

The original documents are located in Box 25, folder “Nixon, Richard - Pardon: General” of the John Marsh Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

File

Suggested Pre-Notice in re Pardon.

1. Albert Given to IT in Sat
afternoon mtg.
2. House & Senate leaders including

Tip	President Leo Temp.
McFul	Monsfield
Rhodes	Scott
Arends	Byrd
	Griffin
3. Rockefeller
4. Rubin
Holt
5. Sarbe
6. Other Cabinet / Sec of State
7. Mel
- ~~8. President ABA.~~
- ~~9. Chief Justice~~
10. Timmons



PRESIDENTIAL STATEMENT

September 8, 1974

LADIES AND GENTLEMEN, I HAVE COME TO A DECISION WHICH I FELT I SHOULD TELL YOU, AND ALL MY FELLOW CITIZENS, AS SOON AS I WAS CERTAIN IN MY OWN MIND AND CONSCIENCE THAT IT IS THE RIGHT THING TO DO.

I HAVE LEARNED ALREADY IN THIS OFFICE THAT ONLY THE DIFFICULT DECISIONS COME TO THIS DESK. I MUST ADMIT THAT MANY OF THEM DO NOT LOOK AT ALL THE SAME AS THE HYPOTHETICAL QUESTIONS THAT I HAVE ANSWERED FREELY AND PERHAPS TOO FAST ON PREVIOUS OCCASIONS. MY CUSTOMARY POLICY IS TO TRY AND GET ALL THE FACTS AND TO CONSIDER THE OPINIONS OF MY COUNTRYMEN AND TO TAKE COUNSEL WITH MY MOST VALUED FRIENDS. BUT THESE SELDOM AGREE, AND IN THE END THE DECISION IS MINE.

TO PROCRASTINATE, TO AGONIZE, TO WAIT FOR A MORE FAVORABLE TURN OF EVENTS THAT MAY NEVER COME, OR MORE COMPELLING EXTERNAL PRESSURES THAT MAY AS WELL BE WRONG AS RIGHT, IS ITSELF A DECISION OF SORTS AND A WEAK AND POTENTIALLY DANGEROUS COURSE FOR A PRESIDENT TO FOLLO

I HAVE PROMISED TO UPHOLD THE CONSTITUTION, TO DO WHAT IS RIGHT AS GOD GIVES ME TO SEE THE RIGHT, AND TO DO THE VERY BEST I CAN FOR AMERICA. I HAVE ASKED YOUR HELP AND YOUR PRAYERS, NOT ONLY WHEN I BECAME PRESIDENT, BUT MANY TIMES SINCE.

THE CONSTITUTION IS THE SUPREME LAW OF OUR LAND AND IT GOVERNS OUR ACTIONS AS CITIZENS. ONLY THE LAWS OF GOD, WHICH GOVERN OUR CONSCIENCES, ARE SUPERIOR TO IT. AS WE ARE A NATION UNDER GOD, SO I AM SWORN TO UPHOLD OUR LAWS WITH THE HELP OF GOD. AND I HAVE SOUGHT SUCH GUIDANCE

AND SEARCHED MY OWN CONSCIENCE WITH SPECIAL DILIGENCE
TO DETERMINE THE RIGHT THING FOR ME TO DO WITH RESPECT TO
MY PREDECESSOR IN THIS PLACE, RICHARD NIXON, AND HIS LOYAL
WIFE AND FAMILY.

THEIRS IS AN AMERICAN TRAGEDY IN WHICH WE ALL HAVE PLAYED
A PART. IT CAN GO ON AND ON ~~ON~~ AND ON, OR SOMEONE MUST WRITE
"THE END" TO IT.

I HAVE CONCLUDED THAT ONLY I CAN DO THAT. AND IF I CAN,
I MUST.

THERE ARE NO HISTORIC OR LEGAL PRECEDENTS TO WHICH I
CAN TURN IN THIS MATTER, NONE THAT PRECISELY FIT THE
CIRCUMSTANCES OF A PRIVATE CITIZEN WHO HAS RESIGNED THE
PRESIDENCY OF THE UNITED STATES. BUT IT IS COMMON KNOWLEDGE
THAT SERIOUS ALLEGATIONS AND ACCUSATIONS HANG LIKE A SWORD
OVER OUR FORMER PRESIDENT'S HEAD AS HE TRIES TO RESHAPE

HIS LIFE, A GREAT PART OF WHICH WAS SPENT IN THE SERVICE
OF THIS COUNTRY AND BY THE MANDATE OF ITS PEOPLE.

AFTER YEARS OF BITTER CONTROVERSY AND DIVISIVE NATIONAL
DEBATE, I HAVE BEEN ADVISED AND AM COMPELLED TO CONCLUDE
THAT MANY MONTHS AND PERHAPS MORE YEARS WILL HAVE TO PASS
BEFORE RICHARD NIXON COULD HOPE TO OBTAIN A FAIR TRIAL BY
JURY IN ANY JURISDICTION OF THE UNITED STATES UNDER GOVERNING
DECISIONS OF THE SUPREME COURT.

I DEEPLY BELIEVE IN EQUAL JUSTICE FOR ALL AMERICANS,
WHATEVER THEIR STATION OR FORMER STATION. THE LAW, WHETHER
HUMAN OR DIVINE, IS NO RESPECTER OF PERSONS BUT THE LAW IS A
RESPECTER OF REALITY. THE FACTS AS I SEE THEM ARE THAT A
FORMER PRESIDENT OF THE UNITED STATES, INSTEAD OF ENJOYING
EQUAL TREATMENT WITH ANY OTHER CITIZEN ACCUSED OF VIOLATING
THE LAW, WOULD BE CRUELLY AND EXCESSIVELY PENALIZED EITHER

IN PRESERVING THE PRESUMPTION OF HIS INNOCENCE OR IN OBTAINING A SPEEDY DETERMINATION OF HIS GUILT IN ORDER TO REPAY A LEGAL DEBT TO SOCIETY.

DURING THIS LONG PERIOD OF DELAY AND POTENTIAL LITIGATION, UGLY PASSIONS WOULD AGAIN BE AROUSED, OUR PEOPLE WOULD AGAIN BE POLARIZED IN THEIR OPINIONS, AND THE CREDIBILITY OF OUR FREE INSTITUTIONS OF GOVERNMENT WOULD AGAIN BE CHALLENGED AT HOME AND ABROAD. IN THE END, THE COURTS MIGHT WELL HOLD THAT RICHARD NIXON HAD BEEN DENIED DUE PROCESS AND THE VERDICT OF HISTORY WOULD BE EVEN MORE INCONCLUSIVE WITH RESPECT TO THOSE CHARGES ARISING OUT OF THE PERIOD OF HIS PRESIDENCY OF WHICH I AM PRESENTLY AWARE.

BUT IT IS NOT THE ULTIMATE FATE OF RICHARD NIXON THAT MOST CONCERNS ME -- THOUGH SURELY IT DEEPLY TROUBLES EVERY DECENT AND COMPASSIONATE PERSON -- BUT THE IMMEDIATE FUTURE OF THIS GREAT COUNTRY. IN THIS I DARE NOT DEPEND UPON MY

PERSONAL SYMPATHY AS A LONGTIME FRIEND OF THE FORMER
PRESIDENT NOR MY PROFESSIONAL JUDGMENT AS A LAWYER. AND
I DO NOT.

AS PRESIDENT, MY PRIMARY CONCERN MUST ALWAYS BE THE
GREATEST GOOD OF ALL THE PEOPLE OF THE UNITED STATES, WHOSE
SERVANT I AM.

AS A MAN, MY FIRST CONSIDERATION WILL ALWAYS BE TO BE
TRUE TO MY OWN CONVICTIONS AND MY OWN CONSCIENCE.

MY CONSCIENCE TELLS ME CLEARLY AND CERTAINLY THAT I
CANNOT PROLONG THE BAD DREAMS THAT CONTINUE TO REOPEN A
CHAPTER THAT IS CLOSED. MY CONSCIENCE TELLS ME THAT ONLY I,
AS PRESIDENT, HAVE THE CONSTITUTIONAL POWER TO FIRMLY SHUT
AND SEAL THIS BOOK. MY CONSCIENCE SAYS IT IS MY DUTY, NOT
MERELY TO PROCLAIM DOMESTIC TRANQUILLITY, BUT TO USE
EVERY MEANS I HAVE TO ENSURE IT.

I DO BELIEVE THAT THE BUCK STOPS HERE AND THAT I CANNOT RELY UPON PUBLIC OPINION POLLS TO TELL ME WHAT IS RIGHT. I DO BELIEVE THAT RIGHT MAKES MIGHT, AND THAT IF I AM WRONG TEN ANGELS SWEARING I WAS RIGHT WOULD MAKE NO DIFFERENCE. I DO BELIEVE WITH ALL MY HEART AND MIND AND SPIRIT THAT I, NOT AS PRESIDENT, BUT AS A HUMBLE SERVANT OF GOD, WILL RECEIVE JUSTICE WITHOUT MERCY IF I FAIL TO SHOW MERCY.

FINALLY, I FEEL THAT RICHARD NIXON AND HIS LOVED ONES HAVE SUFFERED ENOUGH, AND WILL CONTINUE TO SUFFER NO MATTER WHAT I DO, NO MATTER WHAT WE AS A GREAT AND GOOD NATION CAN DO TOGETHER TO MAKE HIS GOAL OF PEACE COME TRUE.

NOW, THEREFORE, I, GERALD R. FORD, PRESIDENT OF THE UNITED STATES, PURSUANT TO THE PARDON POWER CONFERRED UPON ME BY ARTICLE II, SECTION 2, OF THE CONSTITUTION, HAVE

GRANTED AND BY THESE PRESENTS DO GRANT A FULL, FREE,
AND ABSOLUTE PARDON UNTO RICHARD NIXON FOR ALL OFFENSES
AGAINST THE UNITED STATES WHICH HE, RICHARD NIXON, HAS
COMMITTED OR MAY HAVE COMMITTED OR TAKEN PART IN DURING
THE PERIOD FROM JANUARY 20, 1969 THROUGH AUGUST 9, 1974.

(SIGN DOCUMENT)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS
8TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN
HUNDRED SEVENTY-FOUR, AND OF THE INDEPENDENCE OF THE
UNITED STATES OF AMERICA THE 199TH.

(END)

GRANTED AND BY THESE PRESENTS DO GRANT A FULL, FREE,

AND ABSOLUTE PARDON UNTO RICHARD NIXON FOR ALL OFFENSES

AGAINST THE UNITED STATES WHICH HE, RICHARD NIXON, HAS

*David Belmont - my wife
Pres. Bill - Bill*

COMMITTED OR MAY HAVE COMMITTED OR TAKEN PART IN DURING

THE PERIOD FROM JANUARY 20, 1969 THROUGH AUGUST 9, 1974.

(SIGN DOCUMENT)

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS

8TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN

HUNDRED SEVENTY-FOUR, AND OF THE INDEPENDENCE OF THE

UNITED STATES OF AMERICA THE 1974TH.

(END)



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

PRESS CONFERENCE
OF
PHILIP BUCHEN
COUNSELLOR TO THE PRESIDENT

THE BRIEFING ROOM

AT 12:12 P.M.

MR. TER HORST: Gentlemen, if you are ready for the briefing, we have Philip Buchen, the legal counsel of the White House to address your questions on the President's statement and on the documents you have in your hand.

As you know, he is the President's legal adviser. He was very much a participant in the preparation of this proclamation and so here is Mr. Buchen to take your questions.

I think he may have an opening statement which he may like to read first.

MR. BUCHEN: Thank you, Jerry.

I appreciate your all being here on this Sunday morning, or midday.

I wanted just to say a few things first, because it may answer questions in advance, and at the conclusion of these remarks, I will try to field the questions you throw this way.

In addition to the major developments of this morning when President Ford granted a pardon to former President Nixon, I have two other legal developments to announce which occurred prior to the issuance of the proclamation of pardon.

The first involves the opinion of Attorney General William B. Saxbe and President Ford dealing with papers and other records, including tapes, retained during the Administration of former President Nixon in the White House offices.

In this opinion, the Attorney General concludes that such materials are the present property of Mr. Nixon; however, it also concluded that during the time the materials remain in the custody of the United States, they are subject to subpoenas and court orders directed to any official who controls that custody. And in this conclusion, I have concurred.

MORE

This opinion was sought by the President from the Attorney General on August 22.

Q When you say the President, you mean President Ford?

MR. BUCHEN: That is right.

The reason for seeking the opinion was the conflict created between Mr. Nixon's request on the one hand for delivery to his control of the materials, and on the other hand, the pending court orders and subpoenas directed at the United States and certain of its officials.

