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[ca. 9/30/74]

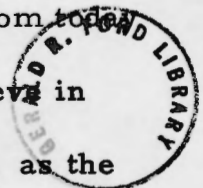
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less than serious in my initial replies to your letters, but to show that the information already available did give a much more complete account of the circumstances surrounding the pardon than the resolutions implied and that it covered the controlling 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 ^{and to do so} by ^{by my appearance} offering to appear at a hearing of the Subcommittee on the Judiciary of the Committee.

^{There I would} ~~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,



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} 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 of 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 ^{strongly} 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 ^{said he} 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(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?"

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

* 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]

H. Res. 1370

(1) What ^{are} ~~is~~ "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?"

(2) What ^{are} ~~is~~ "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?"

(3) What ^{are} ~~is~~ "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?"

(4) What ^{are} ~~is~~ "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?"

(5) What ^{are} ~~is~~ "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?"



9/30/74

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"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 whetherto resign. So, on the same day of my meeting with Mr. St. Clair, I called General Haig at his office to make



-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.



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 to be

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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} 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.

7
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 of 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."

period in the above statement quoting General Haig
* 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, ^{who had asked to see me} 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.} ^{However, said he} 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.

^{2 got the same 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} the evidence made an ^{inevitable} impeachment vote by the House and ^{after 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~~ ^{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 ^ahis 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 ^{tell me he was} ~~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 ^{I can state} ~~have done this to show~~ that I was ^{never} ~~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. X

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, ^{I directed} 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. ^{Mr. Rockefeller} 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

They advised me that on the basis of the Constitution I

* 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



THE WHITE HOUSE
WASHINGTON

Jay
You asked
about this

Yv

file



September 30, 1974

Dear Bill:

This is to advise you that I expect to appear personally to respond to the questions raised in House Resolutions 1367 and 1370.

It would be my desire to arrange this hearing before your Subcommittee at a mutually convenient time within the next ten days.

Thank you for your help and assistance in this matter.

Sincerely,

**Congressman William Hungate
U.S. House of Representatives
Washington, D.C.**

GRF:NM:my



*Chairman
Hungate*

October 1, 1974

Dear Mr. Jaworski:

Here are copies of Chairman Hungate's incoming letter dated September 17, 1974, and of the reply from this office on September 24, 1974.

These are similar to correspondence you and the Chairman had on the same dates.

Sincerely yours,

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

**The Honorable Leon Jaworski
Special Prosecutor
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, N. W.
Washington, D. C. 20005**

Enclosures



October 1, 1974

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These are similar to correspondence you and the Chairman had on the same dates.

Sincerely yours,

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

**The Honorable Leon Jaworski
Special Prosecutor
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, N. W.
Washington, D. C. 20005**

Enclosures



Hungate

Monday 9/30/74

11:35

Bob Trainer in the House Judiciary Committee has just come from a meeting between Hungate and Rodino and they asked him to contact you on exactly what the White House position is on the matter of the letter from Hungate.

225-0406



September 30, 1974

Dear Bill:

This is to advise you that I expect to appear personally to respond to the questions raised in House Resolutions 1367 and 1370.

It would be my desire to arrange this hearing before your Subcommittee at a mutually convenient time within the next ten days.

Thank you for your help and assistance in this matter.

Sincerely,

Congressman William Hungate
U.S. House of Representatives
Washington, D.C.

GRF:NM:ny



Eva -

Send to

Howard Ken

in J. Mark's

Office -



*Conc
Hengate*

*Send to
Howard*

THE WHITE HOUSE
WASHINGTON

Ken

Date October 2, 1974

TO: Philip Buchen

FROM: WILLIAM TIMMONS

FOR YOUR INFORMATION _____

FOR YOUR COMMENTS _____

FOR APPROPRIATE HANDLING _____

OTHER

Will you do an appropriate reply to this inquiry. Please send me a copy for my records.

Many thanks.

hold for Dudley's response.



WILLIAM L. HUNGATE
9TH DISTRICT, MISSOURI

SELECT COMMITTEE ON
SMALL BUSINESS
CHAIRMAN, SUBCOMMITTEE ON
ENVIRONMENTAL PROBLEMS

2437 RAYBURN BUILDING
PHONE: 202-225-2956

JUDICIARY COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON
CRIMINAL JUSTICE

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

September 26, 1974

Director
Congressional Liaison
The White House
Washington, D.C.

