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FOR IMMEDIATE RELEASE

OCTOBER 17, 1974

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
PRESS CONFERENCE
OF
FERNANDO DE BACA
SPECIAL ASSISTANT TO THE PRESIDENT
JOSE ACEVES
PRESIDENT AND EXECUTIVE DIRECTOR OF THE
LATIN AMERICAN MEMBERS ASSOCIATION
JOSE CASANOVA
NATIONAL HISPANIC ASSEMBLY
ANTONIO MORALES
AMERICAN G.I. FORUM OF THE UNITED STATES

THE BRIEFING ROOM

2:02 P.M. EDT

MR. ROBERTS: Ladies and gentlemen, as you know, the President met today with 18 Hispanic American leaders to discuss concerns of the Spanish-speaking community.

The President was with the group for more than an hour, and we have with us after the meeting to give you a little information on what transpired, Fernando De Baca, who is the Special Assistant to the President, and three of the participants in the meeting -- Jose Aceves, who is President and Executive Director of the Latin American Members Association of San Leandro, California; Jose Manolo Casanova, who is Chairman of the National Hispanic Assembly of the State of Florida from Miami; and Antonio Morales, who is the National Chairman of the American G.I. Forum of the United States from Fort Worth, Texas.

And I think Mr. De Baca will lead off with a summary, and then the other gentlemen will have something to say, and then you will be able to get your questions in.

MR. DE BACA: Thank you, Mr. Roberts. We have just concluded a one and a half hour meeting with President Ford. This event was a continuation of the President's desire and willingness to meet with significant special groups.

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Now last April, as Vice President, he met with a cross section of Hispanic organizations and community representatives.

On September 4 of this year, he met with the Hispanic American Members of Congress and with major Hispanic Administration appointees. Today's meeting included the heads of all major Hispanic organizations in the country.

I am very pleased, in addition to the people who have been introduced to you, to present to you Mr. Luis Alvarez, who represents the major Puerto Rican organization in New York, who is to my right here, Luis Alvarez.

We also have with us Mr. Joseph Benites representing the largest Spanish-speaking organization of Hispanic Americans, organizations of Hispanic Americans in the country, LUAC, the League of United American Citizens.

We have a number of other leaders here, -- the President of the IMAGE Organization, Mr. Edward Valenzuela, who is present here as well.

While the population statistics on Spanish-origin people differ, the Census Bureau currently estimates that the National Hispanic population is close to 11 million people.

Now we believe that there are probably somewhere between 14 and 16 million Hispanic Americans in this country. Hispanic Americans are the emerging minority in this country with actual projections, physical projections, placing them in a very large percentage in California, New Mexico, Texas, Colorado, and Arizona.

Additionally, we have very, very large percentages of Spanish-speaking people in the Middle West, certainly in New York, in Connecticut, and Florida with the Cuban population, and many other parts of the country.

Despite the large number of Hispanics in this country, the Hispanic American ranks at the bottom of almost every demographic enumerator when compared with other racial and ethnic groups.

Spanish-speaking Americans suffer from the highest unemployment rate -- 40 percent in some areas -- highest school drop-out rate in this country, and the lowest level of educational attainment. Not only that, but we rank among the lowest in median income of any segment in the U.S. population.

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Now today's meeting was devoted to a number of issues. It was a very substantive meeting. It was a very productive meeting, I feel, and you will certainly hear from the national heads present with us this afternoon.

We spoke about problems of employment, the need to have a Presidential communique emphasizing the Spanish-speaking program formerly known as the President's Sixteen Point Program for Spanish-speaking Americans, the need for more appointments to commissions, boards and agencies in the super grades, and policy-making categories.

We spoke about the problems posed by the recent CETA legislation, the need for more manpower programs for our Hispanic people, particularly bilingual manpower training programs.

We spoke about bilingual education and the need for strong funding and sufficient funding for that program, about grants to Spanish-speaking schools and colleges, recognition of foreign degrees, particularly in the Cuban communities.

We spoke about housing problems and problems of the health delivery system. We mentioned to the President our feelings about any Bracero program that might be under discussion or consideration.

We spoke about the problems of normalizing relations with Cuba, Castro Cuba, and strong objections were voiced in that regard.

We spoke about economic development and about the illegal alien problem in the Southwest.

And the gentlemen who are here with me this afternoon will certainly be pleased to answer your questions. Perhaps I should now turn over the podium to Mr. Luis Alvarez.

MR. ALVAREZ: Thank you, Mr. De Baca.

My name is Luis Alvarez. I am the National Director of Aspira. Aspira, as you may know, is the largest private Puerto Rican agency. It is primarily an educational agency, leadership development, and we presently have major operations in New York, New Jersey, Philadelphia, Pennsylvania, Chicago, Illinois, and San Juan, Puerto Rico.

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Today we are servicing over 7,000 youngsters and last year we placed over 2,000 in colleges and universities. It was particularly a pleasure for me to meet with the President. I found the meeting to be both very warm, candid, and very constructive.

We were rather emphatic in our support for the bilingual education bill. As you know, it is a major bill that has been closely identified with all the Hispanic people in this country, and we urged him to support it.

We also touched on the need to really think, re-look at the whole underlying strategy around revenue sharing. It has been a strategy that has not met the needs of the Spanish-speaking people because many of the funds are going to the State courthouses and, as you know, our communities are not in the State courthouses. So we urged the President that special set-asides should be considered. I do think this is particularly critical to our community for our institutional life.

As you know, we are an emerging community. Our institutions are fragile, and need long-sustained support because they will be the pillars of our society. I will be prepared to answer any questions a little later on, but for me personally it was both an honor and a pleasure to meet with the President.

MR. DE BACA: Mr. Morales.

MR. MORALES: My name is Antonio Morales, National Chairman of the G.I. Forum, an organization primarily made up of Spanish-speaking Veterans that delves into the field of civil rights in our 26 years of existence.

First off, I would like to say that this meeting today is historical in aspect; that for the first time the Mexican-American community, the Puerto Rican community, the Cuban community, got together to crystalize what we feel are some of the most important issues affecting all of our communities.

In starting out, we know any type of affirmative program must have total commitment from the top level on down to the administrators of various programs. This is our main reason for meeting with President Ford. We want to be assured that that commitment is there so that when we go back to the Hill and participate in any type of hearings, when we talk to the Secretaries -- whether it be the Department of Labor, HEW, et cetera -- we know that we have that commitment from President Ford, himself.

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We feel that we have covered every spectrum. Perhaps more time will be needed, but I think the specific issues are going to be dealt through Fernando De Baca's office, in which the total 18 people that were represented there are in full support of the method in which we can express not only the problems but the solutions as we see them.

Thank you very much.

MR. DE BACA: Mr. Jose Casanova from Florida.

MR. CASANOVA: My name is Jose Casanova from Miami, Florida. I am a Cuban-American involved in refugee work, co-chairman of the Cuban Refugee Assistance Fund and, of course, our concerns are in similar areas, but with one exception, and that was in relation to the Cuban problem.

I was very pleased to hear the President rather emphatically say that the situation as far as the United States is concerned has not changed at all. He did recognize the fact that the OEA is holding a meeting in the near future, and the possibility existed that the votes might be there to lift sanctions against Cuba.

But he said that the United States was not obligated to establish commerce with Cuba because of this. He also called the attention to the fact that Castro's attitude is quite evident in the way he has acted in terms of his recent speeches and those of the Cuban government representations.

We also, of course, are very much interested in other areas such as bilingual education, and we are interested in, as perhaps the newest minority group that has joined the citizenship of the United States, to participate in Government activities and perhaps not only in the private but in the public field to make our contribution to this society.

Overall, I must say that we feel that this is a great first step in the right direction, and that we have had a very receptive, very warm President in the conversations, and also I might add a very cooperative Mr. Fernando De Baca to help us.

Thank you.

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MR. DE BACA: Mr. Roberts, if I may indulge in a little bit of time here, I do want to be sure that we know who is here. Mr. Aceves represents the Latin American Manufacturers Association which is charged with the economic development area and has done a lot in the minority business enterprise area.

So, if you have any questions to be directed in that area, he is available.

In the employment area, the image organization of the government employees' association of Hispanics across the country, the national president is also here, Mr. Valenzuela. And also, as I mentioned earlier, Mr. Joe Benites, the national president of LUAC is seated here with many, many chapters across this country, and many things to offer, I think, in the way of advice and comments regarding the meeting with the President.

We are open for questions at this point.

Q Was there any mention of the reinstitution of the Bracero program, or what was the discussion on the Bracero program with the President?

MR. DE BACA: Yes, there was extensive discussion of the Bracero program, and I am wondering if anyone here would care to address their impressions of the discussion surrounding that question.

