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STATEMENT OF PRESIDENT GERALD FORD

HOUSE COMMITTEE ON THE JUDICIARY  
Subcommittee on Criminal Justice  
October 17, 1974

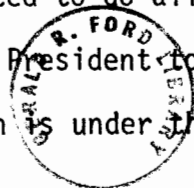
We meet here today to review the facts and circumstances that were the basis for my pardon of former President Nixon on September 8, 1974.

I want very much to have those facts and circumstances known. The American people want to know them. And members of the Congress want to know them. The two Congressional resolutions of inquiry now before this Committee serve those purposes. That is why I have volunteered to appear before you this morning, and I welcome and thank you for this opportunity to speak to the questions raised by the resolutions.

My appearance at this hearing of your distinguished Subcommittee of the House Committee on the Judiciary has been looked upon as an unusual historic event -- one that has no firm precedent in the whole history of Presidential relations with the Congress. Yet, I am here not to make history, but to report on history.

The history you are interested in covers so recent a period that it is still not well understood. If, with your assistance, I can make for better understanding of the pardon of our former President, then we can help to achieve the purpose I had for granting the pardon when I did.

That purpose was to change our national focus. I wanted to do all I could to shift our attentions from the pursuit of a fallen President to the pursuit of the urgent needs of a rising nation. Our nation is under the



severest of challenges now to employ its full energies and efforts in the pursuit of a sound and growing economy at home and a stable and peaceful world around us.

We would needlessly be diverted from meeting those challenges if we as a people were to remain sharply divided over whether to indict, bring to trial, and punish a former President, who already is condemned to suffer long and deeply in the shame and disgrace brought upon the office he held. Surely, we are not a revengeful people. We have often demonstrated a readiness to feel compassion and to act out of mercy. As a people we have a long record of forgiving even those who have been our country's most destructive foes.

Yet, to forgive is not to forget the lessons of evil in whatever ways evil has operated against us. And certainly the pardon granted the former President will not cause us to forget the evils of Watergate-type offenses or to forget the lessons we have learned that a government which deceives its supporters and treats its opponents as enemies must never, never be tolerated.

The pardon power entrusted to the President under the Constitution of the United States has a long history and rests on precedents going back centuries before our Constitution was drafted and adopted. The power has been used sometimes as Alexander Hamilton saw its purpose: "In seasons of insurrection...when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth; and which, if suffered to pass unimproved, it may never be possible

GERALD R. FORD

afterwards to recall.<sup>1/</sup> Other times it has been applied to one person as "an act of grace...which exempts the individual, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed."<sup>2/</sup> When a pardon is granted, it also represents "the determination of the ultimate authority that the public welfare will be better served by inflicting less than what the judgment fixed."<sup>3/</sup> However, the Constitution does not limit the pardon power to cases of convicted offenders or even indicted offenders.<sup>4/</sup> Thus, I am firm in my conviction that as President I did have the authority to proclaim a pardon for the former President when I did.

Yet, I can also understand why people are moved to question my action. Some may still question my authority, but I find much of the disagreement turns on whether I should have acted when I did. Even then many people have concluded as I did that the pardon was in the best interests of the country because it came at a time when it would best serve the purpose I have stated.

I come to this hearing in a spirit of cooperation to respond to your inquiries. I do so with the understanding that the subjects to be covered are defined and limited by the questions as they appear in the resolutions before you. But even then we may not mutually agree on what information falls within the proper scope of inquiry by the Congress.

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I feel a responsibility as you do that each separate branch of our government must preserve a degree of confidentiality for its internal communications. Congress, for its part, has seen the wisdom of assuring that members be permitted to work under conditions of confidentiality. Indeed, earlier this year the United States Senate passed a resolution which reads in part as follows:

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"...no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission." (S. Res. 338, passed June 12, 1974)

In United States v. Nixon, 42 U.S.L.W. 5237, 5244 (U.S. July 24, 1974), the Supreme Court unanimously recognized a rightful sphere of confidentiality within the Executive Branch, which the Court determined could only be invaded for overriding reasons of the Fifth and Sixth Amendments to the Constitution.

As I have stated before, my own view is that the right of Executive Privilege is to be exercised with caution and restraint. When I was a Member of Congress, I did not hesitate to question the right of the Executive Branch to claim a privilege against supplying information to the Congress if I thought the claim of privilege was being abused. Yet, I did then, and I do now, respect the right of Executive Privilege when it protects advice given to a President in the expectation that it will not be disclosed. Otherwise, no President could any longer count on receiving free and frank views from people designated to help him reach his official decisions.



Also, it is certainly not my intention or even within my authority to detract on this occasion or in any other instance from the generally recognized rights of the President to preserve the confidentiality of internal discussions or communications whenever it is properly within his Constitutional responsibility to do so. These rights are within the authority of any President while he is in office, and I believe may be exercised as well by a past President if the information sought pertains to his official functions while he was serving in office.

I bring up these important points before going into the balance of my statement, so there can be no doubt that I remain mindful of the rights of confidentiality which a President may and ought to exercise in appropriate situations. However, I do not regard my answers as I have prepared them for purposes of this inquiry to be prejudicial to those rights in the present circumstances or to constitute a precedent for responding to Congressional inquiries different in nature or scope or under different circumstances.

Accordingly, I shall proceed to explain as fully as I can in my present answers the facts and circumstances covered by the present resolutions of inquiry. I shall start with an explanation of these events which were the first to occur in the period covered by the inquiry, before I became President. Then I will respond to the separate questions as they are numbered in H. Res. 1367 and as they specifically relate to the period after I became President.

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H. Res. 1367\* before this Subcommittee asks for information about certain conversations that may have occurred over a period that includes when I was a Member of Congress or the Vice President. In that entire period no references or discussions on a possible pardon for then President Nixon occurred until August 1 and 2, 1974.

You will recall that since the beginning of the Watergate investigations, I had consistently made statements and speeches about President Nixon's innocence of either planning the break-in or of participating in the cover-up. I sincerely believed he was innocent.

Even in the closing months before the President resigned, I made public statements that in my opinion the adverse revelations so far did not constitute an impeachable offense. I was coming under increasing criticism for such public statements, but I still believed them to be true based on the facts as I knew them.

In the early morning of Thursday, August 1, 1974, I had a meeting in my Vice Presidential office, with Alexander H. Haig, Jr., Chief of Staff for President Nixon. At this meeting, I was told in a general way about fears arising because of additional tape evidence scheduled for delivery to Judge Sirica on Monday, August 5, 1974. I was told that there could be evidence which, when disclosed to the House of Representatives, would likely tip the vote in favor of impeachment.

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\* Tab A Attached.



However, I was given no indication that this development would lead to any change in President Nixon's plans to oppose the impeachment vote.

Then shortly after noon, General Haig requested another appointment as promptly as possible. He came to my office about 3:30 P.M. for a meeting that was to last for approximately three-quarters of an hour. Only then did I learn of the damaging nature of a conversation on June 23, 1972, in one of the tapes which was due to go to Judge Sirica the following Monday.

I describe this meeting because at one point it did include references to a possible pardon for Mr. Nixon, to which the third and fourth questions in H. Res. 1367 are directed. However, nearly the entire meeting covered other subjects, all dealing with the totally new situation resulting from the critical evidence on the tape of June 23, 1972. General Haig told me he had been told of the new and damaging evidence by lawyers on the White House staff who had first-hand knowledge of what was on the tape. The substance of his conversation was that the new disclosure would be devastating, even catastrophic, insofar as President Nixon was concerned. Based on what he had learned of the conversation on the tape, he wanted to know whether I was prepared to assume the Presidency within a very short time, and whether I would be willing to make recommendations to the President as to what course he should now follow.

I cannot really express adequately in words how shocked and stunned I was by this unbelievable revelation. First, was the sudden awareness I was likely to become President under these most troubled circumstances;





and secondly, the realization these new disclosures ran completely counter to the position I had taken for months, in that I believed the President was not guilty of any impeachable offense.

General Haig in his conversation at my office went on to tell me of discussions in the White House among those who knew of this new evidence.

General Haig asked for my assessment of the whole situation. He wanted my thoughts about the timing of a resignation, if that decision was made, and about how to do it and accomplish an orderly change of administration. We discussed what scheduling problems there might be and what the early organizational problems would be.

General Haig outlined for me President Nixon's situation as he saw it and the different views in the White House as to the courses of action that might be available, and which were being advanced by various people around him on the White House staff. As I recall there were different major courses being considered:

(1) Some suggested "riding it out" by letting the impeachment take its course through the House and the Senate trial, fighting all the way against conviction.

(2) Others were urging resignation sooner or later.

I was told some people backed the first course and other people a resignation but not with the same views as to how and when it should take place.

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



- (1) The President temporarily step aside under the 25th Amendment.
- (2) Delaying resignation until further along the impeachment process.
- (3) Trying first to settle for a censure vote as a means of avoiding either impeachment or a need to resign.
- (4) The question of whether the President could pardon himself.
- (5) Pardoning various Watergate defendants, then himself, followed by resignation.
- (6) A pardon to the President, should he resign.

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

The impact of the Senate trial on the country, the handling of possible international crises, the economic situation here at home, and the marked slowdown in the decision-making process within the federal government were all factors to be considered, and were discussed.

General Haig wanted my views on the various courses of action as well as my attitude on the options of resignation. However, he indicated he was not advocating any of the options. I inquired as to what was the President's pardon power, and he answered that it was his understanding from a White House lawyer that a President did have the authority to grant a pardon even before any criminal action had been taken against an individual, but obviously, he was in no position to have any opinion on a matter of law.

As I saw it, at this point the question clearly before me was



under the circumstances, what course of action should I recommend that would be in the best interest of the country.

I told General Haig I had to have time to think. Further, that I wanted to talk to James St. Clair. I also said I wanted to talk to my wife before giving any response. I had consistently and firmly held the view previously that in no way whatsoever could I recommend either publicly or privately any step by the President that might cause a change in my status as Vice President. As the person who would become President if a vacancy occurred for any reason in that office, a Vice President, I believed, should <sup>endeavor not</sup> ~~never~~ to do or say anything which might affect his President's tenure in office. Therefore, I certainly was not ready even under these new circumstances to make any recommendations about resignation without having adequate time to consider further what I should properly do.

Shortly after 8:00 o'clock the next morning James St. Clair came to my office. Although he did not spell out in detail the new evidence, there was no question in my mind that he considered these revelations to be so damaging that impeachment in the House was a certainty and conviction in the Senate a high probability. When I asked Mr. St. Clair if he knew of any other new and damaging evidence besides that on the June 23, 1972, tape, he said "no." When I pointed out to him the various options mentioned to me by General Haig, he told me he had not been the source of any opinion about Presidential pardon power.

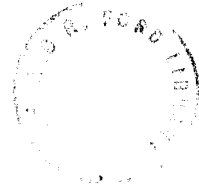
After further thought on the matter, I was determined not to make any recommendations to President Nixon on his resignation. I had



not given any advice or recommendations in my conversations with his representatives, but I also did not want anyone who might talk to the President to suggest that I had some intention to do so.