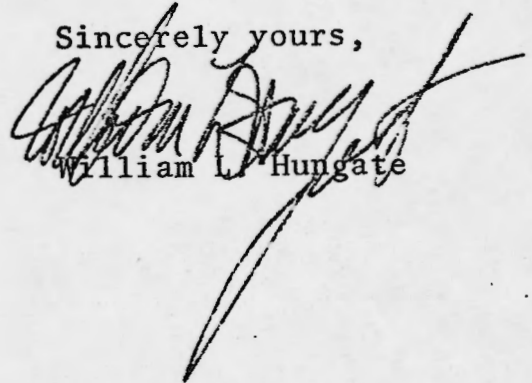
Dear Sir:

BT
I am writing in behalf of a constituent who is concerned about the ethics and cost of briefing Richard Nixon on U.S. policies. I would appreciate any information regarding this matter which may be helpful in responding to my constituent.

Thank you in advance for your cooperation and I look forward to hearing from you.

With best wishes, I am

Sincerely yours,


William L. Hungate

WLH/pm
dbnr



*Offers advice re. S appearance before
House sub committee on Pardon -*

JOHN W. BEVERIDGE
ATTORNEY AT LAW
ROUTE 8 BOX 586
FORT WORTH, TEXAS 76108

October 2, 1974

President Gerald Ford
White House
Washington, D. C.

Pardon for Richard Nixon

Dear President Ford:

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

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

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

Very truly yours,

John W. Beveridge
John W. Beveridge

JWB:mm



Introduction

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

I.

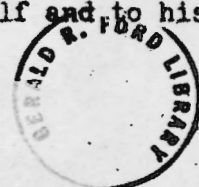
President Ford and the Attorney-General have stated that the decision as to whether or not to seek an indictment and institute criminal proceedings against Mr. Nixon is to be made by the Special Prosecutor, Mr. Leon Jaworski. This does not mean that Mr. Jaworski is duty-bound to present a case to the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

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

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

II.

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



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

III.

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

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

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

IV.

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

V.

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



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

"Though justice be thy plea, consider this
That in the course of justice none of us
Should see salvation: We do pray for mercy
And that same prayer doth teach us all to render
The deeds of mercy." (Merchant of Venice. Act III, Scene ").

VI.

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

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

John W. Beveridge

Route 8, Box 586

Fort Worth, Texas 76108



10/8/74
UP-037

(PARDON)

WASHINGTON (UPI) -- PRESIDENT FORD WILL MAKE A HISTORIC APPEARANCE BEFORE A HOUSE SUBCOMMITTEE INVESTIGATING HIS PARDON OF FORMER PRESIDENT NIXON AT 10 A.M. TUESDAY THE SUBCOMMITTEE ANNOUNCED TODAY.

THE HEARINGS WILL BE HELD IN THE SAME JUDICIARY COMMITTEE ROOM IN THE RAYBURN HOUSE OFFICE BUILDING WHERE THE IMPEACHMENT PROCEEDINGS WERE CARRIED OUT AGAINST NIXON. THOSE PROCEEDINGS LED TO NIXON'S RESIGNATION AND FORD BECOMING PRESIDENT.

CHAIRMAN WILLIAM HUNGATE OF THE CRIMINAL JUSTICE SUBCOMMITTEE HAS SAID THAT IF THE TELEVISION NETWORKS WANT TO, THEY MAY TELEVIEW THE HEARING LIVE. HE SAID A MAJORITY OF HIS NINE-MEMBER SUBCOMMITTEE WOULD ALLOW THE TELEVISION COVERAGE.

FORD WILL BE ASKED AT LEAST 14 QUESTIONS INCLUDED IN TWO RESOLUTIONS OF INQUIRY SEEKING A FULL EXPLANATION OF THE REASONING BEHIND FORD'S PARDON OF NIXON ON SEPT. 8.

