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FOR IMMEDIATE RELEASE

September 8, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I deeply regret Jerry terHorst's resignation. I understand his position. I appreciate the fact that good people will differ with me on this very difficult decision. However, it is my judgment that it is in the best interest of our country. I think Jerry did an outstanding job in a controversial period of transition. I thank him for his service.

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SEPTEMBER 8, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF A LEGAL OPINION
BY THE ATTORNEY GENERAL

September 6, 1974

The President,

The White House.

Dear Mr. President:

You have requested my opinion concerning papers and other historical materials retained by the White House Office during the administration of former President Richard M. Nixon and now in the possession of the United States or its officials. Some such materials were left in the Executive Office Building or in the White House at the time of former President Nixon's departure; others had previously been deposited with the Administrator of General Services. You have inquired concerning the ownership of such materials and the obligations of the Government with respect to subpoenas and court orders addressed to the United States or its officials pertaining to them.

To conclude that such materials are not the property of former President Nixon would be to reverse what has apparently been the almost unvaried understanding of all

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three branches of the Government since the beginning of the Republic, and to call into question the practices of our Presidents since the earliest times. In Folsom v. Marsh, 9 F. Cas. 342 (No. 4901), 2 Story 100, 108-109 (C. C. D. Mass. 1841), Mr. Justice Story, while sitting in circuit, found that President Washington's letters, including his official correspondence, ^{1/} were his private property which he could bequeath, which his estate could alienate, and in which the purchaser could acquire a copyright. According to testimony of the Archivist of the United States in 1955, every President of the United

1/ The official documents involved in the case were:

Letters addressed by Washington, as commander-in-chief, to the President of Congress.

Official letters to governors of States and speakers of legislative bodies.

Circular letters.

General orders.

Communications (official) addressed as President to his Cabinet.

Letter accepting the command of the army, on our expected war with France. 2 Story at 104-105.

The clear holding on the property point (Id. at 108-09) is arguably converted to dictum by Justice Story's later indication, in connection with another issue, that copyright violation with respect to the official documents did not have to be established in order to maintain the suit. (Id. at 114).

States beginning with George Washington regarded all the papers and historical materials which accumulated in the White House during his administration, whether of a private or official nature, as his own property.^{2/} A classic exposition of this Presidential view was set forth by President Taft in a lecture presented several years after he had left the White House:

The office of the President is not a recording office. The vast amount of correspondence that goes through it, signed either by the President or his secretaries, does not become the property or a record of the government unless it goes on to the official files of the department to which it may be addressed. The President takes with him all the correspondence, original and copies, carried on during his administration. Taft, The Presidency 30-31 (1916).

2/

Statement of Dr. Wayne C. Grover, Archivist of the United States, during the House Hearings on the Joint Resolution of August 12, 1955, 69 Stat. 695, To provide for the acceptance and maintenance of Presidential libraries, and for other purposes (now codified in 44 U.S.C. 2101, 2107 and 2108; hereinafter referred to as the "Presidential Libraries Act"), Hearing before a Special Subcommittee of the Committee on Government Operations, House of Representatives, 84th Cong., 1st Sess., on H. J. Res. 330, H. J. Res. 331, and H. J. Res. 332 (hereafter referred to as "1955 Hearings"), pp. 28, 45.

Past Congressional recognition of the President's title is evidenced by the various statutes providing for Government purchase of the official and private papers of many of our early Presidents, including Washington, Jefferson, Madison, Monroe and Jackson. See 1955 Hearings at 28, 39-42.

Even if there were no recent statutory sanction of Presidential ownership, a consistent history such as that described above might well be determinative. As the Supreme Court said in United States v. Midwest Oil Co., 236 U.S. 459 (1915):

[G]overnment is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department -- on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself -- even when the validity of the practice is the subject of investigation. Id. at 472-73.

[W]hile no . . . express authority has been granted [by Congress], there is nothing in the nature of the power exercised which prevents Congress from granting it by implication just as could be done by any other owner of property under similar conditions. Id. at 474.

Moreover, with respect to the practice at issue here, there is recent statutory sanction. The 1955 Presidential Libraries Act, which serves as the permanent basis of the Presidential Library system, constitutes clear legislative acknowledgement that a President has title to all the documents and historical materials -- whether personal or official -- which accumulate in the White House Office during his incumbency. The Federal Records Act of 1950, 64 Stat. 587, which was the predecessor of the Presidential Libraries Act, authorized the Administrator of General Services to accept for deposit "the personal papers and other personal historical documentary materials of the present President of the United States." Section 507 (e), 64 Stat. 588. The word "personal" might have been read as intended to distinguish between the private and official papers of the President. ^{3/} The corresponding provision of the current law, however, 44 U.S.C. 2107 (1), avoids the ambiguity. It envisions the President's deposit of all Presidential materials, not only personal ones. During

^{3/} Compare Section 507 (e) with Section 507 (a), dealing with the records of an agency. A memorandum prepared in the Office of the Assistant Solicitor General (now Office of Legal Counsel) on July 24, 1951 indicated that such a distinction between private and official Presidential papers would be inconsistent with historic precedents, and difficult if not impossible to maintain. It accordingly regarded the Records Act's use of the term "personal" as intended merely to exclude the permanent files of the Chief Executive Clerk discussed at page 12 below.

the House debate on the Presidential Libraries Act, Congressman Moss, who was in charge of the bill, expressly stated:

Four. Finally, it should be remembered that Presidential papers belong to the President, and that they have increased tremendously in volume in the past 25 or 30 years. It is no longer possible for a President to take his papers home with him and care for them properly. It is no accident that the last three Presidents -- Hoover, F.D. Roosevelt, and Harry Truman -- have had to make special provisions through the means of the presidential library to take care of their papers. 101 Cong. Rec. 9935 (1955).

The legislative history of the Act reflects no disagreement with this position on the part of any member of the Congress.

The hearings before a Special Subcommittee of the House Committee on Government Operations indicate congressional awareness of the Act's assumption that all Presidential papers are the private property of the President. 1955 Hearings at 12, 20, 28, 32, 52, 54, 58.

A recent discussion concerning ownership of Presidential materials appears in the report prepared by the staff of the Joint Committee on Internal Revenue Taxation involving the examination of President Nixon's tax returns. H. Rept. 93-966, 93d Cong., 2d Sess. (1974). The report points to the practice of Presidents since Washington of treating their papers, both private and official, as their

personal property; and to the congressional ratification of the practice in the 1955 library legislation. It concludes that "the historical precedents taken together with the provisions set forth in the Presidential Libraries Act, suggest that the papers of President Nixon are considered his personal property rather than public property." Id. at 28-29.

An apparent obstacle to Presidential ownership of all White House materials is Article II, section 1, clause 7 of the Constitution, which provides:

"The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them."

But objection based upon this provision is circular in its reasoning, except insofar as it applies to the blank typing paper and materials upon which the Presidential records are inscribed. For the records themselves are given to the President as an "emolument" only if one assumes that they are not the property of the President from the very moment of their creation. As for the blank typing paper and materials, which are of course of negligible

value, they can be regarded as consumables, like electricity or telephone service, provided for the conduct of Presidential business. In any event, the Constitutional provision can simply not be interpreted in such a fashion as to preclude the conferral of anything of value, beyond his salary, upon the President. An eminent authority on the subject states the following:

As a matter of fact the President enjoys many more "emoluments" from the United States than the "compensation" which he receives "at stated times" --at least, what most people would reckon to be emoluments. Corwin, The President 348 N. 53.

He gives as examples of such additional emoluments provided by the Congress the use of personal secretaries and the right to reside in the White House. Id. at 348-49.

Another obstacle to Presidential ownership of the materials in question is their character as public documents, often secret and sometimes necessary for the continued operation of government. However, without speaking to the desirability of the established property rule (and there is pending in the Congress legislation which would apparently alter it--S. 2951, 93d Cong., 2d Sess., a bill "[t]o provide for public ownership of certain documents of elected public officials"), it must

be conceded that accommodation of such concerns can be achieved whether or not ownership of the materials in question rests with the former President. Historically, there has been consistent acknowledgement that Presidential materials are peculiarly affected by a public interest which may justify subjecting the absolute ownership rights of the ex-President to certain limitations directly related to the character of the documents as records of government activity. Thus, in Folsom v. Marsh, supra, Mr. Justice Story stated the following:

In respect to official letters, addressed to the government, or any of its departments, by public officers, so far as the right of the government extends, from principles of public policy, to withhold them from publication, or to give them publicity, there may be a just ground of distinction. It may be doubtful, whether any public officer is at liberty to publish them, at least, in the same age, when secrecy may be required by the public exigencies, without the sanction of the government. On the other hand, from the nature of the public service, or the character of the documents, embracing historical, military, or diplomatic information, it may be the right, and even the duty, of the government, to give them publicity, even against the will of the writers.
2 Story at 113.

That portion of the Criminal Code dealing with the transmission or loss of national security information, 18 U. S. C. § 793, obviously applies to Presidential papers even when

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they are within the possession of the former President.

Upon the death of Franklin D. Roosevelt during the closing months of World War II, with full acceptance of the traditional view that all White House papers belonged to the President and devolved to his estate, some of the papers dealing with prosecution of the War (the so-called "Map Room Papers") were retained by President Truman under a theory of "protective custody" until December 1946

Matter of Roosevelt, 190 Misc. 341, 344, 73 N. Y. S. 821, 825 (Sur. Ct. 1947); Eighth Annual Report of the Archivist of the United States as to the Franklin D. Roosevelt Library (1947) p. 1. Thus, regardless of whether this is the best way to approach the problem, precedent demonstrates that the governmental interests arising because of the peculiar nature of these materials (notably, any need to protect national security information and any need for continued use of certain documents in the process of government) can be protected in full conformity with the theory of ownership on the part of the ex-President.

^{4/} Section 11 of Executive Order 11652 makes explicit provision for declassification of Presidential material that has been deposited in the Archives.

