

**The original documents are located in Box 118, folder “Death Penalty” of the Ron Nessen Papers at the Gerald R. Ford Presidential Library.**

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January 28, 1975

## DEATH PENALTY

Q: What are the President's views on the death penalty?

A: I believe that he has supported the restoration of the death penalty in certain incidences. He believes it does serve as a deterrent to certain crimes.

(FYI: When he was Minority leader he supported the Nixon proposal which called for a reimposition of the death penalty in certain specific cases, for instance, kidnapping or aircraft hijacking where death results, the murder of a prison guard, but we are not sure if he still supports this position today.)

January 29, 1975

SUBJECT:

~~DEATH PENALTY~~

What is the President's view of the death penalty?

GUIDANCE: The President supports the death penalty in certain limited circumstances. He believes that capital punishment can be a deterrent to certain crimes.

I should also point out that last year the Senate passed legislation which would have restored the death penalty for certain Federal crimes. The President supported that legislation and hopes for passage in both Houses early this session.

For which Federal crimes would the President support capital punishment?

GUIDANCE: The legislation the President supported last year would have imposed the death penalty in Federal cases involving murder, treason, and wartime espionage. After a ~~post~~ <sup>preliminary conference</sup> final hearing to determine ~~there were certain~~ aggravating factors and no mitigating factors--kidnapping, hijacking, killing of a prison guard, etc., where it is clearly the premeditated taking of another's life, the President would support capital punishment.

Will the President submit legislation imposing the death penalty?

GUIDANCE: Yes, I would expect that the President will be sending up a Crime message as part of his proposed total reform of the Federal Criminal Code. I would imagine that it would go up in the next 30 days.

JGC

## CAPITAL PUNISHMENT

Q. The recent execution of Basque terrorists by the Spanish Government has raised the issue of whether you support capital punishment. Do you?

Background: At the daily press briefing 9/29/75, Ron Nessen said he would not comment on your position because the issue was before the Supreme Court. He said he would have to check to determine your position before you became President.

A. As you may know, the Supreme Court in 1972 struck down a series of capital punishment sentencing provisions which were imposed by judges or juries without adequate standards for imposition (Furman v. Georgia). However, the Court did not rule that the death penalty is per se unconstitutional. The Department of Justice has since proposed legislation to provide objective standards for capital punishment, imposable only upon conviction of treason, espionage, sabotage and murder, in instances where there are no mitigating circumstances (e.g. immaturity, duress, etc.) found to be present. Subject to further review of the issue by the Supreme Court, I support this limited approach.

April 1, 1976

SUBJECT: DEATH PENALTY

Does the President agree with Solicitor General Bork's argument before the Supreme Court yesterday on behalf of a reversal of the 1972 decision to make the death penalty, as then administered, unconstitutional?

GUIDANCE: The President has indicated that he would support available sanctions for the death penalty in the Federal system under certain kinds of situations .(Refer to Florida Bar speech)

What types of situations?

I don't have any further comment on that.

ME