MR. ALVAREZ: The point was brought to the President that any kind of Bracero program would be very hypocritical of the immigration quotas that we have in the United States. We have a limited amount of individuals that can come legally to the United States from Mexico and to embark in the new Bracero program would be in direct contrast to that policy.

The organizations there were very much against any type of Bracero program and, of course, President Ford has been getting advice from other areas where perhaps he could go into a limited Bracero program and ask the Mexican government through President Echeverria in his meeting Monday to help enforce the illegal aliens coming into this country.

We see the problem has multi-aspects into it. One is that so many illegal aliens have been in the country long enough now to establish legal residency, yet this is perplexed with the fact in order to attain citizenship in the United States, he has to take a written examination.

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So the organizations have joined in a lawsuit against the U.S. Government through the Organization of American States to remove this barrier so that some of our own immediate parents and their parents can enjoy the full privileges of citizenship in this country.

Q Could Mr. Casanova please tell us exactly what the President said about U.S. relations with Cuba and what is involved in that area?

MR. CASANOVA: I think I covered the subject rather generally, and I have come away with a very encouraged feeling in terms of the Government's position. I think it is still a firm position and the way I interpreted it -- it is my own interpretation -- that there is no appearance of any change in Castro's attitude.

As a matter of fact, the President specifically mentioned the recent aggressive stand in public speeches and reference in the last couple of weeks by the Cuban government towards the United States and himself personally and I came away encouraged that the position of the Government, justifiably so, has not changed, because Castro's position towards what he so-calls "imperialism" has not changed.

Q Did President Ford tell you that he is not going to recognize Cuba diplomatically, that there would be no -- what exactly did President Ford tell you?

MR. CASANOVA: The President said exactly what I have just said.

Q I think I understand you to say you made the presentation to him. What did President Ford tell you in response to your presentation?

MR. CASANOVA: I think I covered it and I will repeat that he said there was no change in policy and he did not feel at this time that there was any justification for a change in policy. These are not his words verbatim, but the gist of his conversation.

Q Could I follow that up? You said that the President, even if the OAS voted to keep, or to establish relations that would free the other countries, that he would not establish commerce. Does that mean diplomatic relations, too?

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MR. CASANOVA: He said that, of course, he could not control or be responsible for the actions of other countries and that there was a possibility that at the next meeting of the OEA, the sanctions on Cuba might be lifted if they had enough votes.

But he said that, first of all, that he would oppose it emphatically and, secondly, that even if it were approved by a majority, it did not necessarily obligate the United States to follow through and establish relationships of any kind.

MR. DE BACA: Perhaps I can clarify that last question simply by saying that the President did indicate there was no change in our policy toward Cuba, period. He also indicated that certain member nations of the OAS were discussing this topic actively and that we would have to wait their actions in this area before any formal determinations were made on the part of the United States.

Can we turn now to another question? Yes.

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Q Was the situation about the Cabinet committee for the Spanish speaking discussed with the President?

MR. DE BACA: On the Cabinet committee, there was some discussion of the Cabinet committee. The President, of course, at the September 4 meeting with the Hispanic Congressmen and with the Hispanic American Administration appointees did indicate his support for legislation extending the Cabinet committee through the end of the current fiscal year.

His position remains the same, and there was only some brief discussion regarding the Cabinet committee on that point.

Q What was the position of the group in terms of their support for the Cabinet committee?

MR. DE BACA: Perhaps you should hear from the group.

MR. VALENZUELA: Several of the major organizations did get together to discuss the future, what they felt as far as support for the Cabinet committee. The feeling or concurrence of the group was that we would support--the organizations would support--the Cabinet committee with certain changes, with conditional changes, and that we have the Administration--the President as I understand, has agreed to these changes and, therefore, we are willing to give full support to the Cabinet committee. We wish to see it continued with those specific changes.

Q What are the changes?

MR. VALENZUELA: Number one, that the national organizations be included in some advisory or some capacity to advise and hold the Cabinet committee accountable to some certain degree to have some input into the activities of the Cabinet committee and to always have the information coming back.

Number two, that the position of the chairman of the Cabinet committee be subject to the Hatch Act so that it would not have the problem of politics involved with regard to the chairman of the committee.

Number three, that the chairman not be selected until some final decision was made with the future of the Cabinet committee so that it would continue in existence, so there would not be any jockeying around to try to get someone for the position until we knew what the future of the Cabinet committee was, and four, some structural changes in this Cabinet committee itself.

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MR. ALVAREZ: If I may, I would just like to go on record saying that we at Aspira have still reserved our basic decision regarding the Cabinet committee. We share the concern of the other national organizations, but I am more interested in seeing that the Cabinet committee does function and that it does function effectively and that it begins to undertake activities that support the emerging institutions of our community because, frankly, many of the staffs come and go and we in the community must stay, so I am frankly going to hold back reservation on making a decision until we see clearly how the i's are being dotted and the t's are being crossed.

Q Was the meeting with the President of Mexico discussed?

MR. DE BACA: Yes, the meeting with the President of Mexico was addressed. The point was made we have in this country presently 11 million people, about seven million of those are of Mexican-American descent, and it represents a vast reservoir of human talent that has not been previously tapped in our relations with Latin American countries, and Mexico especially.

MR. MORALES: I think there was one important item that was not brought up yet; that is, the entire organization, the entire group totally and unanimously supported the selection of Fernando De Baca in this position, and we have asked the President to provide proper and sufficient staffing, proper and sufficient authority so that he can address himself to the consensus of this wide community.

MR. DE BACA: Let me say also for the record, Mr. Roberts, if I may, that there are some very serious concerns about the minority procurement area, business procurement area. Mr. Aceves, as I said, is here. He can address that area.

We are particular concerned about the Alyeska project in Alaska, the trans-Alaskan pipeline and the very fact that many of the dollars, the subcontracting dollars with regard to that project have already been committed and very little Hispanic participation was involved. For that matter, very little black minority participation was involved, and there were serious concerns in both the Hispanic and black communities regarding that problem.

Q Will you be traveling with the President to the meeting with Echeverria?

MR. DE BACA: There will be a decision on that this afternoon.

THE PRESS: Thank you.

END (AT 2:23 P.M. EDT)



OCTOBER 17, 1974

APPEARANCE BY THE PRESIDENT
BEFORE THE SUBCOMMITTEE ON CRIMINAL JUSTICE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

RAYBURN HOUSE OFFICE BUILDING

10:00 A.M. EDT

CONGRESSMAN HUNGATE: The subcommittee will be in order.

The subcommittee on Criminal Justice of the House Committee on Judiciary today welcomes the President of the United States, Gerald R. Ford. We appreciate your willingness, voluntarily, to appear to respond to the questions proposed the two privileged resolutions of inquiries and to accept inquiries from the subcommittee as it carries out the responsibilities assigned it by the House of Representatives.

This is perhaps the first documented appearance of a President of the United States before a committee or subcommittee of the United States Congress.

Now, the chair understands, Mr. President, that you have a commitment at noon, and the House convenes at 11:30 a.m. today. With these constraints of time in mind, we shall proceed as quickly as possible to accomplish as much as we can in the available time.

The questioning will be done by subcommittee Members only, and under the five-minute rule.

President Ford's appearance demonstrates his commitment to be open and candid with the American people. It is absolutely vital for the restoration of the public's trust and in their governing institutions and elected officials that frankness be the hallmark of this and future Administrations.

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The newspaper Le Monde in Paris recently wrote "No European Republic invests its presidents with the right of pardon as sweeping and irrevocable as that which Gerald Ford exercised in favor of Richard Nixon. In a sense, the royal pardon takes over from Executive privilege behind which the former President took refuge so long as a way of preventing Congress and the law courts from investigating his conduct."

Since September 8 when President Ford issued a full, free and absolute pardon of former President Nixon for all crimes he committed or may have committed while serving as President of the United States, several questions have been raised relating to the circumstances and surrounding the pardon and whether, as a result of the pardon and subsequent agreements entered into by the former President and officials of the Executive Branch, whether the full and complete story of Watergate and related activities will ever be known.

In an attempt to resolve these questions, more than 70 Members of the House of Representatives, Republicans and Democrats alike, have sponsored bills and resolutions seeking to uncover the full story of the pardon and Watergate.

These several bills and resolutions are currently pending before the subcommittee. Included among the 23 bills and resolutions pending before the subcommittee are the two privileged resolutions of inquiry considered today.

One, House Resolution 1367, introduced by Representative Abzug of New York and the second, House Resolution 1370, introduced by Representative Conyers of Michigan. The rules of the House of Representatives require prompt committee action on privileged resolutions of inquiry. Copies of the privileged resolutions were forwarded to the President, requesting a response and, following the exchange of correspondence, the President offered to appear here, as he voluntarily does today.

