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THE PRESIDENT HAS SEEN....

THE WHITE HOUSE
WASHINGTON

Presidential notes from
September 16, 1974 Press Conference.

THE WHITE HOUSE

WASHINGTON

Expenditures to political parties

36% of vote - Allende.

Allende sought
to destroy news
media & opposition
parties. (Democratic
parties)

Need to carry on Covert
Operations - It is well
known that Communist countries
do on a huge scale.

THE WHITE HOUSE

WASHINGTON

40 Committee - established
in 1948 to MONITOR COVERT
OPERATIONS.
Procedures for briefing
Congressional Committees.

I am planning to meet
with Congressional Leaders to
review procedures.

THE WHITE HOUSE

WASHINGTON

Interference and covert
operations.

591161743

EXECUTIVE ORDER

ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF VIOLATIONS OF ARTICLES 85, 86 and 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

Section 1. There is hereby established a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply prior to January 31, 1975, and who (i) have been convicted of violating Section 12 of the Military Selective Service Act (50 U.S.C. App. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, or (ii) have received punitive or undesirable discharges as a consequence of violations of Articles 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§885, 886, 887) that occurred between August 4, 1964 and March 28, 1973. The Board will only consider the cases of those Section 12 violators who were convicted of unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of his current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for or submit to induction itself, or (v) to report for or submit to or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from entering the United States under 8 U.S.C. 1182(a)(22).

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive Clemency should be granted or denied in any case. If Clemency is recommended, the Board shall also recommend the form that such clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from a military service with a punitive or undesirable discharge, the Board may recommend to the President that a Clemency Discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the President's Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently incarcerated and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding detainers.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursible basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

THE WHITE HOUSE,

[9/16/74]

EXECUTIVE ORDER

DELEGATION OF CERTAIN FUNCTIONS VESTED IN THE
PRESIDENT TO THE DIRECTOR OF SELECTIVE SERVICE

By virtue of the authority vested in me as President of the United States, as Commander in Chief and pursuant to the pardon power and the duty faithfully to execute the laws provided by Article II, Sections 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

THE WHITE HOUSE,

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD

The President has today established by Executive Order a nine member Presidential Clemency Board. The Board will review the records of two kinds of applicants. First, those who have been convicted of a draft evasion offense committed between August 4, 1964 and March 28, 1974. Second, those who received a punitive or undesirable discharge from the military because of a military absentee offense committed during the Vietnam era. The Board will recommend clemency to the President on a case-by-case basis. In the absence of aggravating factors, the Clemency Board would be expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service. In the case of a military absentee, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge.

The Board has been instructed to give priority consideration to individuals currently incarcerated. The President has also asked that their incarceration be suspended as soon as possible, pending the Board's review.

The Board will consider the cases only of persons who apply before January 31, 1975. It is expected to complete its work not later than December 31, 1976.

[9/16/74]

ANNOUNCING A PROGRAM FOR THE RETURN OF
VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. Millions served their country, thousands died in combat, thousands more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen -- convicted, charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice -- remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have a second chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgement of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to my powers under Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - An individual who allegedly unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to, or complete service under Section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

(i) presents himself to a United States Attorney before January 31, 1975,

(ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and

(iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest.

However, the program will not apply to an individual who is precluded from re-entering the United States under 8 U. S. C. 1182(a) (22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program may be conditioned upon or postponed until after, final disposition of the other charges has been reached in accordance with law.

Draft evaders chose not to accept the responsibility of military service when their Nation called. Thus, no draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. Military Deserters - A member of the military who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964, to March 28, 1973, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he is absent pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department because of mitigating circumstances.

However, if a member of the military has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

Each such member of the military who elects to seek relief through this program will receive an undesirable discharge from military service. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department, such individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of this program. Such clemency discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. Presidential Clemency Board - By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories: (i) those who have been convicted of draft evasion offenses as described above, (ii) those who have received a punitive or undesirable discharge from military service for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in this program.