The court orders have required that the custody of the materials be maintained at their present locations. And both the orders and subpoenas have called for the identification and production of certain materials allegedly relevant to court proceedings in which the orders and subpoenas originated.

In addition, we were advised of interests of other parties in having certain records disclosed to them under warning that if they were to be removed and delivered to the control of Mr. Nixon, court action would be taken to prevent that move and to protect the claimed rights to inspection or disclosure.

Therefore, it became fully apparent that unless this conflict was resolved, the present Administration would be enmeshed for a long time in answering the disputed claims over who could obtain information from the Nixon records, how requested information could, as a practical matter, be extracted from the vast volume of records in which it might appear, and how, and by whom its relevancy in any particular court proceeding could be determined, and at the same time to try satisfying the claims of Mr. Nixon that he owned the records.

Within a week of the request by the Attorney General for an opinion made by President Ford, I was advised informally of what its general nature would be. From that time on, I realized that the opinion itself would not provide a practical solution to the handling and management of the papers so as to reconcile rights and interest of private ownership with the limited but very important rights and interest of litigants to disclosure of selected relevant parts of the materials.

Thus I initiated conversations with the Attorney General's Office, Special Prosecutor Jaworski, with attorneys for certain litigants seeking disclosure, and with Herbert J. Miller, as soon as he became attorney for Mr. Nixon.

The purpose of these conversations was to explore ways for reconciling these different interests in records of the previous Administration so that this Administration would not be caught in the middle of trying on a case-by-case basis to resolve each dispute over the right of access or disclosure.

MORE

The outcome of these conversations was the conclusion on my part that Mr. Nixon, as the principal party in interest, should be requested to come forth with the proposal for dealing satisfactorily with Presidential material of his Administration in ways that offered reasonable protection and safeguards to each party who has a legitimate court-supported right to production of particular materials relevant to his case.

Mr. Nixon and his attorney then agreed to pursue this approach and in company with White House Counsel, they were able to accomplish the second of the developments which I am announcing today.

And that is the letter agreement, of which you have copies, between former President Nixon and Arthur F. Sampson, Administrator of the General Services Administration.

These two developments are, of course, much less significant than the one you have learned about earlier. President Ford has chosen to carry out a responsibility expressed in the Preamble to the Constitution of ensuring domestic tranquility, and has chosen to do so by exercise of a power that he alone has under the Constitution to grant a pardon for offenses against the United States.

About a week ago, President Ford asked me to study traditional precedents bearing on the exercise of his right to grant a pardon, particularly with reference to whether or not a pardon could only follow indictment or conviction. The answer I found, based on considerable authority, was that a pardon could be granted at any time and need not await an indictment or conviction.

President Ford also asked me to investigate how long it would be before prosecution of former President Nixon could occur, if it were brought, and how long it would take to bring it to a conclusion.

On this point, I consulted with Special Prosecutor Jaworski and he advised me as follows, and has authorized me to quote his language, and I quote:

"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 Members of the Republican Party following the release of the June 23rd taperecording, and their statements carried nationwide. And, finally, the

MORE

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 the United States courts involving prejudicial pre-trial publicity."

Q Is that the end of the quotes?

MR. BUCHEN: No, I am going on to indicate something else that will be of interest to you. That is the end of that quote.

Another quote from his communication to me is as follows: "The situation involving Richard M. Nixon is readily distinguishable from the facts involved in the case of United States versus 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."

That is the end of the quotation.

Q Would you end that last sentence again?

MR. BUCHEN: Yes. It is an important one. "They," meaning the defendants, "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."

Except for my seeking and obtaining this advice from Mr. Jaworski, none of my discussions with him involved any understandings or commitments regarding his role in the possible prosecution of former President Nixon, or in the prosecution of others.

President Ford has not talked with Mr. Jaworski, but I did report to President Ford the opinion of the Special Prosecutor about the delay necessary before any possible trial of the former President could begin.

I would also like to add on another subject, no action or statement by former President Nixon, which has been disclosed today, however welcome and helpful, was made a pre-condition of the pardon.

That is a negative because of the word "no" at the beginning. I might add that whether or not it was disclosed today, it was not a pre-condition.

MORE

Q There were no secret agreements made?

MR. BUCHEN: That is right.

President Ford in determining to issue a pardon acted solely according to the dictates of his own conscience. Moreover, he did so as an act of mercy not related in any way to obtaining concessions in return.

Q Would you go over the last phrase?

Q After "mercy".

MR. BUCHEN: Mercy not related in any way to obtaining concessions in return. However, my personal view --

Q Is that yours or Ford's?

MR. BUCHEN: Mine. -- is that former President Nixon's words, which I have had a chance to read, as you have, that followed the granting of a pardon, constitute a statement of contrition which I believe will hasten the time when he and his family may achieve peace of mind and spirit and will much sooner bring peace of mind and spirit to all of our citizens.

Q Would you review that sentence?

MR. BUCHEN: Yes.

However, my personal view -- these are my own words -- is that former President Nixon's words expressed upon his learning of the pardon, constitute a statement of contrition which I believe will hasten the time when he and his family may achieve peace of mind and spirit and will much sooner bring peace of mind and spirit to all of our citizens.

Now I have only one other paragraph that I would like to bring out in conclusion. I want to express for the record my heartfelt personal thanks and appreciation to a dear friend of the President's and of mine. He is Benton Becker, a Washington attorney, who has served voluntarily as my special and trusted consultant and emissary in helping to bring about the events recorded today.

Q Emissary to Mr. Jaworski or Mr. Nixon?

MR. BUCHEN: To Mr. Miller and Mr. Nixon, not to Mr. Jaworski.

MORE

I also acknowledge with deep gratitude the services of William Casselman, II; who is the highly valued counsel -- who was the highly valued counsel to Vice President Ford for his whole tenure in that office, and is now my close associate in the service of the President of the United States.

Q Who informed President Nixon that he was getting a pardon, and also is President Ford basing this pardon only on the fact that it would have taken a long time to try the Presidency in his own conscience?

MR. BUCHEN: Let me take the first question first.

When Mr. Becker went to San Clemente on Thursday evening, he was authorized to advise the former President that President Ford was intending to grant a pardon, subject, however, to his further consideration of the matter because he wanted to reserve the chance to deliberate and ponder somewhat longer, but he was authorized to say that in all probability a pardon would be issued in the near future.

The second question?

Q The second question is: There is no admission of guilt here at all and despite your assumptions that it is contrition, there is no actual admission of guilt. Do you agree?

MR. BUCHEN: Well, my interpretation is that it comes very close to saying that he did wrong, that he did not act forthrightly.

Q Mr. Buchen, what is the linkage between the agreement between Mr. Sampson and Mr. Becker's negotiations at San Clemente?

MR. BUCHEN: The initiative for getting an agreement that would help solve our problems came from me and I advised Mr. Miller as attorney for Mr. Nixon that that was my desire. I so advised him before I knew anything about a contemplated pardon.

Q Mr. Buchen --

MR. BUCHEN: May I finish, please?

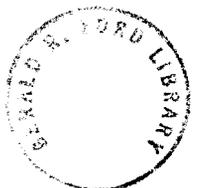
However, as we pursued talks on what to do with the papers, I made it very clear to Mr. Miller that I wanted the initiative to come from him and his client as to the specifics of what he and his client would be willing to do regarding the management and ultimate disposition of the papers and tapes.

MORE

Q Mr. Buchen, what will this mean as far as former President Nixon's role as a witness in the upcoming trials are concerned?

MR. BUCHEN: It would have no effect on that. If the documents do get transferred in a timely fashion, it may permit him to review the pertinent material more adequately so far as his testimony is concerned.

MORE



Q Mr. Buchen, doesn't this pardon eliminate any possibility that the former President might invoke the Fifth Amendment to testify?

MR. BUCHEN: I think you better ask his own lawyer that. As you know, this applies only to offenses against the United States. It does not apply to possible offenses against State law.

Q But regarding offenses against the United States, he would have no Fifth Amendment rights now that he has been pardoned; is that correct?

MR. BUCHEN: I don't know that you can separate them when you plead.

Q Mr. Buchen, why did the President decide to do this now at a time before the jury has been sequestered in the September 30th trial?

MR. BUCHEN: That will have to be information that will have to come from his statement. I have nothing to add.

Q Can you tell us if the President has assured himself that former President Nixon is not guilty or liable to accusation of any very serious charges that have not been made public so far, that there is no other time bomb ticking away?

MR. BUCHEN: I don't think he said that.

Q No, no, I am saying, has President Ford done anything to assure himself that there is no evidence of any more serious criminality committed by former President Nixon than what is generally out in the House Judiciary Committee report and this sort of thing?

MR. BUCHEN: So far as I know, he has made no independent inquiries. If he had wanted to satisfy himself as to the content of the evidence still in the White House, of course, that would have been an insurmountable task, as you have no idea of the huge volumes.

Q Did you assure yourself --

MR. BUCHEN: Just a minute. There are huge volumes. However, I did personally consult with Mr. Jaworski as to the nature of the investigation being conducted and I was able to tell the President that so far as I was able to learn through that inquiry, there were no time bombs, as you call them.

MORE



Q Mr. Buchen, what was the President's reaction when Mr. Becker conveyed this message to him?

MR. BUCHEN: I don't know that it was done in person. I don't think he was necessarily in the room, so I don't believe he can --

Q Did you get any reaction from the President, even if it was by mail or through counsel, did the President say he was grateful for this?

MR. BUCHEN: The only reaction we have gotten is the statement that came over the wire.

Q Are you saying that Ziegler got the word from Becker and that President Nixon was not informed personally at any time by Ford or by any emissary?

MR. BUCHEN: I think you will have to ask Mr. Becker that. My understanding is that initially the talks went through Mr. Ziegler, but there were also face-to-face meetings between Mr. Becker and the President and what occurred by one method, and one by the other, I don't know.

Q There was no personal contact between Ford and Nixon?

MR. BUCHEN: None at all.

Q You refer to Becker as an emissary and you talk about one meeting out there Thursday to notify him. What were the reasons for his previous trips back and forth? What was discussed?

MR. BUCHEN: Becker only went once.

Q Only on Thursday?

MR. BUCHEN: Yes. And not only to discuss that, they had to work out the details of that letter agreement because Miller and Becker were in negotiation and Miller had to consult his client and they had to make modifications. And they had to call back to see whether that fit in correctly with what General Services Administration could feasibly do. So, that involved a lot of the time he was out there.

Q Mr. Buchen, did Mr. Jaworski inform you that an indictment, or indictments, against former President Nixon were expected?

MR. BUCHEN: No, he did not.

MORE

Q May I follow that, then? Isn't the granting of a pardon at this stage an admission that an indictment was expected and that conviction was probable?

MR. BUCHEN: I think you have to recall that word came out that the Grand Jury at one time wanted to name the former President, or then President, as a co-conspirator and that is one evidence that something more would have happened.

And I think it is very likely, from all we have read, that there would be people who would want him prosecuted and would intend to do so, although I don't say that that was Mr. Jaworski's view.

Q Was Mr. Jaworski ever consulted about this pardon, ever asked about this?

MR. BUCHEN: No.

Q Did Jaworski agree to what was done today?

MR. BUCHEN: He has no voice in it.

Q Do you know what his mood or sentiment was?

MR. BUCHEN: You will have to ask him. I want to get to Peter, here.

Q I wanted to follow up that line. You know we are not able to get a response from Mr. Jaworski's office and it would really help us for you to tell us all you can about the status of the investigation against the President, former President Nixon?

MR. BUCHEN: I don't have that information, Peter. That is kept in his shop.

Q But in that regard, why was he not consulted about what kind of action he contemplated against the President before the pardon was issued?

MR. BUCHEN: We didn't think that was relevant.

Q You assumed he would be prosecuted; is that right?

MR. BUCHEN: We assumed that he may be prosecuted.

Q When was Jaworski told?

MR. BUCHEN: About the pardon?

MORE



Q About the pardon.

MR. BUCHEN: I called him about three-quarters of an hour before I knew the President was going to announce it so that he would know it.

Q Today?

MR. BUCHEN: Yes.

Q What was his reaction?

Q When was that?

MR. BUCHEN: He thanked me for advising him in advance of his hearing it over the radio or TV.

Q And he did not object?

MR. BUCHEN: He didn't. He didn't say anything one way or the other.

Q As we read this statement, which does not admit guilt whatsoever, what is to prevent the former President from going out, say six months hence, and saying that nothing was really ever proven against him and he was hounded out of office?

MR. BUCHEN: I guess he has the right to say that because, until an indictment and conviction, I think that would be true in his case as well as anybody else's case who is under a cloud of suspicion.