The task we undertake is made easier by the personal friendship and common background we share in the Congress. But to faithfully perform our respective tasks, we must, insofar as possible, lay aside personal relationships and considerations. We are not here because of friendship, but because of the responsibility of Governmental system of checks and balances and separation of powers placed upon us to seek and reveal the truth to the American people about the workings of their Government; by cooperation, if possible, by confrontation when necessary.

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I hope the American people, as well as the Congress, appreciate the importance of President Ford's appearance, as well as the need to do all we can to resolve the questions relating to the pardon of former President Nixon.

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

The chair recognizes Chairman Rodino from New Jersey.

CONGRESSMAN RODINO: Mr. President, as Chairman of the Committee on the Judiciary, I want to welcome you here not only as the Chief Executive of this great country, but as a friend, and one who served with all of us for so many years.

This historic occasion and your voluntary appearance here only demonstrates once more the great institution that we are both proud to be a part of, and I know that your effort in coming before this committee voluntarily will assist this subcommittee and this Committee on the Judiciary in meeting its important responsibilities.

And with that, Mr. President, I am going to relinquish the responsibility to the chairman of the subcommittee and to the Members of the subcommittee who will direct inquiries to you. Thank you for coming here.

CONGRESSMAN HUNGATE: The chair recognizes the gentleman from Michigan, Mr. Hutchinson.

CONGRESSMAN HUTCHINSON: Thank you, Mr. Chairman.

The Chairman of the Judiciary Committee, Mr. Rodino, and I, as Ranking Minority Member, are ex officio Members of this subcommittee. But we appear here this morning only in that capacity, sitting at the foot of the subcommittee on our respective sides rather than our familiar places at its head.

In this arrangement, Mr. Rodino does not displace the chairman of the subcommittee, Mr. Hungate, nor do I displace Mr. Smith of New York as Ranking Member of that subcommittee.

Chairman Rodino and I early agreed that we will not participate in questioning our distinguished visitor this morning, leaving that function to the Members of the subcommittee regularly appointed. Our participation will be limited to our opening statements.

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Other Members of the Judiciary Committee, the full Judiciary Committee who are not Members of this subcommittee, some of whom are present here today, will not participate at all but are interested in the event, in the event that the matter under discussion reaches the full committee.

The subcommittee has before it a couple of resolutions of inquiry which were introduced in the House of Representatives, referred by the Speaker to the Judiciary Committee, and Chairman Rodino designated this subcommittee to consider them.

By a resolution of inquiry, the House of Representatives requests the President or directs the head of one of the departments of Government to furnish certain factual information, presumably to assist the House in its legislative function.

Since the pardon power is not subject to legislative control, I suppose that a question can be raised as to whether a resolution of inquiry might legitimately lie on this question since the question itself cannot be resolved by the Legislative Branch.

In any event the mere introduction of a resolution does not impose a duty upon the Executive to respond; neither does committee consideration. Indeed, a resolution would be expected only if the House of Representatives itself adopted such a resolution and even then written communication transmitting the factual information called for would ordinarily be sufficient.

The personal appearance of the President of the United States before this subcommittee does not humble his high office, nor does it violate the separation of powers between the Executive and Legislative Branches of Government. It is essential if our Government is to operate, that the Executive and the legislature work together.

Your meeting with this subcommittee, Mr. President, here on Capitol Hill, is symbolic of that working together in the national interest. But you do not come, Mr. President, in response to any commands of the subcommittee, nor even in response to its request, for it made no demands upon you or even a request for your presence.

Your appearance is entirely voluntary on your part. Your personal appearance here today must not be construed to mean that you will personally appear before this or any other committee of Congress in the future, and Presidents in the United States in the future will be expected to respond to resolutions of inquiry in the future as they have in the past, by written communication.

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But, Mr. President, I cannot adequately express to you my personal feelings of warm friendship and welcome and my sense of the high honor that you do this subcommittee, the full Judiciary Committee and the House of Representatives in meeting with us here today.

Thank you, Mr. President.

CONGRESSMAN HUNGATE: The chair recognizes the gentleman from New York, Mr. Smith.

CONGRESSMAN SMITH: Thank you, Mr. Chairman.

Mr. President, I too join in welcoming you here in your voluntary appearance before this subcommittee of the House Committee on the Judiciary. You have come to answer questions in regard to your pardon of Richard M. Nixon on September 8, 1974.

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These questions have been propounded by certain Members of Congress and generally speaking the Members of Congress and the people of the United States of America have a right to know the answers as far as this may be possible.

Your appearance here has been voluntary and on your own motion, and I commend you for taking this initiative. I do not think it establishes any precedence but on the other hand, it is an example of the 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.

Mr. President, I have known you for almost ten years and in that time I have always found you to be a man of frankness and candor, a man in whose word one could have implicit trust, a man of the utmost integrity.

It is in this spirit that I know you will answer the questions that have been raised about your pardon of Mr. Nixon, and it is in this spirit that I know this committee will receive your answers and will interrogate you.

Thank you, Mr. Chairman.

CONGRESSMAN HUNGATE: Mr. President, you have an opening statement. Without objection, it will be made part of the record, and you may proceed as you see fit. We welcome you here today.

THE PRESIDENT: Thank you very much, Mr. Chairman and members of the subcommittee.

We meet here today to review the facts and the 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 those circumstances known. The American people want to know them and Members of Congress also want to know them.

The two Congressional resolutions of inquiry now before this subcommittee serve these 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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My appearance at this hearing of your distinguished committee 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 history.

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

The 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 energy 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 is already condemned to suffer long and deeply in the shame and disgrace brought upon the office that 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 the 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.

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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 served to pass unapproved, it may never be possible afterwards to recall.

Other times it has been applied to one person as an act of grace which exempts the individual on whom it was bestowed, from the punishment the law inflicts for the crime he has committed.

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 judgments fixed.

However, the Constitution does not limit the pardon power to cases of convicted offenders or even indicted offenders. 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 interest of the country because it came at a time when it would best serve the purpose I have stated.

I came to this hearing, Mr. Chairman, in the 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 and they appear in the resolution 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:

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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.

In the United States versus Nixon, the Supreme Court unanimously recognized a rightful sphere of confidentiality within the Executive Branch of the Government, 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, Mr. Chairman, my own view is that the right of Executive Privilege is to be exercised with caution and with 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, even 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 the President in the expectation that it will not be disclosed. Otherwise, Mr. Chairman, no President could any longer count on receiving free and frank views from the 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, Mr. Chairman, 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 circumstances.

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However, I do not regard my answers as I have prepared them for the purpose 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, Mr. Chairman, I shall proceed to explain as fully as I can in my present answers the facts and the 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 House Resolution 1367 and as they specifically relate to the period after I became President.

House Resolution 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.

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You will recall, Mr. Chairman, 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 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, Mr. Chairman, because at one point it did include references to a possible pardon for Mr. Nixon to which the third and fourth questions in House Resolution 1367 are directed. However, 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 this 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 period of time and whether I would be willing to make recommendations to the President as to what course he should now follow.

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I cannot really express adequately in words how shocked and how stunned I was by this unbelievable revelation.

First was the sudden awareness that I was likely to become President under the most troubled circumstances; and secondly, the realization that these new revelations, or disclosures, ran completely counter to the position that 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 evidence. General Haig asked for my assessment of the whole situation. He wanted my thoughts about the timing of the resignation, if that decision were to be made, and about how to do it and accomplish an orderly change of the 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 courses being considered.

Number one: Some suggested riding it out by letting the impeachment take its course through the House and the Senate trial, fighting all of the way against the conviction.

Two: 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:

One: The President temporarily step aside under the Twenty-fifth Amendment.

Number two: Delaying the resignation until further along the impeachment process.

Number three: Trying first to settle for a censure vote as a means of avoiding either impeachment or a need to resign.

Four: The question of whether the President could pardon himself.

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Five: Pardoning various Watergate defendants, then himself, followed by resignation.

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 interests of the country?

I told General Haig that I had to have some 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 believe, should endeavor not to do or say anything which might affect his President's tenure in office. Therefore, I certainly was not even ready, 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 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,

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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 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 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, Mr. Chairman, I decided I should call General Haig the afternoon of August 2. 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 any 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 in the Senate.

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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 light of the new evidence.

I made no recommendations to him either at that meeting or at any time after that.

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

Mr. Chairman, turning now to House Resolution 1367, the first question of House Resolution 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, Mr. Chairman, 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 the 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 4 a copy of a memorandum prepared for Special Prosecutor Jaworski by the Deputy Special Prosecutor, Henry Ruth. A 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 6 concerning White House records of the prior Administration, I did not make any agreement on that subject a condition of the pardon.