In witness whereof, I have hereunto set my hand this day of September in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

FACT SHEET

The President has today issued a Proclamation and Executive Orders establishing a program of clemency for draft evaders and military deserters to commence immediately. This program has been formulated to permit these individuals to return to American society without risking criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and satisfactorily serve a period of alternate civilian service.

The program is designed to conciliate divergent elements of American society which were polarized by the protracted period of conscription necessary to sustain United States activities in Vietnam. Thus, only those who were delinquent with respect to required military service between the date of the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States forces from Vietnam (March 28, 1973) will be eligible. Further, only the offenses of draft evasion and prolonged unauthorized absence from military service (referred to hereinafter as desertion) are covered by the program.

Essential features of the program are outlined below.

1. Number of Draft Evaders. There are approximately (15,500) draft evaders potentially eligible. Of these some 8,700 have been convicted of draft evasion. Approximately 4,350 are under indictment at the present time, of which some 4,060 are listed as fugitives. An estimated 3,000 of these are in Canada. A further 2,250 individuals are under investigation with no pending indictments. It is estimated that approximately 130 persons are still serving prison sentences for draft evasion.

2. Number of Military Deserters. Desertion, for the purposes of this program, refers to the status of those members of the armed forces who absented themselves from military service without authorization for thirty days or more. During the Vietnam era it is estimated that there were some 500,000 incidents of desertion as so defined. Of this 500,000 a number were charged with offenses other than desertion at the time they absented themselves. These other offenses are not within the purview of the clemency program for deserters. Approximately 12,500 of the deserters are still at large of whom about 1,500 are in Canada. Some 660 deserters are at present serving sentences to confinement or are awaiting trial under the Uniform Code of Military Justice.

3. Unconvicted Evader. Draft evaders will report to the U.S. Attorney for the district in which they allegedly committed their offense.

Draft evaders participating in this program will be required to make a written agreement with the U.S. Attorney to perform alternate service, under the auspices of the Director of Selective Service. The agreement will include an acknowledgement that the alternate service indicates allegiance to the United States.

The duration of alternate service will be 24 months, but may be reduced for mitigating factors as determined by the U.S. Attorney.

The Director of Selective Service will have the responsibility to find alternate service jobs for those who report. Upon satisfactory completion of the alternate service, the Director will issue a certificate of satisfactory completion to the individual and U.S. Attorney, who will either move to dismiss the indictment if one is outstanding, or agree not to press possible charges in cases where an indictment has not been returned.

If the draft evader fails to perform the agreed term of alternate service, the U.S. Attorney will be free to, and in normal circumstances will, resume prosecution of the case as provided in the terms of the agreement.

Aliens who fled the country to evade the draft will be ineligible to participate in the program.

4. Unconvicted Military Absentees. Military absentees who have no other pending charges may elect to participate in the program. Those who make such an election will be required to execute a reaffirmation of allegiance and pledge to perform a period of alternate civilian service. Those against whom other charges under the Uniform Code of Military Justice are pending will not be eligible to participate in the program until these other charges are disposed of in accordance with the law. Participants in the program will be separated with an undesirable discharge. Although these discharges will not be coded on their face in any manner, the Veterans Administration will be advised that the recipients were discharged for willful and persistent unauthorized absence. They will thus not be eligible for any benefits provided by the Veterans Administration.

The length of required alternate civilian service will be determined by the parent Services for each individual on a case-by-case basis. The length of service will be 24 months, but may be reduced for military service already completed or for other mitigating factors as determined by the parent Service. After being discharged each individual will be referred to the Director of Selective Service for assignment to prescribed work. Upon certification that this work has been satisfactorily completed, the individual may submit the certification to his former Service. The Service will then issue a special new type of discharge -- a Clemency Discharge -- which will be substituted for the previously awarded undesirable discharge. However, the Clemency Discharge shall not affect entitlement to benefits administered by the Veterans Administration.