Q But President Ford spoke of the historical aspects of this and what is going to keep history from getting more muddled than ever?

MR. BUCHEN: I think the historians will take care of that.

Q Mr. Buchen, does President Ford plan to grant a similar pardon to the former President's subordinates who are scheduled to go on trial later this month?

MR. BUCHEN: To my knowledge, he has not given that matter any thought.

Q Can you clarify, was the agreement reached with the GSA about the disposal of the tapes and documents? Was the pardon contingent on that?

MR. BUCHEN: Neither.

MORE

Q They are not together?

MR. BUCHEN: Right.

Q Number two, why did he choose 10:30, Sunday morning, to make the announcement?

MR. BUCHEN: I think you will have to ask him that. He figured that this was a very solemn moment that exemplified, I think, an act that was one of high mercy and it seemed appropriate, I think, to him that it should occur on a day when we do have thoughts like that, or should.

Q Mr. Buchen, I don't understand why you contrast the treatment of Nixon with the treatment of Mitchell coming up. If I understand your statement right, you said that Mitchell has not had the publicity and the action by a hearing as Nixon had before the House Judiciary Committee.

MR. BUCHEN: That was Mr. Jaworski's statement. That was not mine.

Q I don't understand this and maybe you can explain what you think he means there. Mitchell certainly had the hearing with conclusions and explanations of conclusions of a hearing by the Watergate Committee.

MR. BUCHEN: There was a hearing, but I don't know how conclusive the findings were.

Q There was a hearing and Mitchell testified. There was a public hearing and there were conclusions and recommendations on that, and a press conference on that, and great publicity.

MORE

MR. BUCHEN: I would judge that Mr. Jaworski does not find those conclusions prejudicial to Mr. Mitchell's upcoming case.

Q Mr. Buchen, the President, in his statement this morning, referred to this matter threatening the former President's health. Do you have any further details on that? Do you know anything about the former President's health that we don't?

MR. BUCHEN: No, I didn't go out there, so I didn't see the man.

Q Do you know what he meant by that?

MR. BUCHEN: I think it is generally known that this man has suffered a good deal. I think you people who saw him more recently than I have can form your own conclusions.

Q Has Mr. Ford and Mr. Nixon talked this morning?

MR. BUCHEN: No, not to my knowledge, but I do not believe they did.

Q Do you know, was the President in a depression and has the President threatened to commit suicide or anything like that?

MR. BUCHEN: I have no knowledge.

Q You say that you looked into this matter from a constitutional standpoint for the President, and I am sure you looked into the history of it. Has any President ever granted a pardon before in history to anyone prior to that person being charged with a crime formally?

MR. BUCHEN: Oh, yes, there are lots of precedents for that.

Q Like what?

MR. BUCHEN: Well, one of your colleagues, named Mr. Burdick, was pardoned before he was asked to testify regarding some alleged criminality involving the Customs Service during the Wilson Administration and he was given a pardon.

Q He was a newsman?

MR. BUCHEN: He was a newsman.

And, of course, the pardons granted by President Lincoln, for example -- the pardons granted after the Whiskey Rebellion and other insurrections, were applied to people who were not indicted.

Q Mr. Buchen, I am a little confused at your words, more or less dismissing the question of whether or not the President would grant pardons to Mr. Haldeman, Mr. Ehrlichman, Mr. Mitchell and the others who will go on trial September 30th. Is it not fairly clear to you, or at least do you not, here in the White House, admit the possibility that their defense now, in light of the action of President Ford today, will be that the President has pardoned the man under whose orders they were operating and what is your reaction to this possible line of defense or line of appeal by the defendants in that trial?

Surely, this must have been given some consideration and I again would ask you what you think is going to happen, what you think the President would do when confronted with this question?

MR. BUCHEN: Well, I question your broad characterization that the acts for which they are being charged were necessarily --

Q I am just suggesting this may be their defense.

MR. BUCHEN: This may be their defense. Now, that will become Mr. Jaworski's problem and, of course, the judge's problem. You have already seen that Mr. Jaworski apparently assumes that the situation in their case is far different from the situation in the former President's case.

Q Phil, can I ask you this: Did this process that led up to the pardon today start a week ago when the President came to you?

MR. BUCHEN: Yes.

Q Was there something that happened just prior to his coming to you that got his interest working in doing this thing just now?

MR. BUCHEN: If there was, I don't know what it was, Ron.

Q Have they talked on the phone at any time this week, or immediately prior to this week?

MR. BUCHEN: They have not talked on the phone since Jack Miller became his attorney.

MORE

Q Did this process start after last Sunday's publication of the Gallup poll that said that the majority of the public wanted to see Mr. Nixon prosecuted?

MR. BUCHEN: Let me figure my dates. That was Labor Day week-end, was it? I worked all Labor Day week-end so it came before that.

Q To what extent did the transition team look ahead to the problem of a pardon, and have you done any work at all --

MR. BUCHEN: They didn't consider that. They had far too much else to consider.

Q As a matter of equal justice under law, we have now had the two top officials of the United States, both allegedly involved in crimes, namely, Vice President Agnew and Mr. Nixon, who have been freed of criminal charges. Both of them are entitled to go around the country and represent themselves as being innocent. What is a citizen to make of that situation when ordinary criminals, including the aides involved in this, have to be tried?

MR. BUCHEN: Of course I cannot speak at all for the treatment of former Vice President Agnew because this Administration was not in any way involved. But I think you have to understand -- and maybe it is a good time on Sunday to think about it -- that there is a difference between mercy and justice.

I don't think that you can assume that mercy is equally dispensed or how it could be equally dispensed.

Q Mr. Buchen, is there any pardon being considered for the aides who performed their acts allegedly in the name of and in behalf of Richard Nixon?

MR. BUCHEN: I have already spoken to that question.

Q I don't think you have, Mr. Buchen. I am actually talking about those now in prison, not Mr. Nixon. John Dean and others?

MR. BUCHEN: So far as I know, no thought has been given to that.

Q Mr. Buchen, is it now possible under the agreement on the custody of Presidential tapes and papers for any tape made during the Nixon Administration to be subpoenaed even though it is not now the subject of a subpoena?

MORE



MR. BUCHEN: It is possible. In order to get a subpoena, or court order, of course, certain showings would have to be made. It is also possible, of course, for the owner of the tapes to interject objections.

Q A follow up to that. If the owner of those tapes doesn't want to give them up -- he has now been pardoned of everything -- what is the leverage?

MR. BUCHEN: It doesn't affect the court orders or subpoenas, and he is subject to the consequences of not obeying a valid court order or subpoena.

Q In other words, that would come under the expiration date of August 9 in the pardon; is that right?

MR. BUCHEN: That is right.

Q Do you feel the agreement with Mr. Sampson has insured that the Ford Administration cannot be implicated in any Watergate cover-up? Was that one of your considerations?

MR. BUCHEN: That was not involved because I don't think that is a relevant issue.

Q Is there any change in the rules of access to documents by former White House aides?

MR. BUCHEN: The problem is that there would, of course, be an interim before the Nixon-Sampson letter agreements can be fully implemented. How we will handle the interim arrangements, I am sure can be worked out with Jack Miller as attorney for Mr. Nixon.

MORE

Q As you recall, in the Agnew case, a paper prepared by the Justice Department listing the law violations by the former Vice President was presented in court on the theory that the American people were entitled to have the full story in addition to the specific charge to which the former Vice President pleaded?

In President Ford's preparation for today, what thought did he give to the presentation of an analysis by Special Prosecutor Jaworski of the full extent of President Nixon's role in the Watergate case, and is there any understanding at this point of eliminating Special Prosecutor Jaworski's ability to pursue that type of investigation?

MR. BUCHEN: There is no limitation on what Mr. Jaworski can do except, of course, the putative defendant has the defense now of pardon.

On the first part of your question, there is a distinct difference between asking a man to plead guilty to a limited offense and the treatment of Mr. Agnew, of course, was done under very different circumstances by the system of justice. In this case, it was reliance entirely on the pardon powers which involve acts of mercy.

Q You said earlier that you had assumed that Mr. Nixon may have been prosecuted, is that as far as you are willing to go on that issue? Did you all think it was likely that he would be prosecuted?

MR. BUCHEN: If you mean tried or indicted?

Q Indicted?

MR. BUCHEN: I think it would be very likely that he would be indicted. How and when he could be tried was still an open question.

Q This likelihood, is that on the strength of your conversation with Mr. Jasorski that you think it was very likely?

MR. BUCHEN: No, it was largely on the basis of what the Grand Jury apparently intended to do on the basis of less evidence than is now available.

Q Mr. Buchen, if the ex-President retains the sole right of access to the documents and as I understand this GSA agreement, can even limit access by the Archivist of the United States and his staff, why should the United States remain as custodian of the documents at all?

MORE

MR. BUCHEN: There is a double-key arrangement. In other words, access can't be obtained by either the former President or the General Services Administration except by their concurrent acts.

Q But he could conceivably, to prevent himself from embarrassment, limit access -- no one could see these documents during the three years the United States agrees to act as custodian.

MR. BUCHEN: Unless there is a court order or subpoena.

Q What about the court orders or subpoenas that are outstanding?

MR. BUCHEN: We will have to take this agreement to the courts involved in those proceedings and seek relief from the present processes and subpoenas on the basis of the current agreement.

Q Mr. Buchen, did you and the President give much consideration to the fact that a criminal trial could have cleared Mr. Nixon of the charges of possible guilt, could have cleared him, cleared his name?

MR. BUCHEN: We certainly recognized that as a possibility. Whether it was given any consideration, I don't know.

Q I mean by you or the President?

Q Well, you were there. What was your own view?

MR. BUCHEN: My own view is that that was a possibility. If that was what the former President wanted to do, he certainly would have told us. He didn't have to accept the pardon.

Q Did you recommend the pardon?

MR. BUCHEN: I had nothing to do with recommending it or disrecommending it.

Q Did you ever discuss the political implications of this pardon with the President?

MR. BUCHEN: I did not.

Q Mr. Buchen, to follow up on some of these other questions, it seems that President Ford has an interest in building into the public record a record of Mr. Nixon's alleged criminality for the same reasons that Mr. Agnew's alleged criminality was made a part of the record, to prevent him from saying that he was driven out by political opponents, et cetera. Is President Ford satisfied that former President Nixon's record of wrongdoing is sufficiently in the public record now?

MORE

MR. BUCHEN: All I can tell you is that he knows nothing that you don't know.

Q Mr. Buchen, does the pardon in any way affect Mr. Nixon's payment of back income taxes?

MR. BUCHEN: Not at all. This does not apply to civil liabilities.

Q Let's get back to this double-key arrangement. This is just so much lawyer's language.

MR. BUCHEN: I know that is complicated.

Q Does that double-key arrangement prevent the President from going in there and destroying some of those tapes if he wanted to?

MR. BUCHEN: Yes, it does.

Q So, there is adequate safeguards?

MR. BUCHEN: Yes.

Q Does it mean that if any of those tapes are subpoenaed and he just refuses to honor those subpoenas, then what would happen?

MR. BUCHEN: He would be subject to contempt of the court that issued the subpoenas. It doesn't apply to any future acts.

Q When will the tapes be physically moved to this repository in California or are they going to remain here?

MR. BUCHEN: No, they will be moved to the California repository as soon as we can get rid of, or modification of the existing orders that require they be retained here.

Q Is that that Laguna Niguel pyramid they will be put in?

MR. BUCHEN: Yes.

Q But nobody can get in there by themselves. There will always be somebody to watch; is that correct?

MR. BUCHEN: Yes.

Q When you say "current", are you referring to the two court orders that are pending?

MORE

MR. BUCHEN: There are at least three court orders that I know of. One is in the Wounded Knee case in Minnesota. Another is in the nature of an order because the court declined to issue the order on the assurance that documents or tapes could not be moved, and that is the case involving the networks. So, you can get Ron to answer your questions on that.

The third one is the civil suit in North Carolina involving a suit by people kept out of a meeting to celebrate Billy Graham Day.

Q Mr. Buchen, Mr. Jaworski has, of course, in his possession a considerable number of tapes which are not the originals. They are copies. This agreement with Mr. Sampson does not affect that, does it? They don't have to be returned to the mass to be moved out to Laguna?

MR. BUCHEN: The copies will be disposed of as the court orders, I assume.

Q But this does not require them to be returned to the big group?

MR. BUCHEN: No.

Q Can I clarify the chronology of all this? When is the first time the President indicated to you he might want to pardon Mr. Nixon?

MR. BUCHEN: Just at the start of the Labor Day weekend.

Q On which day?

MR. BUCHEN: I know I started to work Friday night, so it must have been Friday.

Q Did you have any contact with Mr. Miller on the issue of a pardon?