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The circumstances leading to an initial agreement on Presidential records are not covered by the resolution before this subcommittee. Therefore, I have mentioned discussions on that subject with Mr. Nixon's attorney only to show that 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.

The fifth, sixth and seventh questions of House Resolution 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, Phillip 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 and 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 and I quote, "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. A 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, Phillip 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 House Resolution 1367 deal with the circumstances of any statement requested or received from Mr. Nixon. I asked for no confession or statement of guilt, only a statement in acceptance of the pardon when it was granted.

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

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

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

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

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

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

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

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Subparagraph three, information available to me about possible offenses in which Mr. Nixon might have been involved is covered in my answer to the first questions of the earlier resolution.

In addition, in an unnumbered paragraph at the end of House Resolution 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 received 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.

Mr. Chairman, by these responses to the resolutions of inquiry, I have fully and fairly presented the facts and the 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 other Members of the subcommittee and 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, Mr. Chairman, 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, Mr. Chairman, and I quote, "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."

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Mr. Chairman, I thank you and Members of the subcommittee for this opportunity to make these views known.

CONGRESSMAN HUNGATE: On behalf of the subcommittee, we wish to express our appreciation for your appearance, bringing us facts that will be helpful to the American people and to the Congress.

There will be some who will find the answers fully satisfactory and forthright. There will be others who will not. But I would hope that all would appreciate your openness and willingness to come before the American public and the Congress to discuss this important matter.

The gentleman from Wisconsin, Mr. Kastenmeier.

CONGRESSMAN KASTENMEIER. Thank you, Mr. Chairman.

I, too, would like to join my colleagues in welcoming the President. I don't believe any of us could have anticipated a year ago, when the President then appeared as a nominee under the Twenty-fifth Amendment for Vice President, that you would once again appear before this committee as President of the United States.

I would only comment that no matter how well motivated the desire to put Watergate behind us, I can only acknowledge today that several key issues in the news this morning -- the President's appearance before this committee, the trial downtown, the Watergate trial itself, and even the nomination of Mr. Rockefeller to be the Vice President, occasioned by a vacancy due to Watergate -- all of these still command the attention of the American people and I guess we will just have to be patient.

Mr. President, you indicated that you wanted to spare Mr. Nixon a criminal trial. Did you specifically have any other end in view in terms of protecting Mr. Nixon or in terms of a pardon; that is to say, whatever a pardon would spare the President other than a criminal trial, were there any other adversities which a pardon would help Mr. Nixon with, as you saw it?

THE PRESIDENT: As I indicated in the Proclamation that I issued, and as I indicated in the statement I made at the time on September 8, my prime reason was for the benefit of the country, not for any benefit that might be for Mr. Nixon.

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I exercised my pardon authority under the Constitution, which relates only to those criminal matters during the period from January 20, 1969, until August 9, 1974.

CONGRESSMAN KASTENMEIER: I appreciate that, Mr. President, but it must have been something you foresaw which could happen to Mr. Nixon which justified a pardon, if in fact you were advised, and perhaps you were not, that there was no proceeding going to be commenced against Mr. Nixon, that nothing would happen to him, and really a pardon may have been an empty gesture in that event?

THE PRESIDENT: As I indicated, Mr. Kastemeier, after the press conference on August 28 where three questions were raised about the pardon, the possibility of a pardon, I asked my counsel to find out from the Special Prosecutor what, if any, charges were being considered by the Special Prosecutor's Office.

As I indicated in my prepared statement, I received from Mr. Jaworski certain information indicating that there were possible or potential criminal proceedings against Mr. Nixon.

CONGRESSMAN KASTENMEIER: But you did not determine, as a matter of fact, that there was any intention to proceed to indictment with any of those matters, is that not correct?

THE PRESIDENT: In the memorandum, I believe of September 4, from Mr. Jaworski, prepared by Mr. Ruth, there were two possibilities listed. On the other hand, there was, I think, well-known information that there was a distinct possibility of Mr. Nixon being indicted on the ground of obstructing justice.

CONGRESSMAN KASTENMEIER: The effect of the pardon in terms of the ten possible areas of investigation as you saw it at the time was to terminate those investigations, as well as end any possibility of indictment on those grounds.

THE PRESIDENT: Well, the power of pardon does cover any criminal actions during a stipulated period, and as the pardon itself indicated, it went from the day that Mr. Nixon first took the oath of office until he actually resigned on August 9.

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CONGRESSMAN KASTENMEIER: My question is, did you have reason to believe that other than the ten areas of investigation and the cover-up, that the former President might need to be protected in any other area where possibility of prosecution existed?

THE PRESIDENT: I knew of no other potential or possible criminal charges, no.

CONGRESSMAN KASTENMEIER: My time has expired, Mr. Chairman.

CONGRESSMAN HUNGATE: The gentleman from New York, Mr. Smith.

CONGRESSMAN SMITH: Mr. President, in regard to your answer on page 18 of your statement of whether you consulted with certain persons and in that connection and in connection with question number six of H.R. 1367, you stated in regard to the Vice Presidential nominee, Nelson Rockefeller, that your only conversation on the subject with him was to report to him on September 6, 1974, that "I was planning to grant the pardon."

Now, the question asks whether he gave you any facts or legal authority and my question is, did he do so?

THE PRESIDENT: Nelson Rockefeller did not give me any facts or legal authorities. He was in my office to discuss with me the proceedings concerning his nomination, and at the conclusion of a discussion on that matter, I felt that I should inform him of the possible or prospective action that I would be taking, but he gave me no facts, he gave me no legal advice concerning the pardon.

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CONGRESSMAN SMITH: Mr. President, as you were Minority Leader of the Congress before you became Vice President of the United States, did you at any time discuss the wisdom or advisability of a possible Presidential pardon for President Nixon with President Nixon or any of his representatives or any member of the White House staff?

This was in the period before you became Vice President.

THE PRESIDENT: The answer is categorically no. Before I became Vice President, Mr. Smith, I, on several occasions -- I can't recall how many -- indicated to President Nixon himself that I thought he should not resign.

If my memory is accurate, Mr. Smith, before I became Vice President, there were individuals both in the Congress and otherwise who were advocating that Mr. Nixon resign.

I do recall on one or more occasions telling Mr. Nixon in my judgment he should not, because I thought that would be an admission of guilt, and on the information I had at that time, I did not believe Mr. Nixon was guilty of any impeachable offense.

CONGRESSMAN SMITH: Thank you, Mr. President. You touched upon your observations of President Nixon's health and I wonder whether at any time before you became Vice President of the United States did you learn any facts about his physical or mental health which later became relevant to your decision of pardoning Mr. Nixon?

THE PRESIDENT: Before I was Vice President I saw Mr. Nixon periodically, coming to the White House for leadership meetings or for other reasons, and during that period, I had the distinct impression that his health was good.

I didn't see any discernible change, in my own opinion, until the last day or two of his Presidency. I did notice the last time I saw him in the Oval Office on August 9 -- I thought he was drawn and possibly a little thinner, but that is only observation I made.

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CONGRESSMAN HUNGATE: The gentleman from California, Mr. Edwards.

CONGRESSMAN EDWARDS: Thank you, Mr. Chairman.

Mr. President, on pages 10 and 11 of your statement, you indicate that there were some general discussions with General Haig and Mr. St. Clair, before the resignation, about the pardon power in general.

Did they have any reason to carry a message to then President Nixon that this pardon power could possibly be used on his behalf if he resigned?

THE PRESIDENT: None whatsoever. Categorically no.

CONGRESSMAN EDWARDS: Then why, Mr. President, those general discussions about pardon?

THE PRESIDENT: Well, as I indicated in my prepared statement, General Haig came to me first to apprise me of the dramatic change in the situation, and as I indicated in the prepared statement, told me that I should be prepared to assume the Presidency very quickly, and wanted to know whether I was ready to do that.

Secondly, he did indicate that in the White House among the President's advisers there were many options being discussed as to what course of action the President should take, and in the course of my discussion on August 1 with General Haig, he outlined, as I did in the prepared text, the many options that were being discussed.

He asked for any recommendations I would make and as I indicated in the prepared text, I made none.

CONGRESSMAN EDWARDS: Thank you, Mr. President.

Mr. Buchen said several times, and I believe you mentioned, that the pardon did involve a certain aspect of mercy. Would not the same considerations of mercy apply to the Watergate defendants downtown who now are putting forth as their chief defense their allegation that they were merely acting under orders of Mr. Nixon, then President, and their boss?

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THE PRESIDENT: Mr. Edwards, in light of the fact that these trials are being carried out at the present time, I think it is inadvisable for me to comment on any of the proceedings in those trials.