5. Presidential Clemency Board. Those already convicted of draft evasion or who were discharged from the military because of a military absentee offense during the Vietnam era may apply for clemency to a nine member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of aggravating circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

The Clemency Board could also recommend to the President that a Clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

The Board has been instructed to give priority consideration to individuals currently incarcerated. The President has also asked that their incarceration be suspended as soon as possible, pending the Board's review.

6. Alternate Civilian Service. Determining factors in selecting suitable alternate service jobs will be:

1. National Health, Safety or Interest.
2. Noninterference with the competitive labor market. The applicant cannot be assigned to a job for which there are more numerous qualified applicants than jobs available.

3. Compensation. The compensation will provide a standard of living to the applicant reasonably comparable to the standard of living the same man would enjoy if he were entering the military service.

4. Skill and talent utilization. Where possible, an applicant may utilize his special skills.

In prescribing the length of alternate service in individual cases, the Attorney General, the Military Department, and the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under the law, and such other mitigating factors as may be appropriate to assure equity between those who serve their country when called and those who will serve under this program.

7. No Grace Period. There will not be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.

[9/16/79]

1. Equal Treatment for Watergate Defendants
2. Pardoning Watergate Defendants; "The Study"
3. Background: Usual Clemency Procedure
4. Outside Clemency Review

5. Getting the Facts Out
6. Knowing What Was Pardoned; Pardon Scope
7. Timing
8. Integrity of the Law
9. Judicial Determination of Standards

10. Your Credibility
11. Change of Mind; Public Reaction; Agony Intensified
12. Nixon Health; Prepare the Public
13. "Deal"

1. EQUAL TREATMENT FOR WATERGATE DEFENDANTS

(See also "Integrity of the Law" at page 8)

QUESTION: Is it an unjust denial of equal treatment to refuse to pardon the Watergate defendants?

ANSWER: The situation of former President Nixon is very different from that of the Watergate defendants, especially those awaiting trial. */ The Nixon situation is unique.

1. Previous Official Determination. Richard Nixon has already been found unanimously by the House Judiciary Committee to have engaged in substantial misbehavior.

2. Punishment Already Suffered. To resign from the Presidency is a disgrace in history and in the eyes of the people. To be raised to this office, especially by a landslide vote, is to be honored extraordinarily. To leave it under the circumstances in which Richard Nixon did, is to be punished more than any other American leader has. To be sure, there is punishment in any fall from grace, but the depth of Richard Nixon's fall is unique.

3. Public Contribution. In dispensing mercy we should look not only to a man's transgressions but also to his contributions to the public welfare. There may not be unanimous acclaim for Richard Nixon's policies, but perhaps even his severest critics admit that some of his policies advanced the public interest and contributed to world peace. Such contributions are a matter of degree, but Richard Nixon's situation is unique.

4. Public Distress or Polarization. Many Americans would be distressed over the indictment and the appearance "in the dock" of a former President. **/ Because, moreover, a substantial number of Americans would feel strongly alienated from any such proceedings, the possibility of political polarization is real.

The cumulative effect is to make Richard Nixon's situation unique. Perhaps some or many will disagree, but perhaps most Americans can understand why I think the Nixon case is different.

ALTERNATIVE QUESTION: Since all the others were involved in the same crime, ostensibly at the behest of their pardoned leader, how can you justify trying them now?

ANSWER: We cannot know whether the facts about the role of these other defendants are as you state them until there is a trial. When the facts become known, they can be taken into account in the usual way after trial in sentencing and in normal clemency procedures. Those who occupy a position of public trust in the service of a President are morally responsible for their own actions.

*/ and **/ on the following page

Footnotes from 1.

* You might be asked about the Watergate defendants' suggestion that an 1856 Supreme Court case implies that a pardon for one is a pardon for all. You should not comment on a defendant's legal argument to the court.

**/ Some might think that such distress would reflect an excessive and unwise mystique surrounding Presidents and former Presidents, but it seems to be a fact.

2. PARDONING WATERGATE DEFENDANTS: "THE STUDY"

QUESTION: Will you now pardon the Watergate defendants facing trial?

ANSWER: The normal processes of justice will be followed.