MR. BUCHEN: Not at that time. The first contact, I think, was on Thursday of this week.

Q And you can't suggest what precipitated the President's interest?

MR. BUCHEN: I do not know.

Q Can you tell us whether the President ever tried to -- I hesitate to use "extract" -- but get any admission of guilt from the President, or was it strictly --

MR. BUCHEN: He did not.

MORE

Q Mr. Buchen, you said that President Ford has not talked to former President Nixon since Mr. Nixon retained Miller. Could you tell us the last time President Ford had contact with President Nixon, direct contact?

MR. BUCHEN: I don't know. I think it may have been the time of the Rockefeller appointment.

Q Mr. Buchen, I am not clear on one thing, and following up Helen's question, your emissary went out on that Thursday, Mr. Becker went out on Thursday, that was the only time he went out. I am trying to get clear in my mind precisely what it was he told the former President, or told Mr. Ziegler, and both of them at different times, that President Ford, in all probability would grant a pardon. What did he ask either of Mr. Nixon or Mr. Ziegler? What did he ask that Mr. Nixon do? Did he ask that this statement we have been given today be issued? Did he suggest wording and what it should say or did he ask for nothing? Did he ask for more than what we got in this statement?

You say at one point the former President could have turned down the pardon.

MR. BUCHEN: Yes.

Q Did he offer that option and did he say if the pardon was to be granted, what the former President then should do?

MR. BUCHEN: The former President was represented by counsel, you know.

Q Well, did he make the offer to Mr. Miller?

MR. BUCHEN: Mr. Miller is shrewd enough attorney to know that he could have advised his client to accept or reject the pardon.

To answer your other question, as you can see, that letter agreement is a very complicated one and it involved a lot of practical problems. Before Miller and Becker went out, a rough draft of Miller's proposal was in our hands. But it was obvious that we could not work out the details of what would suit Miller's client and what would suit GSA and what would suit what we thought was the best interests of the Government and of the potential other parties in interest without going out and making the final draft out there. And that was done.

As far as the statement from the former President is concerned, that was a matter that was left entirely up to the discretion of his own counsel and his own advisers.

MORE

Q Let me see if I can put it another way, Mr. Buchen. Was the pardon in any of the conversations involving yourself, Mr. Becker, or anyone else, with anyone representing the former President, was this pardon contingent on anything?

MORE

MR. BUCHEN: I have said no and I repeat no.

Q Are you saying if he had not given this letter at all, if he had said, "Well, I will make no letter agreement," are you saying categorically that a pardon would have been issued anyway?

MR. BUCHEN: I am not sure because President Ford could have changed his mind or not made up his mind finally.

Q When was the package completed that was announced today?

MR. BUCHEN: We got the agreement back on early Saturday morning and spent that day reviewing it with Mr. Sampson so that was wound up.

Q You mean yesterday morning?

MR. BUCHEN: Yes, yesterday morning. The statement, of course, we didn't see until we got it over the wires right after the speech.

Q Did the President know there was going to be a statement before he finally decided on the pardon?

MR. BUCHEN: Yes.

Q Did he have any idea what the contents would be, what the tone would be?

MR. BUCHEN: In a general way, yes.

Q You are saying that the pardon had nothing to do with this letter agreement?

MR. BUCHEN: That was not a condition.

Q This was a completely independent action?

MR. BUCHEN: Right. The negotiations for that agreement were started independently before even consideration of a pardon.

Q The decision to pardon was not made until after this agreement was obtained?

MR. BUCHEN: That is right.

Q What you are saying, you cannot say there would have been a pardon if the agreement had not been made?

MORE

MR. BUCHEN: All I can say is that the President had the right not to grant a pardon because he had not finally made up his mind to do so.

Q When did he make up his mind to do so?

MR. BUCHEN: I suppose until that pen got on paper or until he started making the statement.

Q He made his decision after the agreement was made?

MR. BUCHEN: That is correct, but what went on in his mind, I don't know.

Q When did he write the speech?

MR. BUCHEN: Last night.

Q In sending this word through the emissary to Mr. Nixon that he was thinking of or expected to pardon him but was reserving time judgment, was that in any way intended as encouragement to Mr. Nixon to get on with the final agreements and possibly offer the kind of a statement that he did offer today?

MR. BUCHEN: That was not the intent. If it created that impression, it was a wrong impression.

Q Mr. Buchen, you just said that the President had an indication in a general way of content of the former President's statement. If I may ask a two-part question: How did he obtain this indication, and did he believe, or was he informed, that the statement would be one of contrition?

MR. BUCHEN: The report was through the mouth of Benton Becker, and the characterization of it as an act of contrition is mine.

Q Excuse me, then. What general feeling did the President have that the statement would be, what indication did he have of what the statement would be? How was it characterized by Mr. Becker?

MR. BUCHEN: He in general told the President what it amounts to and in particular called attention to the fact that there would be an acknowledgement of failure to act decisively and forthrightly on the matter of the Watergate break-in after it became a judicial proceeding.

Q Was that negotiated at all?

MR. BUCHEN: It was not negotiated.

MORE

Q Was Mr. Becker informed of that on Thursday at the time he went out there?

MR. BUCHEN: I think he was informed on Friday because he got out there very late on Thursday night.

Q Do you know if that information had any effect on Mr. Ford's decision?

MR. BUCHEN: I don't know. I am sure it pleased him and made him feel that it was easier for him to act as he contemplated doing.

MR. BUCHEN: We will take three more questions.

Q Would you please clear up some things about this letter of agreement. I am sorry, but it will take me some time to understand it. Let me see here if this is what it means. Unless there is a subpoena or a court order which Mr. Nixon would reply to, any ordinary citizen of the United States, or any officials, outside of Sampson, could not just go in there and look at these tapes or listen to them, or see them at any time. They will be shut off completely to the public?

MR. BUCHEN: That is right.

Q Mr. Buchen, why is the date of July 1969 mentioned in the pardon?

MR. BUCHEN: It is January, the date of inauguration, January 20. President Ford misspoke when he used the word "July".

Q How complete was your explanation of the case against the former President by Mr. Jaworski? Did he go into what areas that he might be pursuing, what he heard on the tapes that have not been made public? Anything like that?

MR. BUCHEN: The question asked him what matters could arguably involve further steps, and it read like a list from one of your newspapers.

Q Did Mr. Becker talk strictly with you or did he ever speak to Mr. Ford? Did he deal strictly with you?

MR. BUCHEN: Oh, no; he was also in the room on occasions when I was speaking to the President.

Q Why did he pick Becker to do this?

MORE

MR. BUCHEN: Part of the problem, as you may know, is we have a rather understaffed legal staff here and Mr. Becker is a man of rare talent that helped during the confirmation hearings of the Vice President, and he is such a good and trusted friend of both of ours that we felt he was the one we should call on.

THE PRESS: Thank you.

MR. BUCHEN: All I am going to say is, for the tapes there will be two five-year windows. The first of the five-year windows involves controlled access by the former President for his listening to copies of tapes, copies to be made by an operator who himself does not listen to the originals.

Also, during the first five-year window, anyone with a legitimate court subpoena or order that is upheld can have access or can require the former President to furnish the information contained on relevant portions of the tapes.

At the end of that first five-year period, the former President retains his window, but also can order selective destruction of tapes. At the end of the ten-year period, they all get destroyed, all that remain.

Q In the second five-year window, is that just by persons who have legitimate subpoenas and court orders closed off?

MR. BUCHEN: That is right, because there is a five-year statute of limitations on most, in fact on all, Federal offenses and most civil matters, so it is assumed the initial five-year window is long enough.

Q What is the limit on destruction after five years plus one day, or can he destroy them all?

MR. BUCHEN: He can.

Q He can?

MR. BUCHEN: He can order them destroyed.

Q If they were making any copies, would the originals then be destroyed in the second five-year window?

MR. BUCHEN: The originals will be destroyed. The copies will be destroyed immediately after they are used.

MORE

Q And he could do it after five years and one day for everything?

MR. BUCHEN: Right.

Q Now can you go then from there to the documents?

MR. BUCHEN: The documents are a different category. There is no present gift of documents as distinguished from the tapes. However, there is a three-year period when there will be controlled access by the owner of those documents requiring the double-key arrangement with the General Services Administrator. And the former President is under obligation to respond to any subpoena involving documents, just as he is to those involving tapes.

During the three-year period involving documents, the former President will be under obligation to respond to subpoenas involving those documents. At any time, the former President can designate certain documents by description to become the absolute property of the United States.

However, after the three-year period, he may either elect to complete his gifts or to withdraw materials as he desires. These are documentary materials.

Q Why the three-year limit?

MR. BUCHEN: We felt that as a practical matter on the documentation that would be long enough. It gives everybody a warning. Obviously if there is a subpoena out that was obtained in the three years and the matter of its resolution has not been concluded, the subpoena would prevail.

Q Can you destroy the documents after three years?

MR. BUCHEN: Yes, if he wants to withdraw them.

MORE

Q By the way, Mr. Buchen, I may be wrong in what I am about to say, but I am going to predicate a question on it, nevertheless.

I am under the impression that the tapes, as opposed to documents, the tapes were -- that things such as taperecordings were not covered when Congress covered that loophole and for that reason, the former President could donate those tapes to the Government and claim a tax exemption.

Your second window, the ten-year time for destruction appears to rule that out; is that right?

MR. BUCHEN: He has already given them to the U.S. Government to be a gift effective at the end of the 5-year period.

Q After he destroys them all?

MR. BUCHEN: He can't destroy them during the first five-year period.

Q He has given them as a gift to the United States -- we are talking about tapes now -- he has given them as a gift to the United States for five years; is that right?

MR. BUCHEN: No, it is the other way around. He has retained title for five years and the gift takes effect at the end of the fifth year.

Q But he can destroy his gift?

MR. BUCHEN: He doesn't have access to them.

Q But he can the next day. Didn't you say five years and one day he could destroy them all?

MR. BUCHEN: He can order their destruction.

Q What can he do with the copies? Can he dispose of them for his own purpose?

MR. BUCHEN: No, the copies will go back into the hands of the General Services Administrator and they will be destroyed after he has listened to them.

Q Mr. Buchen, after the ten-year period, is it mandated that the tapes, all tapes and all copies be destroyed?

MR. BUCHEN: That is a condition.

MORE

Q So, his gift in the second five years is a limited gift, in time it is a limited gift, say limited to five years; is that right?

MR. BUCHEN: No.

Q You say he has given them to the United States?

MR. BUCHEN: Effective five years from now.

Q Why are they going to be destroyed after five years?

MR. BUCHEN: Well, maybe they never should have been made in the first place. This was his desire and I think it is consistent with the fact that these matters do involve conversations with people who had no realization that their voices were being recorded.

As an old spokesman for the right of privacy, I think there is considerable merit for putting these in a separate category from documents.

Q Mr. Buchen, was any consideration given to the right of history?

MR. BUCHEN: I am sure the historians will protest, but I think historians cannot complain if evidence for history is not perpetuated which shouldn't have been created in the first place.

Q Is there anything he can keep, or intends to keep?

MR. BUCHEN: I am sure there are items in the documents that he would intend to keep. Of course, it would involve family letters, things of a highly personal nature.

Q Mr. Buchen, if it is Mr. Nixon's desire to destroy the tapes after ten years, would it not be logical to assume he will destroy them after five years?

MR. BUCHEN: That is his option, order them destroyed.

Q What about the gift option? The tax deduction option?

MR. BUCHEN: I am not his tax lawyer and it seems to me if you give a gift with instructions that the items have to be destroyed, that the gift immediately loses its value, so I would think it would be very questionable.

MORE

Q What about the President, though? Could he --

MR. BUCHEN: They will not be perpetuated beyond the limited use.

Q Does the word "copies" include written transcripts as well as the originals?

MR. BUCHEN: Yes.

Q As a practical matter, at the end of five years, then all the tapes will be destroyed except those under subpoena?

MR. BUCHEN: No, because he reserves the right to keep the window open for himself for another five years?

Q Just the President, no public?

MR. BUCHEN: That is right.

Q Is it a question they can be destroyed in five years, but must be destroyed in ten years?

MR. BUCHEN: They can't be destroyed short of five years.

Q Mr. Buchen, Prosecutor Jaworski gave no indication that he objected to the pardon. Is it your impression that he sort of feels relieved?