For that reason I decided I should call General Haig the afternoon of August 2nd. I did make the call late that afternoon and told him I wanted him to understand that I had no intention of recommending what President Nixon should do about resigning or not resigning, and that nothing we had talked about the previous afternoon should be given any consideration in whatever decision the President might make. General Haig told me he was in full agreement with this position.

My travel schedule called for me to make appearances in Mississippi and Louisiana over Saturday, Sunday, and part of Monday, August 3, 4, and 5. In the previous eight months I had repeatedly stated my opinion that the President would not be found guilty of an impeachable offense. Any change from my stated views, or even refusal to comment further, I feared, would lead in the press to conclusions that I now wanted to see the President resign to avoid an impeachment vote in the House and probable conviction vote in the Senate. For that reason I remained firm in my answers to press questions during my trip and repeated my belief in the President's innocence of an impeachable offense. Not until I returned to Washington did I learn that President Nixon was to release the new evidence late on Monday, August 5, 1974.



At about the same time I was notified that the President had called a Cabinet meeting for Tuesday morning, August 6, 1974. At that meeting in the Cabinet Room, I announced that I was making no recommendations to the President as to what he should do in the light of the new evidence. And I made no recommendations to him either at the meeting or at any time after that.

In summary, I assure you that there never was at any time ~~any agreement~~, nor any agreement whatsoever concerning a pardon to Mr. Nixon if he were to resign and I became President.

Nixon as an unindicted co-conspirator in the cover-up. I knew that an extensive report had been prepared by the Watergate Special Prosecution Force for the Grand Jury and had been sent to the House Committee on the Judiciary, where, I believe, it served the staff and members of the Committee in the development of its report on the proposed articles of impeachment. Beyond what was disclosed in the publications of the Judiciary Committee on the subject and additional evidence released by President Nixon on August 5, 1974, I saw on or shortly after September 4th a copy of a memorandum prepared for



Special Prosecutor Jaworski by the Deputy Special Prosecutor, Henry Ruth.\* Copy of this memorandum had been furnished by Mr. Jaworski to my Counsel and was later made public during a press briefing at the White House on September 10, 1974.

I have supplied the Subcommittee with a copy of this memorandum. The memorandum lists matters still under investigation which "may prove to have some direct connection to activities in which Mr. Nixon is personally involved." The Watergate cover-up is not included in this list; and the alleged cover-up is mentioned only as being the subject of a separate memorandum not furnished to me. Of those matters which are listed in the memorandum, it is stated that none of them "at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon."

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

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The second question in the Resolution asks whether Alexander Haig referred to or discussed a pardon with Richard M. Nixon or his representatives at any time during the week of August 4, 1974, or any

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\* Tab B attached.



subsequent time. My answer to that question is: not to my knowledge. If any such discussions did occur, they could not have been a factor in my decision to grant the pardon when I did because I was not aware of them.

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Questions three and four of H. Res. 1367 deal with the first and all subsequent references to, or discussions of, a pardon for Richard M. Nixon, with him or any of his representatives or aides. I have already described at length what discussions took place on August 1 and 2, 1974, and how these discussions brought no recommendations or commitments whatsoever on my part. These were the only discussions related to questions three and four before I became President, but question four relates also to subsequent discussions.

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

As the press conference proceeded, the first question asked involved the subject, as did other later questions. In my answers to these questions, I took a position that, while I was the final authority

on this matter, I expected to make no commitment one way or the other depending on what the Special Prosecutor and courts would do.

However, I also stated that I believed the general view of the American people was to spare the former President from a criminal trial.

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

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

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





at a time when no one else of my selection had yet been appointed to the legal staff of the White House.

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The fourth question in the resolution also asks about "negotiations" with Mr. Nixon or his representatives on the subject of a pardon for the former President. The pardon under consideration was not, so far as I was concerned, a matter of negotiation. I realized that unless Mr. Nixon actually accepted the pardon I was preparing to grant, it probably would not be effective. So I certainly had no intention to proceed without knowing if it would be accepted. Otherwise, I put no conditions on my granting of a pardon which required any negotiations.

Although negotiations had been started earlier and were conducted through September 6th concerning White House records of the prior administration, I did not make any agreement on that subject a condition of the pardon. The circumstances leading to an initial agreement on Presidential records are not covered by the Resolutions before this Subcommittee. Therefore, I have mentioned discussions on that subject with Mr. Nixon's attorney only to show they were related in time to the pardon discussions but were not a basis for my decision to grant a pardon to the former President.

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The fifth, sixth, and seventh questions of H. Res. 1367 ask whether I consulted with certain persons before making my pardon decision.

I did not consult at all with Attorney General Saxbe on the subject of a pardon for Mr. Nixon. My only conversation on the subject with Vice Presidential nominee Nelson Rockefeller was to report to him on September 6, 1974, that I was planning to grant the pardon.

Special Prosecutor Jaworski was contacted on my instructions by my Counsel, Philip Buchen. One purpose of their discussions was to seek the information I wanted on what possible criminal charges might be brought against Mr. Nixon. The result of that inquiry was a copy of the memorandum I have already referred to and have furnished to this Subcommittee. The only other purpose was to find out the opinion of the Special Prosecutor as to how long a delay would follow, in the event of Mr. Nixon's indictment, before a trial could be started and concluded.

At a White House press briefing on September 8, 1974, the principal portions of Mr. Jaworski's opinion were made public. In this opinion, Mr. Jaworski wrote that selection of a jury for the trial of the former President, if he were indicted, would require a delay "of a period from nine months to a year, and perhaps even longer." On the question of how long it would take to conduct such a trial, he noted that the complexities of the jury selection made it difficult to estimate the time. Copy of the full text of his opinion dated September 4, 1974, I have now furnished to this Subcommittee.\*

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\* Tab C attached.



I did consult with my Counsel Philip Buchen, with Benton Becker, and with my Counsellor John Marsh, who is also an attorney. Outside of these men, serving at the time on my immediate staff, I consulted with no other attorneys or professors of law for facts or legal authorities bearing on my decision to grant a pardon to the former President.

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Questions eight and nine of H. Res. 1367 deal with the circumstances of any statement requested or received from Mr. Nixon. I asked for no confession or statement of guilt; only a statement in acceptance of the pardon when it was granted. No language was suggested or requested by anyone acting for me to my knowledge. My Counsel advised me that he had told the attorney for Mr. Nixon that he believed the statement should be one expressing contrition, and in this respect, I was told Mr. Miller concurred. Before I announced the pardon, I saw a preliminary draft of a proposed statement from Mr. Nixon, but I did not regard the language of the statement as subsequently issued to be subject to approval by me or my representatives.

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The tenth question covers any report to me on Mr. Nixon's health by a physician or psychiatrist, which led to my pardon decision.



I received no such report. Whatever information was generally known to me at the time of my pardon decision was based on my own observations of his condition at the time he resigned as President and observations reported to me after that from others who had later seen or talked with him. No such reports were by people qualified to evaluate medically the condition of Mr. Nixon's health, and so they were not a controlling factor in my decision. However, I believed and still do, that prosecution and trial of the former President would have proved a serious threat to his health, as I stated in my message on September 8, 1974.

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H. Res. 1370\* is the other resolution of inquiry before this Subcommittee. It presents no questions but asks for the full and complete facts upon which was based my decision to grant a pardon to Richard M. Nixon.

I know of no such facts that are not covered by my answers to the questions in H. Res. 1367. Also:

Subparagraphs (1) and (4): There were no representations made by me or for me and none by Mr. Nixon or for him on which my pardon decision was based.

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\* Tab D attached.

Subparagraph (2): The health issue is dealt with by me in answer to question ten of the previous resolution.

Subparagraph (3): Information available to me about possible offenses in which Mr. Nixon might have been involved is covered in my answer to the first question of the earlier resolution.

In addition, in an unnumbered paragraph at the end, H. Res. 1370 seeks information on possible pardons for Watergate-related offenses which others may have committed. I have decided that all persons requesting consideration of pardon requests should submit them through the Department of Justice.

Only when I receive information on any request duly filed and considered first by the Pardon Attorney at the Department of Justice would I consider the matter. As yet no such information has been received, and if it does I will act or decline to act according to the particular circumstances presented, and not on the basis of the unique circumstances, as I saw them, of former President Nixon.

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By these responses to the resolutions of inquiry, I believe I have fully and fairly presented the facts and circumstances preceding my pardon of former President Nixon. In this way, I hope I have contributed to a much better understanding by the American people



of the action I took to grant the pardon when I did. For having afforded me this opportunity, I do express my appreciation to you, Mr. Chairman, and to Mr. Smith, the Ranking Minority Member, and to all the other distinguished members of this Subcommittee; also to Chairman Rodino of the Committee on the Judiciary, ~~and~~ to Mr.

Hutchinson, the Ranking Minority Member of the full Committee

*and to the distinguished members of the full Committee who are present.*

In closing, I would like to re-emphasize that I acted solely for the reasons I stated in my proclamation of September 8, 1974, and my accompanying message and that I acted out of my concern to serve the best interests of my country. As I stated then: "My concern is the immediate future of this great country...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."



PWB  
Corrected copy  
10/17/74

R.  
STATEMENT OF PRESIDENT GERALD FORD

HOUSE COMMITTEE ON THE JUDICIARY  
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October 17, 1974

We meet here today to review the facts and circumstances that were the basis for my pardon of former President Nixon on September 8, 1974.

I want very much to have those facts and circumstances known. The American people want to know them. And members of the Congress want to know them. The two Congressional resolutions of inquiry now before this Committee serve those purposes. That is why I have volunteered to appear before you this morning, and I welcome and thank you for this opportunity to speak to the questions raised by the resolutions.

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The history you are interested in covers so recent a period that it is still not well understood. If, with your assistance, I can make for better understanding of the pardon of our former President, then we can help to achieve the purpose I had for granting the pardon when I did.

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severest of challenges now to employ its full energies and efforts in the pursuit of a sound and growing economy at home and a stable and peaceful world around us.

We would needlessly be diverted from meeting those challenges if we as a people were to remain sharply divided over whether to indict, bring to trial, and punish a former President, who already is condemned to suffer long and deeply in the shame and disgrace brought upon the office he held. Surely, we are not a revengeful people. We have often demonstrated a readiness to feel compassion and to act out of mercy. As a people we have a long record of forgiving even those who have been our country's most destructive foes.

Yet, to forgive is not to forget the lessons of evil in whatever ways evil has operated against us. And certainly the pardon granted the former President will not cause us to forget the evils of Watergate-type offenses or to forget the lessons we have learned that a government which deceives its supporters and treats its opponents as enemies must never, never be tolerated.

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Yet, I can also understand why people are moved to question my action. Some may still question my authority, but I find much of the disagreement turns on whether I should have acted when I did. Even then many people have concluded as I did that the pardon was in the best interests of the country because it came at a time when it would best serve the purpose I have stated.

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I bring up these important points before going into the balance of my statement, so there can be no doubt that I remain mindful of the rights of confidentiality which a President may and ought to exercise in appropriate situations. However, I do not regard my answers as I have prepared them for purposes of this inquiry to be prejudicial to those rights in the present circumstances or to constitute a precedent for responding to Congressional inquiries different in nature or scope or under different circumstances.