Because the principle of Presidential ownership of White House materials has been acknowledged by all three branches of the Government from the earliest times; because that principle does not violate any provision of the Constitution or contravene any existing statute; and because that principle is not inconsistent with adequate protection of the interests of the United States; I conclude that the papers and materials in question were the property of Richard M. Nixon when his term of office ended. Any inference that the former President abandoned his ownership of the materials he left in the White House and the Executive Office Building is eliminated by a memorandum to the White House staff from Jerry H. Jones, Special Assistant to President Nixon, dated the day of his resignation, asserting that "the files of the White House Office belong to the President in whose Administration they were accumulated," and setting forth instructions with respect to the treatment of such materials until they can be collected and disposed of according to the ex-President's wishes. We are advised that the materials previously deposited with the Administrator of General Services were likewise transmitted and received with the understanding

of continuing Presidential ownership.

I must, however, exclude one category of documents from the scope of this opinion concerning ownership and advise you that their status cannot be definitively determined on the basis of presently available information. Although the fact is not recorded in the published materials we have examined, our inquiry indicates that at least in recent memory certain "permanent files" have been retained by the Chief Executive Clerk of the White House from administration to administration. These include White House budget and personnel material, and records or copies of some Presidential actions useful to the Clerk's office for such purposes as keeping track of the terms of Presidential appointments and providing models or precedents for future Presidential action. Retention of these materials by the Chief Executive Clerk is of course not necessarily inconsistent with initial Presidential ownership. In light of the otherwise uniform practice with respect to much more important official documents, relinquishment of these materials may reasonably be regarded as a voluntary act of courtesy on the part of the outgoing Chief Executive. I cannot, however, make an adequately informed judgment concerning these files without

more extensive factual and historical inquiry, which your need for this opinion does not permit. Of course, even if such inquiry should show that these particular documents have been regarded as Government property, that conclusion would not support a generalization of Government ownership with respect to the much more extensive other material covered by this opinion, as to which the Presidential practice and congressional acquiescence are clear.

As to the obligations of the Government with respect to subpoenas and court orders directed to the United States or its officials pertaining to the subject materials; Even though the Government is merely the custodian and not the owner, it can properly be subjected to court directives relating to the materials. The Federal Rules of Criminal Procedure authorize the courts, upon motion of a defendant, to order the Government to permit access to papers and other objects "which are within the possession, custody or control of the government. . . ." Fed. R. Crim. P. 16 (b). A similar provision is applicable with regard to discovery in civil cases involving material within the "possession, custody or control" of a party (including the Government).

Fed. R. Civ. P. 34(a). In addition, in both criminal and civil cases, a subpoena may be issued directing a person to produce documents or objects which are within his possession, but which belong to another person. Fed. R. Crim. P. 17(c); Fed. R. Civ. P. 45(b). See, e.g., Couch v. United States, 409 U.S. 322 (1973); Schwimmer v. United States, 232 F.2d 855, 860 (8th Cir., 1956), cert. denied, 352 U.S. 833; United States v. Re, 313 F Supp. 442, 449 (S. D. N. Y. 1970).

I advise you, therefore, that items included within the subject materials properly subpoenaed from the Government or its officials must be produced; and that none of the materials can be moved or otherwise disposed of contrary to the provisions of any duly issued court order against the Government or its officials pertaining to them. Of course both the former President and the Government can seek modification of such subpoenas and orders, and can challenge their validity on Constitutional or other grounds.

Respectfully,

Attorney General

SEPTEMBER 8, 1974

Office of the White House Press Secretary

THE WHITE HOUSETEXT OF A LETTER FROM RICHARD NIXON
TO ARTHUR F. SAMPSON, ADMINISTRATOR
GENERAL SERVICES ADMINISTRATION

September 6, 1974

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C.

Dear Mr. Sampson:

In keeping with the tradition established by other former Presidents, it is my desire to donate to the United States, at a future date, a substantial portion of my Presidential materials which are of historical value to our Country. In donating these Presidential materials to the United States, it will be my desire that they be made available, with appropriate restrictions for research and study.

In the interim, so that my materials may be preserved, I offer to transfer to the Administrator of General Services (the "Administrator"), for deposit, pursuant to 44 U.S.C. Section 2101, et seq., all of my Presidential historical materials as defined in 44 U.S.C. Section 2101 (hereinafter "Materials"), which are located within the metropolitan area of the District of Columbia, subject to the following:

1. The Administrator agrees to accept solely for the purpose of deposit the transfer of the Materials, and in so accepting the Materials agrees to abide by each of the terms and conditions contained herein.
2. In the event of my death prior to the expiration of the three-year time period established in paragraph 7A hereof, the terms and conditions contained herein shall be binding upon and inure to the benefit of the executor of my estate for the duration of said period.
3. I retain all legal and equitable title to the Materials, including all literary property rights.
4. The Materials shall, upon acceptance of this offer by the Administrator, be deposited temporarily in an existing facility belonging to the United States, located within the State of California near my present residence. The Materials shall remain deposited in the temporary California facility until such time as there may be established, with my approval, a permanent Presidential archival depository as provided for in 44 U.S.C. Section 2108.
5. The Administrator shall provide in such temporary depository and in any permanent Presidential archival depository reasonable office space for my personal use in accordance with 44 U.S.C. Section 2108 (f). The Materials in their entirety shall be deposited within such office space in the manner described in paragraph 6 hereof.

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6. Within both the temporary and any permanent Presidential archival depository, all of the Materials shall be placed within secure storage areas to which access can be gained only by use of two keys. One key, essential for access, shall be given to me alone as custodian of the Materials. The other key may be duplicated and entrusted by you to the Archivist of the United States or to members of his staff.
7. Access to the Materials within the secure areas, with the exception of recordings of conversations in the White House and the Executive Office Building which are governed by paragraphs 8 and 9 hereof, shall be as follows:
 - A. For a period of three years from the date of this instrument, I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B below and paragraph 10 herein. During said three-year period, I may make reproductions of any of the originals of the Materials and withdraw from deposit such reproductions for any use I may deem appropriate. Except as provided in subparagraph B below, access to the Materials shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. Any request for access to the Materials made to the Administrator, the Archivist of the United States or any member of their staffs shall be referred to me. After three years I shall have the right to withdraw from deposit without formality any or all of the Materials to which this paragraph applies and to retain such withdrawn Materials for any purpose or use I may deem appropriate, including but not limited to reproduction, examination, publication or display by myself or by anyone else I may approve.
 - B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States, the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.
8. The tape recordings of conversations in the White House and Executive Office Building which will be deposited pursuant to this instrument shall remain on deposit until September 1, 1979. I intend to and do hereby donate to the United States, such gift to be effective September 1, 1979, all of the tape recordings of conversations in the White House and Executive Office Building conditioned however on my continuing right or access as specified in paragraph 9 hereof and on the further condition that such tapes shall be destroyed at the time of my death or on September 1, 1984, whichever event shall first occur. Subsequent to September 1, 1979 the Administrator shall destroy such tapes as I may direct. I impose this restriction as other Presidents have before me to guard

against the possibility of the tapes being used to injure, embarrass, or harass any person and properly to safeguard the interests of the United States.

9. Access to recordings of conversations in the White House and Executive Office Building within the secure areas shall be restricted as follows:
 - A. I agree not to withdraw from deposit any originals of the Materials, except as provided in subparagraph B and paragraph 10 below, and no reproductions shall be made unless there is mutual agreement. Access to the tapes shall be limited to myself, and to such persons as I may authorize from time to time in writing, the scope of such access to be set forth by me in each said written authorization. No person may listen to such tapes without my written prior approval. I reserve to myself such literary use of the Information on the tapes.
 - B. In the event that production of the Materials or any portion thereof is demanded by a subpoena or other order directed to any official or employee of the United States, the recipient of the subpoena or order shall immediately notify me so that I may respond thereto, as the owner and custodian of the Materials, with sole right and power of access thereto and, if appropriate, assert any privilege or defense I may have. Prior to any such production, I shall inform the United States so it may inspect the subpoenaed materials and determine whether to object to its production on grounds of national security or any other privilege.
10. The Administrator shall arrange and be responsible for the reasonable protection of the Materials from loss, destruction or access by unauthorized persons, and may upon receipt of any appropriate written authorization from the Counsel to the President provide for a temporary re-deposit of certain of the Materials to a location other than the existing facility described in paragraph 4 herein, provided however that no diminution of the Administrator's responsibility to protect and secure the Materials from loss, destruction, unauthorized copying or access by unauthorized persons is affected by said temporary re-deposit.
11. From time to time as I deem appropriate, I intend to donate to the United States certain portions of the Materials deposited with the Administrator pursuant to this agreement, such donations to be accompanied by appropriate restrictions as authorized by 44 U.S.C. Section 2107. However, prior to such donation, it will be necessary to review the Materials to determine which of them should be subject to restriction, and the nature of the restrictions to be imposed. This review will require a meticulous, thorough, time-consuming analysis. If necessary to fulfill this task, I will request that you designate certain members of the Archivist's staff to assist in this review under my direction.

If you determine that the terms and conditions set forth above are acceptable for the purpose of governing the establishment and maintenance of a depository

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of the Materials pursuant to 44 U.S.C. Section 2101 and for accepting the irrevocable gift of recordings of conversations after the specified five year period for purposes as contained in paragraph 8 herein, please indicate your acceptance by signing the enclosed copy of this letter and returning it to me. Upon your acceptance we both shall be bound by the terms of this agreement.

Sincerely,

/s/ Richard Nixon

Accepted by: Arthur F. Sampson /s/ Arthur F. Sampson
Administrator 9/7/74
General Services Administration

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Office of the White House Press Secretary

THE WHITE HOUSE

GRANTING PARDON TO RICHARD NIXON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Richard Nixon became the thirty-seventh President of the United States on January 20, 1969 and was reelected in 1972 for a second term by the electors of forty-nine of the fifty states. His term in office continued until his resignation on August 9, 1974.

Pursuant to resolutions of the House of Representatives, its Committee on the Judiciary conducted an inquiry and investigation on the impeachment of the President extending over more than eight months. The hearings of the Committee and its deliberations, which received wide national publicity over television, radio, and in printed media, resulted in votes adverse to Richard Nixon on recommended Articles of Impeachment.

As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office in the United States.

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.

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 one hundred ninety-ninth.

GERALD R. FORD

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
ANNOUNCING THE GRANTING OF A PARDON
TO FORMER PRESIDENT NIXON

THE OVAL OFFICE

11:05 A. M. PDT

Ladies and gentlemen, I have come to a decision which I felt I should tell you and all of my fellow American citizens, as soon as I was certain in my own mind and in my own conscience that it is the right thing to do.

