice



WLH/rts

Put address first

THE WHITE HOUSE
WASHINGTON

DRAFT ~~IV~~
PWBuchen - -

September 26, 1974

address

Dear Mr. Chairman:

This letter follows your two letters to me of September 17, 1974, one of September 18, 1974, and one of September 25, 1974. These letters referred to resolutions of inquiry, H. Res. 1367 and H. Res. 1370. With your September 18 letter you furnished copies of the respective resolutions.

This letter also follows my letters to you of September 20, 1974, and September 23, 1974, the first of which was accompanied by enclosures of the following:

- (i) Text of the proclamation by me granting pardon to Richard Nixon issued September 8, 1974;
- (ii) Transcript of my televised message to the American people on the same day;
- (iii) Transcript of my news conference on September 16, 1974;
- (iv) Additional background information provided at White House briefings on September 8 and 10.

By your letter of September 25, 1974, you seek a separately stated response to each inquiry in the two resolutions.

My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent to be



less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling factors.

If, as indicated by the resolutions before you, my proclamation for pardon of the former President has not immediately had its intended effect to allow this Nation to concentrate on its urgent present problems, I make this further response in the earnest hope of overcoming those concerns which are still directed toward past events. I do so as an extraordinary measure and without prejudice in other circumstances to reliance on rights granted or inuring to the President of the United States under our Constitution and to the full protection of such rights, not only for myself while in this Office but for all future Presidents.

Further response to H. Res. 1367

X "1. "Did you or your representatives have specific knowledge of any formal criminal charges pending against Richard M. Nixon prior to issuance of the pardon? If so, what were these charges?"

X The only information I had which is in any way related to ~~these~~ ^{questions} ~~first inquiry~~ has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared by Special Prosecutor Leon Jaworski by Henry Ruth of the Watergate Special Prosecution Force.* So far as I know, no representative of mine had any related information beyond what appears in such memorandum.

X * See Tab A



"2. Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon with Richard M. Nixon or representatives of Mr. Nixon at any time during the week of August 4, 1974, or at any subsequent time? If so, what promises were made or conditions set for a pardon, if any? If so, were tapes or transcriptions of any kind made of these conversations or were any notes taken? If so, please provide such tapes, transcriptions or notes."

X I have no knowledge of the matters covered by ~~the second inquiry~~ ^{these questions} ~~the third inquiry~~ ^{question 4a)} and as I have read the following in Time magazine of September 30, 1974, at page 31:

"There was every idea imaginable around," he [Alexander M. Haig, Jr.] declared, "including the idea that Nixon should pardon himself and everybody else." There were only two options seriously considered. The first was to resign unconditionally, as he did, or see it through and let the system work to the end. He knew the outcome. He felt an obligation to the country."

X The time referred to was just after the ^{nature} ~~contents~~ of transcripts, which became public on August 5, 1974, first became known at the end of July 1974, to Alexander M. Haig, Jr., and others within the White House.

space → ^{two double} "3. When was a pardon for Richard M. Nixon first referred to or discussed with Richard M. Nixon, or representatives of Mr. Nixon, by you or your representatives or aides, including the period when you were a Member of Congress or Vice President?"

While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives. While I was the Vice President, the possibility of a pardon for Mr. Nixon was not ever a subject of discussion with Richard M. Nixon or any of his representatives except on



August 1 and 2, 1974, as related in the response below. Further, to the best of my knowledge, no representative or aide of mine had any discussions with Mr. Nixon or his representatives on the subject of a possible pardon for him until September 1974.

"4(a). Who participated in these discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

On August 1, 1974, at my Vice Presidential office, Alexander M. Haig, Jr. reported to me about developments and suggestions that were current within the White House staff. On August 2, 1974, I discussed some of this information with James St. Clair, at my office. Later the same day, I called General Haig at his office to tell him that I was opposed to any consideration by Mr. Nixon, or by anyone advising him, of a pardon or any promise of a pardon as a precondition or inducement for his resignation; and General Haig was in full agreement with this position. At no time was I asked for, nor did I make, a promise of a pardon or give any assurance, express or implied, on the subject of pardon if I should become President.

"4(b). Who participated in subsequent discussions or negotiations with Richard M. Nixon or his representatives regarding a pardon, and at what specific times and locations?"