Accordingly, I shall proceed to explain as fully as I can in my present answers the facts and circumstances covered by the present resolutions of inquiry. I shall start with an explanation of these events which were the first to occur in the period covered by the inquiry, before I became President. Then I will respond to the separate questions as they are numbered in H. Res. 1367 and as they specifically relate to the period after I became President.

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H. Res. 1367\* before this Subcommittee asks for information about certain conversations that may have occurred over a period that includes when I was a Member of Congress or the Vice President. In that entire period no references or discussions on a possible pardon for then President Nixon occurred until August 1 and 2, 1974.

You will recall that since the beginning of the Watergate investigations, I had consistently made statements and speeches about President Nixon's innocence of either planning the break-in or of participating in the cover-up. I sincerely believed he was innocent.

Even in the closing months before the President resigned, I made public statements that in my opinion the adverse revelations so far did not constitute an impeachable offense. I was coming under increasing criticism for such public statements, but I still believed them to be true based on the facts as I knew them.

In the early morning of Thursday, August 1, 1974, I had a meeting in my Vice Presidential office, with Alexander H. Haig, Jr., Chief of Staff for President Nixon. At this meeting, I was told in a general way about fears arising because of additional tape evidence scheduled for delivery to Judge Sirica on Monday, August 5, 1974. I was told that there could be evidence which, when disclosed to the House of Representatives, would likely tip the vote in favor of impeachment.

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However, I was given no indication that this development would lead to any change in President Nixon's plans to oppose the impeachment vote.

Then shortly after noon, General Haig requested another appointment as promptly as possible. He came to my office about 3:30 P.M. for a meeting that was to last for approximately three-quarters of an hour. Only then did I learn of the damaging nature of a conversation on June 23, 1972, in one of the tapes which was due to go to Judge Sirica the following Monday.

I describe this meeting because at one point it did include references to a possible pardon for Mr. Nixon, to which the third and fourth questions in H. Res. 1367 are directed. However, nearly the entire meeting covered other subjects, all dealing with the totally new situation resulting from the critical evidence on the tape of June 23, 1972. General Haig told me he had been told of the new and damaging evidence by lawyers on the White House staff who had first-hand knowledge of what was on the tape. The substance of his conversation was that the new disclosure would be devastating, even catastrophic, insofar as President Nixon was concerned. Based on what he had learned of the conversation on the tape, he wanted to know whether I was prepared to assume the Presidency within a very short time, and whether I would be willing to make recommendations to the President as to what course he should now follow.

I cannot really express adequately in words how shocked and stunned I was by this unbelievable revelation. First, was the sudden awareness I was likely to become President under these most troubled circumstances.



and secondly, the realization these new disclosures ran completely counter to the position I had taken for months, in that I believed the President was not guilty of any impeachable offense.

General Haig in his conversation at my office went on to tell me of discussions in the White House among those who knew of this new evidence.

General Haig asked for my assessment of the whole situation. He wanted my thoughts about the timing of a resignation, if that decision was made, and about how to do it and accomplish an orderly change of administration. We discussed what scheduling problems there might be and what the early organizational problems would be.

General Haig outlined for me President Nixon's situation as he saw it and the different views in the White House as to the courses of action that might be available, and which were being advanced by various people around him on the White House staff. As I recall there were different major courses being considered:

(1) Some suggested "riding it out" by letting the impeachment take its course through the House and the Senate trial, fighting all the way against conviction.

(2) Others were urging resignation sooner or later.

I was told some people backed the first course and other people a resignation but not with the same views as to how and when it should take place.

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



- (1) The President temporarily step aside under the 25th Amendment.
- (2) Delaying resignation until further along the impeachment process.
- (3) Trying first to settle for a censure vote as a means of avoiding either impeachment or a need to resign.
- (4) The question of whether the President could pardon himself.
- (5) Pardoning various Watergate defendants, then himself, followed by resignation.
- (6) A pardon to the President, should he resign.

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

The impact of the Senate trial on the country, the handling of possible international crises, the economic situation here at home, and the marked slowdown in the decision-making process within the federal government were all factors to be considered, and were discussed.

General Haig wanted my views on the various courses of action as well as my attitude on the options of resignation. However, he indicated he was not advocating any of the options. I inquired as to what was the President's pardon power, and he answered that it was his understanding from a White House lawyer that a President did have the authority to grant a pardon even before any criminal action had been taken against an individual, but obviously, he was in no position to have any opinion on a matter of law.

As I saw it, at this point the question clearly before me was,

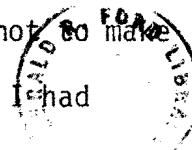


under the circumstances, what course of action should I recommend that would be in the best interest of the country.

I told General Haig I had to have time to think. Further, that I wanted to talk to James St. Clair. I also said I wanted to talk to my wife before giving any response. I had consistently and firmly held the view previously that in no way whatsoever could I recommend either publicly or privately any step by the President that might cause a change in my status as Vice President. As the person who would become President if a vacancy occurred for any reason in that office, a Vice President, I believed, should ~~never~~<sup>endeavor not</sup> to do or say anything which might affect his President's tenure in office. Therefore, I certainly was not ready even under these new circumstances to make any recommendations about resignation without having adequate time to consider further what I should properly do.

Shortly after 8:00 o'clock the next morning James St. Clair came to office. Although he did not spell out in detail the new evidence, there was no question in my mind that he considered these revelations to be so damaging that impeachment in the House was a certainty and conviction in the Senate a high probability. When I asked Mr. St. Clair if he knew of any other new and damaging evidence besides that on the June 23, 1972, tape, he said "no." When I pointed out to him the various options mentioned to me by General Haig, he told me he had not been the source of any opinion about Presidential pardon power.

After further thought on the matter, I was determined not to make any recommendations to President Nixon on his resignation. I had





not given any advice or recommendations in my conversations with his <sup>advis</sup> representatives, but I also did not want anyone who might talk to the President to suggest that I had some intention to do so.

For that reason I decided I should call General Haig the afternoon of August 2nd. I did make the call late that afternoon and told him I wanted him to understand that I had no intention of recommending what President Nixon should do about resigning or not resigning, and that nothing we had talked about the previous afternoon should be given any consideration in whatever decision the President might make. General Haig told me he was in full agreement with this position.

My travel schedule called for me to make appearances in Mississippi and Louisiana over Saturday, Sunday, and part of Monday, August 3, 4, and 5. In the previous eight months I had repeatedly stated my opinion that the President would not be found guilty of an impeachable offense. Any change from my stated views, or even refusal to comment further, I feared, would lead in the press to conclusions that I now wanted to see the President resign to avoid an impeachment vote in the House and probable conviction vote in the Senate. For that reason I remained firm in my answers to press questions during my trip and repeated my belief in the President's innocence of an impeachable offense. Not until I returned to Washington did I learn that President Nixon was to release the new evidence late on Monday, August 5, 1974.



In summary, I assure you that there never was at any time ~~any~~  
~~promise by me, express or implied, nor~~ any agreement whatsoever  
concerning a pardon to Mr. Nixon if he were to resign and I ~~became~~ *were to become*  
President.

The first question of H. Res. 1367 asks whether I or my representa-  
tive had "specific knowledge of any formal criminal charges pending  
against Richard M. Nixon." The answer is: "no."

I had known, of course, that the Grand Jury investigating  
the Watergate break-in and cover-up had wanted to name President  
Nixon as an unindicted co-conspirator in the cover-up. Also,  
I knew that an extensive report had been prepared by the Watergate  
Special Prosecution Force for the Grand Jury and had been sent to the  
House Committee on the Judiciary, where, I believe, it served the staff  
and members of the Committee in the development of its report on the  
proposed articles of impeachment. Beyond what was disclosed in the  
publications of the Judiciary Committee on the subject and additional  
evidence released by President Nixon on August 5, 1974, I saw on or  
shortly after September 4th a copy of a memorandum prepared for



Special Prosecutor Jaworski by the Deputy Special Prosecutor, Henry Ruth.\* Copy of this memorandum had been furnished by Mr. Jaworski to my Counsel and was later made public during a press briefing at the White House on September 10, 1974.

I have supplied the Subcommittee with a copy of this memorandum. The memorandum lists matters still under investigation which "may prove to have some direct connection to activities in which Mr. Nixon is personally involved." The Watergate cover-up is not included in this list; and the alleged cover-up is mentioned only as being the subject of a separate memorandum not furnished to me. Of those matters which are listed in the memorandum, it is stated that none of them "at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon."

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

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The second question in the Resolution asks whether Alexander Haig referred to or discussed a pardon with Richard M. Nixon or his representatives at any time during the week of August 4, 1974, or any

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\* Tab B attached.



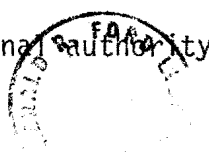
subsequent time. My answer to that question is: not to my knowledge. If any such discussions did occur, they could not have been a factor in my decision to grant the pardon when I did because I was not aware of them.

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Questions three and four of H. Res. 1367 deal with the first and all subsequent references to, or discussions of, a pardon for Richard M. Nixon, with him or any of his representatives or aides. I have already described at length what discussions took place on August 1 and 2, 1974, and how these discussions brought no recommendations or commitments whatsoever on my part. These were the only discussions related to questions three and four before I became President, but question four relates also to subsequent discussions.

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

As the press conference proceeded, the first question asked involved the subject, as did other later questions. In my answers to these questions, I took a position that, while I was the final authority



on this matter, I expected to make no commitment one way or the other depending on what the Special Prosecutor and courts would do.

However, I also stated that I believed the general view of the American people was to spare the former President from a criminal trial.

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

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

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



at a time when no one else of my selection had yet been appointed to the legal staff of the White House.

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The fourth question in the resolution also asks about "negotiations" with Mr. Nixon or his representatives on the subject of a pardon for the former President. The pardon under consideration was not, so far as I was concerned, a matter of negotiation. I realized that unless Mr. Nixon actually accepted the pardon I was preparing to grant, it probably would not be effective. So I certainly had no intention to proceed without knowing if it would be accepted. Otherwise, I put no conditions on my granting of a pardon which required any negotiations.

Although negotiations had been started earlier and were conducted through September 6th concerning White House records of the prior administration, I did not make any agreement on that subject a condition of the pardon. The circumstances leading to an initial agreement on Presidential records are not covered by the Resolutions before this Subcommittee. Therefore, I have mentioned discussions on that subject with Mr. Nixon's attorney only to show they were related in time to the pardon discussions but were not a basis for my decision to grant a pardon to the former President.

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The fifth, sixth, and seventh questions of H. Res. 1367 ask whether I consulted with certain persons before making my pardon decision.

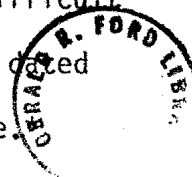
I did not consult at all with Attorney General Saxbe on the subject of a pardon for Mr. Nixon. My only conversation on the subject with Vice Presidential nominee Nelson Rockefeller was to report to him on September 6, 1974, that I was planning to grant the pardon.