I have learned already in this office that the difficult decisions always 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 and 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 follow.

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 that 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.

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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 could go on and 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, threatening his health 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 I am compelled to conclude that many months and perhaps more years will have to pass before Richard Nixon could 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.

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During this long period of delay and potential litigation, ugly passions would again be aroused. And 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 even more be 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 every compassionate person. My concern is the immediate future of this great country.

In this, I dare not depend upon my personal sympathy as a long-time 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 is 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 tells me it is my duty, not merely to proclaim domestic tranquility, but to use every means that I have to insure it.

I do believe that the buck stops here, 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.

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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 July (January) 20, 1969 through August 9, 1974.

(The President signed the Proclamation)

In witness whereof, I have hereunto set my hand this 8th day of September in the year of our Lord 1974, and of the independence of the United States of America, the 199th.

END

(AT 11:16 A.M. EDT)

September 8, 1974

San Clemente, California

STATEMENT BY FORMER PRESIDENT RICHARD NIXON

I have been informed that President Ford has granted me a full and absolute pardon for any charges which might be brought against me for actions taken during the time I was President of the United States. In accepting this pardon, I hope that his compassionate act will contribute to lifting the burden of Watergate from our country.

Here in California, my perspective on Watergate is quite different than it was while I was embattled in the midst of the controversy, and while I was still subject to the unrelenting daily demands of the Presidency itself.

Looking back on what is still in my mind a complex and confusing maze of events, decisions, pressures, and personalities, one thing I can see clearly now is that I was wrong in not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the stage of judicial proceedings and grew from a political scandal into a national tragedy.

No words can describe the depth of my regret and pain at the anguish my mistakes over Watergate have caused the Nation and the Presidency --- a Nation I so deeply love, and an institution I so greatly respect.

I know that many fair-minded people believe that my motivations and actions in the Watergate affair were intentionally self-serving and illegal. I now understand how my own mistakes and misjudgments have contributed to that belief and seemed to support it. This burden is the heaviest one of all to bear.

That the way I tried to deal with Watergate was the wrong way is a burden I shall bear for every day of the life that is left to me.

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Office of the White House Press Secretary

THE WHITE HOUSE

GRANTING PARDON TO RICHARD NIXON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Richard Nixon became the thirty-seventh President of the United States on January 20, 1969 and was reelected in 1972 for a second term by the electors of forty-nine of the fifty states. His term in office continued until his resignation on August 9, 1974.

Pursuant to resolutions of the House of Representatives, its Committee on the Judiciary conducted an inquiry and investigation on the impeachment of the President extending over more than eight months. The hearings of the Committee and its deliberations, which received wide national publicity over television, radio, and in printed media, resulted in votes adverse to Richard Nixon on recommended Articles of Impeachment.

As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office in the United States.

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.

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 one hundred ninety-ninth.

GERALD R. FORD

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NEWS CONFERENCE

AT THE WHITE HOUSE

WITH JACK HUSHEN

AT 11:40 A.M. EDT

SEPTEMBER 10, 1974

TUESDAY

MR. HUSHEN: Before I begin today's announcements and take your questions, I would like to make a few observations about the events that brought me to this podium.

Jerry terHorst is gone, and we will all miss him, especially those of you out there who saw him as one of your own who was working day and night to put into effect President Ford's policies and openness in this Administration.

In the short time that Jerry was here, he had gone a long way in swinging open the shutters which had closed off the communications between the White House and the press corps.

But those of us who worked so closely with him in the Press Office during the past month will also miss him. He is a professional in every sense of the word, and a man of great ability, an individual of the utmost integrity.

As you know, I came to the White House at the invitation of Jerry terHorst and by the appointment of President Ford. Jerry and I worked together for eight years at the Detroit News and then continued to be associated as I served as spokesman for Senator Griffin, and then at the Justice Department.

And, of course, it goes without saying that I have the greatest respect and admiration for him, and I think all of us are grateful for what he did to establish President Ford's press policies on such a firm foundation in such a short time.

There have been a couple of problems which I think can be cured as individuals who are new to the White House become more accustomed to their role and the role that must be played by the Press Secretary or by the Deputy Press Secretary.

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I know the President was disappointed in Jerry's decision, as I was, and we wish him well in his new role as a columnist for the Detroit News.

You should know that I do not share Jerry's belief that an individual should resign his position when he differs with a major policy matter. The person on this podium is communicating the President's views, not his own.

Finally, I would like to say --

Q It would save time if you would read a little slower and we won't have to ask you to repeat it.

MR. HUSHEN: I will get used to it.

You should know that I do not share Jerry's belief that an individual should resign his position when he differs with a major policy matter. I believe the person on this podium is communicating the President's views and not his own.

Finally, I would like to say to each of you that each of us on the staff of the Press Office pledge ourselves to continue the policy of openness and candor established by President Ford and implemented by Jerry Ter Horst.

Those of you who know me know that that has been my goal during the eight years that I have been speaking for Government officials. The Press Office is here to serve the President and to serve each of you. We will try to answer your questions, attempt to get answers when we don't have them, and continue to say we don't know when we don't know, and above all, to be as diligent as possible to protect the truth from any assaults, unintentional or otherwise.

Q Let's have that -- be as diligent as possible to what?

MR. HUSHEN: To protect the truth from any assaults, unintentional or otherwise.

Q We want you on the record on this, Jack.
(Laughter)

Q Did the President approve this statement?

MR. HUSHEN: No.

Q No, you say?

MR. HUSHEN: Wait a minute. Let me finish.

To save what I know will be a lot of questions in a specific area, Philip Buchen, the Counsel to the President, has agreed to come back to the briefing room today to answer additional questions and try to clear up some of the mistaken impressions that seem to be gaining credibility.

He also will have some documents which we will make available to you.

Q At what time?

MR. HUSHEN: As soon as you are ready to let me go.

Q Will that be for sound?

MR. HUSHEN: No, the same briefing rules will apply for Mr. Buchen as normally apply in here.

Q Are you ready for questions?

MR. HUSHEN: Let me get on with some brief announcements that I have here.

As you know, we posted today's schedule. I would like to point out that after the President's return from Pittsburgh yesterday, because of his early departure, he turned his schedule around and he met with Secretary Kissinger and Al Haig, and then held a two-hour meeting with staff members to discuss options open to him on the conditional amnesty program.

This morning the President again met with staff members, General Haig, Secretary Kissinger, General Scowcroft, Jack Marsh, Bob Hartmann, and myself.

Q Which staff members did he meet with yesterday on the amnesty question?

MR. HUSHEN: I don't have their names.

Q For two hours?

MR. HUSHEN: I can give them to you. They were primarily senior staff.

Q That was yesterday?

MR. HUSHEN: Yes, last night.

Q Why couldn't we have that yesterday? We asked you 50 times what they were doing.

Q What time did it end?

MR. HUSHEN: It ended about -- I think that meeting was from 5:00 to 7:00. The President met this morning at 11:00 with Mr. Edward Heath, former Prime Minister of Great Britian, and presently leader of the opposition party in the House of Commons there.

Secretary Kissinger also attended this meeting. Mr. Heath is in the United States on a brief private visit and the President wished to take the occasion to invite him to the White House and to renew their acquaintance and for an informal exchange of views.

Q Will you answer Ted Knap's question about who attended this meeting last night?

MR. HUSHEN: I said I didn't have the names. I would try to get them.

Q How long was that meeting?

MR. HUSHEN: Two hours, approximately.

Q The meeting with Heath?

MR. HUSHEN: I believe it is still going on.

Q It began at 11:00?

MR. HUSHEN: Shortly after 11:00, correct.

As you have seen from the schedule for today, there will be an arrival ceremony for Prime MInister Rabin from Israel on the South Lawn.

Following the arrival ceremony, the President and the Prime Minister will meet in the Oval Office where the President will have a second meeting with the Prime Minister on Thursday morning and there will be a formal White House dinner that evening.

While he is in Washington, the Prime Minister will also meet with Secretaries Kissinger, Schlesinger, and Simon.

As we announced on Friday, just for your information, this visit will provide the President and the Prime Minister the opportunity to review the Middle East situation, following discussions here this summer with Israeli and Arab representatives, and to discuss further progress towards a Middle East peace settlement.

They will also have the opportunity to discuss bilateral issues in the spirit of a long-standing, close relationship between the United States and Israel, and following the elements of cooperation announced in the joint statement issued in Jerusalem on June 17.

At noon, the President will meet with his economic advisers to look at issues raised in the September 5 conference of economists and determine if any consensus was developed.

They will also be discussing Secretary Simon's recent trip to Paris for the Finance Ministers' Meeting. Attending that meeting will be Counsellor Rush, Secretary Simon, Director Ash, Chairman Greenspan, Chairman Burns, and Bill Seidman.

We have one addition to today's schedule. At 1:00 the President will see Congressman Rhodes to discuss legislative matters.

Q When is that?

MR. HUSHEN: 1:00.

At 8:00 tomorrow morning, the President will meet with the Republican Congressional leadership to discuss what can be accomplished in the remaining weeks of this session of Congress. I would anticipate that the President will send a message to Congress on this subject. That should come sometime this week, but the time will depend on the discussion with the leaders tomorrow.

Following that, the President will participate in the labor conference on inflation in the East Room.

Q What time will that start?

MR. HUSHEN: It starts at 9:45.

The President will be in the East Room for the morning session and then will host a lunch for the participants in the State dining room. The conference will run until 3:45.

As in the case of the economist's meeting, the media seating is limited, and there will only be one seat per organization allocated.

Those of you who will not be going to Pinehurst tomorrow and wish to attend the conference, we ask that you make your desire known so we can assess our space needs.

Print media requesting space should call Morrie Feibusch at 456-2976. Electronic media should call Bill Roberts at 456-2100. By the way, that conference will be carried live on Channel 26 from beginning to end.

About 12:30 tomorrow, the President will depart the South Lawn en route to Andrews Air Force Base, Pope Air Force Base, and Pinehurst, North Carolina.

In Pinehurst, the President will participate in dedication ceremonies for the World Golf Hall of Fame. Then he will play golf with some of those who are being inducted, and then attend an evening dinner at which he will have brief remarks.

Q Who is he playing with?

Q What time does he arrive at Pope?