THE QUESTIONS ASK WHAT FORD MAY HAVE KNOWN OF NIXON'S PHYSICAL OR MENTAL CONDITION OR CHARGES WHICH MAY HAVE BEEN BROUGHT AGAINST HIM, WHETHER THE PARDON HAD BEEN PART OF A DEAL BEFORE NIXON RESIGNED, WHETHER ANY OF THE CURRENT OR PAST WHITE HOUSE AIDES LOBBIED FOR THE PARDON AND WHETHER FORD DISCUSSED IT BEFOREHAND WITH HIS ATTORNEY GENERAL AND SPECIAL PROSECUTOR.

HUNGATE HAS SAID THAT THOSE 14 QUESTIONS WILL FORM THE "PARAMETERS" OF THE QUESTIONING ALLOWED OF FORD. FORD WAS EXPECTED TO MAKE AN OPENING STATEMENT ANSWERING THOSE QUESTIONS AND THEN SUBMIT TO QUESTIONS FROM THE NINE SUBCOMMITTEE MEMBERS.

UPI 10-02 10:56 AED

UP-038

ADD MIDEAST, CAIRO (UP-019)

ISRAELI PRIME MINISTER YITZHAK RABIN WAS QUOTED TODAY BY ISRAELI



*file in
our Hungate
material*

LP-037

(PARDON)

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UPI 10-02 10:56 AED

LP-038

ADD MIDEAST, CAIRO (UP-019)

ISRAELI PRIME MINISTER YITZHAK RABIN WAS QUOTED TODAY BY ISRAELI



8735 Bay Parkway
Brooklyn, N.Y. 11214
October 2, 1974

Hon. William L. Hungate
Chairman, Special Sub-
Committee on Reform of
Federal Criminal Laws
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman,

I am writing to you on behalf of my school's Political Science Club's Sub-Committee on the "Watergate Affair". I am the Sub-Committee's Chairman.

We would like if possible to receive a copy of the hearings before your Special Sub Committee, concerning the Presidential Pardon of Richard M. Nixon. We would also like to receive a copy of the correspondences between the President and you, on behalf of the sub-committee. This would be most helpful to our committee and club, in keeping a complete and accurate record of what has become known as "Watergate and related matters".

Thanking you in advance for your kind cooperation and assistance. I remain.

Respectfully yours,

Steven Howard Richman
Chairman, Political Science
Sub-Committee on the
"Watergate Affair".

cc: Members of the Sub-Committee

Hon. Phillip W. Buchen
Counsel to the President

committee correspondence file



Enc
MR. Phil Buchen

233 BRANTWOOD ROAD
BUFFALO, NEW YORK 14226

Mr. President -

In case any members of the House
Judiciary Subcommittee should imply that
you had granted pardon to Mr. Nixon
without prior warning, I suggest that
you show them the enclosed article from
the Wall Street Journal, of August twenty-ninth.

"Courage" according to Paul Tillich,
"is grace under pressure." You and Mrs.
Ford have certainly portrayed much
courage.

I am sending a copy of the
enclosed two articles to Representative
William Hungate also. Good luck!

Respectfully,
Mary-Louise R. Sauer

October third



WILLIAM L. HUNGATE
9TH DISTRICT, MISSOURI

SELECT COMMITTEE ON
SMALL BUSINESS
CHAIRMAN, SUBCOMMITTEE ON
ENVIRONMENTAL PROBLEMS

2437 RAYBURN BUILDING
PHONE: 202-225-2956

JUDICIARY COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON
CRIMINAL JUSTICE

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

October 7, 1974

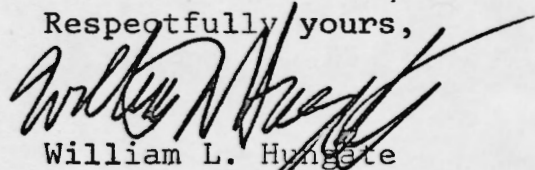
President Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

You are aware that certain questions posed in the resolutions of inquiry, House Resolutions 1367 (Abzug) and 1370 (Conyers), now pending before the Subcommittee on Criminal Justice provide for the production of tapes, transcripts, notes, reports, statements or other documentary information. For example, in the instance of questions two, eight, and ten of House Resolution 1367, specific requests are made for the production of certain documents and tapes, where available. To the extent relied on in arriving at the responses to the questions propounded in these two privileged resolutions, the Subcommittee requests that such documents and tapes, if available, be forwarded to the Subcommittee for review prior to your appearance.

