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THE WHITE HOUSE

WASHINGTON

September ~~27~~³⁰, 1974

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

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.

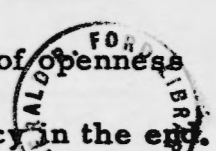
My position remains as I have stated publicly in my words to the Nation, of which you have exact copies. It was in no way my intent



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 to propose a means 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.

No one else has knowledge equivalent to mine on my decision to grant the pardon of Mr. Nixon. Therefore, I have determined that I would like to deal with the ^{to?} ~~specific questions in the two resolutions~~ ^{requests in your letter of Sept 25} by offering ^{agreement} ~~to appear at an open~~ ^{Criminal Justice} hearing of the Subcommittee on ~~the Judiciary~~ ^{on} of the Committee ^{the Judiciary} in order to respond separately and as fully as I can to each inquiry in the two resolutions. I would do so at a time, ^{to be mutually agreed upon} ~~not less than ten days from today~~ ^{more} ~~at an appropriate date and time within such ten-day period~~. I believe in this way I can best affirm the assurances I gave on August 9, 1974, ^{upon becoming} ~~as the~~ President of the United States, that "I expect to follow my instincts of openness and candor with full confidence that honesty is always the best policy in the end."



In closing, I want to express my appreciation for your having allowed me the time to consider this matter ~~fully~~ and to arrive at my conclusion to appear before you and the other members of the Subcommittee before which the two resolutions are pending.

Sincerely,



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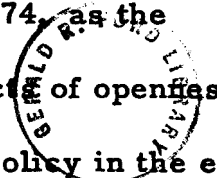
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No one else has knowledge equivalent to mine on my decision to grant the pardon of Mr. Nixon. Therefore, I have determined that I would like to deal with the specific questions in the two resolutions, by offering to appear at a hearing of the Subcommittee on the Judiciary of the Committee in order to respond separately and as fully as I can to each inquiry in the two resolutions. I would do so at a time, not less than ten days from today at an appropriate date and time within such ten-day period. I believe in this way I can best affirm the assurances I gave on August 9, 1974, as the President of the United States that "I expect to follow my instincts of openness and candor with full confidence that honesty is always the best policy in the end."



In closing, I want to express my appreciation for your having allowed me the time to consider this matter fully and to arrive at my conclusion to appear before you and the other members of the Subcommittee before which the two resolutions are pending.

Sincerely,



Hushen chong
P.C.

THE WHITE HOUSE
WASHINGTON

September ³⁰~~29~~, 1974

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

Dear Mr. Chairman:

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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 has been disclosed through release on September 10, 1974, of copies of the enclosed memorandum of September 3, 1974, prepared 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. The further memorandum mentioned in the last sentence Tab A was not furnished to me or my representatives.



"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 except as stated in my response below to question 4(a) 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 late July and early August of 1974.

"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 about a possible

~~pardon for him, which I know about, took place starting September 4, 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?"

This question refers to "negotiations," as well as "discussions," but at no time were there any negotiations for a pardon of Mr. Nixon. The first time when a possible pardon for then President Nixon was referred to was in a conversation I had with his Chief of Staff, Alexander M. Haig, Jr., on August 1, 1974, in my Vice Presidential office late in the day. At that time, he reported to me on discoveries in tape recordings of new Watergate-related evidence. He also reported on talks among members of the White House staff which had raised a ~~whole~~ range of alternative possibilities if the new evidence should prove to be as adverse on the main impeachment issue as it seemed to General Haig and others, although he had not heard the tape in question and had not read a transcript. It was decided that I should next meet with James St. Clair to get his views on the new evidence, and I did so on August 2, 1974, in my office.

It was confirmed to me then, even though I was not told or shown the precise evidence, that in Mr. St. Clair's view the evidence made an impeachment vote by the House and trial by the Senate inevitable and ^{might} ~~would~~ ~~probably~~ in the end bring a conviction. This meant to me that as between the choice for the incumbent President to hold on until he ^{was} ~~ultimately~~ was removed from office or for him to resign, the choice of resignation would be preferred and strongly recommended by at least some of his close advisers,



as it would be by many of his other friends and supporters. Yet, I could not believe that the incumbent President would make this choice readily.