Special Prosecutor Jaworski was contacted on my instructions by my Counsel, Philip Buchen. One purpose of their discussions was to seek the information I wanted on what possible criminal charges might be brought against Mr. Nixon. The result of that inquiry was a copy of the memorandum I have already referred to and have furnished to this Subcommittee. The only other purpose was to find out the opinion of the Special Prosecutor as to how long a delay would follow, in the event of Mr. Nixon's indictment, before a trial could be started and concluded.

At a White House press briefing on September 8, 1974, the principal portions of Mr. Jaworski's opinion were made public. In this opinion, Mr. Jaworski wrote that selection of a jury for the trial of the former President, if he were indicted, would require a delay "of a period from nine months to a year, and perhaps even longer." On the question of how long it would take to conduct such a trial, he noted that the complexities of the jury selection made it difficult to estimate the time. Copy of the full text of his opinion dated September 4, 1974, I have now furnished to this Subcommittee.

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\* Tab C attached.



I did consult with my Counsel Philip Buchen, with Benton Becker, and with my Counsellor John Marsh, who is also an attorney. Outside of these men, serving at the time on my immediate staff, I consulted with no other attorneys or professors of law for facts or legal authorities bearing on my decision to grant a pardon to the former President.

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Questions eight and nine of H. Res. 1367 deal with the circumstances of any statement requested or received from Mr. Nixon. I asked for no confession or statement of guilt; only a statement in acceptance of the pardon when it was granted. No language was suggested or requested by anyone acting for me to my knowledge. My Counsel advised me that he had told the attorney for Mr. Nixon that he believed the statement should be one expressing contrition, and in this respect, I was told Mr. Miller concurred. Before I announced the pardon, I saw a preliminary draft of a proposed statement from Mr. Nixon, but I did not regard the language of the statement as subsequently issued to be subject to approval by me or my representatives.

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The tenth question covers any report to me on Mr. Nixon's health by a physician or psychiatrist, which led to my pardon decision.





I received no such report. Whatever information was generally known to me at the time of my pardon decision was based on my own observations of his condition at the time he resigned as President and observations reported to me after that from others who had later seen or talked with him. No such reports were by people qualified to evaluate medically the condition of Mr. Nixon's health, and so they were not a controlling factor in my decision. However, I believed and still do, that prosecution and trial of the former President would have proved a serious threat to his health, as I stated in my message on September 8, 1974.

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H. Res. 1370\* is the other resolution of inquiry before this Subcommittee. It presents no questions but asks for the full and complete facts upon which was based my decision to grant a pardon to Richard M. Nixon.

I know of no such facts that are not covered by my answers to the questions in H. Res. 1367. Also:

Subparagraphs (1) and (4): There were no representations made by me or for me and none by Mr. Nixon or for him on which my pardon decision was based.

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\* Tab D attached.



Subparagraph (2): The health issue is dealt with by me in answer to question ten of the previous resolution.

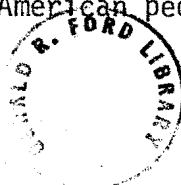
Subparagraph (3): Information available to me about possible offenses in which Mr. Nixon might have been involved is covered in my answer to the first question of the earlier resolution.

In addition, in an unnumbered paragraph at the end, H. Res. 1370 seeks information on possible pardons for Watergate-related offenses which others may have committed. I have decided that all persons requesting consideration of pardon requests should submit them through the Department of Justice.

Only when I receive information on any request duly filed and considered first by the Pardon Attorney at the Department of Justice would I consider the matter. As yet no such information has been received, and if it does I will act or decline to act according to the particular circumstances presented, and not on the basis of the unique circumstances, as I saw them, of former President Nixon.

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By these responses to the resolutions of inquiry, I believe I have fully and fairly presented the facts and circumstances preceding my pardon of former President Nixon. In this way, I hope I have contributed to a much better understanding by the American people



of the action I took to grant the pardon when I did. For having afforded me this opportunity, I do express my appreciation to you, Mr. Chairman, and to Mr. Smith, the Ranking Minority Member, and to all the other distinguished members of this Subcommittee; also to Chairman Rodino of the Committee on the Judiciary, ~~and~~ to Mr.

Hutchinson, the Ranking Minority Member of the full Committee, *and to the distinguished Members of*

In closing, I would like to re-emphasize that I acted solely for *the full Committee, who are present.* the reasons I stated in my proclamation of September 8, 1974, and my accompanying message and that I acted out of my concern to serve the best interests of my country. As I stated then: "My concern is the immediate future of this great country...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."



October 17, 1974

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT  
TO BE DELIVERED BEFORE SUBCOMMITTEE ON CRIMINAL JUSTICE,  
COMMITTEE ON THE JUDICIARY,  
HOUSE OF REPRESENTATIVES

We meet here today to review the facts and circumstances that were the basis for my pardon of former President Nixon on September 8, 1974.

I want very much to have those facts and circumstances known. The American people want to know them. And members of the Congress want to know them. The two Congressional resolutions of inquiry now before this Committee serve those purposes. That is why I have volunteered to appear before you this morning, and I welcome and thank you for this opportunity to speak to the questions raised by the resolutions.

My appearance at this hearing of your distinguished Subcommittee of the House Committee on the Judiciary has been looked upon as an unusual historic event -- one that has no firm precedent in the whole history of Presidential relations with the Congress. Yet, I am here not to make history, but to report on history.

The history you are interested in covers so recent a period that it is still not well understood. If, with your assistance, I can make for better understanding of the pardon of our former President, then we can help to achieve the purpose I had for granting the pardon when I did.

That purpose was to change our national focus. I wanted to do all I could to shift our attentions from the pursuit of a fallen President to the pursuit of the urgent needs of a rising nation. Our nation is under the severest of challenges now to employ its full energies and efforts in the pursuit of a sound and growing economy at home and a stable and peaceful world around us.

We would needlessly be diverted from meeting those challenges if we as a people were to remain sharply divided over whether to indict, bring to trial, and punish a former President, who already is condemned to suffer long and deeply in the shame and disgrace brought upon the office he held. Surely, we are not a revengeful people. We have often demonstrated a readiness to feel compassion and to act out of mercy. As a people we have a long record of forgiving even those who have been our country's most destructive foes.

Yet, to forgive is not to forget the lessons of evil in whatever ways evil has operated against us. And certainly the pardon granted the former President will not cause us to forget the evils of Watergate-type offenses or to forget the lessons we have learned that a government which deceives its supporters and treats its opponents as enemies must never, never be tolerated.

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(OVER)



The pardon power entrusted to the President under the Constitution of the United States has a long history and rests on precedents going back centuries before our Constitution was drafted and adopted. The power has been used sometimes as Alexander Hamilton saw its purpose: "In seasons of insurrection...when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth; and which, if suffered to pass unimproved, it may never be possible afterwards to recall."<sup>1</sup> Other times it has been applied to one person as "an act of grace...which exempts the individual, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed."<sup>2</sup> When a pardon is granted, it also represents "the determination of the ultimate authority that the public welfare will be better served by inflicting less than what the judgment fixed."<sup>3</sup> However, the Constitution does not limit the pardon power<sup>4</sup> to cases of convicted offenders or even indicted offenders.<sup>4</sup> Thus, I am firm in my conviction that as President I did have the authority to proclaim a pardon for the former President when I did.

Yet, I can also understand why people are moved to question my action. Some may still question my authority, but I find much of the disagreement turns on whether I should have acted when I did. Even then many people have concluded as I did that the pardon was in the best interests of the country because it came at a time when it would best serve the purpose I have stated.

I come to this hearing in a spirit of cooperation to respond to your inquiries. I do so with the understanding that the subjects to be covered are defined and limited by the questions as they appear in the resolutions before you. But even then we may not mutually agree on what information falls within the proper scope of inquiry by the Congress.

I feel a responsibility as you do that each separate branch of our government must preserve a degree of confidentiality for its internal communications. Congress, for its part, has seen the wisdom of assuring that members be permitted to work under conditions of confidentiality. Indeed, earlier this year the United States Senate passed a resolution which reads in part as follows:

\* \* \*

"...no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission."  
(S. Res. 338, passed June 12, 1974)

In United States v. Nixon, 42 U.S.L.W. 5237, 5244 (U.S. July 24, 1974), the Supreme Court unanimously recognized a rightful sphere of confidentiality within the Executive Branch, which the Court determined could only be invaded for overriding reasons of the Fifth and Sixth Amendments to the Constitution.

1. The Federalist No. 74, at 79 (Central Law Journal ed. 1914) (A. Hamilton).
2. Marshall, C.J., in United States v. Wilson, 32 U.S. (7 Pet.) 150, 160 (1833).
3. Biddle v. Perovich, 247 U.S. 480, 486 (1927).
4. Ex Parte Garland, 4 Wall. 333, 380 (1867); Burdick v. United States, 236 U.S. 79 (1915).

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As I have stated before, my own view is that the right of Executive Privilege is to be exercised with caution and restraint. When I was a Member of Congress, I did not hesitate to question the right of the Executive Branch to claim a privilege against supplying information to the Congress if I thought the claim of privilege was being abused. Yet, I did then, and I do now, respect the right of Executive Privilege when it protects advice given to a President in the expectation that it will not be disclosed. Otherwise, no President could any longer count on receiving free and frank views from people designated to help him reach his official decisions.

Also, it is certainly not my intention or even within my authority to detract on this occasion or in any other instance from the generally recognized rights of the President to preserve the confidentiality of internal discussions or communications whenever it is properly within his Constitutional responsibility to do so. These rights are within the authority of any President while he is in office, and I believe may be exercised as well by a past President if the information sought pertains to his official functions when he was serving in office.

I bring up these important points before going into the balance of my statement, so there can be no doubt that I remain mindful of the rights of confidentiality which a President may and ought to exercise in appropriate situations. However, I do not regard my answers as I have prepared them for purposes of this inquiry to be prejudicial to those rights in the present circumstances or to constitute a precedent for responding to Congressional inquiries different in nature or scope or under different circumstances.

Accordingly, I shall proceed to explain as fully as I can in my present answers the facts and circumstances covered by the present resolutions of inquiry. I shall start with an explanation of these events which were the first to occur in the period covered by the inquiry, before I became President. Then I will respond to the separate questions as they are numbered in H. Res. 1367 and as they specifically relate to the period after I became President.

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H. Res. 1367\* before this Subcommittee asks for information about certain conversations that may have occurred over a period that includes when I was a Member of Congress or the Vice President. In that entire period no references or discussions on a possible pardon for then President Nixon occurred until August 1 and 2, 1974.

You will recall that since the beginning of the Watergate investigations, I had consistently made statements and speeches about President Nixon's innocence of either planning the break-in or of participating in the cover-up. I sincerely believed he was innocent.

Even in the closing months before the President resigned, I made public statements that in my opinion the adverse revelations so far did not constitute an impeachable offense. I was coming under increasing criticism for such public statements, but I still believed them to be true based on the facts as I knew them.

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In the early morning of Thursday, August 1, 1974, I had a meeting in my Vice Presidential office, with Alexander M. Haig, Jr., Chief of Staff for President Nixon. At this meeting, I was told in a general way about fears arising because of additional tape evidence scheduled for delivery to Judge Sirica on Monday, August 5, 1974. I was told that there could be evidence which, when disclosed to the House of Representatives, would likely tip the vote in favor of impeachment. However, I was given no indication that this development would lead to any change in President Nixon's plans to oppose the impeachment vote.