MR. HUSHEN: I don't have the names yet.

Well, we will have a detailed schedule for you later today. It is a long day, and it has taken some time to get it together, but let me just give you this for your own guidance.

The press bus departs from the southwest gate for Andrews at 10:45 A.M. Press check-in is 11:15. The press plane will depart at 11:45. It is a one-hour flight.

I expect the President to return to Washington about midnight tomorrow, and the press plane will be in as soon thereafter as possible.

Q If he leaves at 12:30, what time does he have lunch?

MR. HUSHEN: The lunch with the labor conference is at 11:45.

Q Have you tried to find out who he will be paired with in the golf tournament?

MR. HUSHEN: That shouldn't be any problem.

Q Jack, will the dinner that evening be open to coverage?

MR. HUSHEN: I will know better later today when we get the schedule posted.

On Thursday, the President will meet with the bipartisan Congressional leaders to discuss the Foreign Assistance Act and other foreign policy matters. That meeting will be at 8:30.

I just have a couple of other announcements, and you can have the release on both of them. The President is nominating the U.S. delegation to the Twenty-Ninth Session of the United Nations Assembly which opens September 17. And he is nominating the U.S. delegation to the Eighteenth Session of the General Conference of the International Atomic Energy Agency. That session will be held from September 16 to 20 in Vienna.

Q Are we going to get the nominations?

MR. HUSHEN: You have the paper on it.

MR. ROBERTS: They are not out yet. They are ready.

MR. HUSHEN: I can give you the names now or hand the paper out as soon as we are done.

Q When you are done is all right.

MR. HUSHEN: Let me just make one announcement relating to the White House Staff.

The President has asked me to announce his appointment of Warren Rustand as Appointments Secretary to the President and you should have a release on this. That is there, too, and will be out shortly.

Q Jack, are you ready to answer questions?

MR. HUSHEN: I guess I have to.

Q Jack, in view of your announced interest in maintaining the policy of openness for the President, why did the White House attempt to keep Mr. terHorst's resignation buttoned up? And why was it not announced promptly on Sunday?

MR. HUSHEN: It was Jerry's wish to depart as quietly as possible. He knew that his decision was going to add to the controversy and he didn't want it to. That is basically the reason.

Q What is your status now, Jack?

MR. HUSHEN: As I told you yesterday, my status is the same today as it was two days ago.

Q Jack, it has been traditional that when the Republican leaders met with the President that they come out and brief. Will they brief tomorrow morning?

MR. HUSEHN: I don't know.

Q Jack, relative to your statement that the person standing in your place speaks for the President and not himself, have you been given any sort of assurance that you will know what the President's views on matters are, as your predecessor did not know, at least until the last minute on the pardon for Richard Nixon?

MR. HUSHEN: I hope to be operating under basically the same assurances, the same accessibility to the President. As I said in my opening remarks, there are still some people who are somewhat new to their roles here and have not learned, I guess, the kind of relationship that the Press Secretary must have.

Q Are you referring to Mr. Buchen?

Q Are you planning a news conference?

MR. HUSHEN: The President plans to maintain his accessibility to the news media. I don't want to say --

Q Jack, in view of all these questions, why doesn't the President just come out here himself and answer them now instead of sending you, who don't know, and Buchen, who possibly doesn't know about it?

Has there been any discussion of this, of the President coming out and answering these questions and getting them out of the way immediately?

MR. HUSHEN: I think Mr. Buchen will be able to answer most, if not all, of your questions.

Q Jack, in view of some of the pitfalls that Jerry did face, do you still maintain the White House has openness and candor, particularly in view of the queries that came into the White House last week regarding pardon that were sluffed off, and other questions where we were touted in the wrong direction?

Do you still maintain you have openness and candor?

MR. HUSHEN: I do.

Q Well, how can you?

MR. HUSHEN: It may be difficult for you to see it, but I certainly do from this side, and I would hope that those of you who saw how Jerry operated for the past month would tend to agree with that.

Q He had to resign to make the point, apparently.

MR. HUSEHN: Oh, no. His resignation was not because of anyone intentionally or unintentionally misleading him.

Q Jack, does the President still intend to hold a press conference this week as Jerry told us last week he would probably?

MR. HUSHEN: I would say probably not, but I would say probably shortly.

Q Has the President indicated to you that you will be the Press Secretary?

MR. HUSHEN: No.

Q Have you talked to him on the subject of your future since terHorst has left, Jack?

MR. HUSHEN: On the way to Pittsburgh yesterday morning, I said this is obviously going to be a question which will come up. And he said you will continue to act as the Deputy Press Secretary. And obviously that makes you, in effect, the Acting Press Secretary.

But the title, for any of those who are trying to describe me, the title should be the Deputy Press Secretary.

Q Jack, when you say there are some people in the White House who don't yet understand the relationship which has to exist between the President and the Press Secretary. Would you include Mr. Buchen?

MR. HUSHEN: Well, I don't want to get into naming some names and omitting others. (Laughter)

Q Is it a large group or many?

MR. HUSHEN: No, it isn't a large group. They have to understand --

Q Does the President understand?

MR. HUSHEN: I believe he does. They have to understand -- the senior people in the White House who know the things that are moving through the White House, have to understand that it does not serve the President to have a Press Secretary standing out here who doesn't know what is going on and, therefore, may unintentionally mislead people.

Q Can you tell us why terHorst was lied to and who lied to him?

MR. HUSEHN: Well, I think "lied" is a very strong word.

Q Well, misled. He used the word "lied", but misled.

MR. HUSHEN: Jerry did? I don't think he did.

Q Use whatever description you want to. Why was the news kept from him at the time when he asked questions about it, why and who?

MR. HUSHEN: Well, let's just save that question until Mr. Buchen has completed his briefing.

Q Are you going to be back?

MR. HUSHEN: If you are not satisfied, I will be happy to take your questions.

Q How about amnesty? When is the President going to make a decision?

MR. HUSHEN: As you know, I mentioned the meeting last night. There was another meeting this morning. Many of the complexities that I spoke about yesterday are being ironed out. I don't want to get into a firm figure, but certainly no later than the end of the month.

Q Jack, there has been some speculation that discussions on conditional amnesty will now get broader, perhaps talk about more liberalized conditional amnesty as a result of the pardon. Is that possible? Is that under discussion?

MR. HUSHEN: I wouldn't speculate along those lines.

Q Jack, I wanted to ask this question, when I asked --

MR. HUSHEN: I think Phil Jones had the floor.

Q We didn't hear the question.

MR. HUSHEN: The question was will there be now possibly broader amnesty, more liberalized, as a result of the pardon for the former President. I suggested that he not speculate along those lines until they see what the program is going to be.

Q Jack, have you a newer count now, maybe more recent than your count on the plane coming back, as to the number of telephone calls received by the White House on the pardon and how they are running and, if you have anything on a count on mail or telegrams, if there has been time for that?

MR. HUSHEN: We have not been able to tabulate the mail yet. I don't mean to indicate that it is flooding through the doors at the rate that it doesn't allow tabulation, but that is generally further behind.

Telegrams and mailgrams, as of 11:00 this morning, were about six-to-one on the basis of about 16,000.

Q Six-to-one?

MR. HUSHEN: Against the pardon. For those of you who are interested, I am told by the man who handles this program that there are at least several other examples in which the telegrams far outweighed this, such as the Saturday Night Massacre, President Nixon's decision to review the Calley conviction, the Cambodian incursion, and even the Amchitka nuclear explosion.

Q In the same amount of time, Jack?

Q You mean in total numbers, or larger?

MR. HUSHEN: Larger, much larger from the point of telegrams -- those four examples. So they do not describe that as anywhere near the level of those.

Q Would you call this a mini-massacre, Jack?

MR. HUSHEN: Let me just add the final one. As of midnight last night, the tally on the telephones has changed around, I think rather significantly.

Those supporting the President's decision were more than 5,700; those in opposition, 3,900.

Q Was anything done to stimulate telephone calls?

MR. HUSHEN: Absolutely nothing.

Q Jack, you said there were 16,000 telegrams. One of the wire services carried a story yesterday saying there was 20,000 on Sunday alone. Was that a bad figure?

MR. HUSHEN: Well, I don't think we got 20,000 alone on Sunday. I will have to check that. I know there are some that have not been tallied yet.

Q 16,000 total; is that your figure?

MR. HUSHEN: These are the number tallied as of 11:00 A.M., Tuesday.

Q Are they all in? Have all those that have been received been tallied?

Q Jack, do you have something for us now in the light of these figures and in the light of the many statements on the Hill by Congressmen on both sides of the issue and other obvious signs of controversy over this thing? Do you have for us at the present time the President's reaction to all this?

For instance, there have been stories saying he was somewhat shocked by the volume or the amount of protest. Is that the case? What is his present reaction now to this flap?

MR. HUSHEN: I certainly wouldn't describe the President as being surprised by this. He knew that this was going to be a controversial decision. He still thinks it is the right decision and he is firmly convinced that he will be proven right in the long run.

Q Jack, I wanted to ask this question: When I asked how the President's \$850,000 request for Nixon could be reconciled to his plea for Americans to fight inflation, I recall that Jerry terHorst replied that he understood that this was in line with what was provided to other former Presidents. You may remember that.

Now, when I phoned the Press Office to ask how Jerry had been led to this understanding, I was referred to two Nixon holdovers, Mr. Carlson and Mr. Bowter of GSA, who maintained the same thing.

My question is this: How can Administration spokesmen give out this information when this morning Senator Montoya's office received a second set of figures from GSA of the computed total of everything paid to Lyndon Johnson which, during the five years 1969 to 1973, amounted to only \$266,000 more than Ford is asking for Nixon in one year? Can you explain this?

MR. HUSHEN: It sounds like we are going to have to check on it.

Q Would you, and let us know?

MR. HUSHEN: Yes.

Q Second, is the President going to pardon or ask for any pension for Mr. Agnew, or hasn't the Agnew family suffered enough?

I mean that is a high office, too.

MR. HUSHEN: I can't give you any response on that.

Q Jack, can you tell us what Rabbi Korff was doing here today and who he saw?

MR. HUSHEN: Somebody said Rabbi Korff was here today and who he saw. I didn't know he was here.

Q Could you check that please?

Q He was; he saw me.