Furthermore, there may be additional documentation that, while not specifically requested by the resolutions of inquiry, would be helpful to the Members of the Subcommittee in preparing for your forthcoming appearance before the Subcommittee. For example, in the instance of question five of House Resolution 1367, a request is made for any facts and legal authorities provided you by Attorney General Saxbe or Special Prosecutor Jaworski. If any of the information was forwarded to you in written form, it would be appreciated if you make it available to the Subcommittee prior to your appearance.

Respectfully yours,



William L. Hungate
Chairman

Subcommittee on Criminal Justice

WLH/bts



WILLIAM L. HUNGATE
9TH DISTRICT, MISSOURI

2437 RAYBURN BUILDING
PHONE: 202-225-2956

SELECT COMMITTEE ON
SMALL BUSINESS
CHAIRMAN, SUBCOMMITTEE ON
ENVIRONMENTAL PROBLEMS

Congress of the United States
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Washington, D.C. 20515

JUDICIARY COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON
CRIMINAL JUSTICE

October 7, 1974

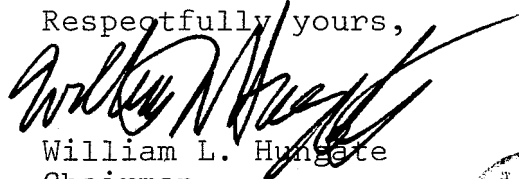
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Respectfully yours,



William L. Hungate
Chairman

Subcommittee on Criminal Justice

WLH/bts



Draft 10/9/74

Dear Mr. Chairman:

The President has asked me to reply to your letter to him of October 7, 1974.

In your letter you have requested, in advance of the President's appearance, copies of documentation to the extent relied on in arriving at responses to the questions in the two proposed resolutions of inquiry, H. Res. 1367 and H. Res. 1370.

In your first paragraph you refer to questions by number which specifically call for producing certain documentation if it exists, namely two, eight, and ten of H. Res. 1367. However, question two deals with matters not within President Ford's knowledge or awareness and, in any event, if any discussions covered by the question took place, they could not have been and were not a factor in his decision to pardon the former President. In the cases of the other mentioned questions, no documentation is involved because the questions are correctly answered in the negative.

In the second paragraph you refer to possible documentation not specifically requested by the resolutions of inquiry. I am concerned by the implication that the President's willingness to appear voluntarily before your subcommittee to provide responses originally requested from him only in writing might now be used to extend the inquiry beyond the questions as posed. Such an extension

LIBRARY

is not according to my understanding of what had been stated when Jack Marsh met with you on the possible appearance of the President, and it is not in accord with his understanding.

Therefore, Jack Marsh and I would very much appreciate an early opportunity to meet with you to clarify this point and to try resolving any other points of possible misunderstanding.

Sincerely yours,

Philip W. Buchen
Counsel to the President



THE WHITE HOUSE
WASHINGTON

cy went
to
Marsh &
Timmons

10/30 cy to
Casselman



THE WHITE HOUSE

WASHINGTON

October 15, 1974

Dear Mr. Chairman:

The President has asked me to reply to your letter to him of October 7, 1974.

In your letter you have requested, in advance of the President's appearance on October 17, 1974, copies of documentation to the extent relied on in arriving at responses to the questions in the two proposed resolutions of inquiry, H. Res. 1367 and H. Res. 1370.

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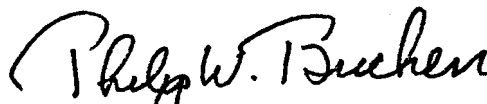
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- copy of a letter from Special Prosecutor Jaworski to me dated September 4, 1974 (a portion of this letter was quoted by me to the press on September 8, 1974, but the enclosure provides the full text.)
- copy of a memorandum furnished by Special Prosecutor Jaworski, which had been prepared for him by Deputy Special Prosecutor Henry Ruth under date of September 3, 1974, which was released from the White House on September 10, 1974.



This is the only information supplied in written form to the President which relates to questions such as five, six, or seven.

Sincerely yours,

A handwritten signature in dark ink, reading "Philip W. Buchen". The signature is fluid and cursive, with the first name "Philip" and last name "Buchen" clearly legible.