Then shortly after noon, General Haig requested another appointment as promptly as possible. He came to my office about 3:30 P.M. for a meeting that was to last for approximately three-quarters of an hour. Only then did I learn of the damaging nature of a conversation on June 23, 1972, in one of the tapes which was due to go to Judge Sirica the following Monday.

I describe this meeting because at one point it did include references to a possible pardon for Mr. Nixon, to which the third and fourth questions in H. Res. 1367 are directed. However, nearly the entire meeting covered other subjects, all dealing with the totally new situation resulting from the critical evidence on the tape of June 23, 1972. General Haig told me he had been told of the new and damaging evidence by lawyers on the White House staff who had first-hand knowledge of what was on the tape. The substance of his conversation was that the new disclosure would be devastating, even catastrophic, insofar as President Nixon was concerned. Based on what he had learned of the conversation on the tape, he wanted to know whether I was prepared to assume the Presidency within a very short time, and whether I would be willing to make recommendations to the President as to what course he should now follow.

I cannot really express adequately in words how shocked and stunned I was by this unbelievable revelation. First, was the sudden awareness I was likely to become President under these most troubled circumstances; and secondly, the realization these new disclosures ran completely counter to the position I had taken for months, in that I believed the President was not guilty of any impeachable offense.

General Haig in his conversation at my office went on to tell me of discussions in the White House among those who knew of this new evidence.

General Haig asked for my assessment of the whole situation. He wanted my thoughts about the timing of a resignation, if that decision were to be made, and about how to do it and accomplish an orderly change of Administration. We discussed what scheduling problems there might be and what the early organizational problems would be.

General Haig outlined for me President Nixon's situation as he saw it and the different views in the White House as to the courses of action that might be available, and which were being advanced by various people around him on the White House staff. As I recall there were different major courses being considered:

(1) Some suggested "riding it out" by letting the impeachment take its course through the House and the Senate trial, fighting all the way against conviction.

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(4) The question of whether the President could pardon himself.

(5) Pardoning various Watergate defendants, then himself, followed by resignation.

(6) A pardon to the President, should he resign.

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

The impact of the Senate trial on the country, the handling of possible international crises, the economic situation here at home, and the marked slowdown in the decision-making process within the federal government were all factors to be considered, and were discussed.

General Haig wanted my views on the various courses of action as well as my attitude on the options of resignation. However, he indicated he was not advocating any of the options. I inquired as to what was the President's pardon power, and he answered that it was his understanding from a White House lawyer that a President did have the authority to grant a pardon even before any criminal action had been taken against an individual, but obviously, he was in no position to have any opinion on a matter of law.

As I saw it, at this point the question clearly before me was, under the circumstances, what course of action should I recommend that would be in the best interest of the country.

I told General Haig I had to have time to think. Further, that I wanted to talk to James St. Clair. I also said I wanted to talk to my wife before giving any response. I had consistently and firmly held the view previously that in no way whatsoever could I recommend either publicly or privately any step by the President that might cause a change in my status as Vice President. As the person who would become President if a vacancy occurred for any reason in that office, a Vice President, I believed, should endeavor not to do or say anything which might affect his President's tenure in office. Therefore, I certainly was not ready even under these new circumstances to make any recommendations about resignation without having adequate time to consider further what I should properly do.

Shortly after 8:00 o'clock the next morning James St. Clair came to my office. Although he did not spell out in detail the new evidence, there was no question in my mind that he considered these revelations to be so damaging that impeachment in the House was a certainty and conviction in the Senate a high probability. When I asked Mr. St. Clair if he knew of any other new and damaging evidence besides that on the June 23, 1972, tape, he said "no." When I pointed out to him the various options mentioned to me by General Haig, he told me he had not been the source of any opinion about Presidential pardon power.

more





After further thought on the matter, I was determined not to make any recommendations to President Nixon on his resignation. I had not given any advice or recommendations in my conversations with his aides, but I also did not want anyone who might talk to the President to suggest that I had some intention to do so.

For that reason I decided I should call General Haig the afternoon of August 2nd. I did make the call late that afternoon and told him I wanted him to understand that I had no intention of recommending what President Nixon should do about resigning or not resigning, and that nothing we had talked about the previous afternoon should be given any consideration in whatever decision the President might make. General Haig told me he was in full agreement with this position.

My travel schedule called for me to make appearances in Mississippi and Louisiana over Saturday, Sunday, and part of Monday, August 3, 4, and 5. In the previous eight months, I had repeatedly stated my opinion that the President would not be found guilty of an impeachable offense. Any change from my stated views, or even refusal to comment further, I feared, would lead in the press to conclusions that I now wanted to see the President resign to avoid an impeachment vote in the House and probable conviction vote in the Senate. For that reason I remained firm in my answers to press questions during my trip and repeated my belief in the President's innocence of an impeachable offense. Not until I returned to Washington did I learn that President Nixon was to release the new evidence late on Monday, August 5, 1974.

At about the same time I was notified that the President had called a Cabinet meeting for Tuesday morning, August 6, 1974. At that meeting in the Cabinet Room, I announced that I was making no recommendations to the President as to what he should do in the light of the new evidence. And I made no recommendations to him either at the meeting or at any time after that.

In summary, I assure you that there never was at any time any agreement whatsoever concerning a pardon to Mr. Nixon if he were to resign and I were to become President.

---

The first question of H. Res. 1367 asks whether I or my representative had "specific knowledge of any formal criminal charges pending against Richard M. Nixon." The answer is: "no."

I had known, of course, that the Grand Jury investigating the Watergate break-in and cover-up had wanted to name President Nixon as an unindicted co-conspirator in the cover-up. Also, I knew that an extensive report had been prepared by the Watergate Special Prosecution Force for the Grand Jury and had been sent to the House Committee on the Judiciary, where, I believe, it served the staff and members of the Committee in the development of its report on the proposed articles of impeachment. Beyond what was disclosed in the publications of the Judiciary Committee on the subject and additional evidence released by President Nixon on August 5, 1974, I saw on or shortly after September 4th a copy of a memorandum prepared for Special Prosecutor Jaworski by the Deputy Special Prosecutor, Henry Ruth.\* Copy of this memorandum had been furnished by Mr. Jaworski to my Counsel and was later made public during a press briefing at the White House on September 10, 1974.

\* Tab B attached.

I have supplied the Subcommittee with a copy of this memorandum. The memorandum lists matters still under investigation which "may prove to have some direct connection to activities in which Mr. Nixon is personally involved." The Watergate cover-up is not included in this list; and the alleged cover-up is mentioned only as being the subject of a separate memorandum not furnished to me. Of those matters which are listed in the memorandum, it is stated that none of them "at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon."

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

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

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Questions three and four of H. Res. 1367 deal with the first and all subsequent references to, or discussions of, a pardon for Richard M. Nixon, with him or any of his representatives or aides. I have already described at length what discussions took place on August 1 and 2, 1974, and how these discussions brought no recommendations or commitments whatsoever on my part. These were the only discussions related to questions three and four before I became President, but question four relates also to subsequent discussions.

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

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

more



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

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

As soon as I had been given this information, I authorized my Counsel, Philip Buchen, to tell Herbert J. Miller, as attorney for Richard M. Nixon, of my pending decision to grant a pardon for the former President. I was advised that the disclosure was made on September 4, 1974, when Mr. Buchen, accompanied by Benton Becker, met with Mr. Miller. Mr. Becker had been asked, with my concurrence, to take on a temporary special assignment to assist Mr. Buchen, at a time when no one else of my selection had yet been appointed to the legal staff of the White House.

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The fourth question in the resolution also asks about "negotiations" with Mr. Nixon or his representatives on the subject of a pardon for the former President. The pardon under consideration was not, so far as I was concerned, a matter of negotiation. I realized that unless Mr. Nixon actually accepted the pardon I was preparing to grant, it probably would not be effective. So I certainly had no intention to proceed without knowing if it would be accepted. Otherwise, I put no conditions on my granting of a pardon which required any negotiations.

Although negotiations had been started earlier and were conducted through September 6th concerning White House records of the prior administration, I did not make any agreement on that subject a condition of the pardon. The circumstances leading to an initial agreement on Presidential records are not covered by the Resolutions before this Subcommittee. Therefore, I have mentioned discussions on that subject with Mr. Nixon's attorney only to show they were related in time to the pardon discussions but were not a basis for my decision to grant a pardon to the former President.

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The fifth, sixth, and seventh questions of H. Res. 1367 ask whether I consulted with certain persons before making my pardon decision.

I did not consult at all with Attorney General Saxbe on the subject of a pardon for Mr. Nixon. My only conversation on the subject with Vice Presidential nominee Nelson Rockefeller was to report to him on September 6, 1974, that I was planning to grant the pardon.

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Special Prosecutor Jaworski was contacted on my instructions by my Counsel, Philip Buchen. One purpose of their discussions was to seek the information I wanted on what possible criminal charges might be brought against Mr. Nixon. The result of that inquiry was a copy of the memorandum I have already referred to and have furnished to this Subcommittee. The only other purpose was to find out the opinion of the Special Prosecutor as to how long a delay would follow, in the event of Mr. Nixon's indictment, before a trial could be started and concluded.

At a White House press briefing on September 8, 1974, the principal portions of Mr. Jaworski's opinion were made public. In this opinion, Mr. Jaworski wrote that selection of a jury for the trial of the former President, if he were indicted, would require a delay "of a period from nine months to a year, and perhaps even longer." On the question of how long it would take to conduct such a trial, he noted that the complexities of the jury selection made it difficult to estimate the time. Copy of the full text of his opinion dated September 4, 1974, I have now furnished to this Subcommittee.\*

I did consult with my Counsel, Philip Buchen, with Benton Becker, and with my Counsellor, John Marsh, who is also an attorney. Outside of these men, serving at the time on my immediate staff, I consulted with no other attorneys or professors of law for facts or legal authorities bearing on my decision to grant a pardon to the former President.

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Questions eight and nine of H. Res. 1367 deal with the circumstances of any statement requested or received from Mr. Nixon. I asked for no confession or statement of guilt; only a statement in acceptance of the pardon when it was granted. No language was suggested or requested by anyone acting for me to my knowledge. My Counsel advised me that he had told the attorney for Mr. Nixon that he believed the statement should be one expressing contrition, and in this respect, I was told Mr. Miller concurred. Before I announced the pardon, I saw a preliminary draft of a proposed statement from Mr. Nixon, but I did not regard the language of the statement, as subsequently issued, to be subject to approval by me or my representatives.

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The tenth question covers any report to me on Mr. Nixon's health by a physician or psychiatrist, which led to my pardon decision. I received no such report. Whatever information was generally known to me at the time of my pardon decision was based on my own observations of his condition at the time he resigned as President and observations reported to me after that from others who had later seen or talked with him. No such reports were by people qualified to evaluate medically the condition of Mr. Nixon's health, and so they were not a controlling factor in my decision. However, I believed and still do, that prosecution and trial of the former President would have proved a serious threat to his health, as I stated in my message on September 8, 1974.