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives ~~or aides~~ about a possible pardon for him, which I know about, took place starting September 4, 1974. Counsel to the President Philip W. Buchen met with Herbert J. Miller, Counsel for Richard M. Nixon, on the morning of that day and again on the



morning of September 5, 1974, both times in Washington, D. C. The only other participant in those discussions was Benton Becker. He had been asked by Mr. Buchen starting August 31, 1974, to assist him as a lawyer in researching for answers to legal questions relating to a possible pardon for Richard M. Nixon and otherwise to assist on matters related to the Nixon papers and tape recordings. Other discussions occurred enroute to California and at San Clemente, California, during the evening of September 5, 1974, and on September 6, 1974. They were partly between Mr. Becker and Mr. Miller, who flew together to California, and partly between them and Mr. Nixon or his aide, Ronald Ziegler, or both, although these discussions related ^{predominantly} to unresolved matters of the Nixon papers and tape recordings.

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

I did not consult with either Attorney General Saxbe or Special Prosecutor Leon Jaworski on any steps leading to my decision to pardon Richard M. Nixon, but consultations were carried on at my direction by Counsel to the President, Philip W. Buchen. In regard to the Attorney General, my directions to Mr. Buchen were to request on my behalf from the Attorney General a legal opinion only on the ownership of Nixon papers and tape recordings and on the effects upon my administration of court orders and subpoenas in respect of such materials. This direction and request occurred on or about August 22, 1974, but the final draft of ^{the} opinion, which was confined to the points mentioned and



did not relate to the pardon, was not received until the first week of September.* In regard to Special Prosecutor Jaworski, my directions to Mr. Buchen and his requests on my behalf to Mr. Jaworski were limited to questions which brought the responses quoted by Mr. Buchen at pages 3-4 of the transcript, already furnished you, of September 8, 1974, press briefing and described at pages 1-2 of the September 10, 1974, press briefing, already furnished you.** No other facts or legal authorities were given me by either of the men in question.

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

Mr. Rockefeller gave me no facts or legal authorities on the pardon subject. However, I advised him on September 6, 1974, of my pending decision to issue a pardon for Mr. Nixon, but I did not seek or receive his advice on the subject.

"7. Did you consult with any other attorneys or professors of law before making the decision to pardon Richard M. Nixon, and, if so, what facts or legal authorities did they give to you?"

I consulted with no attorneys or professors of law other than Philip W. Buchen and Benton Becker. However, John O. Marsh, Counsellor to the President, is also an attorney, and I did have discussions with him but not solely on legal questions.

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

* See Tab B

** See Tab C



No confessions or statement of criminal guilt was asked of Richard M. Nixon by me or my representatives, but I concurred in what Mr. Buchen did ask of Herbert J. Miller as attorney for Mr. Nixon. Mr. Buchen reported to me that he asked Mr. Miller and received his concurrence that, if a pardon were granted and accepted, the acceptance should include what Mr. Buchen referred to as a "statement of contrition," but no one acting for me to my knowledge suggested or requested the language of such a statement.

"9. Was the statement issued by Richard M. Nixon immediately subsequent to announcement of the pardon made known to you or your representatives prior to its announcement, and was it approved by you or your representatives?"

An initial draft statement by Richard M. Nixon was brought back to me by Mr. Becker from California on September 7, 1974, and was made known to me that day, but neither I nor any representative of mine considered that this draft or the final statement as issued was subject to our approval.

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

I received no psychiatrist's or other physician's report of any examination of the condition of Mr. Nixon's health, except as explained below in response to inquiry (2) of H. Res. 1370.

Further response to H. Res. 1370

(1) What are "the full and complete information and facts upon which was based the decision to grant a pardon to Richard M. Nixon" as to "any representations made by or on behalf of Richard M. Nixon to the President?"



Insert page 9

There are no information and facts in my possession or control relating to any possible pardon for any person in the category, except that a letter requesting ^a pardon has been ^{sent to me} submitted in behalf of Charles W. Colson by his attorney and a reply has been sent to such attorney by Counsel to the President as follows:

"Your September sixteenth letter requesting executive clemency for Charles W. Colson has been received.

"The President has decided that all applications for executive clemency should be submitted through the appropriate procedures of the Department of Justice. You might want to communicate directly with that Department."

I have made no offer or assurance of pardon to any person convicted of an offense within the prosecutorial jurisdiction of the Office of Watergate Special Prosecution Force or to ^{anyone} ~~one~~ who is charged or may yet be charged ^{with} ~~of~~ such an offense.