CONGRESSMAN EDWARDS: Mr. President, put yourself in the position of the high school teacher, shall we say, in Watts or the barrios of San Jose or Harlem, and if you were such a teacher, how would you explain to the young people of America the American concept of equal justice and law?

THE PRESIDENT: Mr. Edwards, Mr. Nixon was the 37th President of the United States. He had been preceded by 36 others. He is the only President in the history of this country who has resigned under shame and disgrace.

I think that that in and of itself can be understood, can be explained to students or to others. That was a major, major step, and a matter of, I am sure, grave, grave, deliberations by the former President and it certainly, as I have said several times, constituted shame and disgrace.

CONGRESSMAN EDWARDS: Thank you, Mr. President.

Mr. President, do you think that it is wise to pardon a man before indictment or trial for offenses that are completely unknown to you and which might possibly be terribly serious?

THE PRESIDENT: Well, as I indicated, Mr. Edwards, I did to the best of my ability check with probably the best authority in the country on what, if any, charges would be made against Mr. Nixon. Those were, or potentially were, serious charges.

I think that in taking the action that I did concerning those charges, I was exercising in a proper way the pardon authority given a President under the Constitution.

CONGRESSMAN EDWARDS: Thank you, Mr. President.

CONGRESSMAN HUNGATE: The gentleman from Indiana, Mr. Dennis.

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CONGRESSMAN DENNIS: Thank you, Chairman.

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

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

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

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

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

THE PRESIDENT: Yes, sir.

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

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

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

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CONGRESSMAN DENNIS: Mr. President, the exercise of Executive Clemency is, of course, a well-recognized part of the legal system in this country, exercised by you and all your predecessors, is that not the fact?

THE PRESIDENT: That is correct, sir.

CONGRESSMAN DENNIS: And you have given this committee, as I understand your testimony this morning, your complete statement as to your reasons for exercising that power in this particular case?

THE PRESIDENT: I have, sir.

CONGRESSMAN DENNIS: And in answer to my friend, Mr. Edwards, you have stated the fact that you felt that for an ex-President of the United States to resign under these circumstances was sufficient, strong punishment, and that that should answer the problems of those who have raised the question of equal justice under the law?

THE PRESIDENT: That is correct, sir.

CONGRESSMAN DENNIS: And that you would consider other possible pardons on the facts of those particular cases if and when they were presented to you?

THE PRESIDENT: That is correct.

CONGRESSMAN DENNIS: And that there was no condition attached to this pardon and no sort of agreement made in respect thereto before it was granted?

THE PRESIDENT: None whatsoever, sir.

CONGRESSMAN DENNIS: Thank you, Mr. President. I have no further questions, Mr. Chairman.

CONGRESSMAN HUNGATE: The gentleman from South Carolina, Mr. Mann.

CONGRESSMAN MANN: Thank you, Mr. Chairman.

Mr. President, Mr. Kastenmeier asked you about the termination of the investigation by the Special Prosecutor's Office. Was it your intention, by the pardon, to terminate the investigation by the Special Prosecutor's Office in the ten areas that you received the report from that office upon?

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THE PRESIDENT: I think the net results of the pardon was, in effect, just that; yes, sir.

CONGRESSMAN MANN: And is that part of the reason that you didn't consult with Mr. Jaworski with reference to the tape agreements as to how that might affect his further investigations?

THE PRESIDENT: Well, as I pointed out, the tape agreement was initiated between my legal counsel and Mr. Nixon sometime before the question of a pardon ever arose.

The reason for that, Mr. Mann, is that I came into office and almost immediately there were demands and requests, not only from the Special Prosecutor, as I recall, but from other sources as to those tapes and other documents. And one of the first things I did when these problems came to my desk was to ask the Attorney General for his opinion as to the ownership of those tapes, or any other documents.

And once we got that information, then we felt that there ought to be some discussion as to where the tapes and other documents would be held and under what circumstances.

CONGRESSMAN MANN: Of course the mandate of the Special Prosecutor's Office was not directed solely at President Nixon.

But is it not so that the pardon in effect terminated that investigation insofar as other parties, other possible defendants, in getting to the true facts of the matters that have disturbed our national political life during these past two years?

THE PRESIDENT: I do not believe that the action I took in pardoning President Nixon had any impact on any other mandate that that Special Prosecutor's Office had.

CONGRESSMAN MANN: What response would you have if the Special Prosecutor's Office now requested access to certain of the tapes now in the custody of the Government?

THE PRESIDENT: The material that is still held by the Government, in my understanding of the Supreme Court decision, permits the Special Prosecutor to obtain any of that material for its responsibilities and I, of course, not in a personal way, would make certain that that information was made available to the Special Prosecutor's Office.

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CONGRESSMAN MANN: According to press reports, Mr. Clements Stone visited Mr. Nixon on September 2 and thereafter met with you in Washington. Are you at liberty to tell us the gist of the communication involving President Nixon from Mr. Stone to you?

THE PRESIDENT: Mr. Stone came to see me about a program that he has used very successfully in his business, a program which he is very proud of and he was urging me to institute it in the various bureaus and departments of the Federal Government.

There was no other message conveyed by him from Mr. Nixon to me.

CONGRESSMAN MANN: Did you ever discuss the pardon with former President Nixon after his resignation and prior to the granting of the pardon?

THE PRESIDENT: Will you repeat that again?

CONGRESSMAN MANN: Did you have any personal conversation with former President Nixon concerning the pardon, between his resignation and September 8?

THE PRESIDENT: Absolutely not.

CONGRESSMAN MANN: Now, in response to Mr. Edwards' question about equal justice under the law, I know that you make a distinction that here we are talking about the office of President of the United States.

But let's assume that we are talking about the President of a bank, or Governor of the State, or Chief Justice of the United States Supreme Court, and in our minds those are very high political offices.

Do you think any of those persons who are allegedly criminally culpable through resignation should be entitled to any treatment different from any other citizen?

THE PRESIDENT: Mr. Mann, I don't think I should answer a hypothetical question of that kind. I was dealing with reality and I have given, in my best judgment, the reasons for the action that I took. And to pass judgment on any other person or individual holding any other office in public or private, I think it would be inappropriate for me.

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CONGRESSMAN DENNIS: You have heard the maxim, The law is no respecter of a person." Do you agree with that?

THE PRESIDENT: Certainly it should be.

CONGRESSMAN DENNIS: Thank you, Mr. President.

CONGRESSMAN HUNGATE: The gentleman from Iowa, Mr. Mayne.

CONGRESSMAN MAYNE: Thank you, Mr. Chairman.

Mr. President, I believe that the Chairman, and others in their questions, have established very clearly that your appearance here today is an entirely voluntary one on your part, that it was your idea, that you had not been requested by the committee to come in person, that we had indicated that it would be entirely satisfactory as far as we were concerned if some assistant appeared instead.

THE PRESIDENT: That is correct, sir.

CONGRESSMAN MAYNE: I do not think, however, that it has yet been made clear in the record, and I think this should be, that it is also true that you were willing to come and to tell this full story, as you have done, before the committee and on television before the American people, much earlier than today. Is that not true?

THE PRESIDENT: Yes. I think the original schedule was set for about a week ago. I have forgotten the exact date.

CONGRESSMAN MAYNE: My recollection, and you can correct me if I am wrong, is that as early as September 30th, you offered and volunteered to appear before the subcommittee at our next regular meeting, which would have been on October 1st, but it was indicated to you that that would be too early for the committee to be able to accommodate such an appearance.

THE PRESIDENT: I don't recall that detail, but when I indicated that I would voluntarily appear, a member of my staff met with, I think, Chairman Hungate and between them they tried to work out what was an acceptable, agreeable time as to when I should appear.

CONGRESSMAN MAYNE: There was, of course, the concern which developed in the subcommittee as to whether there would be any possible jeopardy to the impaneling of the jury in the Watergate cases, but I think this timetable should be established and I would ask the Chairman if that is not his recollection, that originally, the President did say that he would be glad to appear on October 1st.

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CONGRESSMAN HUNGATE: Not being under oath, the Chair is glad to reply. The gentleman's recollection is the same as mine.

CONGRESSMAN MAYNE: Thank you, Mr. Chairman. I just think the point should be made there has been no stalling at all or delay on the part of the President in making this appearance, but that he was not only willing to make the statement, but to do it much earlier.

CONGRESSMAN EDWARDS: If the gentleman would yield, that is precisely the fact and it was consideration on behalf of many of us concerning the proper effect on any trials that held us to this day.

CONGRESSMAN MAYNE: I think there was one part of Mr. Kastenmeier's questioning of you that was left unanswered and I am going to try to go into that again.