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\*Tab C attached

H. Res. 1370\* is the other resolution of inquiry before this Subcommittee. It presents no questions but asks for the full and complete facts upon which was based my decision to grant a pardon to Richard M. Nixon.

I know of no such facts that are not covered by my answers to the questions in H. Res. 1367. Also:

Subparagraphs (1) and (4): There were no representations made by me or for me and none by Mr. Nixon or for him on which my pardon decision was based.

Subparagraph (2): The health issue is dealt with by me in answer to question ten of the previous resolution.

Subparagraph (3): Information available to me about possible offenses in which Mr. Nixon might have been involved is covered in my answer to the first question of the earlier resolution.

In addition, in an unnumbered paragraph at the end, H. Res. 1370 seeks information on possible pardons for Watergate-related offenses which others may have committed. I have decided that all persons requesting consideration of pardon requests should submit them through the Department of Justice.

Only when I receive information on any request duly filed and considered first by the Pardon Attorney at the Department of Justice would I consider the matter. As yet no such information has been received, and if it does I will act or decline to act according to the particular circumstances presented, and not on the basis of the unique circumstances, as I saw them, of former President Nixon.

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By these responses to the resolutions of inquiry, I believe I have fully and fairly presented the facts and circumstances preceding my pardon of former President Nixon. In this way, I hope I have contributed to a much better understanding by the American people of the action I took to grant the pardon when I did. For having afforded me this opportunity, I do express my appreciation to you, Mr. Chairman, and to Mr. Smith, the Ranking Minority Member, and to all the other distinguished Members of this Subcommittee; also to Chairman Rodino of the Committee on the Judiciary, to Mr. Hutchinson, the Ranking Minority Member of the full Committee, and to other distinguished Members of the full Committee who are present.

In closing, I would like to re-emphasize that I acted solely for the reasons I stated in my proclamation of September 8, 1974, and my accompanying message and that I acted out of my concern to serve the best interests of my country. As I stated then: "My concern is the immediate future of this great country...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."

\*Tab D attached

# # # #

SPECIAL NEWS SUMMARY  
Thursday, Oct. 17, 1974

PRESIDENT FORD'S TESTIMONY BEFORE  
THE HOUSE JUDICIARY SUBCOMMITTEE

NBC

As President Ford walked out of the judiciary hearing room, John Chancellor commented on Ford's handshake with Rep. Elizabeth Holzman (D., N.Y.), "his sharpest questioner."

"Mr. Ford spent 25 years in the House, doing a lot of handshaking," Chancellor said. "He's quite at home in a situation of this kind." Chancellor presented a 10-minute recapitulation and cited these points:

-- The President's reason for pardoning President Nixon was not so much Nixon's welfare as "to try to get the United States focusing on serious problems."

"Mr. Ford said he was convinced at the time of the pardon, and he is convinced now, that if there were no pardon, the attention of the people would have been diverted from the problems facing the country."

-- "He also said heatedly there was no deal, no deal, period, with Mr. Nixon. He said that he felt that the shame and disgrace of resignation was enough."

-- The President said he had talked about pardon in a general way as one of a series of options presented to him by Gen Alexander Haig, before Nixon's resignation. Chancellor said. That it was one of five options offered. That he heard about it and made no recommendations about it. Ford said he had made no deals and had said nothing about it in advance of the resignation.

Ray Scherer and Tom Brokaw interviewed Rep. Don Edwards (D., Calif.). Asked what he would have asked, given more time, Edwards said, "We had scores of more questions as to the exact details of communications at the White House before and after the pardon. Whether or not there were communications with the Nixon family."



Edwards said he was generally satisfied with Ford's performance, and that he was satisfied Ford did not engage in any kind of deal or illegal activity in granting the pardon.

"I think he made an honest case. I learned a couple of things that I hadn't known before, that there indeed were discussions of a pardon, but that it was a general discussion, before Mr. Nixon resigned," he said.

On the question of Ford's motives Edwards said, "I'm afraid that it will continue, because it really wasn't done very well. It was done prematurely. So no matter what President Ford does and how honest he might be about it, and I'm sure he is, the fact that it was done prematurely, before indictment, will always cause some problems." It will be a political judgment, and a historical judgment, too. Because the process was intercepted, it wasn't allowed to proceed. And that is never very good in a governmental system such as we enjoy here."

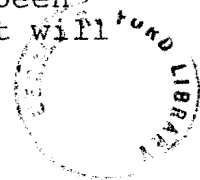
Asked whether he sympathized with Rep. Holtzman's position that the committee questioning format was inadequate Edwards said:

"Here on Capitol Hill and in government, you have to be satisfied with the best that you can get. We had over an hour to question the President of the United States and I think that is a large step forward. It's an indication that there will be more cooperation between the different branches of government. I think it's just fine," Edwards said.

Rep. David Dennis (R., Ind.) said the President "made a compelling case."

"I thought it was a very frankful, comprehensive statement, which indeed left very few questions which needed to be asked, and answered the reasonable questions of any reasonable person," Dennis said. "He certainly ought to be ahead in public opinion. You can disagree with the President about whether a pardon ought to be issued or not. I happen to agree with him. But he's the President. He's got the prerogative to make that decision judgment, which he did, on what seems to me to be sufficient grounds."

Dennis said the President's appearance will help Republican candidates for election in November who have been hurt by the pardon. "Certainly. Absolutely. I think it will



help those problems...It's caused some problems. It's caused me some problems."

Dennis said he did not believe the President's appearance should be called a precedent, since Ford appeared voluntarily and "he was careful to point out that he was not going to make it a precedent in this case. "There is nothing about this situation which would require any other President or this President to do this again unless he saw fit to do so. It there's anything that really needs to be looked into, I'm not against it. But I think that, prima facie, it's a pretty closed case -- I think you have to remember that the Democrats...sort of hate to lose an issue."

Asked about the continuing controversy of the tapes, Dennis said:

"There is controversy on that, but I don't think the controversy is on the important points. Everyone's agreed the tapes are going to be kept for the courts to use if they're needed at any of these trials. The law is reasonably clear that, as of now, this is private property, these tapes which belong to Mr. Nixon. Perhaps we should legislate in regards to future documents. But if we decide to make these tapes public property, I think personally we'd have to condemn them and pay compensation under the Constitution."





"The President did not answer some of the questions put to him today, largely by Elizabeth Holzman," Chancellor said. He listed them as follows:

-- "Why didn't the pardon specify crimes in terms of Mr. Nixon's activities? The President didn't really deal with that. He agreed with the contention that the acceptance of the pardon was tantamount to an admission of a crime, but there was no specific crime mentioned.

-- "He did not respond to her question about why the Attorney General was not consulted in terms of the pardon, why the special prosecutor was not consulted before there was an agreement on the tapes, and why the whole thing was done in haste and secrecy. That was really not dealt with here today.

-- "On the other hand, the President did make what many Committee members, I'm sure, will believe was an effective presentation of the arguments and he did, in fact, answer most of the questions that were put to him.

-- "On the whole, I think it was a successful presentation of his case in a completely unprecedented, historical situation," Chancellor concluded.

### ABC

Howard K. Smith opened six-and-one-half minutes of commentary by saying, "President Ford has just made history for the past two hours."

Smith said that if he were forced to select a headline for the appearance it would be:

"There was no deal according to the President -- no deal ever made."

Smith said Ford revealed some new facts, however, about the possibility of a deal.

Ford's first disclosure to the sub-committee, Smith said, was that when he was advised by former White House Chief of



Staff, Gen. Alexander Haig, that Nixon might resign. Haig presented a series of options to Ford including the possibility of a pardon for Nixon. Ford told the Hungate sub-committee that he told Haig he would say nothing because of his "sensitive position" as a Vice President about to accede to the Presidency.

Ford's second revelation to the sub-committee, Smith reported, was the President's announcement that "the tapes are there and he would give the Special Prosecutor any tapes he wanted."

Smith reported that when the President was reminded of the criticism concerning the haste of the pardon announcement, he told the committee that on reconsideration he thought he would take the same action again.

Steve Bell said the President approached the opportunity to testify before Congress as a gamble because he was very cognizant of the effect the pardon had on his own credibility and on the Republican's chances in the November elections.

"I think he will be quite happy with the way he came across today," Bell continued. "I don't think he feels it is going to reverse anything completely, but I think the President will feel that he stayed within the guidelines he had set, not to expand it into precedents he did not want, and he was able to make the point -- the central issue as far as he is concerned -- that if he had not taken the pardon action when he did that the country would have been much worse off in not being able to go on to other issues while the process of bringing former President Nixon to trial was taking place."

Smith reported that the President had emphasized in his opening statement that his appearance was not to be interpreted as a precedent. Smith said the President said his testimony was "a rare case and not likely to happen again."

There were three omissions in the questioning, Smith said.

"One is did he consider the effect of this on the other Watergate defendants who are now on trial?" Smith said.

Smith questioned whether a court would now rule that those same defendants are guilty for having obeyed a President who is now safe from prosecution.



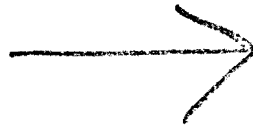
Secondly, Smith said no committee member questioned Ford "very seriously" on his failure to send the Attorney General -- "the official law officer of the President -- to confer with the former President.

The third matter which was not fully developed, Smith said, was what caused Ford to change his mind after he had said at his first press conference that he would withhold action on the Nixon case until the judicial process was followed.

Bell said that this third underdeveloped line of questioning was "the thing that surprised me most about the session just completed."

"At no point did someone say, 'Mr. President after that news conference you suddenly changed your mind about when a pardon should be considered'," Bell reported.

Smith in concluding remarks said that enough questions were not asked. Smith cited the drop in Ford's popularity polls and Republican candidates had called the pardon "a great blow." Smith said part of the reason for Ford's appearance was to rectify that, "to give Republicans a better chance in the November elections."



CBS

Walter Cronkite, prior to the questioning, said the appearance of the President would take place in Room 2141 in the Rayburn House Office Building, the same room in which the House Judiciary Committee voted to impeach Richard Nixon. Cronkite said the purpose was to reply to 14 questions aimed at determining if there was any kind of a deal behind the pardon of Nixon.

Following the President's appearance, Cronkite presented a one-minute recapitulation in which Cronkite said the President gave a 43-minute statement, followed by almost an hour of questioning.

"President Ford emphatically said again and again that there were no deals made," said Cronkite.

Ford also said there had been no discussions with former President Nixon regarding a pardon, and there had been no request for the pardon prior to its issuance.

Cronkite reported the President said his appearance was not to establish a precedent. The President's position "was in no way shaken, he said, although Rep. Elizabeth Holtzman (D., N.Y.) complained the Committee proceeding did not permit the full inquiry to allay what she called "the suspicion" that, in fact, there was a deal, said Cronkite.

WIRE SERVICE COVERAGE

Both wire services kept running stories going throughout the testimony. Here are their early leads:

Washington (UPI) -- President Ford, the first Chief Executive ever to submit to formal questioning by a Congressional Committee, appeared on Capitol Hill today to explain why he pardoned his predecessor, Richard M. Nixon.

Seated at a witness table before some of the House Judiciary Committee members who voted nearly three months ago to impeach Nixon, Ford began two hours of televised testimony with a statement. Each of the members then were allowed five minutes to question him.