FOLLOWUP QUESTION: Does that mean you have decided against any future clemency for (a) those already convicted who have either completed or are now serving their sentences, or (b) those who may be convicted in the future?

ANSWER: The only thing I have decided is that the usual processes should be followed. If I point out that those normal processes include published regulations on Presidential clemency, please do not infer that I am contemplating future clemency.

QUESTION: You said that pardon for Dean and other Watergate defendants is being considered. Did you consider blanket pardoning? If not, what was being studied? Is the study complete? What is the result?

ANSWER:

1. I never contemplated blanket pardons and certainly no general pretrial clemency.
2. The Nixon case is unique. (See elaborated answer on this point.)
3. I did want an examination of proper procedures for processing any clemency petitions that are in fact received.
4. The proper procedure is that any convicted person may apply through the Department of Justice in the usual manner.

3. BACKGROUND: USUAL CLEMENCY PROCEDURE

Under published regulations, after conviction and sentencing one ordinarily applies for Executive Clemency through the Department of Justice. Upon receipt of the petition, the Attorney General uses the Office of the Pardon Attorney and reviews the request, conducts whatever investigation is necessary, and then forwards recommendations to the White House.

Before petitioning for a pardon, one who has been imprisoned must ordinarily, under existing regulations, wait three years -- or five in certain cases */ -- after his release. (Nothing prevents the Attorney General from making appropriate adjustments in this requirement or from amending his regulations generally.) There is no fixed waiting period for requests for the commutation of a sentence. (Commutation is usually granted only when other relief is not available from a court or parole board, but exceptions are provided for in the regulations.)

The President does not ordinarily review personally each clemency recommendation from the Justice Department. There are too many of them. Under past practice **/ Justice Department recommendations were reviewed by White House counsel who could forward them for personal Presidential attention where necessary.

*/ Such as perjury or the violation of a public trust involving personal dishonesty.

**/ We do not necessarily want to commit ourselves to preserving this practice.

4. OUTSIDE CLEMENCY REVIEW

QUESTION: Would it not be better to have the Special Prosecutor's Office or independent advisors outside of the government make recommendations relating to clemency petitions from Watergate defendants?

ANSWER:

1. The Office of the Pardon Attorney was established to process petitions for clemency so that the individuals who prosecute an individual are not the same ones deciding whether he should get clemency. The prosecutorial role of the Special Prosecutor could be inconsistent with the role of evaluating a petition for clemency.

2. Processing petitions for clemency is not a part of the responsibility of the Special Prosecutor as set forth in the regulations for the Department of Justice.

3. Although outside review by persons outside of the government does have certain advantages, there should be a presumption in favor of regular procedures. And I have no reason to believe that this function is not best performed by those persons who do it on a regular basis. They do, incidentally, in the process of preparing their recommendations, solicit the opinion of the prosecutor and make appropriate additional inquiries.

4. Note: As to any fear that the Pardon Attorney (who was appointed during the Nixon administration) might be too lenient with regard to Nixon administration officials involved in Watergate: I have no reason to think so. The Attorney General will, of course, take appropriate steps to insure impartial consideration. Furthermore, Justice Department recommendations will be reviewed in the White House.

5. Note: As to any fear that the usual standards for Justice Department clemency recommendations are too restrictive or too harsh: I am confident that the Justice Department administers its clemency responsibility conscientiously and if any change in its procedures or standards are warranted, I am sure that the Attorney General and the Deputy Attorney General will consider them.

5. GETTING THE FACTS OUT

QUESTION: Does the pardon mean that the people and the history will never know the full facts about Richard Nixon's possible crimes or other misbehavior in office? */ Is the pardon another coverup?

ANSWER:

1. The American people already know a great deal about the Nixon Presidency.

2. The House Judiciary Committee has published its official findings on Richard Nixon's behavior in office.

3. The pardon does not itself preclude any report on all matters within the Special Prosecutor's jurisdiction, at a time and in a manner consistent with his responsibilities.

(a) The Special Prosecutor already has the materials related to the Watergate coverup.