In such a situation, I realized that even discussion of the possibility of a pardon might mislead the President if it ever became a consideration by him in making his decision on whether or not to resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make clear to 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.

I have responded to this question in greater detail than the question as formulated requires. I have done this to show exactly how conversations did arise and were concluded on the subject of a possible pardon for Mr. Nixon. More important, I have done this to show that I was not asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to 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? "

At no time, either before or after I became President, were there negotiations for a pardon of Mr. Nixon. My decision as President was made on my own and according to the dictates of my own conscience. It came only when I had considered what the consequences would be for our Country if I delayed until after indictment and trial before deciding whether or not to grant a pardon, particularly if, as I was advised, it would take up to a whole year or more before a trial of the former President could even start.

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives about a possible pardon for him, which I know about, took place starting September 4, 1974.



Philip W. Buchen, Counsel to the President, 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 Philip W. Buchen, Counsel to the President. 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 the 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?"

^{He}
~~Mr. Rockefeller~~ gave me no facts or legal authorities on the pardon subject. ~~However,~~ I advised ^{Mr. Rockefeller} 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

* See Tab B

** See Tab C



to the President, is also an attorney, and I did have discussions with him.

"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 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. 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 (2) of H. Res. 1370.

Further response to H. Res. 1370

To the extent that H. Res. 1370 may appear to call for different information from that given above in answers to the questions of H. Res. 1367, I add the following separate responses.

(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.* The reports I have had from Dr. Lukash, which

* See Tab D



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 delayed prosecution and prolonged trial 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 or possible 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 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

* See Tab A



Grand Jury to have found probable cause for naming him earlier as an unindicted co-conspirator.

(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?"

A letter requesting a pardon has been sent to me in behalf of Charles W. Colson by his attorney, and a reply was sent September 19, 1974, 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 know of no other facts or information in my possession or control



applicable to the question posed; nor have I made any offer or assurance of pardon for any person to which this question relates.

I believe the foregoing provides you with the full information called for by the resolutions submitted and, together with previously supplied documents, covers the entire subject of my decision to grant a pardon to former President Nixon. I have responded freely and fully, because I am convinced it is in the national interest at this time, despite my reservations about inquiries which could have the effect of infringing upon the Constitutional principle of separation of powers. Therefore, I am sure you will understand why I see no further need for the appearance of a witness before your Subcommittee to testify on questions which I have already answered. However, in the interest of accommodating you and your colleagues of the Subcommittee on Criminal Justice of the Committee on the Judiciary, to satisfy any further concerns on the particular questions stated in the resolutions, I would be pleased to have you and them meet with me at the White House on Tuesday, October 1, 1974, at a time to be mutually arranged.

In closing, I want to express my appreciation for your having allowed added time in the preparation and submission of this letter.

Sincerely,



[ca. 9/30/74]

Therefore, I respectfully decline your request for the appearance before
the Subcommittee, and I trust that you and your colleagues ^{after having seen these responses,} 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



[Ca. 9/30/74]

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[ca. 9/30/74]

-10-

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.

To the best of my knowledge, ^{space} ~~the foregoing now says before you~~ ^{provides with full} the information, ~~as I see it,~~ ^{I have thus} which is called for by the resolutions in question. ~~In having responded~~ ^{despite my reservations} for reasons stated at the beginning of this letter, I have strong reservations about any inquiries which could have the effect of infringing upon ~~tions about the unusual scope of the inquiries, and I believe they~~ ^{Constitutional powers of the President.} 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.

~~Thus, because of the full responses I have given, I question the~~ ^{do not see} need to have Philip W. Buchen, or ~~someone else with the same knowledge as~~ ^{anyone from my staff} he does of the circumstances, to appear before your Subcommittee on Criminal Justice. ~~No one on my staff has knowledge nearly equivalent to~~ ^{members of have} 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~~ ^{subsequent to these inquiries. Also, I believe} governmental principle of my right and need for confidential counsel apply ^{applies to my staff} but also the principle of a lawyer's relationship to his client.

and, in the cases

Insert 9

[ca. 9/30/74]

There are no information and facts in my possession or control relating to any possible pardon for any person in the category,

^{alot of people asking a}
~~except that a petition for pardon has~~

been 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:

letter

to the Department of Justice, for review

I have made ^{have} and do not plan to make

^{no} ~~any~~ offer or assurance of pardon ^{to} ~~in~~ any

case of person convicted of an offense

within the prosecutorial jurisdiction of the

Office of Watergate Special ^{Prosecution Force} ~~to~~ one who

is charged or ~~may~~ yet be charged ~~of~~ such

an offense. A per

Insert 10

^{my} about inquiries which ~~impinge~~ ^{could} ~~may~~ impinge on the Constitutional powers of the President.