Did you, by granting this pardon, have any intention of stopping the investigations of any other defendants or potential defendants?

THE PRESIDENT: None whatsoever.

CONGRESSMAN MAYNE: Mr. President, ever since I first heard of the Watergate break-in, I have felt that this was a matter which should be fully investigated and prosecuted, and that anyone found to be criminally involved should be punished as provided by the law, and I have repeatedly stated I thought our American system of justice, as administered in the courts, was fully capable of handling the situation if permitted to proceed without interference.

I have been apprehensive that the activities of some of the legislative committees and the large amount of publicity attending upon those activities might make it impossible for our court system to function as it should and I have also been fearful that the Executive Branch would intervene to limit or handicap the normal functioning of the courts.

Mr. Chairman, and Mr. President, I must say to you I am deeply concerned that both the legislative and Executive Branches have indeed interfered with our courts making it extremely difficult for the traditional American system of justice to proceed in the regular manner in this case and I was very disturbed by the granting of this pardon, particularly at such an early stage, even though, certainly, there is no question that under the law, you had the right to act as you did.

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Now, I realize that hindsight is always better than foresight, but I am wondering if after all that has happened and with further opportunity for reflection, if you do not now feel that you perhaps acted too hastily in this case.

THE PRESIDENT: Mr. Mayne, I have thought about that a great deal because there has been criticism of the timing. But as I reviewed my thoughts prior to the granting of the pardon, I had to look at this factually -- if I granted the pardon when I did, it would, as quickly as possible, achieve the results that I wanted, which was to permit our Government, both the Congress and the President, to proceed to the solution of the problems.

Now, some people say in their criticism -- and I understand it and I am not critical of the points they raise -- I should have waited until Mr. Nixon was indicted, inferring that I should have then pardoned him, if I was going to do so. Well, other people say that I should have waited until he was convicted, if he was convicted, and at that time, I should have pardoned him.

Others have indicated that I should have waited for a conviction and a jail sentence, if that were the result. Now, all of that process, whether it is the indictment, the possible conviction, a conviction plus a jail sentence, would have taken, as I have tried to explain, at least a year and probably much longer.

And during that whole period of time, Mr. Mayne, all of the things that I wanted to avoid, namely the opportunity for our Government, the President and the Congress, and others, to get to the problems we have, would have been, I think, deeply upset and roadblocked.

So, I am convinced, after reflection, as I was previously, that the timing of the pardon was done at the right time.

CONGRESSMAN MAYNE: Thank you, Mr. President.

CONGRESSMAN HUNGATE: The Representative from New York, Miss Holtzman.

CONGRESSWOMAN HOLTZMAN: Thank you, Mr. Chairman, and Mr. Ford, I too, wish to applaud your historical appearance here today. At the same time, however, I wish to express my dismay that the format of this hearing will not be able to provide to the American public the full truth and all the facts respecting your assurance of a pardon to Richard Nixon.

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Unfortunately, each Member of this committee will have only five minutes in which to ask questions about this most serious matter and unfortunately, despite my urging, the committee declined to provide such time for each committee Member to ask the questions that were appropriate.

The committee declined to prepare fully for your coming by calling other witnesses, such as Alexander Haig, Mr. Buchen, Mr. Becker, and has failed to insist also on full production of documents by you respecting the issuance of this pardon.

I must confess my own lack of easiness at participating in a proceeding that has raised such high expectations and unfortunately, will not be able to respond to them.

I would like to point out, Mr. President, that the resolutions of inquiry which have prompted your appearance here today have resulted from very dangerous suspicions that have been created in the public's mind.

Perhaps these suspicions are totally unfounded and I sincerely hope that they are. But nonetheless, we must all confront the reality of these suspicions and the suspicions that were created by the circumstances of the pardon which you issued, the secrecy with which it was issued, and the reasons for which it was issued which made people question whether or not, in fact, it was a deal.

THE PRESIDENT: May I comment there? I want to assure you, the Members of the subcommittee, the Members of the Congress, and the American people, there was no deal, period, under no circumstances.

CONGRESSWOMAN HOLTZMAN: Mr. President, I appreciate that statement and I am sure many of the American people do, as well. But they also are asking questions about the pardon, and I would like to specify a few of them for you so that perhaps we can have some of these answered.

I think, from the mail I have received from all over the country, as well as my own district, I know that the people want to understand how you can explain having pardoned Richard Nixon without specifying any of the crimes for which he was pardoned. And how can you explain pardoning Richard Nixon without obtaining any acknowledgement of guilt from him? How do you explain your failure to consult the Attorney General of the United States with respect to the issuance of the pardon, even though in your confirmation hearings you indicated the Attorney General's opinion would be critical in any decision to pardon the former President?

MOR:



How can this extraordinary haste in which the pardon was decided on and the secrecy with which it was carried out be explained, and how can you explain the pardon of Richard Nixon, accompanied by an agreement with respect to the tapes which, in essence, in the public's mind, hampered the Special Prosecutor's access to these materials and this was done, also, in the public's mind in disregard of the public's right to know the full story about Richard Nixon's misconduct in office.

And, in addition, the public, I think, wants an explanation of how Benton Becker was used to represent the interest of the United States in negotiating a tapes agreement when at that very time, he was under investigation by the United States for possible criminal charges?

And how, also, can you explain not having consulted Leon Jaworski, the Special Prosecutor, before approving of the tapes agreement? And I think, Mr. President, that these are only a few of the questions that have existed in the public's mind before and unfortunately still remain not resolved. And as I have a very brief time, I would like to ask you, in addition to these questions, one further one, and that is that suspicions have been raised that the reason for the pardon and the simultaneous tapes agreement was to insure that the tape recordings between yourself and Richard Nixon never came out in public.

To alleviate this suspicion once and for all, would you be willing to turn over to this subcommittee all tape recordings of conversations between yourself and Richard Nixon?

THE PRESIDENT: Those tapes, under an opinion of the Attorney General which I sought, according to the Attorney General -- and I might add according to past precedent -- belong to President Nixon. Those tapes are in our control. They are under an agreement which protects them, totally, fully, for the Special Prosecutor's office or for any other criminal proceedings.

Those tapes will not be delivered to anybody until a satisfactory agreement is reached with the Special Prosecutor's office. We have held them because his office did request that, and as long as we have them held in our possession for the Special Prosecutor's benefit, I see no way whatsoever that they can be destroyed, that they can be kept from proper utilization in criminal proceedings.

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Now, those tapes belong to Mr. Nixon according to the Attorney General, but they are being held for the benefit of the Special Prosecutor and I think that is the proper place for them to be kept.

CONGRESSMAN HUNGATE: The gentleman from Maryland, Mr. Hogan.

CONGRESSMAN HOGAN: Thank you, Mr. Chairman. I am frankly amazed at my good friend, the gentlelady from New York, and her accusatory opening speech, because certainly, the gentlelady knows it is the usual and ordinary and routine procedure of this subcommittee and this committee, to operate under the 5-minute rule.

There is nothing extraordinary about us today allocating five minutes of time for questioning to each Member of the committee. We always operate this way.

Her observation about not doing any preparatory work by calling other witnesses was rejected as far as I recall by all other Members of the subcommittee on the basis that this resolution of inquiry is directed to the President of the United States and properly so.

So, it would be totally inappropriate for the resolution of inquiry to address itself to individuals other than the subject of that resolution of inquiry.

Mr. President, I would like to join, too, in commending you for your statement and your openness and candor in coming in this very historic event.

Frankly, I am concerned about some of the questioning by my colleagues, asking questions, if all men are not equal under the law, because certainly, being the outstanding lawyers that they are, they know that the pardoning power, itself, is inherently inequitable, but for a larger purpose, it grants to the Chief Executive of the Federal Government or the State, in the case of State crimes, to pardon individuals who may or have been indicted or convicted of crimes.

So, we should not expect this to apply as if there were a trial of these criminal offenses. And furthermore, we also know that in our system of criminal justice, even the prosecutors, themselves, exercise prosecutive discretion. There is no question whatsoever that the Constitution gives to the President of the United States broad and absolute power to pardon individuals of criminal offenses.

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We also know, from the debates of the framers of the Constitution, that they specifically rejected, including in the Constitution the words "after conviction."

They also, in the debate at that time, indicated situations where it might be necessary or desirable to grant a pardon even before indictment, as was the case in this instance.

MORE



CONGRESSMAN HOGAN: Mr. President, I know that you followed very carefully the deliberations of this committee during the impeachment inquiry, and I know you are also aware that this committee unanimously concluded that the President was guilty of an impeachable offense growing out of obstruction of justice.

So, in a sense, couldn't we not say that this was at least the basis for a possible criminal charge which was already spread on the record with ample evidence to justify it? So, those who say you should have waited until there were formalized charges really are overlooking the fact that there was a very formalized charge and indictment, if you will, by this committee.