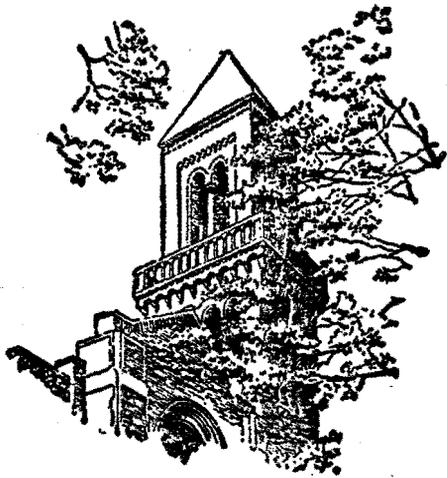
MR. BUCHEN: Wouldn't you if you were in his place?

THE PRESS: Thank you.

END

(AT 1:28 P.M. EDT)

*The Pardon for
President Nixon*



September 15, 1974

Fountain Street Church

Grand Rapids, Michigan

The Pardon for President Nixon

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

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

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

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

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

* * * * *

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE WHITE HOUSE
WASHINGTON

Pardon
File

September 12, 1974

MEMORANDUM FOR:

JOHN MARSH

FROM:

ROBERT GOLDWIN *RG*

I discussed today with Don Rumsfeld, on the phone to Brussels, some thoughts on how the consequences of the pardon decision might be handled in the coming press conference.

He urged me to put my thoughts in writing, in Q and A form, and send them to you.

The principles we agreed on are as follows:

1. A more full explanation needs to be given of the basis for the pardon.
2. Emphasis should be on what's good for the U. S., not the good of Richard Nixon.
3. The argument should fit Nixon's case uniquely, so that a dozen others cannot claim pardon on the same grounds.
4. The emphasis should be on the magnanimity of the American people, not on compassion for Nixon: not that he has suffered enough, but that the American people have punished him enough.
5. The nature of pardons should be explained: all pardons are exceptions to meet exceptional circumstances.
6. The President should reaffirm the character of openness he will strive for in his Administration, acknowledge that the preparation of the pardon decision and announcement was out of keeping with this character, and pledge efforts to get back to the promised way of doing things. One possible action that could dramatize this pledge would be an announcement that terHorst has agreed to return to his post.

The draft of Q and A's is attached.

Attachment.

(Goldwin)

September 12, 1974

DRAFT

Q: Mr. President, now that you know the strongly adverse reaction to your pardoning of Mr. Nixon, do you still think it was the right thing to do?

A: Yes, I am sure that granting a pardon to Mr. Nixon was in the best interests of the United States, but the initial reaction makes me think that I could have explained more fully the reasons for the decision. I would like to take several minutes to say more about it now.

One element leading to the decision was compassion for a man who held the highest office and who now is down, really down. I made that point fully at the time.

But that was just one element, and as I said in my statement, ". . . it is not the ultimate fate of Richard Nixon that most concerns me . . . but the immediate future of this great country." It is that second element, the good of the country, that I want to emphasize now.

Looking back over the last two years, one can say that the American people and their elected representatives behaved admirably



throughout the course of the Watergate difficulties. They finally reached the position that the President should be impeached or resign without ever resorting to improper behavior--no violence, no menacing mobs in the streets, nothing of the sort. In full dignity, with due restraint, using only legal and constitutional means--in the courts and the Congress--they made the President aware that he no longer had their consent to be governed by him, that they were no longer willing to entrust their power to him and that therefore he was powerless, because under our constitutional form of representative government there is no power other than the power entrusted by the people to elected and appointed officials.

The American people acted not in a spirit of vindictiveness or revenge or pleasure in his pain, but with deliberation, with moderation, and with regret. And yet the severity of their judgment was relentless and Mr. Nixon had to leave the most honored position in American government.

For a President of the United States to resign in the face of evidence of wrongdoing and illegal actions is severe--uniquely severe--



punishment. How much more can be added to that punishment? Even if there had been a court trial, and even if there had been a conviction, I would have been reluctant--extremely reluctant-- to permit Mr. Nixon to go to jail, partly for his sake, but primarily for the sake of the American people, to spare us all the unacceptable experience of seeing a former President behind prison walls. Because the greatest conceivable punishment had already been imposed, it seemed to me that further attempts to add punishments were pointless and petty and unworthy of us.

The act of pardoning changes only one thing, in my opinion. It assures us that we will not see Mr. Nixon in the defendant's seat in a court for actions during his presidency. It does not prevent his appearing as a witness under oath, just as he would have without a pardon.

Finally, let me comment on a remark I have read and heard many times in the last few days to the effect that this pardon will make future presidents feel that they can do anything they want and not worry about being punished for wrongdoing. Now that is ridiculous. Who can say that Mr. Nixon has escaped punishment?

Who would be willing to trade places with him? What future President will ~~say that he would~~ wish for himself the fate of Mr. Nixon? He has been mightily and powerfully punished by the deliberate and constitutional response of the American people, through their Congress and their courts. The whole course of events stands as a warning to present and future officeholders at every level of government in America--and especially at the top.

Now, a few closing words on pardons. The Constitution gives the power of pardoning to the President. It is meant to be used in his sole discretion, when he thinks that special circumstances are such that the national interest is better served by pardon than by the usual legal process. By its nature, any pardon is an exception, is unequal treatment, is outside the regular legal process. That is why the Founders gave the pardoning power to the President. It is neither a legislative nor judicial function. Therefore it makes little sense for critics to argue that my action was outside the legal process and was unequal treatment. That is what a pardon is, and that is why the Constitution empowers the President to grant pardons-- so that exceptions can be made in exceptional cases.

Well, that took longer than it should, but that is what I now think I should have added to my remarks when the pardon was granted.

Q: Mr. President, why did you decide not to pardon others involved in Watergate? How can you pardon the leader and not those who worked for him?

A: The first and most obvious reason is that only one person is the former President of the United States. It was to spare us, the American people, from seeing him as defendant through long court trials that I did what I did--and also to save us from possible pettiness in trying to heap additional punishments on top of the massive one already meted out.

Second, the continuing judicial process is of paramount importance. If more pardons were granted to halt trials about to begin that might put an end to the telling of the Watergate story. I can see no reason in the interest of the American people for granting other pardons as I did in the unique case of Mr. Nixon. Equal protection of the laws is not denied some persons by the pardon of another. Whichever way the trials come out, the interest of the nation will be served, but no other way.

Q: Doesn't the fact that Jerry terHorst resigned affect your thinking about the rightness of your decision?

A: It does not make me think that the decision was wrong, but it makes me realize that I handled the matter badly. Mr. terHorst is a man of judgment and integrity. He was put in the position of misleading others who trusted him. I have told him that I deeply regret what happened, and I have asked him to return to his post. I have assured him that I have given orders that nothing is to be kept from the press spokesman hereafter except on my direct orders and for reasons of national security--which was not involved in this business.

In the conversation with Mr. terHorst, which occurred at my request, I took the opportunity to restate my original aims for the character and conduct of this Administration. It is to be an open administration, with lots of consultation and a determination to seek and consider advice. I now have had the unhappy experience of seeing how easily one can be carried away by feelings of compassion and that it takes discipline and constant attention to follow practices that were, for me, in other

circumstances, easy and natural. But I am willing to confess that this decision was badly handled, that I violated my own rules, and I hope I have learned a valuable lesson.

Now I am resolved to get this Administration back on the original track. Jerry terHorst was invaluable in the first month and will be invaluable in helping us return to the openness and truthfulness we pledged to ourselves and the Congress, the press, and the people.

Q: What was terHorst's answer?

A:

Q: Was there a deal between you and Mr. Nixon, that you would grant him a pardon if you should become President?

A: Absolutely not. The subject was never discussed or even mentioned to me or any of my associates by him or any of his associates. I must remind you, however, of what I said before, of my reluctance to permit Mr. Nixon to go to jail. But I never spoke of that. And, again I repeat, that reluctance was partly for Mr. Nixon's sake, but above all for the sake of the people of the United States.

THE WHITE HOUSE

WASHINGTON

September 24, 1974

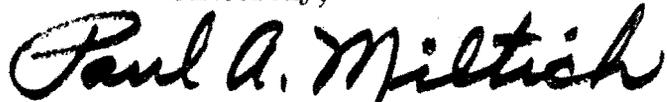
Dear Sir:

I have prepared a review of the remarks made by President Ford during his last press conference regarding his pardon of former President Nixon.

It seemed to me you might find it useful if Mr. Ford's explanatory comments about the pardon were drawn together in one place in a question and answer sequence.

It is possible that this treatment of the subject might be helpful to you.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Miltich". The signature is written in a cursive, slightly slanted style.

Paul A. Miltich
Special Assistant to the President
for Public Affairs

Enclosure

THE NIXON PARDON

President Gerald Ford's pardon of former President Richard Nixon jolted the Nation by its timing and suddenness.

Why did President Ford take the action he did when he did?

Although thousands of words have been written about the pardon and speculation has been rife, too little attention has been paid to the explanations given by Mr. Ford during his nationally-televised press conference of September 16.

There may still be millions of Americans who are looking for other reasons to explain Mr. Ford's action, but the fact remains that he did -- in fact -- furnish them with a full explanation of his pardon decision during his press conference.

It might be well to review his stated reasons when pulled together in one place.

First of all, as he told the Nation, he was informed by Special Prosecutor Leon Jaworski that because of prejudicial publicity it would take probably nine months to a year or longer before a Nixon trial could get under way. Even then it might be questionable whether there could be a fair trial.

The President noted that the Special Prosecutor's Office was investigating 10 areas in which the former President may have been involved. The Special Prosecutor's Office pointed out that none of these areas of investigation "had risen to the level of ability" of the Prosecutor's Office to "prove even a probable criminal violation" on the former President's part. This list was made public by the White House Press Office. It was in addition to the Watergate coverup matter, about which no comments were made by, or received from, the Special Prosecutor's Office.

In connection with that explanation, Mr. Ford went on to note that "the acceptance of a pardon can be construed by many, if not all, as an admission of guilt." The President further noted that "38 members of the House Committee on the Judiciary -- Democrat and Republican -- have unanimously agreed in the report that was filed (with the House) that the former President was guilty of an impeachable offense" involving the Watergate coverup.

The President flatly and unequivocally stated his chief reason for pardoning Mr. Nixon at this time:

"The main concern that I had at the time I made the decision was to heal the wounds throughout the United States. For a period of 18 months or longer we had had turmoil and divisiveness in American society. At the same time the United States had major

problems both at home and abroad that needed the attention of the President and many others in the government. It seemed to me that as long as this divisiveness continued -- this turmoil existed, caused by the charges and counter-charges -- the responsible people in the government could not give their total attention to the problems that we have to solve at home and abroad. And the net result was that I was (all the) more anxious to heal the Nation. That was the top priority. And I felt then and I feel now that the action I took will do that. The major reason for the action I took related to the effort to reconcile divisions in our country and to heal the wounds that had festered far too long."

The President felt that to delay the pardon until after Mr. Nixon had been tried would not serve the best interests of the American people. The turmoil, he felt, would continue until such time as Mr. Nixon was tried, throughout the trial, and for a long period thereafter.

In that vein, he commented during his press conference:

"I...most carefully analyzed the situation in the country and I decided we could not afford in America an extended period of continued turmoil and the fact that the trial would have...lasted a year, perhaps more, with the continuation of the divisions in America."

He added:

"I'm absolutely convinced when dealing with reality in this very, very difficult situation that I made the right decision in an effort, an honest, conscientious effort, to end the divisions and the turmoil in the United States."

The objection is made that the President granted a full pardon to Mr. Nixon but only conditional amnesty to draft evaders and military deserters. In meeting that objection, President Ford noted that Mr. Nixon had been "shamed and disgraced" by having to leave the highest elective office in the land. And so there really, he felt, was no comparison between the two situations.

Some Americans are contending that the full story of Watergate now will never be known.

In answer to that assertion, President Ford replied during his press conference:

"In the first instance, you have the very intensive investigation conducted by the House Committee on the Judiciary.

...It came up with volumes of information. In addition, the Special Prosecutor's Office under Mr. Jaworski has conducted an intensive investigation. And the Special Prosecutor's Office will issue a report at the conclusion of their responsibilities that I think will probably make additional information available to the American public. And thirdly, as the various criminal trials proceed in the months ahead, there obviously will be additional information made available to the American people. So when you see what has been done and what undoubtedly will be done, I think the full story will be made available to the American people."

President Ford is personally unshakably convinced that he made the right decision. He is trusting to time to bear him out in that belief.

AT THE WHITE HOUSE

WITH BILL GREENER

AT 12:02 P.M. EST

DECEMBER 18, 1975

THURSDAY

MR. GREENER: One announcement: The President will attend the swearing-in ceremonies of Judge Stevens as Associate Justice of the Supreme Court tomorrow, December 19, 1975, at 10:00 a.m. The oath will be administered in the courtroom.