Upon arriving in the Hearing Room, Ford sat alone at the long witness table and poured a glass of water from a silver



pitcher while a dozen or so photographers took his picture. It was the same hearing room where Ford underwent questioning for confirmation as Vice President late last year.

Ford, whose pardon of the former President cost him some of the strong public support he received when he took office, has maintained that it did not develop out of any deal made prior to Nixon's resignation Aug. 9.

Ford volunteered to testify, expecting that it would put an end to the questioning and criticism of the pardon on Capitol Hill and throughout the Nation.

Rep. William Hungate, D-MO., the Subcommittee Chairman, lauded Ford for offering to appear but said, "We are not here because of friendship, but because of responsibility our governmental system of checks and balances and separation of powers places upon us."

"I hope the American people as well as the Congress appreciate the importance of President Ford's appearance, as well as the need to... resolve once and for all, all of the questions relating to the pardon of former President Nixon.

"I am convinced that the issue of the pardon will not be behind us until the record of the pardon is complete."

Ford pardoned Nixon Sept. 8 amid reports that the former President was deeply depressed and severely ill following his resignation. Nixon, named as an unindicted co-conspirator in the Watergate Cover-up and still under subpoena as a witness in that trial, thus was freed from the prospects of being tried himself for crimes in office.

Rep. Henry Smith of New York, ranking Subcommittee Republican, told Ford in his opening statement that he hoped the appearance before the Committee would not establish a precedent.

"But, on the other hand, it is an example of a splendid cooperation between the Executive and Legislative Branches of our Government, which I trust may be followed many times in the future by those who may come after you as President of the United States of America -- the world's toughest job."

Rep. Peter Rodino, D-N.J., Chairman of the Full Judiciary Committee, and Rep. Edward Hutchinson of Michigan, its ranking Republican, confined their opening remarks to welcoming Ford.



Washington (UPI) -- President Ford said today that even after he learned that Richard Nixon's Presidency probably would be doomed by the impending release of a crucial tape, he continued to state publicly his belief Nixon was innocent of involvement in Watergate.

"In the previous eight months, I had repeatedly stated my opinion that the President would not be found guilty of an impeachable offense," he told a House Judiciary Subcommittee.

"Any change from my stated views, or even refusal to comment further, I feared, would lead in the press to conclusions that I now wanted to see the President resign..."

Ford said he had appearances scheduled in two southern states over the weekend of Aug. 3-5, and in them he continued to insist on his "belief in the President's innocence of an impeachable offense" even though he had learned from Alexander Haig of the damaging June 23 tapes which would soon be made public.

Nixon resigned Aug. 9, three days after the transcript of the damaging tapes had been made public.

Gaylord Shaw, AP -- President Ford, in an historic personal appearance before a congressional panel, said today he discussed the possibility of pardoning Richard Nixon if he resigned as President but declared, "There was no deal, period, under no circumstances."

Responding to questions after reading a lengthy statement at a nationally broadcast House Judiciary Subcommittee hearing, Ford said he remains convinced he acted in the right way at the right time in granting Nixon a full pardon.

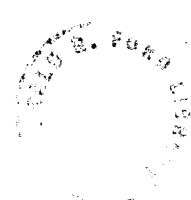
"I assure you that there never was at any time any agreement whatsoever concerning a pardon to Mr. Nixon if he were to resign and I were to become President," Ford said in a lengthy opening statement.

Then, after Rep Elizabeth Holtzman, D-N.Y., spoke of "very dark suspicions" and made what another member called "an accusatory...speech," Ford was blunter in his answer.

"I want to assure you, the members of Congress and the American people there was no deal, period, under no circumstances."

Answering questions on whether he now thought he acted too hastily in granting the pardon, Ford acknowledged that the timing has been criticized but said, "I am convinced after reflection that the timing of the pardon was done at the right time."

When he was asked, "Don't you feel that acceptance of a pardon is tantamount to an admission of guilt?" Ford's response was quick: "I do, sir."



Nixon Files Suit on Documents

Nixon asked the court to order Presidential Counsel Philip Buchen and two other government officials not to produce or disclose any presidential materials to anyone other than himself.

In the complaint Nixon said that he had entered into an agreement with the Ford Administration to house his presidential materials and personal records in California but that the White House has not honored the agreement.

"The relief requested is merely to preserve the status quo; that is, to maintain the existing confidentiality of the presidential materials and to preserve (Nixon's) right to control access thereto," the former President's complaint said.

The application for a temporary restraining order was filed against Buchen, Arthur F. Sampson, the head of the General Services Administration and Secret Service Director H. Stuart Knight, individually and in their official capacities.

The aim of the suit is to give Nixon, rather than the White House, the right to decide who gets access to the documents.

On September 6 Nixon and Sampson signed an agreement in which the former President agreed to house all his presidential materials with the GSA in a facility near Nixon's San Clemente home in California.

The agreement provided that Nixon, as custodian of the materials, would get one key and the government another. It also said that Nixon's tape recordings would remain on deposit until September 1979 and that Nixon thereafter had the right to destroy any recordings before returning the remainder to the government.

Nixon noted that he is subject to subpoenas demanding production of the materials but that he cannot answer them because the documents are not in his custody.

On September 9 the Watergate Special Prosecutor agreed with the White House that none of the materials could be moved from their depository in Washington without the Prosecutor's approval.





"The effect of this agreement was to interfere with the contractual rights of former President Nixon" and to inhibit his ability to assert presidential privilege, the complaint stated.

The complaint noted that Nixon's lawyers had discussed the September 6 agreement but "these negotiations have not resulted in even a limited implementation of the depository agreement."

The complaint also noted that Watergate prosecutors have said they intended to subpoena Buchen demanding that Nixon's papers be turned over to them and that there have been at least six other requests for access.

President Ford spent two hours before investigating Congressmen today and declared "there was no deal, period, under no circumstances" behind his pardon of Richard M. Nixon.

Ford acknowledged there was discussion of a pardon before Nixon resigned the Presidency on Aug. 9, but said it was only that -- discussion, with no commitments, agreements or recommendations on his part.

He told a nationally broadcast house Judiciary Subcommittee hearing that despite the uproar over the pardon, he remains convinced that he did the right thing at the right time when he spared Nixon possible indictment and trial in the Watergate cover-up.

But the President said he acted in what he deemed the national interest, not for the sake of his resigned predecessor when he pardoned Nixon on September 8.

"The reason I gave the pardon was not as to Mr. Nixon himself," Ford said, then, thumping the witness table, he added: "I repeat and I repeat with emphasis, the purpose of the pardon was to try to get the United States, the Congress and the American people focusing on the serious problems we have..."  
(Washington - AP)

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Sally

SPECIAL NEWS SUMMARY  
Thursday, Oct. 17, 1974

PRESIDENT FORD'S TESTIMONY BEFORE  
THE HOUSE JUDICIARY SUBCOMMITTEE

NBC

As President Ford walked out of the judiciary hearing room, John Chancellor commented on Ford's handshake with Rep. Elizabeth Holzman (D., N.Y.), "his sharpest questioner."

"Mr. Ford spent 25 years in the House, doing a lot of handshaking," Chancellor said. "He's quite at home in a situation of this kind." Chancellor presented a 10-minute recapitulation and cited these points:

-- The President's reason for pardoning President Nixon was not so much Nixon's welfare as "to try to get the United States focusing on serious problems."

"Mr. Ford said he was convinced at the time of the pardon, and he is convinced now, that if there were no pardon, the attention of the people would have been diverted from the problems facing the country."

-- "He also said heatedly there was no deal, no deal, period, with Mr. Nixon. He said that he felt that the shame and disgrace of resignation was enough."

-- The President said he had talked about pardon in a general way as one of a series of options presented to him by Gen Alexander Haig, before Nixon's resignation. Chancellor said. That it was one of five options offered. That he heard about it and made no recommendations about it. Ford said he had made no deals and had said nothing about it in advance of the resignation.

Ray Scherer and Tom Brokaw interviewed Rep. Don Edwards (D., Calif.). Asked what he would have asked, given more time, Edwards said, "We had scores of more questions as to the exact details of communications at the White House before and after the pardon. Whether or not there were communications with the Nixon family."



Edwards said he was generally satisfied with Ford's performance, and that he was satisfied Ford did not engage in any kind of deal or illegal activity in granting the pardon.

"I think he made an honest case. I learned a couple of things that I hadn't known before, that there indeed were discussions of a pardon, but that it was a general discussion, before Mr. Nixon resigned," he said.

On the question of Ford's motives Edwards said, "I'm afraid that it will continue, because it really wasn't done very well. It was done prematurely. So no matter what President Ford does and how honest he might be about it, and I'm sure he is, the fact that it was done prematurely, before indictment, will always cause some problems." It will be a political judgment, and a historical judgment, too. Because the process was intercepted, it wasn't allowed to proceed. And that is never very good in a governmental system such as we enjoy here."

Asked whether he sympathized with Rep. Holtzman's position that the committee questioning format was inadequate Edwards said:

"Here on Capitol Hill and in government, you have to be satisfied with the best that you can get. We had over an hour to question the President of the United States and I think that is a large step forward. It's an indication that there will be more cooperation between the different branches of government. I think it's just fine," Edwards said.

Rep. David Dennis (R., Ind.) said the President "made a compelling case."

"I thought it was a very frankful, comprehensive statement, which indeed left very few questions which needed to be asked, and answered the reasonable questions of any reasonable person," Dennis said. "He certainly ought to be ahead in public opinion. You can disagree with the President about whether a pardon ought to be issued or not. I happen to agree with him. But he's the President. He's got the prerogative to make that decision judgment, which he did, on what seems to me to be sufficient grounds."

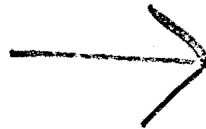
Dennis said the President's appearance will help Republican candidates for election in November who have been hurt by the pardon. "Certainly. Absolutely. I think it will

help those problems...It's caused some problems. It's caused me some problems."

Dennis said he did not believe the President's appearance should be called a precedent, since Ford appeared voluntarily and "he was careful to point out that he was not going to make it a precedent in this case. "There is nothing about this situation which would require any other President or this President to do this again unless he saw fit to do so. It there's anything that really needs to be looked into, I'm not against it. But I think that, prima facie, it's a pretty closed case -- I think you have to remember that the Democrats...sort of hate to lose an issue."

Asked about the continuing controversy of the tapes, Dennis said:

"There is controversy on that, but I don't think the controversy is on the important points. Everyone's agreed the tapes are going to be kept for the courts to use if they're needed at any of these trials. The law is reasonably clear that, as of now, this is private property, these tapes which belong to Mr. Nixon. Perhaps we should legislate in regards to future documents. But if we decide to make these tapes public property, I think personally we'd have to condemn them and pay compensation under the Constitution."



"The President did not answer some of the questions put to him today, largely by Elizabeth Holzman," Chancellor said. He listed them as follows:

-- "Why didn't the pardon specify crimes in terms of Mr. Nixon's activities? The President didn't really deal with that. He agreed with the contention that the acceptance of the pardon was tantamount to an admission of a crime, but there was no specific crime mentioned.