THE PRESIDENT: Well, the unanimous vote of the House Committee on the Judiciary, all 35 Members, certainly is very, very substantial evidence that the former President was guilty of an impeachable offense.

There is no doubt in my mind that that recommendation of this full committee would have carried in the House, which would have been even more formal as an indication of criminal activity, or certainly to be more specific, an impeachable offense. And, of course, the prospects in the Senate with such a formidable vote in the committee and in the House would have been even more persuasive.

CONGRESSMAN HOGAN: Mr. President, referring to the memorandum from Mr. Ruth to Mr. Jaworski enumerating the ten possible criminal offenses, it is true that this committee addressed itself, if I am not mistaken, to every single one of these charges and assessed evidence as to each one of them and we found them wanting, that they were not sufficient justification for an impeachable offense.

The last paragraph of that memorandum says, and I quote, "None of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon."

Now, this memorandum does not include the obstruction of justice which I addressed myself to earlier, so I think we can logically assume that there would not have been any indictments resulting from Mr. Jaworski's activities other than in the area of obstruction of justice and with further corroboration of that point, I alluded to a story in the Wall Street Journal yesterday where Mr. Jaworski -- who, incidentally, not only agrees with your pardon but also the legality and the niceties of it -- and he says very specifically that there was going to be no additional disclosures resulting from his activities that the public was not already aware of relating to Mr. Nixon.

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So, those who are saying we should wait until there is a formal charge I think are missing the point that there already has been a formal charge approved by this committee.

Mr. President, don't you feel that the very acceptance of the pardon by the former President is tantamount to an admission of guilt on his part,

THE PRESIDENT: I do, sir.

CONGRESSMAN HOGAN: So, those who say again that they would have preferred that the President admit his culpability before a pardon being issued again are overlooking that fact?

THE PRESIDENT: The acceptance of a pardon, according to the legal authorities -- and we have checked them out very carefully -- does indicate that by the acceptance, the person who has accepted it does in effect admit guilt.

CONGRESSMAN HOGAN: Thank you, Mr. President, and again I would like to express my personal appreciation for your candor and your openness and your cooperation with the co-equal branch.

THE PRESIDENT: Thank you very much.

CONGRESSMAN HUNGATE: Mr. President, as you can see, the peculiar strength of this subcommittee lies in the fact that the subcommittee Members bring so much knowledge to it and the subcommittee chairman takes so little away.

And I noticed in your page ten of your statement that when you were first hit with the possibility of this responsibility, you indicated you wanted to talk to your wife before making a decision.

Mr. President, did you do that?

THE PRESIDENT: I certainly did, Mr. Chairman, because the probability or possibility of my becoming President obviously would have had a significant impact on her life as well as our lives.

CONGRESSMAN HUNGATE: That destroys my theory that, if you had talked to her, you would have waited until indictment or Christmas Eve, one or the other.

Let me ask if any attempt was made by you or your representative to contact the Federal pardon attorneys for his opinion as to customary procedures followed in issuing a pardon?

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THE PRESIDENT: I did not, sir.

CONGRESSMAN HUNGATE: Mr. President, I go to page 20 of the statement, and I am addressing myself to the health question. In the first responses provided, the press releases, in one of these, page 3, it refers to September 16 now as the date of this press conference after the pardon decision in which you were quoted, "I asked Dr. Lukash, who is head physician in the White House, to keep me posted in proper channels as to the former President's health. I have been informed on a routine day-to-day basis, but I don't think I am at liberty to give information."

My question is, Mr. President, had he reported prior to the pardon date or only after?

THE PRESIDENT: Dr. Lukash gave me no information concerning President Nixon's health prior to the time that I issued the pardon. He did, at my request, when I heard rumors about the former President's health, keep me posted in proper channels, but that all occurred after the pardon took place.

CONGRESSMAN HUNGATE: The gentleman from Indiana is seeking recognition.

CONGRESSMAN DENNIS: Thank you, Mr. Chairman.

I would just like to request that we make a part of the record the text of the opinion of the United States Supreme Court in Ex Parte Garland 4 Wall. 333 and also the opinion of the United States Supreme Court in Burdick against the United States, 236 U.S. 79, which deals with the point that a pardon must be accepted.

CONGRESSMAN HUNGATE: Without objection, it will be made part of the record.

CONGRESSMAN DENNIS: Mr. Chairman, I would also like to make a part of the record, if I may, the article referred to by my colleague Mr. Hogan, which appeared in the Wall Street Journal of October 16, 1974, and is headed "The Pardon of Nixon Was Timely, Legal, Jaworski Believes."

CONGRESSMAN HUNGATE: Without objection, it is so ordered, and now briefly --

THE PRESIDENT: Mr. Chairman, may I add something I said just to make it correct?

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CONGRESSMAN HUNGATE: Yes, sir.

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

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

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

CONGRESSMAN KASTENMEIER: Thank you, Mr. Chairman.

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

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

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

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

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

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

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CONGRESSMAN KASTENMEIER: With respect to discussions between General Haig and Mr. Nixon, or other matters in question, too, you indicated you had no personal knowledge, both in writing and I think in your statement today.

I take it you would have no objection if the subcommittee sought to question Mr. Haig or others on the subject before us this morning to supplement this hearing and this inquiry?

THE PRESIDENT: I don't think that is within my prerogative. I have come here to testify as to the specific facts, as I know them, but what the subcommittee does is a judgment for the subcommittee and not me.

CONGRESSMAN KASTENMEIER: The chair has advised that the House is in recess waiting for the conclusion of this hearing before reconvening, so if I might, I will yield to Mr. Hogan for a question at this point, and then to Miss Holtzman for a question, and we will then conclude.

Mr. Hogan.

CONGRESSMAN HOGAN: Thank you, Mr. Chairman.

Mr. President, on page 20 of your statement you talk about the health issue and that you had not gotten any official reports from physicians that were controlling in your decision. You state that observations were reported to you from others.

Now, there have been press reports that Dr. Kissinger is alleged to have said to you that he feared that former President Nixon would commit suicide. That appeared in several news accounts.

Is there any truth to that?

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THE PRESIDENT: There is no truth to it whatsoever as far as I know.

CONGRESSMAN HOGAN: It appeared in the New York Times, the Washington Post, on two occasions, and is alluded to in a research paper prepared for the subcommittee.

THE PRESIDENT: There was no discussion between Dr. Kissinger and myself that included any such comment.

CONGRESSMAN HOGAN: I think if I might add a gratuitous comment, Mr. Chairman, that much of the controversy has been generated by the press, by just such erroneous statements that have been given wide circulation.

Thank you, Mr. President.

CONGRESSMAN HUNGATE: I will ask for ~~one~~ concise question because we want to respect the time.

CONGRESSMAN EDWARDS: What were the precise instructions given to Benton Becker by you when he went to San Clemente to negotiate Mr. Nixon's acceptance of the pardon?

THE PRESIDENT: The precise instructions given to Mr. Becker were actually given by my counsel, Mr. Buchen. In general I knew what they were. They were instructions to negotiate the protection of those documents, including the tapes, for the benefit of the Special Prosecutor in whatever use he felt was essential, and at the same time to keep them inviolate during a period of time which we felt was a proper one.

CONGRESSMAN EDWARDS: But not to offer the pardon unless that agreement had been negotiated?

THE PRESIDENT: Mr. Edwards, those negotiations as to the custody or ownership of the documents, including tapes, were undertaken prior to August 27, because we were more or less besieged -- we, I say "we", the White House -- as to what to do with those documents, including tapes.

That negotiation had no relevance whatsoever to the decision on my part to pardon the President.

CONGRESSMAN HUNGATE: The Chair would remind all of the constraints of time, and call on Miss Holtzman for one final question. Congresswoman Holtzman.

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CONGRESSWOMAN HOLTZMAN: Thank you, Mr. Chairman.

Mr. Ford, you stated that the theory under which you pardoned Mr. Nixon was that he had suffered enough, and I am interested in that theory because the logical consequence of that is that somebody who resigns in the face of virtually certain impeachment or somebody who is impeached should not be punished because the impeachment or the resignation in the face of impeachment is punishment enough.

I wonder whether anybody brought to your attention the fact that the Constitution specifically states that even though somebody is impeached, that person shall nonetheless be liable to punishment according to law.

THE PRESIDENT: Mrs. Holtzman, I was fully cognizant of the fact that the President on resignation was accountable for any criminal charges. But I would like to say that the reason I gave the pardon was not as to Mr. Nixon, himself. I repeat, and I repeat with emphasis, the purpose of the pardon was to try and get the United States, the Congress, the President, and the American people focusing on the serious problems we have both at home and abroad, and I was absolutely convinced, then, as I am now, that if we had this series -- an indictment, a trial, a conviction, and anything else that transpired after that -- that the attention of the President, the Congress and the American people would have been diverted from the problems that we have to solve.