Those wishing to cover the ceremonies should apply for special passes to the Court Information Officer, room 30, on the ground floor of the Court. The passes may be picked up at room 30 between 8:00 a.m. and 9:45 a.m. on Friday.

The President is expected to depart the White House at around 9:45, and return at 10:55.

Any other additional information concerning coverage should be directed to Mr. Frank M. Hepler, Marshal of the Court, at 393-1640.

Q I assume there will be a travel pool?

MR. GREENER: Yes.

Q Will the President have remarks there?

MR. GREENER: No, I don't believe so.

Q That does not apply to the travel pool or anything, does it?

MR. GREENER: Well, he may have remarks. I will have to check on that, Aldo.

The question is, what about the travel pool. Do we get their passes?

MR. SPEAKES: We will take care of that.

MR. GREENER: That does not apply to the travel pool.

MORE

#395



Q Bill, in light of the President's statement that truth is the glue that holds Government together --

Q Excuse me. Before you get into that, could I ask a question?

Is that going to be in the Supreme Court Chamber?

MR. GREENER: Yes, in the courtroom.

Q So that means there is no coverage of that, television or radio; is that correct?

MR. GREENER: I don't know. Those wishing to cover the ceremonies -- the information should come from Mr. Hepler.

Q The procedure is you never get anything.

Q Bill, in the light of that statement about truth, I am just wondering how do you explain the President's telling the Judiciary Committee "At no time after I became President was the subject of a pardon for Richard Nixon raised" in light of the Garment memo and the reported conversation with General Haig?

MR. GREENER: Well, let's get that in some context. One, in his testimony before the Judiciary Committee, or the Hungate subcommittee, to be exact, and I am sure you have gone over it very thoroughly --

Q It was not under oath I discovered.

MR. GREENER: Well, at any rate, whether under oath or not --

Q Are you sure of that?

Q Yes, I checked.

MR. GREENER: He stated in that that "At no time after I became President on August 9, 1974, was the subject of a pardon for Richard M. Nixon raised by the former President or by anyone representing him. Also, no one on my staff brought up the subject until the day before my press conference on August 28, 1974."

Secondly, as for any assurances, as the story reports, that were given to General Haig by the President on the pardoning, the President gave no assurances to General Haig on the pardoning of President Nixon on August 28 or any date prior to that.

Q Bill, if my memory of the transcript serves me correctly, where he says "until the day before August 28" he said then the subject was only raised in reference to the possibility of a pardon being discussed at the press conference.

MR. GREENER: That is correct.

Q Well, Mr. Buchen is quoted as saying, "The President now recalls" --

MR. GREENER: Mr. Buchen is not being reported as saying "now."

Q It was quoted on the front page of the paper this morning, Bill, was it not?

MR. GREENER: Read it, Les. It does not say that.

Q "Now recalls he talked with Haig." Isn't that the quote?

MR. GREENER: The President did talk with Haig as noted here in reference to the press conference.

Q I see.

Q Is that the only way in which the President before August 28 ever discussed the matter with Haig or anyone else?

MR. GREENER: Except as outlined in the testimony on August 1, which is also in the testimony.

Q What did he do on August 1, Bill?

MR. GREENER: I will have to find it for you.

In his testimony before the House Judiciary Subcommittee on October 17, the President testified that the first talk about a pardon with General Haig came in a meeting with General Haig at 3:30 p.m. on August 1.

Q Bill, the implication of the Washington Post story is that the President was somewhat less than truthful in his prior comments on the matter. The pardon otherwise -- if we are picking nits, you don't run it eight columns across the top of the page.

Are you prepared to say here that the President's position is absolutely without any change or evasion at any time?

MR. GREENER: Yes.

Q Would you ask the Washington Post for a retraction, Bill?

MR. GREENER: Pardon me?

Q Would you be willing to ask the Post for a retraction if they put this on the top of the page?

MR. GREENER: I don't know what I should ask them to retract, the report sources and things, and that is the way they plan to report it.

Q Bill, let me put it another way: Are you saying that the President has always dealt with the public on the matter of the pardon with complete candor?

MR. GREENER: Yes, I am.

Q Now Bill, let me see if I can understand this. On October 17 he says, "At no time after I became President on August 9 was the subject of a pardon for Richard M. Nixon raised," right?

MR. GREENER: Until --

Q Now, you are saying that --

MR. GREENER: Let me finish reading the sentence. Don't stop in the middle of the sentence.

Q I am sorry.

"At no time after I became President on August 9, 1974, was the subject of a pardon for Richard M. Nixon raised by the former President or by anyone representing him."

MR. GREENER: That is correct.

Q Okay.

MR. GREENER: "Also, no one on my staff brought up the subject until the day before my first press conference on August 28, 1974."

Q Can you keep reading beyond that a little?

MR. GREENER: "At that time I was advised that questions on the subject might be raised by media reporters at the press conference."

Q Did President Ford consider --

MR. GREENER: Tom, let Mort finish his question.

Q I am sorry.

Q Now, did you say that the President testified that the first talk about the pardon came on August 1?

MR. GREENER: In the same testimony, yes.

Q But aren't those on the very face of them conflicting?

MR. GREENER: No, because he was not President on August 1.

Q Bill, how did the President view General Haig's role? Haig was Chief of Staff to President Nixon. Did the President ever view him after he became Chief of Staff to President Ford as a representative of former President Nixon?

MR. GREENER: I would have no way of knowing that, Tom.

Let me go back to my statement. The President --

Q It is a crucial point because if the President in preparation for that news conference considered Haig staff it would be a different position than if he considered him a representative of former President Nixon.

MR. GREENER: Well, in preparation for the briefing he obviously considered himself part of his own staff at that point.

Q Not an advocate or a representative of the former President?

MR. GREENER: Not in preparing for a press conference, no.

Q Did Haig at any time make a plea to the President to pardon Nixon?

MR. GREENER: Not according to General Haig.

Q Well, what about according to the President?

MR. GREENER: Not according to the President.

Q What was the tenor of the discussion on August 1, then?

MR. GREENER: According to the testimony, when Haig mentioned a pardon as one of the options involved in a possible Nixon resignation.

Q Well, you are just interpreting that as not being a suggestion.

MR. GREENER: I am not interpreting it; I am reading it from the testimony.

Q Yes, but you just said that he never raised it as a suggestion and the testimony says he raised it as an option. It does not seem to me there is a big difference, Bill.

MR. GREENER: Bob, I don't know how it can be a difference. I am going to have to reread the whole testimony for you.

Q No, you don't have to reread it.

You just made a judgment call on what Haig calls an option.

MR. GREENER: No, I didn't. Let me finish reading.

"Shortly after noon, General Haig requested another appointment as promptly as possible. He came to my office about 3:30 p.m. for a meeting that was to last for approximately three-quarters of an hour. Only then did I learn of the damaging nature of a conversation on June 23, 1972, and one of the tapes was due to go to Judge Sirica the following Monday. I described the meeting at one point. It did include references to a possible pardon for Mr. Nixon to which the third and fourth questions in House Resolution 1367 are directed. However, nearly the entire meeting covered other subjects, all dealing with the totally new situation resulting from the critical evidence on the tape." Then -- I am jumping now.

"On the resignation issue, there were put forth a number of options which General Haig reviewed with me. As I recall his conversation, various possible options were being considered, including:

"One: The President temporarily step aside under the 25th Amendment;

"Two: Delaying resignation until further along in the impeachment process;

"Three: Trying to first settle for a censure vote as a means of avoiding either impeachment or need to resign;

"Four: The question of whether the President could pardon himself;

"Five: Pardoning first the Watergate defendants, then himself, followed by resignation;

"Six: A pardon to the President should he resign.

"The rush of events placed an urgency on what was to be done. It became even more critical in view of a prolonged impeachment trial which was expected to last possibly four months longer."

Then he goes on and he just outlined the various options, Bob, and that is all.

MORE

#395



Q You do not agree that the word "recommendation" is similar to the word "option?"

MR. GREENER: No, I don't. If I tell you, Bob, we have four or five things we can do today -- we can either go here, we can go there, we can go here, we can go there, we can go there -- and don't tell you which one I recommend you do, then I don't consider myself recommending anything.

Q But does it not depend a little on how it is presented, and that we don't know? All we have is that it was presented as an option. We don't know the words that were used.

MR. GREENER: Well, there is nothing new in the conversation we are having today, Bob, beyond what was held on the Hill at the time of the testimony. I am saying those facts are still there in answering your original question that the President has dealt with candor and truthfulness at all times on this matter.

Q Was this August 1 that you are reading from?

MR. GREENER: Yes. Why don't I just have this up here, Ted.

Q That meeting was the August 1 meeting?

MR. GREENER: Yes, it was.

Q Before he was President?

MR. GREENER: Yes.

Q Bill, after General Haig became President Ford's Chief of Staff, President Ford made the decision to pardon former President Nixon. Can you tell us when General Haig was advised of that decision?

MR. GREENER: I cannot, Bob, at this time. It was not on August 28 or before and I would have to find the exact date from somebody. I don't know.

Q Bill, could you tell me, when General Haig briefed the President for the press conference on the pardon issue, did he use the words or refer to "the alarming state of President Nixon's health?"

MR. GREENER: Phil, I don't know the exact words nor was anyone else taking a transcript of the discussion during a press conference preparation meeting. I am simply stating that there was no impassioned plea by General Haig or any other member of the staff to the President to pardon President Nixon; two, that the President, as reported in the story, did not assure Haig on August 28.

Q Except that it is possible that in the context of at least -- refute me if I am wrong, but isn't it possible that in the context of the discussion of the pardon in preparation for the news conference the following day that General Haig could have recommended a pardon at that time, in the context --

MR. GREENER: Very doubtful, since Phil Buchen prepared the question and answer that they went over.

Q Bill, could I just make sure that at least I understand. When you say there was no impassioned plea by General Haig or anybody else --

MR. GREENER: I am refuting the quote in the front -- the lead of that story only.

Q You are referring --

MR. GREENER: I am not trying to use any technical terms that the plea was made but not impassioned. Is that what you mean?

Q No. What I mean is that you are referring to August 28 or prior to that, is that correct?

MR. GREENER: No. On the plea, there was none made by any member of the staff, to the President, prior to his decision as he stated in his testimony.

Q Prior to his decision?

MR. GREENER: As is stated in his testimony.

Q Did he ever see that Garment letter or the memo or whatever it is?

MR. GREENER: Not to his knowledge; nothing -- nor to General Haig's knowledge.

Q Representative Elizabeth Holtzman questioned the President at that subcommittee meeting about a deal and he interrupted her and he said, "Miss Holtzman, there was no deal." Does he still stand on that? Can you speak for him for that point?

MR. GREENER: I can speak for anything in this testimony. The President stands on that testimony.

Q Yes, but he had already, on August 1, had a meeting on the subject of the pardon.

MR. GREENER: He did not have a meeting on the subject of a pardon. He had a short meeting that covered a number of subjects and one of the things that was brought up was an option of it and there was no meeting on it and he explains that, evidently, to the satisfaction of Miss Holtzman also.

MORE

Q Bill, did you talk with the President this morning about this matter?

MR. GREENER: Yes, I did.

Q Did the matter come up in your conversation with the President whether Al Haig recommended or advocated, whichever word you want to use, a pardon for former President Nixon?

MR. GREENER: Yes, it did.

Q And the answer was?

MR. GREENER: No.

Q Thank you.

MR. GREENER: Don't you want to ask me if I talked to Al Haig?

Q Yes. Did you?

MR. GREENER: Yes, I did.

Q And?

MR. GREENER: The same answer.

Q All right.

Q Which is what, please? That Haig told you --

MR. GREENER: Exactly what I have been saying, that I talked to both Haig and the President. Well, I did not talk to Haig. I sat beside Dick Cheney while he talked to Haig and listened to the questions and answers.

Q Bill, Leonard Garment says that he gave a copy of his --

Q Finish the sentence, please.

MR. GREENER: What sentence?

Q Tell us what Cheney asked and what Haig said on this subject, if you can approximate his words.

MR. GREENER: I don't plan to approximate it, I just plan to state that the President's testimony remains valid, true and truthful.

Q So Haig never made any recommendation for a pardon at any time?

Q According to Haig?

MR. GREENER: According to Haig.

Q And according to the President?

MR. GREENER: And according to the President.

Q Bill, you said you refuted the lead in this story. What part of the story will you accept? (Laughter)

MR. GREENER: It is not my job to accept.

Q No, I just want to know. This is a very serious charge, Bill -- a very serious charge -- raised on the top of the Post.

MR. GREENER: What is the charge?

Q Well --

MR. GREENER: If you can outline the charge to me --

Q This is what other people have been asking about this, Bill, and I never got a good answer.