Insert 9

[ca. 9/30/74]

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

letter to the Department of Justice for review

I have made ^{have} and do not plan to make ^{no} any offer or assurance of pardon to any case of person convicted of an offense within the prosecutorial jurisdiction of the Office of Watergate Special ^{Prosecution Force} or to one who is charged or may yet be charged of such an offense. A

Insert 10

any about inquiries which ^{could} ~~impinge~~ may impinge on the Constitutional powers of the President.



[ca 9/30/74]

-4-

"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?"

This question refers to "negotiations" as well as "discussions," but at no time were there any negotiations for a pardon of Mr. Nixon. The first time when a possible pardon for then President Nixon was referred to was in a conversation on August 1, 1974, in my Vice Presidential office late in the day. I met with his Chief of Staff, Alexander M. Haig, Jr., who had asked to see me. At that time, he reported to me on discoveries in tape recordings of new Watergate-related evidence. He also reported on talks among members of the White House staff which had raised a number of alternative possibilities if the new evidence should prove to be as ^{damaging} ~~adverse~~ on the main impeachment issue as it at first seemed to General Haig. ^I ~~It was~~ decided that I should next meet with James St. Clair to get his views on the new evidence, and I did so on August 2, 1974, in my office.

Even though I was not told or shown the precise evidence, I got the firm impression from this meeting that the evidence made an impeachment vote by the House inevitable and that a trial in the Senate would probably result in a conviction.

In such a situation, I realized that even discussion ^{by me} of the possibility of a pardon might mislead the President if it ever became a consideration by him in making a decision on whether ^{to} resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make



THE WHITE HOUSE

WASHINGTON

No one else has knowledge equivalent
to mine on my decision
to grant the pardon in question.



-4a-

clear to 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 told me he was in full agreement with this position.



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

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

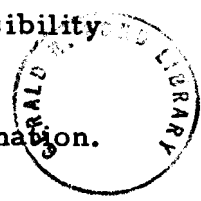
[ca. 9/30/74]



This question refers to "negotiations," as well as "discussions," but at no time were there any negotiations for a pardon of Mr. Nixon.

During my Vice Presidency I did not participate in the strategy or planning discussions in reference to the handling of the so-called Watergate matter, either with Mr. Nixon or members of his staff. However, in the closing days of his Presidency the question of resignation apparently became a subject of much discussion among those counseling him. On the afternoon of August 1, General Haig requested to see me in my office, and at that time he summarized President Nixon's situation as he and others saw it in light of forthcoming disclosure contained in the tapes about to be released. General Haig outlined a number of courses of action, or possible options, that were being discussed in the White House. Several of these options related to a resignation.

In one of these courses my attitude toward the possibility of pardon was solicited, I assume as it might bear on resignation.



I did not agree to such a course at that time, or thereafter, However,

because of the gravity of the matter, and the urgency of the situation

as I perceived it from this conversation I did not want to respond

until after careful thought. Later that night I talked with my wife.

The following morning I spoke with Attorney James St. Clair in my

office. During the day I conferred with several persons whose judgment

I value -- none of whom were on the White House staff. That same

afternoon, August 2, about twenty-four hours after the subject

was first broached to me, I called General Haig to advise him that

I could not agree to the possibility of pardon as a pre-condition, or

enducement for President Nixon's resignation. I might add Gen. Haig

concurred in my decision.



P.W. B copy
[ca. 9/30/74]

applicable to the question posed; nor have I made any offer or assurance of pardon for any person to which this question relates.