MR. HUSHEN: Does that satisfy you? (Laughter)

Q He claims that he never said, as he was quoted in two daily newspapers, that he never said Father Drinan was to be compared to Rasputin.

Q Mrs. Dean is now talking about a pardon for John Dean; what is the President's feeling about pardon for any of the other people involved in the whole Watergate thing?

MR. HUSHEN: I am authorized to say that that entire matter is now under study.

Q You mean for all the Watergate --

Q Jack, will you expand on that?

Q Can you give us a little more on that?

MR. HUSHEN: No.

Q Is that a reversal of your former statements?

Q Will Mr. Buchen be able to give us something on that?

MR. HUSHEN: He may.

Q When we asked Mr. Buchen the other day whether pardons were under consideration, first, for the defendants in the September 30th trial and, later, for Mr. Dean and others who are actually serving prison sentences, he said in words to the effect the President had not given that any thought whatsoever, and now, you are saying the matter is under study. What has changed, and what has happened that caused a change?

MR. HUSHEN: I think we will have to stand where we are for the time being.

Q Can we get the question of Mr. Shabecoff a moment ago?

MR. HUSHEN: That was Mr. Lord's question.

Q No, following that, Mr. Shabecoff's question.

MR. HUSHEN: I didn't hear that.

Q I asked would Mr. Buchen be able to give us that.

Q I want to ask, is it across-the-board, Mr. Dean, or all the Watergate defendants and also those who have served or are currently in jail, everybody?

Q Just a minute Jack, excuse me. If you nod and we are writing, we can't hear your answer, and it also is not on the record. I am sorry, I didn't hear your answer.

MR. HUSHEN: Restate the question.

Q Mrs. Dean has talked about a pardon for her husband; is the President considering, at this time, pardons for Mr. Dean and any or all of the other Watergate defendants, people involved in the whole Watergate matter?

MR. HUSHEN: I will restate, that matter is under study.

Q Jack, when would you expect a decision?

MR. HUSHEN: I can give you no further guidance at this time.

Q Can you tell us when this determination was made to put it under study?

MR. HUSHEN: No.

Q The President, in his Senate confirmation hearings, led the Senate Rules Committee to believe that he would not consider pardoning the President because he thought the American people would not stand for it.

He has now pardoned the President. Does the President believe he would have been confirmed if he had told the Senate Committee he would pardon Mr. Nixon?

MR. HUSHEN: That is a question you will have to address to the President. All I can say --

Q I will be happy to.

MR. HUSHEN: You may get the chance. All I can say is, those of you who have reread his statement on Sunday, hypothetical questions don't seem to take on the same aspect as they do when you are sitting in the Oval Office.

Q Did the President personally authorize you to make that statement, or did some other official in the White House?

Q Which statement?

Q The statement about the entire matter being under study about pardoning?

Q You said you speak as Presidential spokesman.

MR. HUSHEN: The President authorized me to make that.

Q Jack, does not a statement like that, at this time, short circuit the trial that is scheduled for the other Watergate defendants that is supposed to begin on September 30th? Can that trial go on if the President has under study pardon for all of those defendants in the trial?

MR. HUSHEN: I believe it can.

Q What was your answer?

MR. HUSHEN: The answer was yes.

Q Has that point been discussed with the President or by the President?

MR. HUSHEN: I can't respond to that; I don't know the answer to that.

Q Doesn't it include the whole -- all those who are facing trial?

MR. HUSHEN: Yes.

Q Jack, is there under study, under consideration, or has a decision been made on any way to get the entire Watergate story on the record -- some sort of Warren Commission on Watergate to study the matter and what really happened?

MR. HUSHEN: I am not aware of it.

Q Jack, have you had any further discussions with the President so that you could tell us what caused him to bring up the question of pardon on the 30th, and specifically, to what extent he was influenced by reports that Mr. Nixon was in bad shape, physically and mentally?

MR. HUSHEN: I have talked about this with the President.

Q Question, please, Jack?

MR. HUSHEN: I guess basically the health issue.

Q The question is; have you talked with the President, and can you tell us to what extent he was influenced by reports of former President Nixon's mental condition?

MR. HUSHEN: Well, I cannot, obviously, put myself into the President's thinking processes to know what influenced him. I think his statement about "threatening the former President's health" is getting undue attention, because it was not in the advance text. But I think a reasonable man could conclude that when serious allegations -- as you may find out more about today -- are hanging over the former President's head, it could threaten his health. I think that is all the President said.

Q Excuse me, may I follow that up, Jack. The question is, had the President told you so you could tell us whether he was influenced or impressed by reports of health problems involving Mr. Nixon, and where did those reports come from? Jack, is there anymore you can say on that?

MR. HUSHEN: I really can't go much beyond that.

Q Can you say whether health was a prime influence, or the major influence that made the President change his mind?

MR. HUSHEN: No.

Q What was?

MR. HUSHEN: I can't say because I don't know what his thought processes are on the matter.

Q Did the President meet with Walter Tkach on Friday? Did the President see Walter Tkach on Friday?

MR. HUSHEN: He did not, and I will just try to set that to rest as best I can.

Q Question?

MR. HUSHEN: "Did the President see Dr. Tkach on Friday when he was here?"

It is my understanding Dr. Tkach has been on leave for about the past three weeks. He is getting a new assignment by the Air Force and was in the building merely to clean up some last minute details.

Q Did he see the President while he was cleaning up those last minute details?

MR. HUSHEN: I prefaced that by saying no; I guess you didn't hear that.

Q Did he see anyone else on a policy level on Friday?

MR. HUSHEN: No. In fact, he did talk to Dr. Lukash. But as I said, Dr. Lukash told me that Dr. Tkach had not seen the former President recently, but the reports were not negative, or not unfavorable as far as the health of the former President was concerned.

Q Jack, you said something here that got by me here, and I think it sounds very significant to me. You said something to the effect that President's don't take the same position in the Oval Office as they do during the hearings, is that correct? And if it is correct, why should we hold hearings, and how can we believe a man that is a nominee?

MR. HUSHEN: What I said was that the hypothetical questions that come to you as a nominee look a lot different when they come to you as the President, and you may respond to a hypothetical question in a different way than you would when you are confronted with the actual situation.

Q Jack, is this study of possible amnesty for other Watergate defendants such a study, or consideration, that it will result in a decision to be announced by the White House?

MR. HUSHEN: I can't go into any details on that at all.

Q Jack, does this study apply only to those who have already been convicted or pled guilty?

MR. HUSHEN: I can't go into any details on that at all. All I can say is that it is under study, period.

Q Why is that question under study more urgent than the question of amnesty or leniency, which Jerry terHorst said there would be no grass growing under that decision?

MR. HUSHEN: You are talking about the announcement of the conditional amnesty program?

Q Yes.

MR. HUSHEN: The grass isn't growing under the program. What has happened is that, as we got into it, we found it was much more complex than we had thought. The ramifications of that were greater than we thought, and these things had to be ironed out. And as I said yesterday, the President personally wants to make sure that this has his stamp of approval on it.

His attention has been focused elsewhere for awhile, and I think the fact that there was a very lengthy meeting last night and another one this morning and my attempts to clarify, or to get away from the indefinite postponement which was misinterpreted, indicates we are moving.

Q How long did the meeting last this morning?

MR. HUSHEN: I don't know.

Q Jack, can you give us some guidance on when we can expect some word on this study that is now in progress, and will it come from the President?

MR. HUSHEN: No.

Q Can you tell us who is conducting the study?

MR. HUSHEN: I cannot tell you.

Q Can I clarify; this means anybody who has already been convicted in connection with the Watergate or anybody facing trial, is that right?

Q All persons connected with Watergate, involved in Watergate?

MR. HUSHEN: That is correct.

Q Does that mean that he is in fact considering pardons for all of these people, or is he just reviewing it?

MR. HUSHEN: The question of pardons is under study.

Q Who is doing the studying?

MR. HUSHEN: I cannot say.

Q Did the consideration for the pardons for all those in Watergate begin simultaneously with, or subsequent to the pardon for Mr. Nixon?

MR. HUSHEN: I cannot say, I don't know that.

Q Jack, if it began before the pardon for Mr. Nixon, why did Mr. Buchen tell us it was not under consideration?

MR. HUSHEN: I am not saying it did begin before.

Q All right, then it began after, right?

MR. HUSHEN: I am not saying it began after.

Q Jack, is a study being made of amnesty for other persons indicted or convicted for burglary, obstruction of justice, of conspiracy and other crimes, not perjury, not connected with Watergate?

I am sorry I'm not smiling; this is a serious question.

Q Yes, is there a general study of pardons? I would like the answer, too.

Q So would I.

MR. HUSHEN: Well, I think the answer to that is no.

Q Jack, can you tell us if he is contemplating the pardoning of a man like Colson, how can he keep anyone else in Allenwood?

(Laughter.)

MR. HUSHEN: Your questions sounds like it is being asked after the fact. The only thing I said here was that there was a study now under way, and anybody that goes beyond that and says that we are about to do something would be misleading the American public.

Q You are not saying Mrs. Dean's letter prompted the inquiry, are you?

MR. HUSHEN: No, I am not.

Q Okay, it started before the letter?

Q Did a request from any Watergate defendant prompt the study?

MR. HUSHEN: I don't know of any. I don't know of any request except for the one I heard about on the radio this morning from Mrs. Dean.

Q Jack, can you say why the President is now authorizing you to say this?

MR. HUSHEN: No.

Q Did the reaction to the pardon for the former President prompt the review or the study of pardons for the others?

MR. HUSHEN: I cannot answer that.

Q Jack, when did the President authorize you to say this?

MR. HUSHEN: In our meeting this morning before I came out here.

Q Jack are you aware of the impact of what you have just said is going to have on the American people, and particularly when you stand mute when we ask you other questions about this study about who authorized it and who is making it? Is the White House aware of the impact this is going to have?

MR. HUSHEN: Well, I think those factors are taken into consideration, but again, Peter, let me caution you, all I said was, there is a study. Don't try to predict the results of the study.

Q But the fact that you make a statement from the White House podium that there is a study under way is of great significance, Jack, and my question is, are you aware of the significance of it. You don't have to answer that question. The President has chosen to authorize you to say that this is under study. That is not an insignificant statement.

MR. HUSHEN: I understand that.

Q When we are through here, can we break this off and file and then have the Buchen briefing?