-- "He did not respond to her question about why the Attorney General was not consulted in terms of the pardon, why the special prosecutor was not consulted before there was an agreement on the tapes, and why the whole thing was done in haste and secrecy. That was really not dealt with here today.

-- "On the other hand, the President did make what many Committee members, I'm sure, will believe was an effective presentation of the arguments and he did, in fact, answer most of the questions that were put to him.

-- "On the whole, I think it was a successful presentation of his case in a completely unprecedented, historical situation," Chancellor concluded.

#### ABC

Howard K. Smith opened six-and-one-half minutes of commentary by saying, "President Ford has just made history for the past two hours."

Smith said that if he were forced to select a headline for the appearance it would be:

"There was no deal according to the President -- no deal ever made."

Smith said Ford revealed some new facts, however, about the possibility of a deal.

Ford's first disclosure to the sub-committee, Smith said, was that when he was advised by former White House Chief of



Staff, Gen. Alexander Haig, that Nixon might resign. Haig presented a series of options to Ford including the possibility of a pardon for Nixon. Ford told the Hungate sub-committee that he told Haig he would say nothing because of his "sensitive position" as a Vice President about to accede to the Presidency.

Ford's second revelation to the sub-committee, Smith reported, was the President's announcement that "the tapes are there and he would give the Special Prosecutor any tapes he wanted."

Smith reported that when the President was reminded of the criticism concerning the haste of the pardon announcement, he told the committee that on reconsideration he thought he would take the same action again.

Steve Bell said the President approached the opportunity to testify before Congress as a gamble because he was very cognizant of the effect the pardon had on his own credibility and on the Republican's chances in the November elections.

"I think he will be quite happy with the way he came across today," Bell continued. "I don't think he feels it is going to reverse anything completely, but I think the President will feel that he stayed within the guidelines he had set, not to expand it into precedents he did not want, and he was able to make the point -- the central issue as far as he is concerned -- that if he had not taken the pardon action when he did that the country would have been much worse off in not being able to go on to other issues while the process of bringing former President Nixon to trial was taking place."

Smith reported that the President had emphasized in his opening statement that his appearance was not to be interpreted as a precedent. Smith said the President said his testimony was "a rare case and not likely to happen again."

There were three omissions in the questioning, Smith said.

"One is did he consider the effect of this on the other Watergate defendants who are now on trial?" Smith said.

Smith questioned whether a court would now rule that those same defendants are guilty for having obeyed a President who is now safe from prosecution.



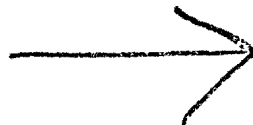
Secondly, Smith said no committee member questioned Ford "very seriously" on his failure to send the Attorney General -- "the official law officer of the President -- to confer with the former President.

The third matter which was not fully developed, Smith said, was what caused Ford to change his mind after he had said at his first press conference that he would withhold action on the Nixon case until the judicial process was followed.

Bell said that this third underdeveloped line of questioning was "the thing that surprised me most about the session just completed."

"At no point did someone say, 'Mr. President after that news conference you suddenly changed your mind about when a pardon should be considered'," Bell reported.

Smith in concluding remarks said that enough questions were not asked. Smith cited the drop in Ford's popularity polls and Republican candidates had called the pardon "a great blow." Smith said part of the reason for Ford's appearance was to rectify that. "to give Republicans a better chance in the November elections."



CBS

Walter Cronkite, prior to the questioning, said the appearance of the President would take place in Room 2141 in the Rayburn House Office Building, the same room in which the House Judiciary Committee voted to impeach Richard Nixon. Cronkite said the purpose was to reply to 14 questions aimed at determining if there was any kind of a deal behind the pardon of Nixon.

Following the President's appearance, Cronkite presented a one-minute recapitulation in which Cronkite said the President gave a 43-minute statement, followed by almost an hour of questioning.

"President Ford emphatically said again and again that there were no deals made," said Cronkite.

Ford also said there had been no discussions with former President Nixon regarding a pardon, and there had been no request for the pardon prior to its issuance.

Cronkite reported the President said his appearance was not to establish a precedent. The President's position "was in no way shaken, he said, although Rep. Elizabeth Holtzman (D., N.Y.) complained the Committee proceeding did not permit the full inquiry to allay what she called "the suspicion" that, in fact, there was a deal, said Cronkite.

WIRE SERVICE COVERAGE

Both wire services kept running stories going throughout the testimony. Here are their early leads:

Washington (UPI) -- President Ford, the first Chief Executive ever to submit to formal questioning by a Congressional Committee, appeared on Capitol Hill today to explain why he pardoned his predecessor, Richard M. Nixon.

Seated at a witness table before some of the House Judiciary Committee members who voted nearly three months ago to impeach Nixon, Ford began two hours of televised testimony with a statement. Each of the members then were allowed five minutes to question him.

Upon arriving in the Hearing Room, Ford sat alone at the long witness table and poured a glass of water from a silver



pitcher while a dozen or so photographers took his picture. It was the same hearing room where Ford underwent questioning for confirmation as Vice President late last year.

Ford, whose pardon of the former President cost him some of the strong public support he received when he took office, has maintained that it did not develop out of any deal made prior to Nixon's resignation Aug. 9.

Ford volunteered to testify, expecting that it would put an end to the questioning and criticism of the pardon on Capitol Hill and throughout the Nation.

Rep. William Hungate, D-MO., the Subcommittee Chairman, lauded Ford for offering to appear but said, "We are not here because of friendship, but because of responsibility our governmental system of checks and balances and separation of powers places upon us."

"I hope the American people as well as the Congress appreciate the importance of President Ford's appearance, as well as the need to... resolve once and for all, all of the questions relating to the pardon of former President Nixon.

"I am convinced that the issue of the pardon will not be behind us until the record of the pardon is complete."

Ford pardoned Nixon Sept. 8 amid reports that the former President was deeply depressed and severely ill following his resignation. Nixon, named as an unindicted co-conspirator in the Watergate Cover-up and still under subpoena as a witness in that trial, thus was freed from the prospects of being tried himself for crimes in office.

Rep. Henry Smith of New York, ranking Subcommittee Republican, told Ford in his opening statement that he hoped the appearance before the Committee would not establish a precedent.

"But, on the other hand, it is an example of a splendid cooperation between the Executive and Legislative Branches of our Government, which I trust may be followed many times in the future by those who may come after you as President of the United States of America -- the world's toughest job."

Rep. Peter Rodino, D-N.J., Chairman of the Full Judiciary Committee, and Rep. Edward Hutchinson of Michigan, its ranking Republican, confined their opening remarks to welcoming Ford.



Washington (UPI) -- President Ford said today that even after he learned that Richard Nixon's Presidency probably would be doomed by the impending release of a crucial tape, he continued to state publicly his belief Nixon was innocent of involvement in Watergate.

"In the previous eight months, I had repeatedly stated my opinion that the President would not be found guilty of an impeachable offense," he told a House Judiciary Subcommittee.

"Any change from my stated views, or even refusal to comment further, I feared, would lead in the press to conclusions that I now wanted to see the President resign..."

Ford said he had appearances scheduled in two southern states over the weekend of Aug. 3-5, and in them he continued to insist on his "belief in the President's innocence of an impeachable offense" even though he had learned from Alexander Haig of the damaging June 23 tapes which would soon be made public.

Nixon resigned Aug. 9, three days after the transcript of the damaging tapes had been made public.

Gaylord Shaw, AP -- President Ford, in an historic personal appearance before a congressional panel, said today he discussed the possibility of pardoning Richard Nixon if he resigned as President but declared, "There was no deal, period, under no circumstances."

Responding to questions after reading a lengthy statement at a nationally broadcast House Judiciary Subcommittee hearing, Ford said he remains convinced he acted in the right way at the right time in granting Nixon a full pardon.

"I assure you that there never was at any time any agreement whatsoever concerning a pardon to Mr. Nixon if he were to resign and I were to become President," Ford said in a lengthy opening statement.

Then, after Rep Elizabeth Holtzman, D-N.Y., spoke of "very dark suspicions" and made what another member called "an accusatory...speech," Ford was blunter in his answer.

"I want to assure you, the members of Congress and the American people there was no deal, period, under no circumstances."



Answering questions on whether he now thought he acted too hastily in granting the pardon, Ford acknowledged that the timing has been criticized but said, "I am convinced after reflection that the timing of the pardon was done at the right time."

When he was asked, "Don't you feel that acceptance of a pardon is tantamount to an admission of guilt?" Ford's response was quick: "I do, sir."



Nixon Files Suit on Documents

Nixon asked the court to order Presidential Counsel Philip Buchen and two other government officials not to produce or disclose any presidential materials to anyone other than himself.

In the complaint Nixon said that he had entered into an agreement with the Ford Administration to house his presidential materials and personal records in California but that the White House has not honored the agreement.

"The relief requested is merely to preserve the status quo; that is, to maintain the existing confidentiality of the presidential materials and to preserve (Nixon's) right to control access thereto," the former President's complaint said.

The application for a temporary restraining order was filed against Buchen, Arthur F. Sampson, the head of the General Services Administration and Secret Service Director H. Stuart Knight, individually and in their official capacities.

The aim of the suit is to give Nixon, rather than the White House, the right to decide who gets access to the documents.

On September 6 Nixon and Sampson signed an agreement in which the former President agreed to house all his presidential materials with the GSA in a facility near Nixon's San Clemente home in California.

The agreement provided that Nixon, as custodian of the materials, would get one key and the government another. It also said that Nixon's tape recordings would remain on deposit until September 1979 and that Nixon thereafter had the right to destroy any recordings before returning the remainder to the government.

Nixon noted that he is subject to subpoenas demanding production of the materials but that he cannot answer them because the documents are not in his custody.

On September 9 the Watergate Special Prosecutor agreed with the White House that none of the materials could be moved from their depository in Washington without the Prosecutor's approval.



"The effect of this agreement was to interfere with the contractual rights of former President Nixon" and to inhibit his ability to assert presidential privilege, the complaint stated.

The complaint noted that Nixon's lawyers had discussed the September 6 agreement but "these negotiations have not resulted in even a limited implementation of the depository agreement."

The complaint also noted that Watergate prosecutors have said they intended to subpoena Buchen demanding that Nixon's papers be turned over to them and that there have been at least six other requests for access.

President Ford spent two hours before investigating Congressmen today and declared "there was no deal, period, under no circumstances" behind his pardon of Richard M. Nixon.

Ford acknowledged there was discussion of a pardon before Nixon resigned the Presidency on Aug. 9, but said it was only that -- discussion, with no commitments, agreements or recommendations on his part.

He told a nationally broadcast house Judiciary Subcommittee hearing that despite the uproar over the pardon, he remains convinced that he did the right thing at the right time when he spared Nixon possible indictment and trial in the Watergate cover-up.

But the President said he acted in what he deemed the national interest, not for the sake of his resigned predecessor when he pardoned Nixon on September 8.

"The reason I gave the pardon was not as to Mr. Nixon himself," Ford said, then, thumping the witness table, he added: "I repeat and I repeat with emphasis, the purpose of the pardon was to try to get the United States, the Congress and the American people focusing on the serious problems we have..."  
(Washington - AP)

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