Philip W. Buchen
Counsel to the President

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

Enclosures



October 15, 1974

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-2-

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Sincerely yours,

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

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

**PWB:ed
Enclosures**

**cc: John Marsh
Bill Timmons**



October 15, 1974

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In the second paragraph you refer to possible documentation not specifically requested by the resolutions of inquiry, but, as I understand your letter, which is directly related to such questions as number five. In that connection, documentation was supplied to you with the President's letter of September 20, 1974. In addition, there are now enclosed:

- copy of a letter from Special Prosecutor Jaworski to me dated September 4, 1974 (a portion of this letter was quoted by me to the press on September 8, 1974, but the enclosure provides the full text.)**
- copy of a memorandum furnished by Special Prosecutor Jaworski, which had been prepared for him by Deputy Special Prosecutor Henry Ruth under date of September 3, 1974, which was released from the White House on September 10, 1974.**



-2-

This is the only information supplied in written form to the President which relates to questions such as five, six, or seven.

Sincerely yours,

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

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

**PWB:ed
Enclosures**

**cc: John Marsh
Bill Timmons**



October 15, 1974

Dear Mr. Chairman:

The President has asked me to reply to your letter to him of October 7, 1974.

In your letter you have requested, in advance of the President's appearance on October 17, 1974, copies of documentation to the extent relied on in arriving at responses to the questions in the two proposed resolutions of inquiry, H. Res. 1367 and H. Res. 1370.

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Counsel to the President**

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

**PWB:ed
Enclosures**

**cc: John Marsh
Bill Timmons**



THE WHITE HOUSE

WASHINGTON

October 15, 1974

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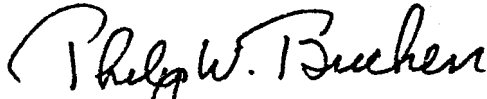
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This is the only information supplied in written form to the President which relates to questions such as five, six, or seven.

Sincerely yours,

A handwritten signature in dark ink, reading "Philip W. Buchen". The signature is fluid and cursive, with the first name "Philip" being more prominent and the last name "Buchen" following in a similar style.

Philip W. Buchen
Counsel to the President

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

Enclosures



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

September 4, 1974

Philip W. Buchen, Esq.
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

You have inquired as to my opinion regarding the length of delay that would follow, in the event of an indictment of former President Richard M. Nixon, before a trial could reasonably be had by a fair and impartial jury as guaranteed by the Constitution.

The factual situation regarding a trial of Richard M. Nixon within constitutional bounds, is unprecedented. It is especially unique in view of the recent House Judiciary Committee inquiry on impeachment, resulting in a unanimous adverse finding to Richard M. Nixon on the Article involving obstruction of justice. The massive publicity given the hearings and the findings that ensued, the reversal of judgment of a number of the members of the Republican Party following release of the June 23 tape recording, and their statements carried nationwide, and finally, the resignation of Richard M. Nixon, require a delay, before selection of a jury is begun, of a period from nine months to a year, and perhaps even longer. This judgment is predicated on a review of the decisions of United States Courts involving prejudicial pre-trial publicity. The Government's decision to pursue impeachment proceedings and the tremendous volume of television, radio and newspaper



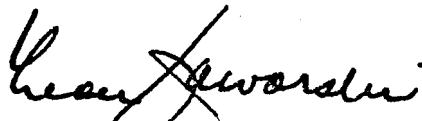
coverage given thereto, are factors emphasized by the Courts in weighing the time a trial can be had. The complexities involved in the process of selecting a jury and the time it will take to complete the process, I find difficult to estimate at this time.

The situation involving Richard M. Nixon is readily distinguishable from the facts involved in the case of United States v. Mitchell, et al, set for trial on September 30th. The defendants in the Mitchell case were indicted by a grand jury operating in secret session. They will be called to trial, unlike Richard M. Nixon, if indicted, without any previous adverse finding by an investigatory body holding public hearings on its conclusions. It is precisely the condemnation of Richard M. Nixon already made in the impeachment process, that would make it unfair to the defendants in the case of United States v. Mitchell, et al, for Richard M. Nixon now to be joined as a co-conspirator, should it be concluded that an indictment of him was proper.