MR. GREENER: Well, I have answered everybody else. If you can give me a new charge, I will answer it.

Q All right. You refute the lead in the story, that's it? Is there anything else in the story that you refute?

MR. GREENER: Yes, the second paragraph.

Q And the second. Anything else?

MR. GREENER: I don't know.

Q Does the President have any reaction to the House sustaining his veto on the tax bill?

MR. GREENER: He is, obviously, quite pleased with it.

Q We could not hear you.

MR. GREENER: It was something about the tax bill.

He asked me if the President was pleased about the House sustaining the veto and I said he was, obviously, quite pleased.



Q Bill, does the President expect any kind of action between now and the end of the year, a new tax bill or anything else?

MR. GREENER: Well, the President outlined that last night in his message that he read down here.

Q He only said if there is time.

MR. GREENER: Well, he certainly hopes that something will be done.

Q Bill, what steps is the President taking between now and Christmas to get something done? Is he going to send another bill up there?

MR. GREENER: I don't know exactly what they are working on up there but the President stated last night what he thought should be done.

Q Has the President indicated his intention to sign or veto the energy bill?

MR. GREENER: He has not.

Q When do you expect him to disclose his decision on that?

MR. GREENER: When he makes up his mind.

Q Bill, House Democratic leaders previously said that if the veto is upheld on this bill they will simply send the same bill back to him. Would it be his intention to veto the same bill again and would he hold Congress over in a special session until he gets a bill he can accept?

MR. GREENER: Those are decisions that have not been made at this point, Russ.

Q Bill, last night he indicated a commitment to holding down Federal spending accompanied with another bill like the one he vetoed would satisfy him. Is he tempering his previous demand for a specific figure on a spending ceiling?

MR. GREENER: I think I will just stand on his words.

Q Bill, is it the President's belief that the Congress will go home without passing an extension of the tax cut?

MR. GREENER: It certainly is not the President's hope that they will.

Q That was not my question. My question was does the President now think that Congress will just go home and let the taxes jump in January?

MR. GREENER: I have not heard him address that particular point. He certainly said last night that there was plenty of time and he hopes that they will take the necessary action.

Q Bill, can we pursue that question about the special session?

MR. GREENER: I don't have an answer on that for you beyond what he has already stated.

MORE

Q Well, we were led to believe last week, I guess, that if the President were to call them back into special session he would not do so until after New Year's. Is the President still considering a special session now, and has he indicated that he would not ask them to come back until after the recess?

MR. GREENER: Dick, I just said to that specific question I do not have an answer yet.

Q You said those decisions which have not been made yet.

MR. GREENER: That is correct.

Q Then, in fact, they are still open; is that right?

MR. GREENER: Yes, they are still open.

Q Bill, can you say whether he is considering trying to get this done before Christmas as he stated yesterday, or would he be more inclined to try to get something worked out between Christmas and New Year's?

MR. GREENER: He is hopeful that it will be done before Christmas, as he stated last night. As to what he is doing on that, Ann, I will just have to get on it. It has only been a few moments since the vote was taken, as you know.

Q Bill, is the President considering any kind of Executive action that would make it unnecessary to increase withholding?

MR. GREENER: I don't know that.

Q Bill, is there concern in the White House that a tax increase in January would harm the economy?

MR. GREENER: I believe Secretary Simon already addressed that question and I will stand on his words on it.

Q Bill, a technical question: How does it work if the President wants to keep the Congress in session? Can he in fact do so? Does he have the power to do so?

MR. GREENER: It is my understanding that he does, Bob, but I would have to get the full parliamentary procedure.

It is in the Constitution that he can keep them in session.

Q He calls them back into special session. He can't keep them.

MR. GREENER: They recess and then he calls them back into special session; is that correct?

Q Bill, does the President have the authority to temporarily maintain account withholding rates by Executive Order?

MR. GREENER: That is the question he asked, and I don't know that.

Q He asked whether he is going to do it.

MR. GREENER: He does not have the authority. John checked on it this morning.

Q Bill, it has been repeatedly said from that platform that the President would accept a concurrent resolution or possibly a sense of Congress resolution. Now, if Congress sends the same bill back along with one of these resolutions, would that take care of it?

MR. GREENER: The President will look at it and I think he made a statement last night of what he wanted and I will just stand on his words, Howard.

Q Bill, do you have any new word for us on the Angola situation and the Administration's view on it now?

MR. GREENER: Nothing beyond what was said yesterday, Fran.

Q Yesterday a Congressional Black Caucus charged that there were 25 to 50 U.S. advisers in the Angolan area. Do you stand by your statement yesterday?

MR. GREENER: Certainly.

Q Are there any U.S. advisers in the Angolan area, neighboring Zaire?

MR. GREENER: I will have Margie get that double-checked again. I stated on it yesterday and whatever I stated yesterday is still true today. I checked on it just before I came out.

Q Bill, the letter to Senator Stennis, if I could -- why has the President changed his mind about Mr. Bush as a possible Vice Presidential running mate? He had said earlier he would not rule him out and now he says that he will not consider him for Vice President. Why the change?

MR. GREENER: Well, one, as stated in the letter, Ambassador Bush asked him to do that because of the importance of the job and, two, I believe he also outlines the second reason there and that is he did not think that the post should ever be entailed in a six-month job. That is in the letter, though, Ted.

Q Bill, on Angola again, yesterday I had a vague feeling we were not asking the right questions and I am going to try again.

MR. GREENER: I can't believe it.

Q You said in several different ways yesterday that there are no Government sponsored advisers in Angola. There is a report today that there are from five to eight CIA "reporters" or employees reporting on Angola and developments there. Is that true? They are there not advising.

MR. GREENER: I have nothing beyond what I said yesterday. I will run that down again, if you like.

Q Now wait a minute.

MR. GREENER: You want me to answer?

Q I am very aware of what you said yesterday.

MR. GREENER: And you want me to answer whether or not there are five to eight CIA employees in Angola?

Q Right.

MR. GREENER: I don't have the answer to that; I will try to get it, Bob.

Q Bill, a related question: What information does the Government have about technical representatives of American firms in Angola at this point?

MR. GREENER: Technical representatives of American firms in Angola?

Q Right.

MR. GREENER: That is another question I will have to run down.

Q Bill, on the Post story, did Dick Cheney ask Haig whether he had told other people in the White House that the President had assured him there would be a pardon? The Post story says that various people, including Buchanan and Garment and others, were informed by Haig that the President was favorable toward a pardon.

MR. GREENER: That is not quite what it says, is it? What does it say?

Q Well, it says here, for one example, "A day or two after his meeting with Mr. Ford, Haig told another Nixon speech writer, Buchanan, that the President had agreed to a pardon for Nixon. This was after the 28th meeting."

MR. GREENER: Keep reading.

Q "Buchanan confirmed yesterday that he, too, had urged Haig to bring up the matter of a pardon and that afterward Haig indicated that a pardon was assured. Haig implied strongly that it was his personal intervention with the President that had secured the pardon, Buchanan said yesterday."

Do you want me to continue reading?

MR. GREENER: No. What is your question?

Q The question is whether Cheney asked Haig whether he had been going around the White House saying that a pardon was assured and that he had had an agreement from the President that there would be a pardon?

MR. GREENER: No, that question didn't come up.

Q What happened to the Leonard Garment memorandum that went to Buchen and to Haig?

MR. GREENER: I have no idea what happened to it except Mr. Buchen gave it back to Leonard Garment.

Q Was the President aware that this existed? You said he didn't see it. Was he aware that it existed?

Q Did Buchen discuss it with him?

MR. GREENER: No, he did not.

Q Why not, Bill? That seems kind of strange.

MR. GREENER: Well, he said that he used it in preparation for the Q and A's that he put together on the press conference and that after the press conference he handed it back to Garment.

Q That Buchen used it --

MR. GREENER: Himself.

Q -- in preparation --

MR. GREENER: Just had it there.

Q Was he aware that the memo existed?

MR. GREENER: He does not recall it, no.

Q Not only did he not see it but he does not recall its existence?

MR. GREENER: No.

Q Although it was used as part of the basis for answering questions?

MR. GREENER: No, it was not used as part of the basis for answering questions. It was used as part of the basis of what Phil Buchen did in preparing Q's and A's.

Q Bill, the Vice President said yesterday that he will not campaign in Florida nor in New Hampshire because in his words Callaway says that he, the Vice President, is a liability. How does the President feel about, number one, that the Vice President will not campaign for him, and how does he feel about Rockefeller's description of being a liability?

MR. GREENER: It is not a question I discussed with him today, Cliff.

Q Can you raise it with him?

MR. GREENER: I certainly will.

Q When you said yesterday that if anything was going to be said about the Angola situation from here the President would say it, do you expect a Presidential statement on American involvement in Angola today or any time soon?

MR. GREENER: There are no plans at this time.

Q Bill, can you tell us of any further U.S.-Soviet communications on Angola?

MR. GREENER: No.

Q Bill, I believe on a question -- this has been brought up at the White House, and that is this report for the Secret Service, why does it take so long for them to report on how a guy managed to jump over the fence twice? I think you said -- I am not sure, but I think you said you would check on that, Bill. I am not sure.

MR. GREENER: Check on why it took so long?

Q Yes. What is the Secret Service report? I mean, how have they explained it and why are they taking so long to do it, and so forth? Could you give us some enlightenment on that?

MR. GREENER: Nothing beyond the fact that I am sure they are trying to be as careful and accurate as possible.

Q It takes three days for them to discover why a guy got over a fence?

MR. GREENER: I am not an expert on that subject. I am just saying that I am sure they are trying to be careful and accurate in their report, Les.

Q Reflective.

Q Bill, to go back to the tax cut thing, you were asked a little bit ago if the President would accept this same bill that he vetoed if it came to him accompanied with a resolution to cut spending by an equal amount and you said, "I just refer you to the President's statement." Well, looking at his statement, he said, "The Congress still has time before Christmas to send me back a tax cut extension for 1976 coupled with a clear commitment to cut the growth of Federal spending."

Can we take that to mean he will accept just an extension of this year's package rather than the \$28 billion one he proposed if it has the equal spending cut? That seems to be what the President is saying here but, is that right?

MR. GREENER: I don't think I want to interpret his words. It is right there; it is exactly what he said.

Q Bill, have you talked to Phil Buchen about this story?

MR. GREENER: Yes, I have.

Q The story says that Buchen indicated that the President probably discussed the pardon with Haig after Ford's August 28 press conference. According to Buchen, the discussion occurred because Haig could have been upset at the answers at the press conference.

Does Buchen, in fact, think that the President did discuss with Haig a pardon after the press conference?

MR. GREENER: There is no recollection of it on the part of the President or General Haig.

Q What about Buchen? Does Buchen still think that they probably had that discussion?

MR. GREENER: They may have had a discussion on the questions and answers as given at the press conference but not to the extent that this --

Q Did they in fact have a discussion about the answers and questions at the press conference?

MR. GREENER: Not to the President.

Oh, on the questions?

Q Yes.

MR. GREENER: What did you ask me? Excuse me.

Q Did Haig and the President talk after the press conference about the answers on the subject of the pardon that the President had given?

MR. GREENER: Yes.

Q And what did Haig say about the answers?

MR. GREENER: There were five questions and General Haig mentioned that he thought that answer 4 was a little bit confusing in the context of the other four that were asked, and the President said to General Haig that as he recalls, to me, that he said to General Haig that he felt that he could have answered that question a little bit better himself in light of the other four.

Q And you are saying that the substance of the question -- that is, whether Nixon would be pardoned or not -- did not come up in that August 28 discussion?

MR. GREENER: Mort, all I can try to say once and for all is that the President of the United States has testified on this completely; he did it with candor and with truthfulness, and he stands on that testimony. I checked on the two specific items which everyone seemed to be interested in and that is, one, the allegation that he assured him on August 28, and he did not do that -- both General Haig and the President say it. I just don't see what we can gain by me going through that story step-by-step-by step, line-by-line-by-line, except to say that the President's statement was truthful and candid and clear.

Q I understand. Did Haig on the 28th, after the press conference, urge the President to pardon Nixon?

MR. GREENER: Again, the President states and General Haig states that at no time--and, as a matter of fact, as long as you are quoting from it, General Haig says in the same story that he did not do it; that is in the last paragraph if you want to find it.

Q Does President Ford feel that the American aid to Angola has accomplished its purpose?

MR. GREENER: What American aid to Angola?
(Laughter)

THE PRESS: Thank you.

END (AT 12:35 P.M. EST)

#395



The Weather

TODAY—Partly cloudy, high near 40, low near 20. The chance of precipitation is 10 per cent, near zero tonight. **Friday**—Partly cloudy, high near 40. **Yesterday**—3 p.m. air index: 19; temp. range: 53-32. Details on B16.