I believe the foregoing provides you with the full information called for by the resolutions submitted and, together with previously supplied documents, covers the entire subject of my decision to grant a pardon to former President Nixon. I have responded freely and fully, because I am convinced it is in the national interest at this time, despite my reservations about inquiries which could have the effect of infringing upon the Constitutional principle of separation of powers. Therefore, I am sure you will understand why I see no further need for the appearance of a witness before your Subcommittee to testify on questions which I have already answered. However, in the interest of accommodating you and your colleagues of the Subcommittee on Criminal Justice of the Committee on the Judiciary, to satisfy any further concerns on the particular questions stated in the resolutions, I would be pleased to have you and them meet with me at the ^{afternoon at four o'clock on Wednesday, October 2, 1974,} White House on Tuesday, October 1, 1974, at a time to be mutually arranged.

In closing, I want to express my appreciation for your having allowed ^{me the time to consider this matter fully and to arrive at my conclusion to appear before you and the other} ~~time in the preparation and submission of this letter.~~ members of the Subcommittee before which the two resolutions are pending.

Sincerely,

10:00 a.m. Tuesday



[ca. 9/30/74]

Dear Mr. President:

I am in receipt of your letters dated September 20, 1974 and September 23, 1974, responding to my letters concerning the House Resolutions 1367 and 1370 introduced by Representatives Rep Abzug and Rep Conger. A review has been made of the documents accompanying your letter of September 20, 1974 for the purpose of determining whether ~~you~~^{your} and members of your staffs 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 bipartisan members 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,

/s/ William Hungate



[ca. 9/30/74]

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 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,

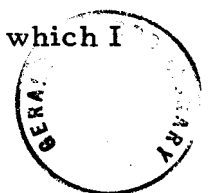


[ca. 9/30/74]

3. While I was a member of Congress, the possibility of a pardon for Mr. Nixon was not 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 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 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 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 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 President, the only discussions 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.



ca 9/30/74

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as it would be by many of his other friends and supporters. Yet, I could not believe that the incumbent President would make this choice readily.

In such a situation, I realized that even discussions of the possibility of a pardon might mislead the President if it ever became a consideration by him in making his decision on whether or not to resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make clear to 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.

I have responded to this question in greater detail than the question as formulated requires. I have done this to show exactly how conversations did arise and were concluded on the subject of a possible pardon for Mr. Nixon. More important, I have done this to show that I was not asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to 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?"

At no time, either before or after I became President were there negotiations for a pardon of Mr. Nixon. My decision as President was made on my own and according to the dictates of my own conscience. It came only when I had considered what the consequences would be for our Country if I delayed until after indictment and trial before deciding whether or not to grant a pardon, particularly if, as I was advised, it would take up to a whole year or more before a trial of the former President could even start.

After I became the President, the only discussions by me or on my behalf with Richard M. Nixon or his representatives about a possible pardon for him, which I know about, took place starting September 4, 1974.



[ca. 9/30/74]

-11-

applicable to the question posed; nor have I made any offer or assurance of pardon for any person to which this question relates.

I believe the foregoing provides you with the full information called for by the resolutions submitted and, together with previously supplied documents, covers the entire subject of my decision to grant a pardon to former President Nixon. I have responded freely and fully, because I am convinced it is in the national interest at this time, despite my reservations about inquiries which could have the effect of infringing upon the Constitutional principle of separation of powers. Therefore, I am sure you will understand why I see no further need for the appearance of a witness before your Subcommittee to testify on questions which I have already answered. However, in the interest of accommodating you and your colleagues of the Subcommittee on Criminal Justice of the Committee on the Judiciary, to satisfy any further concerns on the particular questions stated in the resolutions, I would be pleased to have you and them meet with me at the White House on Tuesday, October 1, 1974, at a time to be mutually arranged.

In closing, I want to express my appreciation for your having allowed added time in the preparation and submission of this letter.

Sincerely,



[ca. 9/30/74]

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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 to propose a means 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.

No one else has knowledge equivalent to mine on my decision to grant the pardon of Mr. Nixon. Therefore, I have determined that I would like to deal with the specific questions in the two resolutions, by offering to appear at a hearing of the Subcommittee on the Judiciary of the Committee in order to respond separately and as fully as I can to each inquiry in the two resolutions. I would do so at a time, not less than ten days from today at an appropriate date and time within such ten-day period. I believe in this way I can best affirm the assurances I gave on August 9, 1974, as the President of the United States that "I expect to follow my instincts of openness and candor with full confidence that honesty is always the best policy in the end."