Q Like 15 minutes from now?

Q Yes, we need some time, Jack.

MR. HUSHEN: All right, why don't you break it off?

THE PRESS: Thank you.

END

(AT 12:32 P.M. EDT)

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

The announcement yesterday by Mr. Hushen concerning study of the entire matter of Presidential clemency and pardons was prompted by inquiries to the White House Press Office concerning Mrs. John Dean's reported statement in reference to pardoning of her husband and similar public statements on behalf of others.

Such a study is, of course, made for any request concerning pardon of an individual.

However, no inference should be drawn as to the outcome of such study in any case. Nor is my pardon of the former President, under the unique circumstances stated by me in granting it, related to any other case which is or may be under study.

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FOR IMMEDIATE RELEASE

SEPTEMBER 11, 1974

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
PRESS CONFERENCE
OF
SENATOR HUGH SCOTT
AND
CONGRESSMAN JOHN RHODES

THE BRIEFING ROOM

9:55 A.M. EDT

MR. HUSHEN: Good morning.

We just have one brief announcement before we go to the briefing.

The Conference on Inflation began about ten minutes ago over in the East Room. Those of you who wish to remain here for this briefing will be taken over to the East Room following this session.

Now to the matter at hand.

The President had his first meeting with the Republican leadership this morning. It ran about an hour and three quarters. The President said he hoped to continue these on a regular basis.

We have the minority leader of the Senate, Senator Scott, and the minority leader of the House, Representative Rhodes, here to detail what happened this morning.

Mr. Rhodes will go first.

CONGRESSMAN RHODES: Good morning, ladies and gentlemen.

The meeting, as Mr. Hushen said, took about an hour and 45 minutes. Mr. Seidman first explained the pre-summit conferences, which are to take place around the country, and there was some discussion concerning the summit conference itself.

Mr. Ash then reported the fact that there will be some requests forwarded to the House and Senate under the Budget Control Act for deferrals and certain rescissions. As I think you know, the deferrals will be effective unless one House of the Congress takes affirmative action. The rescissions will not be effective unless both Houses of Congress take affirmative action within 45 days.

MORE

So, these are requests for both deferrals and rescissions, one requiring action, the other requiring inaction.

Also, it was discussed that the President has requested that the pay increase for Federal employees be deferred for three months. The fact that it would save some \$700 million in this fiscal year was set forth and, of course, the reason for the discussion was requesting that the leadership give its attention to sustaining the President's request on this.

It is a very important anti-inflation move. In fact, it probably will be the first test of the President's anti-inflation program, which the Congress may be called upon to vote.

Then, of course, there was some discussion concerning a message which the Congress will receive from the President, possibly tomorrow, and possibly next week, concerning legislative requests for the balance of this Congress.

The President expressed his hope that the Congress could adjourn sine die on or about October 15, but this is a list of actions which he hopes sincerely the Congress will take prior to any adjournment sine die.

As Senator Scott mentions, obviously, there are some priorities which are indicated in the message. In other words, the requests are not just thrown in hodge-podge, there is some shading of demand insofar as action is concerned.

Now, Senator Scott has an announcement to make.

SENATOR SCOTT: Well, ladies and gentlemen, what struck me most, I think, in the meeting with the President this morning was his opening statement that these will continue on a regular basis and that the party's leadership will be consulted for its recommendations prior to the making of important decisions, such as we discussed this morning.

The President has a statement bearing on some of yesterday's comments. This is the statement: "The announcement yesterday by Mr. Hushen concerning study of the entire matter of Presidential clemency and pardons was prompted by inquiries to the White House Press Office concerning Mrs. John Dean's reported statement in reference to pardoning of her husband and similar public statements on behalf of others.

"Such a study is, of course, made for any request concerning pardon of an individual. However, no inference should be drawn as to the outcome of such study in any case, nor is my pardon of the former President, under the unique circumstances stated by me in granting it, related to any other case which is or may be under study."

MORE

Further, yesterday at about 12:15, I spoke to the Special Prosecutor, Mr. Jaworski, assured him of my interest in full disclosure and of my full support of him --

Q Are you speaking for yourself?

SENATOR SCOTT: Yes, I am speaking for myself. I ended the President's statement. I spoke to Mr. Jaworski at 12:15 yesterday and made it clear that I supported him fully, and I urged that any correspondence which could legitimately and properly be released, that that be done, having in mind the memorandum from Mr. Ruth to Mr. Jaworski regarding the ten areas of alleged involvement of the former President.

He told me that he had come to the conclusion that this should be released, and was so advising the White House. I understand it has been released.

I call your attention to the final paragraph again -- although you have had it all -- referring to these ten matters.

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

As to that, you know that any conversations or correspondence of Mr. Jaworski are under the restriction, the broad, general restriction -- not referring to any special letter -- of Judge Sirica's order, which does affect the possibility of any such release at this time.

You also know from Mr. Buchen's statement to you yesterday that they, 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.

The statement of the letter from Mr. Miller on behalf of Mr. Nixon referring on page 13 to the destruction of an environment for trial consistent with due process has been nationwide.

The President has repeated his judgment, his statement of his judgment that what he has done is right. He believes it will be seen to be right in the longrun. I think we all admit that it is controversial.

Now we will both be glad to answer questions.

MORE

Q Why did you call Jaworski to spring that memorandum? I mean, why did you interfere?

SENATOR SCOTT: Well, Helen, I don't know that it is interfering. I am one of the eight leaders involved in the consensus who had consistently assured him that if he had any troubles, we would back up his independence.

Q You felt he had troubles?

SENATOR SCOTT: If he had any problems. And he has been to see us, waited on the Judiciary Committee once, and we affirmed our belief and our satisfaction that he should be protected, his independence.

And so, I had said in Congress the night before that I thought all of this material should be released. It was part of a broad statement that I made favoring full disclosure of everything not affected by national defense and not affecting the rights of defendants.

I heard there was concern about that, and I thought I owed it to Mr. Jaworski to initiate a call to him, which I did, to assure him that I would in no way interfere with the rights of defendants, and he assured me that he appreciated my continued support.

Q You are referring to the document that was released here?

SENATOR SCOTT: The September 3 memorandum from Mr. Ruth to Mr. Jaworski.

Q Did you express to the President your concern that you all were not consulted prior to his decision on the pardon for Mr. Nixon?

SENATOR SCOTT: Well, the President did reach a very substantial number of people -- I can't say who all of them were -- prior to announcing his decision. I was one of them.

In this case, I think the President arrived at his decision on his own and on his sole determination. It was the kind of decision which could not be discussed until after the agreement had been reached late Saturday night. Early Sunday morning he called me and I knew that he was trying to reach Congressman Rhodes, who was enjoying himself more than I was that morning.

Q That wasn't to consult you, it was to tell you.

SENATOR SCOTT: In this case it had to be, as I view it, to tell us.

MORE

Q Why?

SENATOR SCOTT: Because the agreement had been made in a firm form involving representatives of the former President and of this President. They had arrived at a decision which could not have been arrived at by a committee of the leadership.

Therefore, the decision was the President's alone and what, as I see it, the President did with regard to the material, on which he had an opinion from the Attorney General, is solely the property of a President, and these precedents go back to George Washington, so that instead of granting to Richard Nixon privileges, or advantages which he would not have held otherwise, he actually insisted on restrictions so he reduced the right of the former President by agreements rather than enlarging it.

Q Senator, or Congressman, did the President give you any reasons this morning, other than the ones that have been stated, about why he did this, and did he mention anything about the former President's health or that he had talked to any member of the former President's family about that?

CONGRESSMAN RHODES: The answer to the latter is in the negative. Nothing was said about the former President's health and nothing was said about any contact with any member of the President's family.

Q So that means that Julie Eisenhower did not call the President or make any plea on his behalf?

CONGRESSMAN RHODES: It means, Helen, nothing was said in this meeting about that, and I --

Q So you can't really say --

CONGRESSMAN RHODES: -- know nothing about it because the question did not arise.

Q So the health question did not come up at all?

CONGRESSMAN RHODES: Nobody mentioned the health --

Q Did Julie Eisenhower appeal to either of you gentlemen?

CONGRESSMAN RHODES: No, sir, not to me.

SENATOR SCOTT: Not to me. The President made a general statement in which he said there were various ramifications to my decision. You can read anything you want into that. He did not elaborate it.

MORE

Q The President seems to be rolling back this morning from these mass pardons, and he also seems to be apologizing to you for not consulting. In your emphasis on consultation today for more important decisions, and also this statement, he appears very worried about the reaction to blanket pardons. Is that a fair analysis?

SENATOR SCOTT: I won't agree, Helen. In the first place, he volunteered the statements of prior consultation. It certainly had no bearing in my mind on his decision, which is one of those unique decisions which, if I were President, I would certainly have taken the responsibility for making alone. I would never have submitted it to a committee.

I don't think this statement is for any purpose except to make clear that applications for pardon have not reached the President's desk. When they are, they will receive such consideration as they are certainly fairly entitled to receive, and that he is trying to clear up, in effect, that that is when the study would be necessitated rather than take general study.

Q There is no study now?

SENATOR SCOTT: Not that I know of, and I think there are none.

Q What is going on on that score? I mean, we were told yesterday that the study is underway, or there is a study. What do you understand the situation to be?

SENATOR SCOTT: I would like to have John comment. What I understand the situation to be is that if, as, and when the President receives any request for action by him having to do with his Executive powers under Article II, Section 2, he will react by considering it and considering it most carefully. That is my view of it.

Is that right, John?

CONGRESSMAN RHODES: I think that is precisely correct. Of course, the Constitution leaves the matter of pardon completely in the hands of the Executive. It isn't a matter of whether there is any Congressional review, so his nonconsultation with Members of the House and Senate is perfectly understandable.

It is true, as the Senator said, there is no study going on, nor does there need to be. The power the President has to either pardon or not pardon is very clear under the Constitution, and I think what the President is saying here is that if he receives in due course and in due form requests for consideration for a pardon from any of these people in this rather large class, that they will not be thrown in the wastebasket, that they will be considered on their merits, each of them.

Q Under those circumstances, why do you suppose a one sentence statement of that nature was made yesterday which created so much unnecessary turmoil in the light of what you are saying now?