The United States v. Mitchell, et al, trial will within itself generate new publicity, some undoubtedly prejudicial to Richard M. Nixon. I bear this in mind when I estimate the earliest time of trial of Richard M. Nixon under his constitutional guarantees, in the event of indictment, to be as indicated above.

If further information is desired, please advise me.

Sincerely,



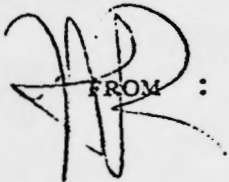
LEON JAWORSKI
Special Prosecutor



Memorandum

TO : Leon Jaworski

DATE: Sept. 3, 1974



FROM : Henry Ruth

SUBJECT: Mr. Nixon

The following matters are still under investigation in this Office and may prove to have some direct connection to activities in which Mr. Nixon is personally involved:

1. Tax deductions relating to the gift of pre-Presidential papers.
2. The Colson obstruction of justice plea in the Ellsberg matter.
3. The transfer of the national security wire tap records from the FBI to the White House.
4. The initiating of wire tapping of John Sears.
5. Misuse of IRS information.
6. Misuse of IRS through attempted initiation of audits as to "enemies."
7. The dairy industry pledge and its relationship to the price support change.
8. Filing of a challenge to the Washington Post ownership of two Florida television stations.
9. False and evasive testimony at the Kleindienst confirmation hearings as to White House participation in Department of Justice decisions about ITT.
10. The handling of campaign contributions by Mr. Rebozo for the personal benefit of Mr. Nixon.



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

cc: Mr. Lacovara



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

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DELBERT L. LATTA, OHIO

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

GENERAL COUNSEL:
JEROME M. DEKMAN
ASSOCIATE GENERAL COUNSEL:
GARNEP J. CLINE
COUNSEL:
HERBERT FUCHS
WILLIAM P. SHATTUCK
H. CHRISTOPHER HOLDE
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THOMAS E. MOONEY
MICHAEL W. BLUMMER
ALEXANDER B. COOK
CONSTANTINE J. GEKAS
ALAN F. COFFEY, JR.
KENNETH N. KLEE

December 10, 1974

Philip W. Buchen
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buchen:

The Subcommittee on Criminal Justice of the Committee on the Judiciary has several legislative proposals pending before it requiring the full and complete disclosure of facts relating to the pardon of Richard M. Nixon, Watergate and Watergate related matters.

To assist the Subcommittee in its consideration of these proposals, the Subcommittee requests that Alexander Haig appear before it to testify on his knowledge of and involvement in the events leading to the pardon of the former President.

President Ford's testimony before the Subcommittee on October 17, 1974, was essential and of great assistance to the Subcommittee in developing the facts concerning the issuance of the pardon. President Ford's testimony, however, highlighted the significant role played by General Haig in the pardon discussions. Subcommittee Members believe, therefore, that General Haig's testimony is vital to the complete and final resolution of the pardon issue.

The Subcommittee Members are aware of the Senate Armed Services Committee's recent vote to hear the testimony of General Haig at the beginning of the 94th Congress. The Subcommittee is hopeful that General Haig's schedule will permit him to appear before the Subcommittee at some mutually convenient time during the remaining days of the 93rd Congress or in the early days of the next session of Congress.

Sincerely yours,

William L. Hungate
William L. Hungate
Chairman

Subcommittee on Criminal Justice



WLH/bts

cc: Hon. Henry P. Smith, III

THE WHITE HOUSE

WASHINGTON

December 13, 1974

Dear Congressman Hungate:

This letter is in response to your letter of December 10, 1974.

My understanding is that the Subcommittee on Criminal Justice at the Committee on the Judiciary had anticipated when you wrote your letter that time on December 19, 1974 would be devoted to an appearance by former Special Prosecutor Leon Jaworski. That appearance was intended in part, I am told, to cover events within his knowledge leading to the pardon of former President Nixon. Now I have been advised that Mr. Jaworski will not be appearing at any time during the remaining days of the 93rd Congress.

I believe it inappropriate for me to try arranging an appearance by General Alexander Haig to give testimony on the same subject prior to adjournment of this session of the Congress when without other desired testimony no disposition can be made of current legislative proposals relating to this subject. Among the other reasons is the upcoming installation on December 15, 1974 of General Haig as Supreme Allied Commander, Europe, because this event will undoubtedly require his immediate and continuous attention to the new responsibilities he will thus be assuming.