D2 EA

The Washington Post

Filing
D2 EOB

FINAL

120 Pages—5 Sections

Amusements	C20	Metro	B 1
Classified	D16	Obituaries	B16
Comics	C24	Sports	D-1
Crossword	C 6	Style	C-1
Editorials	A22	TV-Radio	G19
Financial	D10	Weekly	E Sec.

th Year ★★

No.13

© 1975, The Washington Post Co.

THURSDAY, DECEMBER 18, 1975

Phone (202) 223-6000

Classified 223-6200
Circulation 223-6100

Higher beyond Metropolitan area
See Box A2

15c

Ford Disputed on Events Preceding Nixon Pardon

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writers

One, according to the sources, is a private assurance that President Ford gave Gen. Alexander M. Haig Jr., Nixon's

continued threat of criminal prosecution. It implied that, unless he was pardoned, Nixon might take his own life, the sources

tradict President Ford's public statements, including his testimony to a House Judiciary subcommittee on Oct. 17

with Haig about the pardon from time to time" — possibly on the day of his first press conference as President.

began seriously on Wednesday, Aug. 28. Garment drafted his memo in longhand the evening before at home. Using some of

14 12/19/75

Ford Denies Post Story On Pardon

By Bob Woodward
and Carl Bernstein

Washington Post Staff Writers

Preceding Nixon Pardon

...sions between Haig and Nixon
... Ford



New York Times

RICHARDSON WARY ON NIXON PARDON

He Approved Ex-President's
Not Going to Prison, but
Criticizes Procedures

By ROBERT M. SMITH

Special to The New York Times

LAT 1/9/76

14.3

The Right Course on Nixon Records

Cherry, Sam - Tunis 1-2-76
Against Nixon pardon: Richardson

N.Y. Daily News 1-28-76
Richardson Expresses

Disapproval of Pardon

By ROBERT S. OYD

THE WHITE HOUSE

WASHINGTON

January 30, 1976

MEMORANDUM FOR: DICK CHENEY
JACK MARSH

FROM: RON NESSEN

Bob Woodward and Carl Bernstein are completing their book on the last days of Nixon. They are holding open the last chapter concerning the pardon, for about another week in hopes that we can clear up what they call "inconsistencies" in the versions told publically by the President and privately to them by many of the individuals involved. (Woodward says he is convinced that there was no "deal" or any other major problem for the President.)

In addition to providing the last chapter for the book, any information from the White House would be used, Woodward says, for a news story in the Washington Post following up on a short series of stories on the pardon which he wrote a month or so ago.

Here is the information Woodward says he has from interviews with various participants:

On August 27, 1974, Len Garment wrote an "impassioned" three-page memo pleading for a pardon for Nixon. Garment says one copy was delivered to Haig, and another to Buchen in plain envelopes at the 8 am senior staff meeting on August 28.

Earlier that morning, beginning at 6 am, Ray Price had drafted an opening statement for the President's news conference later that day, announcing a pardon for Nixon. Buchen says he never saw such an opening statement. Price says Haig and Garment told him to write the statement.

Haig told Garment at 10 am on August 28, in a phone conversation, "Stand by for a meeting." It (a pardon announcement) is going to happen. There are some legal questions. You may have to get with the Ford people." Within an hour, Haig called Garment back and said, "Never mind. It (the pardon) is going to happen, but not today. There are some legal questions to straighten out."

Haig, Garment, and Price were convinced that the President would announce the pardon at his August 28 news conference. To a lesser extent, Buchen and Buzhardt were convinced he was going to announce it then.

The President held the news conference at 2:30 pm on August 28, and did not announce a pardon.

That is the information Woodward says he has received from the participants.

Woodward would like the following questions answered:

1. Did anything President Ford say lead Haig, Garment, and Price to believe a pardon would be announced August 28, and to prepare an opening statement for the news conference announcing the pardon?
2. Did Haig, Garment, and Price actively urge the President to grant a pardon?
3. When did the President make up his mind to grant the pardon, and when did he tell members of the White House staff?
4. What discussion of the pardon took place on August 27 and August 28 during preparation sessions for the news conference, and post-mortem after the news conference?

Find attached the pertinent sections of the August 28 news conference, the President's testimony before the Hungate Committee, and the Woodward stories from the Post on the pardon.

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?

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.

I have supplied the subcommittee with a copy of this memorandum. The memorandum lists matters still under investigation which -- and I quote -- "may prove to have some direct connection to activities in which Mr. Nixon is personally involved."

The Watergate cover-up is not included in this list and the alleged cover-up is mentioned only as being the subject of a separate memorandum not furnished to me. Of those matters listed in the memorandum, it is stated that none of them at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon.

This is all the information I had which related even to the possibility of formal criminal charges involving the former President while he had been in office.

The second question in the resolution asks whether Alexander Haig referred to or discussed a pardon with Richard Nixon or his representatives at any time during the week of August 4, 1974, or any subsequent time. My answer to that question is: not to my knowledge. If any such discussions did occur, they could not have been a factor in my decision to grant the pardon when I did because I was not aware of them.

Questions three and four of House Resolution 1367 deal with the first and all subsequent references to or discussions of a pardon for Richard M. Nixon, with him or any of his representatives or aides.

I have already described at length what discussions took place on August 1 and 2, 1974, and how these discussions brought no recommendations or commitments whatsoever on my part.

These were the only discussions related to questions three and four before I became President, but question four relates also to subsequent discussions.

At no time after I became President on August 9, 1974, was the subject of a pardon for Richard M. Nixon raised by the former President or by anyone representing him. Also, no one on my staff brought up the subject until the day before my first press conference on August 28, 1974.

At that time I was advised that questions on the subject might be raised by media reporters at the press conference.

MORE

As the press conference proceeded, the first question asked involved the subject, as did other later questions. In my answers to those questions, I took a position that while I was the final authority on this matter, I expected to make no commitment one way or the other, depending on what the Special Prosecutor and courts would do. However, I also stated that I believed the general view of the American people was to spare the former President from a criminal trial.

Shortly afterwards, I became greatly concerned that if Mr. Nixon's prosecution and trial were prolonged, the passions generated over a long period of time would seriously disrupt the healing of our country from the wounds of the past. I could see that the new Administration could not be effective if it had to operate in the atmosphere of having a former President under prosecution and criminal trial.

Each step along the way I was deeply concerned would become a public spectacle and the topic of wide public debate and controversy.

As I have before stated publicly, these concerns led me to ask from my own legal counsel what my full right of pardon was under the Constitution in this situation and from the Special Prosecutor what criminal actions, if any, were likely to be brought against the former President, how long his prosecution and trial would take.

As soon as I had been given this information, Mr. Chairman, I authorized my counsel, Philip Buchen, to tell Herbert J. Miller as attorney for Richard M. Nixon of my pending decision to grant a pardon for the former President. I was advised that the disclosure was made on September 4, 1974, when Mr. Buchen, accompanied by Benton Becker, met with Mr. Miller.

Mr. Becker had been asked, with my concurrence, to take on a temporary special assignment to assist Mr. Buchen at the time when no one else of my selection had yet been appointed to the legal staff of the White House.

The fourth question, Mr. Chairman, in the resolution, asks about "negotiations" with Mr. Nixon or his representatives on the subject of a pardon for the former President. The pardon under consideration was not so far as I was concerned a matter of negotiation. I realized that unless Mr. Nixon actually accepted the pardon I was preparing to grant, it probably would not be effective.

MORE

Questions eight and nine of House Resolution 1367 deal with the circumstances of any statement requested or received from Mr. Nixon. I asked for no confession or statement of guilt, only a statement in acceptance of the pardon when it was granted.

No language was suggested or requested by anyone acting for me, to my knowledge. My counsel advised me that he had told the attorney for Mr. Nixon that he believed the statement should be one expressing contrition and in this respect, I was told Mr. Miller concurred.

Before I announced the pardon, I saw a preliminary draft of a proposed statement from Mr. Nixon, but I did not regard the language of the statement as subsequently issued to be subject to approval by me or my representatives.

The tenth question, Mr. Chairman, covers any report to me on Mr. Nixon's health by a physician or psychiatrist which led to my pardon decision. I received no such report. Whatever information was generally known to me at the time of my pardon decision was based on my own observations of his condition at the time he resigned as President and observations reported to me after that from others who had later seen or talked with him.

No such reports were by people qualified to evaluate medically the condition of Mr. Nixon's health, and so they were not a controlling factor in my decision. However, I believed, and still believe, that prosecution and trial of the former President would have proved a serious threat to his health, as I stated in my message on September 8, 1974.

House Resolution 1370 is the other resolution of inquiry before this subcommittee. It presents no questions, but asks for the full and complete facts upon which was based my decision to grant a pardon to Richard M. Nixon. I know of no such facts that are not covered by my answers to the questions in House Resolution 1367.

Also, subparagraphs one and four, there were no representations made by me or for me and none by Mr. Nixon or for him on which my pardon decision was based.

Subparagraph two, the health issue is dealt with by me in answer to questions ten of the previous resolution.

MORE

CONGRESSMAN DENNIS: Thank you, Chairman.

Mr. President, I would like to state that I, too, share with my colleagues, deep appreciation for your appearance here before our subcommittee this morning.

Mr. President, on page 7 of your statement where you were talking about your first or your second interview with General Haig in the afternoon of August 1, you state that, "I describe this meeting because at one point it did include references to a possible pardon to Mr. Nixon."

I take it that you have spelled out what those references were over on pages 9, where the options are spelled out and on page 10 where you state that you inquired as to what was the President's power pardon.

THE PRESIDENT: Yes, it is spelled out in the item instances 1 through 6, various options involving a pardon.

CONGRESSMAN DENNIS: And does that include everything that was said at that time on the subject of pardon, substantially?

THE PRESIDENT: Yes, sir.

CONGRESSMAN DENNIS: Mr. President, I note that on page 10 you state that you asked the General as to what the President's pardon power was and he very properly replied that he had certain information but couldn't give legal opinion.

When, where, and from whom did you ultimately obtain the opinion that you were entitled under the Doctrine of Ex Parte Garland and so on, to issue a pardon when there has been no charge or no conviction?

THE PRESIDENT: When I came back to the Oval Office, Mr. Dennis, following the press conference on August 28, where three questions were raised by the news media involving a pardon, I instructed my counsel, Mr. Buchen, to check in an authoritative way what pardon power a President had. And he, several days later -- I don't recall precisely -- came back and briefed me on my pardon power as President of the United States.

MORE

CONGRESSMAN HUNGATE: Yes, sir.

THE PRESIDENT: Somebody asked about when I last saw the President. I said that I had seen him on the 9th. I did as he departed, but I had also seen the President the morning of the 8th at the time I was asked to come and see him, and at that time we spent an hour and 20 minutes together, or thereabouts, when he told me that he was going to resign.

So, I saw him both the 8th and the 9th, just to make the record accurate.

CONGRESSMAN HUNGATE: All of us are aware of our time constraints. I yield to the gentleman from Wisconsin for a question.

CONGRESSMAN KASTENMEIER: Thank you, Mr. Chairman.

I would like for the record to indicate that the statement of the gentleman from Maryland, Mr. Hogan, the effect that the proposal that this subcommittee tried to contact certain staff members, such as General Haig and others, was supported by me.

I think it would have been excellent. We have in the past done very well in terms of staff work preliminary to hearings that might have helped put some of the questions Mrs. Holtzman had to rest.

Mr. President, you indicated that as far as Mr. Haig was concerned, that he had suggested certain options to you, but did not in fact make a recommendation to you with respect to the pardon, is that correct?

THE PRESIDENT: That is correct. I answered that, I think, as fully as I could in my prepared statement. He discussed the options. He made no recommendation.

CONGRESSMAN KASTENMEIER: Which other persons to you personally made recommendations that the former President be pardoned from that time in early August to the day of September 6 when you made your decision?

THE PRESIDENT: No other person, to my knowledge, made any recommendation to me from that time until the time that I made a decision about September 6; nobody made any recommendation to me for the pardon of the former President.

MORE

25
June 16, 1976

MEMORANDUM FOR: THE FILES
FROM: JACK MARSH

This morning after the Wednesday Group Meeting with the President and shortly before the 10:30 Nessen Group meeting with the President, Rog Morton mentioned an overture he had received from Jack Anderson to do a column on the pardon which Anderson indicated would be very favorable to the President. Rog told him he had no knowledge of this subject but would speak to someone in the White House who did.

I told Rog Phil Buchen and I had been close to this and I would discuss it with Phil, which I did. Phil said he would call Rog today and explain the matter further.

JOM/dl