(b) Any other needed information may well be available in connection with other proceedings and, wherever Mr. Nixon himself is a witness, the pardon prevents any Fifth Amendment claim to silence based on the possibility of incrimination under Federal law.

(c) It is possible that other arrangements for access to the Nixon files might be worked out. I myself have long urged and will continue to urge full disclosure by Mr. Nixon.

* / Another form for this question:

Do you agree with former Special Prosecutor Cox that "the guilt or innocence of a high official charged with crime, especially a President, should be determined once and for all by the established procedures of justice in order to lay to rest claims of political vendetta. To short circuit the process invites endless uncertainty and division."

6. KNOWING WHAT WAS PARDONED: PARDON SCOPE

QUESTION: Was it wise to pardon Richard Nixon without knowing what, if any, offenses he might have committed?

ANSWER: The Watergate coverup charges are pretty well known and I did have information from the Special Prosecutor's office that not even probable criminal guilt could be established with respect to an additional 10 specified allegations concerning Mr. Nixon.

FOLLOWUP QUESTION: Does that mean that evidence of crime in these or any other now-unspecified matters might not turn up in the future?

ANSWER: One can never be certain what will appear in the future. */

QUESTION: A pardon for Watergate can be understood to serve a national purpose, but why a pardon that covers possible tax fraud as well? Wouldn't the nation be better served by a demonstration that even a President cannot cheat on his taxes?

ANSWER: What really mattered was Watergate and the resulting harassment of the former President. Anything less than a full pardon would have left open the door to continued attacks and would have defeated my purpose which is to put this whole affair behind us.

*/ Note: This is a very troublesome point. It would be unwise to make any predictions or estimates that additional and significant improprieties might not yet appear.

7. TIMING

QUESTION: Why did you grant the pardon when you did? Wouldn't it have been better to wait (1) until indictment, if any, and trial of Nixon, (2) until wider consultation with Congress and the public, or (3) until the jury in the Watergate trials is sequestered?

ANSWER:

1. Once I had decided that Mr. Nixon should, as an act of mercy, be spared any imprisonment, there seemed to be no reason to open him and the American people to the distress of a trial.*/ Under these circumstances, a trial seemed unnecessarily harassing and vindictive toward him and pardon

NOTE: See separate answers on

- getting the facts out
- getting a judicial determination of standards
- what was pardoned

2. More consultation might have been preferable, **/ but I never doubted the wide diversity of views on this subject. Consensus did not seem possible.

3. Some may think that a pardon for Nixon before the jury is sequestered in the Watergate trials might possibly be thought prejudicial to the defendants, but that is a matter for the courts to decide. Accordingly, further comment on this point by me seems inappropriate.

*/Does not explain failure to wait for an indictment.

**/ The Attorney General might appropriately have been consulted about both substance or form, but you had advice of counsel and based your judgment on your own fundamental conception of mercy and on broad considerations of the national interest.

8. INTEGRITY OF THE LAW

QUESTION: Doesn't the pardon mean that significant personages violate the law with impunity while the more humble suffer the law's full rigors? */

ANSWER: This concern is understandable but

1. All persons -- Presidents included -- are subject to the law. And I believe that the law has triumphed in Watergate. It has routed out and put a stop to the Watergate wrongs.
2. In a very real sense the nation has rendered a verdict on Richard Nixon.
3. Clemency is also a part of our system of law. To pardon is to forgive and not to excuse the conduct that may have been involved.
4. It is a unique act of mercy for a man
 - (a) whose conduct has already been found unacceptable but
 - (b) who has already suffered greatly
 - (c) who has surely contributed to the public interest in some respects, and
 - (d) whose trial would have distressed many of the public.
5. The whole Watergate situation is unique.

ALTERNATIVE QUESTION: Is this pardon a precedent that no President should ever be tried for his possible crimes?

9. JUDICIAL DETERMINATION OF STANDARDS

QUESTION: Doesn't the pardon mean that the courts will never have the occasion to define appropriate standards of conduct for Richard Nixon and other Presidents?