Your letter does suggest in the alternative that General Haig make an appearance before your Subcommittee early in the next session of Congress. Although I am not in a position to give you a definite response, I believe a determination should await a review of circumstances at that time, including what legislative proposals may then be pending before your Subcommittee.



I trust that the foregoing will serve your purposes until such time as there can be common review of the situation in January.

Sincerely,

Philip W. Buchen
Counsel to the President

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



THE WHITE HOUSE
WASHINGTON

Make red fog ✓
copy for Jack
Marsh "eyes only"
P.

~~sent~~
6/9/76



OFFICE OF
ASSISTANT ATTORNEY GENERAL

Legislative Affairs

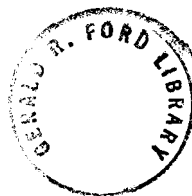
June 7, 1976

To: Philip W. Buchen
Counsel to the President

From: Michael M. Uhlmann
Assistant Attorney General

Re: Attachment

The attached correspondence is
being transmitted to you for your
information.



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

JACK BROOKS, TEX.
ROBERT W. KASTENMEIER, WIS.
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HENRY J. HYDE, ILL.
THOMAS N. KINDNESS, OHIO

Congress of the United States

Committee on the Judiciary

House of Representatives

Washington, D.C. 20515

Telephone: 202-225-3951

GENERAL COUNSEL:
EARL C. DUDLEY, JR.

STAFF DIRECTOR:
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ALEXANDER B. COOK
CONSTANTINE J. GEKAS
ALAN F. COFFEY, JR.
KENNETH N. KLEE
RAYMOND V. SMETANKA

June 3, 1976

Honorable Edward H. Levi
The Attorney General
Department of Justice
Constitution Avenue
Washington, D.C. 20530

Dear Mr. Attorney General:

As you may know, the Subcommittee on Criminal Justice has jurisdiction over matters related to the Presidential pardon of Richard M. Nixon. Last February, the Subcommittee voted 4 to 3 to table, without prejudice, a motion to conduct a further inquiry into the issuance of the pardon. The membership of the Subcommittee has changed since then, with Representative Robert F. Drinan replacing Representative Martin Russo.

Three Members of the Subcommittee — Representatives Holtzman, Mezvinsky and Drinan — have written me to request that the Subcommittee make additional appropriate inquiries into the issuance of the pardon. The Subcommittee will meet in the very near future in order to decide how to respond to their request.

In order to assist the Subcommittee in deciding how to respond to their request, it would be helpful if we had information pertaining to criminal investigations involving Alexander Haig, Philip Buchen, Benton Becker, and Charles Colson.

I am writing to ask you to furnish the Subcommittee with the following information. With regard to each person, please indicate whether he has been the subject of a criminal investigation by the Department of Justice since January 1, 1970. For each such investigation, please indicate the statute(s) involved, the nature of the allegation, and the disposition of the matter. If the disposition was to prosecute, please indicate the outcome of the prosecution. If the disposition was other than to prosecute, please indicate what action was taken and the reasons for taking it.



Honorable Edward H. Levi
Page 2
June 2, 1976

Since this matter will be taken up by the Subcommittee in the very near future, I would appreciate it if you would get this information to me by Monday, June 21.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "William L. Hungate", with a large, sweeping flourish extending to the right.

William L. Hungate
Chairman
Subcommittee on Criminal Justice

WLH/thb



June 8, 1976

Dear Henry:

Jane Fogarty has forwarded copies of the two letters pertaining to matters pending before the Hungate Subcommittee.

I appreciate your thoughtfulness and will bring the letters to the attention of the appropriate staff here at the White House.

Many thanks, and with cordial regard, I am

Sincerely,

Max L. Friedersdorf
Assistant to the President

Honorable Henry J. Hyde
House of Representatives
Washington, D. C. 20515

MLF:nk

bcc: Jack Marsh w/incoming for appropriate handling
Phil Buchen ~~w/incoming~~ - FYI
Judy Berg-Hansen - FYI



HENRY J. HYDE
TH DISTRICT ILLINOIS

COMMITTEES:
JUDICIARY
BANKING, CURRENCY
AND HOUSING

1206 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4561

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

June 4, 1976 JUN 7 1976

Mr. Max Friedersdorf
Assistant to the President
The White House
Washington, D. C. 20501

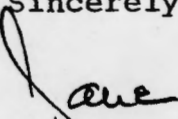
Dear Max:

On his way out the door, Mr. Hyde asked me to send
you these two letters.