In closing, I want to express my appreciation for your having allowed me the time to consider this matter fully and to arrive at my conclusion to appear before you and the other members of the Subcommittee before which the two resolutions are pending.

Sincerely,



[cal. 9/30/74]

"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

To the extent that H. Res. 1370 may appear to call for different information from that given above in answers to the questions of H. Res. 1367, I add the following separate responses.

(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.* The reports I have had from Dr. Lukash, which

* See Tab D



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~~ ^{delayed} prosecution ^{and prolonged trial} 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 or possible 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 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

* See Tab A



[ca 9/30/74]

-4-

"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?"

✓ This question refers to "negotiations," as well as "discussions,"

but at no time were there any negotiations for a pardon of Mr. Nixon.

The first time when a possible pardon for then President Nixon was referred

to was in a conversation I ^{met} had with his Chief of Staff, Alexander M. Haig, Jr.,

(on August 1, 1974, in my Vice Presidential office late in the day) ^{who had asked to} At that ^{see me}

time, he reported to me on discoveries in tape recordings of new Watergate-

related evidence. He also reported on talks among members of the

✓ White House staff which had raised a ^{number} ~~whole~~ range of alternative possibilities

if the new evidence should prove to be as adverse on the main impeachment

✓ issue as it ^{at first} seemed to General Haig ^{However, said he} and others, ~~although~~ he had not heard

the tape in question and had not read a transcript. It was decided that I

should next meet with James St. Clair to get his views on the new evidence,

and I did so on August 2, 1974, in my office.

(I got the firm impression from this meeting.)

It was confirmed to me then, Even though I was not told or shown

the precise evidence, ^{that in Mr. St. Clair's view} the evidence made an

✓ impeachment vote by the House, ^{inevitable and} and trial by the Senate ^{inevitable} and would

~~probably in the end bring a conviction.~~ ^{probably in the end bring a conviction.} ~~[This meant to me that as between~~

the choice for the incumbent President to hold on until he ^{was} ultimately was

removed from office ~~or for him to resign,~~ the choice of resignation would be

~~preferred and strongly recommended by at least some of his close advisers.~~

and that in the Senate probably and in Congress
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~~as it would be by many of his other friends and supporters. Yet, I~~
~~could not believe that the incumbent President would make this choice~~
~~readily.~~ }

In such a situation, I realized that even discussion of the possibility of a pardon might mislead the President if it ever became a consideration by him in making ^{his} decision on whether ~~or not~~ to resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make clear to 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 ^{told me he} was in full agreement with this position.

^ [^{My response} ~~I have responded~~ ^{is} to this question in greater detail than the question as formulated requires. I have done this to show ~~exactly~~ how conversations did arise and were concluded on the subject of a possible pardon for Mr. Nixon. ~~More important, I have done this to show that~~ ^{can state} I was ~~not~~ ^{never} asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to become President.]



as it would be by many of his other friends and supporters. Yet, I could not believe that the incumbent President would make this choice readily. ~~This information also meant to me that if the then President himself did come to regard the evidence as damaging enough for impeachment conviction, he would regard it as damaging enough for criminal conviction and sentence.~~

I realized that even discussion of the possibility of a pardon
In such a situation, ~~the suggestion, among others, of a possible~~
~~pardon reported to me in the first conversation,~~ *mistaken the President*
~~his decision, I realized~~ *might wrongly affect*
him in making his decision on
~~if it ever became a consideration by the President~~
~~rather than only a subject of talk about options within his staff.~~ So, on
the same day of my meeting with Mr. St. Clair, I called General Haig at his
office to *make clear 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.

often not to resign.

I have responded to this question in greater detail than the question as formulated requires. I have done this to show exactly how conversations *and were concluded* did arise on the subject of a possible pardon for Mr. Nixon. More important, I have done this to show that I was not asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to become President.



as it would be by many of his other friends and supporters. Yet, I could not believe that the incumbent President would make this choice readily. [This information also meant to me that if the then President himself did come to regard the evidence as damaging enough for impeachment conviction, he would regard it as damaging enough for criminal conviction and sentence.]