ANSWER:

1. The courts are not the exclusive institution by which governmental standards of conducted are determined. */
2. The courts may have occasion to consider such standards in other cases.
3. The House Judiciary Committee has already made historically significant determinations of this sort.
4. The proper standards of behavior seem quite clear with respect to most Watergate related matters. **/

*/ Constitutional history and other institutions have a very major role in this process.

**/ Whether this is true with respect to the ten other matters of the Special Prosecution Force, most cannot be fully known at this stage.

10. YOUR CREDIBILITY

QUESTION: What do you plan to do to restore your credibility and regain the trust of the American people?

ANSWER: I hope that my credibility is not lost. The country knows that controversial decisions are not always popular. And I have changed my mind on this question. But I hope that even those who disagree with my decision understand that every statement I have made on this subject represented my genuine thinking at the time. Candor is the basis of trust, as I intend to go on speaking sincerely, even when I change my mind.

11. CHANGE OF MIND: PUBLIC REACTION: AGONY INTENSIFIED

QUESTION: Do you now believe that you were correct at your last press conference when you said a pardon now would be unwise and untimely?

ANSWER: As I have said, I reconsidered my earlier judgment and came to believe that a pardon was a proper act of mercy that best serves the interests of the nation. I fully understand that it would have been better for me politically to have stayed with my earlier position, but that is not my criterion.

QUESTION: Did you consider or suspect the public reaction that actually occurred to your pardon of former President Nixon?

ANSWER: I knew there would be great concern. I did not try to predict its extent, because I believed and still believe that the grant of mercy was the right thing for me to do.

QUESTION: Hasn't the pardon intensified national agony as much as a trial of the former President would have?

ANSWER: Although the matter is not capable of clear proof either way, I believe that the adverse national consequences of a Nixon trial and possible additional punishment would have been much greater.

12. NIXON HEALTH: PREPARE THE PUBLIC

QUESTION: Was the timing dictated by what you viewed as a health emergency?

ANSWER: As I said in my speech, the former President's health was a factor, but not in the sense of an emergency. My concern is for the very long time needed to start and complete a trial, and once the decision was made, the sooner the better.

FOLLOWUP QUESTION: If not, why did you not do something to prepare the American public for your reversal instead of acting precipitously?

ANSWER: In a matter this controversial there is not much that can be done to "prepare" the public as you put it. All I could do was to explain my reasoning openly and candidly, which I did.

13. "DEAL"

QUESTION: The concern has been expressed here and there that the pardon arose from some "deal."

ANSWER: There was no deal. Had there been any such deal I would not have indicated at my last press conference that indictment and other legal process should probably precede a pardon.

QUESTION: Is it true, as reported in the press, that Haig and Kissinger conveyed Nixon's desire for a pardon to you indirectly before he resigned? Did you indicate to him in any way that you would grant a pardon?

ANSWER:

QUESTION: When did you decide to pardon the former President?

ANSWER:

POSSIBLE PRESS CONFERENCE QUESTIONS

*Head country
shameful message*

- Q. Mr. President, why did you pardon Richard Nixon before he had been charged with any crimes...before the legal process had even started?

- Q. Polls taken since you pardoned former President Nixon indicate the American people were overwhelmingly opposed to such action in advance of prosecution. Do you now regret having issued the pardon?

- Q. Mr. President, why have you asked Congress for \$244,000 more in transition funds for former President Nixon than are required by law?

- Q. Senators Montoya and Hatfield have asked why the tapes and documents could not be stored in some secure federal office building instead of in a special \$100,000 Watergate tapes vault. Would you comment on that, please?

- Q. Mr. President, how do you reconcile asking Congress for \$850,000 for Mr. Nixon while urging the American people to tighten their belts?

- Q. Mr. President, did you personally approve the agreement which gives Mr. Nixon the right to deny requests for access to the Watergate tapes and to wage a court fight against any subpoenas for such material?

- Q. Mr. President, do you believe the remaining Watergate defendants can get a fair trial?