He has returned to Chicago and will not be back until
Monday, but he thought you might want to get in touch
with Mr. Wiggins. I believe you and Mr. Hyde discussed
this possibility several weeks ago.

It was good to see you at the Army-Navy Club last week.

Sincerely,



Jane Fogarty

Enc.



June 16

THE WHITE HOUSE
WASHINGTON

TO: PHIL BUCHEN
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

_____ For Your Information

_____ Please Advise

Per our discussion



JUN 10 1976

9:39

June 9, 1976

Dear Henry:

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I appreciate your thoughtfulness and will bring the letters to the attention of the appropriate staff here at the White House.

Many thanks, and with cordial regard, I am

Sincerely,

Max L. Friedersdorf
Assistant to the President

Honorable Henry J. Hyde
House of Representatives
Washington, D. C. 20515

MLF:mk

cc: ~~Jack Marsh w/incoming for appropriate handling~~
Phil Buchen w/incoming - FYI
Judy Berg-Hansen - FYI

D- send per to
P/B IRS

GEORGE R. FORD LIBRARY

HENRY J. HYDE
6TH DISTRICT, ILLINOIS

COMMITTEES:
JUDICIARY
BANKING, CURRENCY
AND HOUSING

1206 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4561

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

JUN 7 1976
June 4, 1976

Mr. Max Friedersdorf
Assistant to the President
The White House
Washington, D. C. 20501

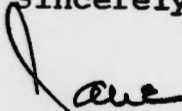
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Jane Fogarty

Enc.



June 3, 1976

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The Attorney General
Department of Justice
Constitution Avenue
Washington, D.C. 20530

Dear Mr. Attorney General:

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Three Members of the Subcommittee — Representatives Holtzman, Mezvinsky and Drinan — have written me to request that the Subcommittee make additional appropriate inquiries into the issuance of the pardon. The Subcommittee will meet in the very near future in order to decide how to respond to their request.

In order to assist the Subcommittee in deciding how to respond to their request, it would be helpful if we had information pertaining to criminal investigations involving Alexander Haig, Philip Buchen, Benton Becker, and Charles Colson.

I am writing to ask you to furnish the Subcommittee with the following information. With regard to each person, please indicate whether he has been the subject of a criminal investigation by the Department of Justice since January 1, 1970. For each such investigation, please indicate the statute(s) involved, the nature of the allegation, and the disposition of the matter. If the disposition was to prosecute, please indicate the outcome of the prosecution. If the disposition was other than to prosecute, please indicate what action was taken and the reasons for taking it.



Honorable Edward H. Levi

Page 2

June 2, 1976

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With best wishes,

Sincerely,

William L. Hungate

Chairman

Subcommittee on Criminal Justice

WLH/thb



June 3, 1976

Honorable Donald C. Alexander
Commissioner
Internal Revenue Service
1111 Constitutional Avenue, N.W.
Washington, D.C. 20224

Dear Mr. Commissioner:

As you may know, the Subcommittee on Criminal Justice has jurisdiction over matters related to the presidential pardon of Richard M. Nixon. Last February, the Subcommittee voted 4 to 3 to table, without prejudice, a motion to conduct a further inquiry into the issuance of the pardon. The membership of the Subcommittee has changed since then, with Representative Robert F. Drinan replacing Representative Martin Russo.

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I am writing to ask you to furnish the Subcommittee with the following information. With regard to each person, please indicate whether he has been the subject of a criminal investigation by the Internal Revenue Service since January 1, 1970. For each such investigation, please indicate the statute(s) involved, the nature of the allegation, and the disposition of the matter. If the disposition was to prosecute, please indicate the outcome of the prosecution. If the disposition was other than to prosecute, please indicate what action was taken and the reasons for taking it.

Honorable Donald C. Alexander
Page 2
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With best wishes,

Sincerely,

William L. Hungate
Chairman
Subcommittee on Criminal Justice

WLH/tnb