CONGRESSMAN RHODES: Of course, I wasn't here yesterday, and I have no means of replying to the question. All I am saying is that my understanding is as Senator Scott and I have stated.

Q May I ask you another question, while I have both of your attentions. Did the President make a mistake by pardoning the former President at this juncture?

CONGRESSMAN RHODES: In my opinion, the answer to that is definitely no. I think that President Ford acted at a proper time and for proper reasons, and I completely support his decision to act as he did.

Q Why?

Q Mr. Rhodes, or Senator Scott, did you either ask --

CONGRESSMAN RHODES: There was a follow-up question here. The lady asked why I support the decision. I support the decision, Miss Thomas, because in my opinion, continuing the Watergate matter is not in the best interest of the country. The trying of a President of the United States would be to reopen the whole matter.

There is considerable doubt in my mind and doubt in the minds of most people who have considered it that President Nixon could get a fair trial anywhere in the United States because of the publicity of Watergate, and all in all it seemed to me to be a very good decision to make. Since the decision had to be made at some time anyway, it seemed proper to make it before the matter had gone any further.

Q Do either of you have any information on former President Nixon's health that we don't know about?

CONGRESSMAN RHODES: Speaking for myself, the answer is in the negative. I have no information from Mr. Nixon or any member of his family as to his health.

Q I don't think Senator Scott answered my question.

SENATOR SCOTT: Well, I did hope to avoid it.
(Laughter)

MORE

The answer is that I agree with Congressman Rhodes. I indicated to the President when he called me that I knew it would be controversial. I knew that it would create much discussion, that I thought that if it were going to be done, if t'were done, t'were well t'were done quickly, if I could borrow from Sam Shaffer's version of Shakespeare. (Laughter)

It is a tragic thing. My mail is running at the moment very heavily critical, no question of that. I detect, however, that they are my ancient and honorable critics of the past, and they are indeed repetitive here.

I believe that had the President delayed, the country would have divided into two factions -- pro lenity or pro leniency, and against. It would have been highly divisive. I think the trial would have taken at least a year or a year and a half to get started. There could have been trials on at least ten areas where the Special Prosecutor admits there is insufficient evidence; for example, that the trials could have occurred, there could have been trials on the cover-up, the appeals could take from three to five years, as we know, and the country during this time would have been engaged in a riotous controversy.

Quoting the New York Times, quoting Sophocles, there is a statement that even justice is sometimes unjust, and the President has been deprived of his office, deprived of his profession, deprived of a large part of his means and, therefore, has been severely punished.

I realize there is discrimination, but I make the distinction.

Q Do you think he should not have been deprived of his office?

Q He resigned, Senator. He resigned his office, he resigned the bar.

SENATOR SCOTT: Well, if you are going to fence with me, he resigned because the evidence brought him to that conclusion.

Q He resigned because he thought he would be put out.

SENATOR SCOTT: Well, I am not going to argue with you, but we all know the facts. He resigned under circumstances which have been more widely publicized than anything, even including the battle of Gettysburg.

MORE

Q Senator Scott and Congressman Rhodes, do you think the confusion that has existed this week, the past couple of days, especially, has in any way prejudiced the forthcoming Watergate trials, and do you think the President erred by not letting Special Prosecutor Jaworski know of his plans to consider these pardons in whatever form he will be considering them?

SENATOR SCOTT: I think Prosecutor Jaworski and the President both must make their own judgments as to what is proper to do. I find no fault with either one of them. Whether the rights of defendants have been prejudiced is a matter for Judge Sirica to rule upon, and if necessary for the circuit courts to rule upon, and I will abide by the decision of the courts, Tom, as always.

Q Did the President say to the leadership this morning whether he had or had not authorized Mr. Hushen to make the statement that he made yesterday?

SENATOR SCOTT: The President simply said, I have a statement which I would hope that one of you would read, and then he indicated to us what it was. Beyond that, he did go on.

Another matter. The Rules Committee is meeting this morning, and I have to leave because we will determine today when we open hearings on the confirmation of the Vice President-designate. I hope we can do that next Monday and begin with the statements of the two New York Senators and the opening statement by Vice President-designate Rockefeller.

Q Just so we can get the background on this, is the President disturbed at the stories that came out yesterday saying that he was considering the matter?

SENATOR SCOTT: Helen, I am pretty good at reading people's facial expressions, and I saw nothing that indicated that pro or con, and he said nothing to indicate it.

END (AT 10:17 A.M. EDT)

PRESS CONFERENCE NO. 2

of the
PRESIDENT OF THE UNITED STATES

8:00 P.M. EDT
September 16, 1974
Monday

In the East Room
At the White House
Washington, D.C.

THE PRESIDENT: Please sit down.

Ladies and gentlemen, this press conference is being held at a time when many Americans are observing the Jewish **religious** new year. It begins a period of self-examination and reconciliation. In opening this press conference, I am mindful that the spirit of this **holy day** has a meaning for all Americans.

In examining one's deeds of the last year and in assuming responsibility for past actions and personal decisions, one can reach a point of growth and change. The purpose of looking back is to go forward with a new and enlightened dedication to our highest values.

The record of the past year does not have to be endlessly relived, but can be transformed by commitment to new insights and new actions in the year to come.

Ladies and gentlemen, I am ready for your questions.

Mr. Cormier.

QUESTION: Mr. President, some Congressional Republicans who have talked to you have hinted that you may have had a secret reason for granting President Nixon a pardon sooner than you indicated you would at the last news conference, and I wonder if you could tell us what that reason was.

THE PRESIDENT: At the outset, let me say I had no secret reason, and I don't recall telling any Republican that I had such a reason. Let me review quickly, if I might, the things that transpired following the last news conference.

MORE

As many of you know, I answered two, maybe three questions concerning a pardon at that time. On return to the office, I felt that I had to have my counsel undertake a thorough examination as to what my right of pardon was under the Constitution. I also felt that it was very important that I find out what legal actions, if any, were contemplated by the Special Prosecutor.

That information was found out, and it was indicated to me that the possibility exists, the very real possibility that the President would be charged with obstructing justice and ten other possible criminal actions.

In addition, I asked my general counsel to find out, if he could, how long such criminal proceedings would take, from the indictment, the carrying on of the trial, et cetera, and I was informed that this would take a year, maybe somewhat longer, for the whole process to go through.

I also asked my counsel to find out whether or not under decisions of the judicial system a fair trial would be given to the former President.

After I got that information, which took two or three days, I then began to evaluate, in my own mind, whether or not I should take the action, which I subsequently did.

Miss Thomas.

MORE

QUESTION: Throughout your Vice Presidency, you said that you didn't believe that former President Nixon had ever committed an impeachable offense. Is that still your belief or do you believe that his acceptance of a pardon implies his guilt, or is an admission of guilt?

THE PRESIDENT: The fact that 38 members of the House Committee on the Judiciary, Democrat and Republican, have unanimously agreed in the report that was filed that the former President was guilty of an impeachable offense, I think is very persuasive evidence.

And the second question, I don't recall --

QUESTION: An admission of guilt?

THE PRESIDENT: Was the acceptance of the pardon by the President an admission of guilt? The acceptance of a pardon, I think, can be construed by many, if not all, as an admission of guilt.

Yes, Mr. Nessen.

QUESTION: What reports have you received on Mr. Nixon's health, and what effect, if any, did this have on your decision to pardon him now?

THE PRESIDENT: I have asked Dr. Lukash, who is the head physician in the White House, to keep me posted in proper channels as to the former President's health. I have been informed on a routine day-to-day basis, but I don't think I am at liberty to give any information as to those reports that I have received.

You also asked what impact did the President's health have on my decision. I think it is well known that just before I gave my statement at the time that I gave the pardon I personally wrote in a phrase "the threat to the President's health."

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 the American society. At the same time, the United States had major problems both at home and abroad that needed the maximum personal 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 had to solve at home and abroad.

MORE

And the net result was that I was more anxious to heal the Nation. That was the top priority. I felt then, and I feel now, that the action I took will do that. I couldn't be oblivious, however, to news accounts that I had concerning the President's health, but 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.

QUESTION: Mr. President, after you had told us that you were going to allow the legal process to go on before you decided whether to pardon him, why did you decide on Sunday morning, abruptly, to pardon President Nixon?

THE PRESIDENT: I didn't decide abruptly. I explained a moment ago the process that I went through subsequent to the last press conference. When I had assembled all of that information that came to me through my counsel, I then most carefully analyzed the situation in the country and I decided that we could not afford in America an extended period of continued turmoil and the fact that the trial, and all of the parts thereof, would have lasted a year -- perhaps more -- with the continuation of the divisions in America, I felt that I should take the action that I did, promptly and effectively.

QUESTION: Mr. President, I would like to ask you a question about the decision relating to custody of the Nixon tapes and documents. Considering the enormous interest that the Special Prosecutor's office had in those documents for further investigation, I am wondering why the negotiations with Mr. Nixon's representatives were conducted strictly between the counsel in your office without bringing in discussions with either Mr. Jaworski's representatives or those from the Justice Department.

THE PRESIDENT: In the first place, I did receive a memorandum, or legal opinion, from the Department of Justice which indicated that in the opinion of the Department of Justice, the documents, tapes, the ownership of them were in the hands of the former President. Historically, that has been the case for all Presidents.

Now, the negotiations for the handling of the tapes and documents were undertaken and consummated by my staff and the staff of the former President. I believe that they have been properly preserved and they will be available under subpoena for any criminal proceeding. Now, the Special Prosecutor's staff has indicated some concern. I am saying tonight that my staff is working with the Special Prosecutor's staff to try and alleviate any concerns that they have. I hope a satisfactory arrangement can be worked out.

MORE

QUESTION: Mr. President, during your confirmation hearings as Vice President, you said that you did not think that the country would stand for a President to pardon his predecessor. Has your mind been changed about such public opinion?

THE PRESIDENT: In those hearings before the Senate Committee on Rules and Administration, I was asked a hypothetical question, and in answer to that hypothetical question I responded by saying that I did not think the American people would stand for such an action.

Now that I am in the White House and don't have to answer hypothetical questions but have to deal with reality, it was my judgment, after analyzing all of the facts, that it was in the best interest of the United States for me to take the action that I did.

I think if you will reread what I said in answer to that hypothetical question, I did not say I wouldn't. I simply said that under the way the question was phrased, the American people would object.