*Free Press - +
concerns satisfied*

Q. Mr. President, was the question of pardoning the remaining Watergate defendants a trial balloon?

*Commutation
of sentence*

Q. Mr. President, the latest report is that Democratic congressional leaders are planning a lame duck session of the Congress. How do you feel about such a session? Do you think it would accomplish anything? If so, what?

Q. Mr. President, do you agree with those observers who say your pardon of Mr. Nixon has damaged Republican prospects for November?

Q. Mr. President, is continued aid to Turkey legal?

Q. Mr. President, don't you think your chances for delaying the congressional pay raise have been damaged by your pardon of Mr. Nixon?

Q. Mr. President, labor leaders and many economists are urging a relaxing of the tight money policy. Do you favor such action?

Q. Mr. President, does the drive to lift OAS sanctions against Cuba have your approval?

Q. Mr. President, the public is angry over skyrocketing health care costs. Are you planning to take any action which would bring greater federal controls over the practice of medicine?

Q. Mr. President, Mrs. Ford has said her views on abortion are closer to those of Mr. Rockefeller than Senator Buckley. Is that also your position?

Q. Mr. President, violent crime has risen 47 per cent in just five years. Are you planning to do anything about it?

Q. Mr. President, Senator Jackson has declared that the decision to supply nuclear reactors to Egypt should be reconsidered. Are you reconsidering that decision?

Q. Mr. President, Benton Becker is looked upon by many people as a person of questionable reputation. Why did you employ Mr. Becker as a liaison person in connection with your pardon of Mr. Nixon?

Q. Mr. President, White House aides have said that certain of your advisers lied to Jerry terHorst when he asked if you were considering a pardon for Mr. Nixon. Had you instructed them to lie if they were asked that question? And do you believe they were right in lying about it?

Q. Mr. President, did concern about the physical and mental health of Mr. Nixon play a key role in your decision to pardon Mr. Nixon? And did Julie Eisenhower appeal to you to pardon her father?

- Q. Mr. President, the wholesale price index rose nearly 4 per cent in August -- the second biggest increase in 28 years. Are you still going to wait until January to do something about inflation?
- Q. Mr. President, you have repeatedly said you are opposed to forced busing. Are you in favor of the busing boycott going on in Boston?
- Q. Leon Jaworski has said he "probably will" issue a comprehensive report on the Watergate scandal that will include the role of former President Nixon. Do you favor such action, Mr. President?
- Q. Mr. President, there is said to be a secret Watergate memo which provided you with a major reason for pardoning Richard Nixon. Is that report true? And if so, what was in the memo?
- Q. Mr. President, are you considering a pardon for John Connally?
- Q. Mr. President, some Americans are calling your pardon of Mr. Nixon a coverup of the coverup. Do you have any comment?
- Q. Mr. President, at your August 28 press conference you said you could make no commitment regarding a pardon for Mr. Nixon because the legal process had not even started yet. Two days later, according to reports, you instructed Mr. Buchen to gather information regarding a pardon. What happened in those two days to make you change your mind?

- Q. Mr. President, an Environmental Protection Agency official says catalytic converters will emit a fine mist of sulfuric acid, which could develop into a health hazard in two years. Are you doing anything about this?
- Q. The Palestine Liberation Organization is seeking direct talks with the United States. Do you favor such talks?
- Q. Mr. President, the continued operation of lotteries by 13 states is threatened because of action taken by Attorney General Saxbe. Do you favor action by Congress to legalize State-operated lotteries?
- Q. Mr. President, what is your position on the tax bill the House Ways and Means Committee is working on? Do you favor tax cuts for the poor?
- Q. Mr. President, a congressional investigator has alleged improprieties in the Law Enforcement Assistance Administration and says they may be part of a wholesale subversion of civil service regulations. Are you taking any action to get at the truth of this matter?
- Q. Mr. Ford, is Charlie Goodell one of your closest advisers? And was he influential in your decision to nominate Nelson Rockefeller for Vice President?

Q. Mr. President, is it going to continue to be the United States' policy to intervene in a clandestine way in the operations of a democratically-elected government if that government happens to be Socialist or Communist?