In such a situation, ^{I realized that even discussion of the possibility of a pardon} the suggestion, among others, of a possible ^{as} pardon reported to me in the first conversation,] might ^{mislead the President} ^{him in making} ^{his} ^{decision} ^{on whether} ^{or not} ^{to resign.} ^{wrongly affect} his decision. ~~I realized~~ if it ever became a consideration by [the President] [rather than only a subject of talk about options within his staff.] So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to ^{make clear to him} [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.

I have responded to this question in greater detail than the question as formulated requires. I have done this to show exactly how conversations ^{and were concluded} did arise on the subject of a possible pardon for Mr. Nixon. More important, I have done this to show that I was not asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to become President.



[ca. 9/30/74]

-4-

"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?"

This question refers to "negotiations" as well as "discussions," but at no time were there any negotiations for a pardon of Mr. Nixon. The first time when a possible pardon for then President Nixon was referred to was in a conversation on August 1, 1974, in my Vice Presidential office late in the day. I met with his Chief of Staff, Alexander M. Haig, Jr., who had asked to see me. At that time, he reported to me on discoveries in tape recordings of new Watergate-related evidence. He also reported on talks among members of the White House staff which had raised a number of alternative possibilities if the new evidence should prove to be as adverse on the main impeachment issue as it at first seemed to General Haig. It was decided that I should next meet with James St. Clair to get his views on the new evidence, and I did so on August 2, 1974, in my office.

Even though I was not told or shown the precise evidence, I got the firm impression from this meeting that the evidence made an impeachment vote by the House inevitable and that a trial in the Senate would probably result in a conviction.

In such a situation, I realized that even discussion of the possibility of a pardon might mislead the President if it ever became a consideration by him in making a decision on whether to resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make



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clear to 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 told me he was in full agreement with this position.



[ca. 9/30/74]

"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?"

This question refers to "negotiations," as well as "discussions," but at no time were there any negotiations for a pardon of Mr. Nixon. The first time when a possible pardon for then President Nixon was referred to was in a conversation I had with his Chief of Staff, Alexander M. Haig, Jr., on August 1, 1974, in my Vice Presidential office late in the day. At that time, he reported to me on discoveries in tape recordings of new Watergate-related evidence. He also reported on talks among members of the White House staff which had raised a whole range of alternative possibilities if the new evidence should prove to be as adverse on the main impeachment issue as it seemed to General Haig and others, although he had not heard the tape in question and had not read a transcript. It was decided that I should next meet with James St. Clair to get his views on the new evidence, and I did so on August 2, 1974, in my office.

It was confirmed to me then, even though I was not told or shown the precise evidence, that in Mr. St. Clair's view the evidence made an impeachment vote by the House and trial by the Senate inevitable and would probably in the end bring a conviction. This meant to me that as between the choice for the incumbent President to hold on until he ultimately was removed from office or for him to resign, the choice of resignation would be preferred and strongly recommended by at least some of his close advisers,



- 4a -

as it would be by many of his other friends and supporters. Yet, I could not believe that the incumbent President would make this choice readily. This information also meant to me that if the then President himself did come to regard the evidence as damaging enough for impeachment conviction, he would regard it as damaging enough for criminal conviction and sentence.

In such a situation, the suggestion, among others, of a possible pardon, reported to me in the first conversation, might wrongly affect his decision, I realized, if it ever became a consideration by the President rather than only a subject of talk about options within his staff. So, on the same day of my meeting with Mr. St. Clair, 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.

I have responded to this question in greater detail than the question as formulated requires. I have done this to show exactly how conversations did arise on the subject of a possible pardon for Mr. Nixon. More important, I have done this to show that I was not asked for, nor did I ever make a promise or give any assurance, express or implied, on the subject of pardon if I were to become President.



[Ca. 9/30/74]

I believe the foregoing provides you with the full information called for by the resolutions submitted and, together with previously supplied documents, covers the entire subject of my decision to grant a pardon to former President Nixon. I have responded freely and fully, because I am convinced it is in the national interest at this time, despite my reservations about inquiries which could have the effect of infringing upon the Constitutional principle of separation of powers. Therefore, I am sure you will understand why I must respectfully decline your request for the appearance of a witness to testify on questions which I have already answered.

Sincerely,