But I am 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.

Mr. Lisagor.

QUESTION: Mr. President, is there any safeguard in the tapes agreement that was made with Mr. Nixon, first, with their destruction in the event anything happens to him, because under the agreement they will be destroyed, and secondly, should not the tapes be kept in the White House until the Special Prosecutor has finished dealing with them?

THE PRESIDENT: The tapes and the documents are still in our possession and we are, as I said a moment ago, working with the Special Prosecutor's office, to alleviate any concerns they have as to their disposition and their availability.

The agreement as to destruction is quite clear-cut. As long as Mr. Nixon is alive and during the period of time that is set forth, they are available for subpoena by a court involving any criminal proceedings. I think this is a necessary requirement for the protection of evidence for any such action.

MORE

QUESTION: Mr. President, recent Congressional testimony has indicated that the CIA, under the direction of a committee headed by Dr. Kissinger, attempted to destabilize the Government of Chile under former President Allende.

Is it the policy of your Administration to attempt to destabilize the governments of other democracies?

THE PRESIDENT: Let me answer in general. I think this is a very important question.

Our Government, like other governments, does take certain actions in the intelligence field to help implement foreign policy and protect national security. I am informed reliably that Communist nations spend vastly more money than we do for the same kind of purposes.

Now, in this particular case, as I understand it, and there is no doubt in my mind, our Government had no involvement whatsoever in the Allende coup. To my knowledge, nobody has charged that. The facts are we had no involvement in any way whatsoever in the coup itself.

In a period of time, three or four years ago, there was an effort being made by the Allende government to destroy opposition news media, both the writing press as well as the electronic press, and to destroy opposition political parties.

The effort that was made in this case was to help and assist the preservation of opposition newspapers and electronic media and to preserve opposition political parties.

I think this is in the best interest of the people in Chile, and certainly in our best interest.

Now, may I add one further comment.

The 40 committee was established in 1948. It has been in existence under Presidents since that time. That committee reviews every covert operation undertaken by our Government, and that information is relayed to the responsible Congressional committees where it is reviewed by House and Senate committees.

It seems to me that the 40 committee should continue in existence, and I am going to meet with the responsible Congressional committees to see whether or not they want any changes in the review process so that the Congress, as well as the President, are fully informed and are fully included in the operations for any such action.

MORE

QUESTION: In view of public reaction, do you think the Nixon pardon really served to bind up the Nation's wounds? I wonder if you would assess public reaction to that move.

THE PRESIDENT: I must say that the decision has created more antagonism than I anticipated. But as I look over the long haul with a trial or several trials of a former President, criminal trials, the possibility of a former President being in the dock so to speak, and the divisions that would have existed not just for a limited period of time, but for a long period of time, it seems to me that when I had the choice between that possibility and the possibility of taking direct action hoping to conclude it, I am still convinced, despite the public reaction so far, that the decision I made was the right one.

QUESTION: Mr. President, in regard to the pardon, you talk about the realities of the situation. Now those realities rightly or wrongly included a good many people who speculate about whether or not there is some sort of arrangement -- even some of them call a deal -- between you and the former President or between your staff and his staff, resignation in exchange for a full pardon.

The question is: Is there or was there, to your knowledge, any kind of understanding about this?

THE PRESIDENT: There was no understanding, no deal between me and the former President, nor between my staff and the staff of the former President, none whatsoever.

QUESTION: Mr. President, there is a bill that the Treasury Department has put forward, I think it is about 38 pages. Under this bill, which deals with getting hold of the returns, Internal Revenue returns of the citizens of the country, you could take action to get those returns whenever you wanted to.

I wonder if you are aware of this, and if you feel that you need to get those returns of citizens.

MORE

THE PRESIDENT: It is my understanding that a President has, by tradition and practice, and by law, the right to have access to income tax returns. I personally think that is something that should be kept very closely held. A person's income tax return is a very precious thing to that individual and, therefore, I am about to issue an Executive Order that makes it even more restrictive as to how those returns can be handled and I do think that a proposed piece of legislation that is coming to me and subsequently will be submitted, as I recollect, to the Congress would also greatly tighten up the availability or accessibility of income tax returns. I think they should be closely held and I can assure you that they will be most judiciously handled as far as I am concerned.

Yes.

QUESTION: Mr. President, looking beyond the Nixon papers and in view of some criticism in Congress, do you believe we may have now reached the point where Presidential White House papers should remain in the Government's hands as the property of the Government?

THE PRESIDENT: As far as I am personally concerned, I can see a legitimate reason for Presidential papers remaining the property of the Government. In my own case, I made a decision some years ago to turn over all of my Congressional papers, all of my Vice Presidential papers to the University of Michigan archives.

As far as I am concerned, whether they go to the archives for use or whether they stay the possession of the Government, I don't think it makes too much difference.

I have no desire, personally, to retain whatever papers come out of my Administration.

Mr. Mollenhoff.

QUESTION: Mr. President, at the last press conference you said, "The code of ethics that will be followed will be the example that I set." Do you find any conflicts of interest in the decision to grant a sweeping pardon to your life-long friend and your financial benefactor with no consultation for advice and judgment for the legal fallout?

THE PRESIDENT: The decision to grant a pardon to Mr. Nixon was made primarily, as I have expressed, for the purpose of trying to heal the wounds throughout the country between Americans on one side of the issue or the other. Mr. Nixon nominated me for the office of Vice President. I was confirmed overwhelmingly in the House as well as in the Senate. Every action I have taken, Mr. Mollenhoff, is predicated on my conscience without any concern or consideration as to favor as far as I am concerned.

MORE

Yes.

QUESTION: If your intention was to heal the wounds of the Nation, sir, why did you grant only a conditional amnesty to the Vietnam war veterans while granting a full pardon to President Nixon?

THE PRESIDENT: The only connection between those two cases is the effort that I made in the one to heal the wounds involving the charges against Mr. Nixon and my honest and conscientious effort to heal the wounds for those who had deserted military service or dodged the draft. That is the only connection between the two.

In one case, you have a President who was forced to resign because of circumstances involving his Administration and he has been shamed and disgraced by that resignation. In the case of the draft dodgers and Army and military deserters, we are trying to heal the wounds by the action that I took with the signing of the proclamation this morning.

QUESTION: Mr. President, another concern that has been voiced around the country since the pardon is that the judicial process as it finally unwinds may not write the definitive chapter on Watergate and perhaps with particular regard to Mr. Nixon's particular involvement, however total, however it may have been in truth. My question is, would you consider appointing a special commission with extraordinary powers to look into all of the evidentiary material and to write that chapter and not leave it to later history?

THE PRESIDENT: Well, it seems to me as I look at what has been done, I think you find a mass of evidence that has been accumulated. In the first instance, you have the very intensive investigation conducted by the House Committee on the Judiciary. It was a very well-conducted investigation. 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 people.

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.

MORE

QUESTION: Mr. President, could you give us an idea who would succeed General Haig, and how are you coming on your search for a Press Secretary?

THE PRESIDENT: Do I have a lot of candidates here? (Laughter) No shows. (Laughter)

I have several people in mind to replace General Haig, but I have made no decision on that. It was just announced today that the NATO countries have accepted him as the officer handling those responsibilities.

I think he is to take office succeeding General Goodpaster on December 15. He assumes his responsibilities as the head of U.S. military forces November 1. In the next few days undoubtedly I will make the decision as to the individual to succeed him.

So far as the Press Secretary is concerned, we are actively working on that and we hope to have an announcement in a relatively short period of time.

QUESTION: Mr. President, prior to your deciding to pardon Mr. Nixon, did you have, apart from those reports, any information either from associations of the President or from his family or from any other source about his health, about his medical condition?

THE PRESIDENT: Prior to the decision that I made granting a pardon to Mr. Nixon, I had no other specific information concerning his health other than what I had read in the news media or heard in the news media. I had not gotten any information from any of the Nixon family. The sole source was what I had read in the news media plus one other fact.

On Saturday before the Sunday a member of my staff was working with me on the several decisions I had to make. He was, from my staff, the one who had been in negotiations on Friday with the President and his staff.

At the conclusion of decisions that were made, I asked him, how did the President look, and he reported to me his observations.

But other than what I had read or heard and this particular incident, I had no precise information concerning the President's health.

MORE

QUESTION: Mr. President, your own economic advisers are suggesting that to save the economy which is very bad and very pessimistic, we are hearing the word "depression" used now. I wonder how you feel about whether we are heading for a depression?

THE PRESIDENT: Let me say very strongly that the United States is not going to have a depression. The overall economy of the United States is strong. Employment is still high. We do have the problem of inflation. We do have related problems, and we are going to come up with some answers that I hope will solve those problems.

We are not going to have a depression. We are going to work to make sure that our economy improves in the months ahead.

QUESTION: Mr. President, in the face of massive food shortages and the prospects of significant starvation, will the United States be able to significantly increase its food aid to foreign countries, and what is our position going to be at the Rome conference on participation in the world grain reserves?

THE PRESIDENT: Within the next few days a very major decision in this area will be made. I am not at liberty to tell you what the answer will be because it has not been decided.

But it is my hope that the United States for humanitarian purposes will be able to increase its contribution to those nations that have suffered because of drought or any of the other problems related to human needs.

MORE

QUESTION: Back to the CIA, under what international law do we have a right to attempt to destabilize the constitutionally-elected government of another country, and does the Soviet Union have a similar right to try to destabilize the Government of Canada, for example, or the United States?

THE PRESIDENT: I am not going to pass judgment on whether it is permitted or authorized under international law. It is a recognized fact that historically, as well as presently, such actions are taken in the best interest of the countries involved.

QUESTION: Mr. President, last month when you assumed the Presidency, you pledged openness and candor. Last week you decided on the ex-President's pardon in virtually total secrecy. Despite all you have said tonight, there would still seem to be some confusion, some contradiction.

My question is this: Are the watchwords of your Administration still openness and candor?

THE PRESIDENT: Without any question, without any reservation. And I think in the one instance that you cite, it was a sole decision, and believe me, it wasn't easy, and since I was the only one who could make that decision, I thought I had to search my own soul after consulting with a limited number of people, and I did it, and I think in the longrun it was the right decision.

THE PRESS: Thank you, Mr. President.

END (AT 8:30 P.M. EDT)