Now, the expression made by Governor Rockefeller, I think, coincides with the general view and the point of view of the American people. I subscribe to that point of view. But let me add, in the last ten days or two weeks I have asked for prayers for guidance on this very important point.

In this situation, I am the final authority. There have been no charges made, there has been no action by the courts, there has been no action by any jury and, until any legal process has been undertaken, I think it is unwise and untimely for me to make any commitment.

Yes, sir.

QUESTION: Mr. President, you have been in office 19 days now, and already some of your natural conservative allies are grumbling that you are moving too far to the left. Does this trouble you?

THE PRESIDENT: I don't think I have deviated from my basic philosophy nor have I deviated from what I think is the right action. I have selected an outstanding person to be the Vice President. I have made a decision concerning amnesty, which I think is right and proper -- no amnesty, no revenge -- and that individuals who have violated either the draft laws or have evaded Selective Service or deserted can earn their way, or work their way back. I don't think these are views that fall in the political spectrum right or left.

I intend to make the same kind of judgments in other matters because I think they are right and I think they are for the good of the country.

QUESTION: Mr. President, may I follow that with one more example, possibly, that is there is a report that the Administration is considering a \$4 billion public works program in case the inflation rate gets higher than it is, say six percent. Is that under consideration?

THE PRESIDENT: I think most of you know that we do have a public service employment program on the statute books which is funded right today, not for any major program, but to take care of those areas in our country where there are limited areas of unemployment caused by the energy crisis or any other reason.

THE PRESIDENT: The policy that we have toward Cuba today is determined by the sanctions voted by the Organization of American States and we abide by those actions that were taken by the members of that organization.

Now if Cuba changes its policy toward us and toward its Latin neighbors, we, of course, would exercise the option, depending on what the changes were, to change our policy. But, before we made any change, we would certainly act in concert with the other members of the Organization of American States.

QUESTION: Mr. President, you have emphasized here your option of granting a pardon to the former President.

THE PRESIDENT: I intend to.

QUESTION: You intend to have that option. If an indictment is brought, would you grant a pardon before any trial took place, or are you in this position in the case?

THE PRESIDENT: I said at the outset that, until the matter reaches me, I am not going to make any comment during the process of whatever charges are made.

QUESTION: Mr. President, two questions, related: How long will the transition last, in your opinion; and secondly, how soon would it be proper and fair for Democrats on the campaign trail this fall to hold you accountable for the economic policy and the economic problems the country faces?

THE PRESIDENT: Well, I can't judge what the Democrats are going to say about my policies. They have been very friendly so far and very cooperative. I think it is a fair statement that our problems domestically, our economic problems, are the joint responsibility of Government.

There is a recommendation from some of my advisers saying that, if the economy gets any more serious, that this ought to be a program, a broader, more-expensive public service program. We will approach this problem with compassion and action if there is a need for it.

QUESTION: Mr. President?

THE PRESIDENT: Yes.

QUESTION: Sir, two political questions: Do you definitely plan to run for President in 1976, and if so, would you choose Governor Rockefeller as your running mate, or would you leave that choice up to the Convention's free choice?

THE PRESIDENT: I will repeat what has been said on my behalf, that I will probably be a candidate in 1976. I think Governor Rockefeller and myself are a good team but, of course, the final judgment in this matter will be that of the delegates to the national Convention.

QUESTION: Mr. President, may I just follow up on Helen's question: Are you saying, sir, that the option of a pardon for former President Nixon is still an option that you will consider, depending on what the courts will do?

THE PRESIDENT: Of course, I make the final decision. And until it gets to me, I make no commitment one way or another. But I do have the right as President of the United States to make that decision.

QUESTION: And you are not ruling it out?

THE PRESIDENT: I am not ruling it out. It is an option and a proper option for any President.

QUESTION: Mr. President, do you feel the Special Prosecutor can in good conscience pursue cases against former top Nixon aides as long as there is the possibility that the former President may not also be pursued in the courts?