That was the principal reason for my granting of the pardon.

CONGRESSMAN HUNGATE: Mr. Smith.

CONGRESSMAN SMITH: Just before we adjourn this hearing, I again would like to commend the President and thank him for coming.

I think, Mr. President, that you have probably opened a new era between the Executive and the Legislative departments and I am very happy for it.

THE PRESIDENT: Mr. Chairman, I want to express to you and to the other members of the committee or subcommittee my appreciation for the fine manner, and I think the fair way in which this meeting was held this morning.

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I felt that it was absolutely essential because I am the only one who could explain the background and the decision-making process. And I hope, as I said in my opening statement, Mr. Chairman, that I have at least cleared the air so that most Americans will understand what was done and why it was done.

And again I trust that all of us can get back to the job of trying to solve our problems, both at home and abroad.

I thank you very, very much.

CONGRESSMAN HUNGATE: On behalf of the subcommittee, we express our appreciation to you for your appearance here today, and we recognize the responsibility we all have to complete this work and get on with the business.

The transcripts will be furnished as quickly as possible to members of the subcommittee.

The subcommittee will adjourn subject to call of the Chair.

END (11:59 A.M. EDT)



FOR IMMEDIATE RELEASE

October 17, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 12471, a bill to amend the public access to documents provisions of the Administrative Procedures Act. In August, I transmitted a letter to the conferees expressing my support for the direction of this legislation and presenting my concern with some of its provisions. Although I am gratified by the Congressional response in amending several of these provisions, significant problems have not been resolved.

First, I remain concerned that our military or intelligence secrets and diplomatic relations could be adversely affected by this bill. This provision remains unaltered following my earlier letter.

I am prepared to accept those aspects of the provision which would enable courts to inspect classified documents and review the justification for their classification. However, the courts should not be forced to make what amounts to the initial classification decision in sensitive and complex areas where they have no particular expertise. As the legislation now stands, a determination by the Secretary of Defense that disclosure of a document would endanger our national security would, even though reasonable, have to be overturned by a district judge who thought the plaintiff's position just as reasonable. Such a provision would violate constitutional principles, and give less weight before the courts to an executive determination involving the protection of our most vital national defense interests than is accorded determinations involving routine regulatory matters.

I propose, therefore, that where classified documents are requested the courts could review the classification, but would have to uphold the classification if there is a reasonable basis to support it. In determining the reasonableness of the classification, the courts would consider all attendant evidence prior to resorting to an in camera examination of the document.

Second, I believe that confidentiality would not be maintained if many millions of pages of FBI and other investigatory law enforcement files would be subject to compulsory disclosure at the behest of any person unless the Government could prove to a court -- separately for each paragraph of each document -- that disclosure "would" cause a type of harm specified in the amendment. Our law enforcement agencies do not have, and could not obtain, the large number of trained and knowledgeable personnel that would be needed to make such a line-by-line examination of information requests that sometimes involve hundreds of thousands of documents, within the time constraints added to current law by this bill.

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Therefore, I propose that more flexible criteria govern the responses to requests for particularly lengthy investigatory records to mitigate the burden which these amendments would otherwise impose, in order not to dilute the primary responsibilities of these law enforcement activities.

Finally, the ten days afforded an agency to determine whether to furnish a requested document and the twenty days afforded for determinations on appeal are, despite the provision concerning unusual circumstances, simply unrealistic in some cases. It is essential that additional latitude be provided.

I shall submit shortly language which would dispel my concerns regarding the manner of judicial review of classified material and for mitigating the administrative burden placed on the agencies, especially our law enforcement agencies, by the bill as presently enrolled. It is only my conviction that the bill as enrolled is unconstitutional and unworkable that would cause me to return the bill without my approval. I sincerely hope that this legislation, which has come so far toward realizing its laudable goals, will be reenacted with the changes I propose and returned to me for signature during this session of Congress.

GERALD R. FORD

THE WHITE HOUSE,

October 17, 1974.

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OCTOBER 24, 1974

Office of the White House Press Secretary
(Des Moines, Iowa)

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am pleased to announce that I have signed into law H.R. 13113, the Commodity Futures Trading Commission Act of 1974.

This act will provide the first major overhaul of the existing Commodity Exchange Act since its inception by establishing a new regulatory structure to apply to all commodity futures trading. This is an objective which I fully support.

This legislation was prompted by increasing concern that Federal regulation of commodity futures trading is too narrow in scope and that the present regulatory system is inadequate. In the past few years, the Federal Government has disposed of large accumulations of minerals and agricultural commodities. But present stocks are not large enough to stabilize prices. The recent market situation has been characterized by widely swinging prices. The futures markets have become increasingly important to our marketing system -- with the value of futures trading now totaling \$500 billion annually.

The increased trading has attracted more speculators and vastly increased the potential for unethical and illegal practices. This has resulted in failures of financial firms and losses by innocent investors.

Consumers also have suffered since the gyrations of the futures markets have, in some cases, driven up prices to consumers.

It is important that futures trading take place under conditions in which traders and the public have full confidence in the system. This new law is an important step in this direction.

Unfortunately, in passing an otherwise desirable bill, the Congress has incorporated three objectionable provisions which would enable the new Commodity Futures Trading Commission to compromise traditional Executive Branch functions. I find these provisions unacceptable as well as being unnecessary for the effective operation of the Commission.

The first one would require the concurrent submission of Commission budget requests to Congress and to the President or to the Office of Management and Budget. This would in effect undercut the provisions of the Budget and Accounting Act of 1921 which requires the President to submit to Congress a single coordinated budget. It also represents a retreat from my goal of reduced federal spending, since it will make it more difficult for me to review all requests for federal spending in advance of submission to Congress.

Second, as with the budget requests, it would require concurrent submission of the Commission's legislative proposals. If extended to other agencies, such a requirement would make it difficult for me to develop and present to the Congress a coherent, coordinated legislative program.

Third, the Commission is empowered to appoint an Executive Director by and with the advice and consent of the Senate. This raises serious constitutional questions, by providing for an Executive Branch appointment in a manner not contemplated by the Constitution. This encroachment on the separation of powers can easily be corrected by deletion of the request for Senate confirmation of the Executive Director.

MORE

(OVER)



Office of the White House Press Secretary

Nevertheless, because of the need for better regulation of commodity futures trading, I have signed H.R. 13113, notwithstanding my strong objections to these three provisions which erode necessary Executive control. I will submit to the Congress legislation which would correct these three provisions and I will strongly urge its passage during this session of the 93rd Congress.

STATEMENT BY THE PRESIDENT

I am pleased to announce that I have signed into law H.R. 13113, the Commodity Futures Trading Commission Act of 1974.

This act will provide the first major overhaul of the existing Commodity Exchange Act since its inception by establishing a new regulatory structure to apply to all commodity futures trading. This is an objective which I fully support.

This legislation was prompted by increasing concern that Federal regulation of commodity futures trading is too narrow in scope and that the present regulatory system is inadequate. In the past few years, the Federal Government has disposed of large accumulations of minerals and agricultural commodities. But present stocks are not large enough to stabilize prices. The recent market situation has been characterized by widely swinging prices. The futures markets have become increasingly important to our marketing system -- with the value of futures trading now totaling \$200 billion annually.

The increased trading has attracted more speculators and vastly increased the potential for unethical and illegal practices. This has resulted in failures of financial firms and losses by innocent investors.

Consumers also have suffered since the gyrations of the futures markets have, in some cases, driven up prices to consumers.

It is important that futures trading take place under conditions in which traders and the public have full confidence in the system. This new law is an important step in this direction.

Unfortunately, in passing an otherwise desirable bill, the Congress has incorporated three objectionable provisions which would erode the new Commodity Futures Trading Commission's traditional Executive Branch functions. I find these provisions unacceptable as well as being necessary for the effective operation of the Commission.

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(OVER)

MORE

FOR IMMEDIATE RELEASE

October 29, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have approved H.R. 15736, the Reclamation Development Act of 1974.

This bill contains many desirable and needed reclamation program authorizations. For example, it will transfer the town of Page, Arizona -- currently owned by the Federal Government -- to non-Federal interests, thereby permitting it to function as a viable community with most residential and commercial property in private ownership. The bill will also provide for inclusion of additional hydroelectric power facilities in an existing major Colorado project.

On the other hand, H.R. 15736 contains some features which represent undesirable departures from established Federal water resource policies. In particular, several authorizations would impose on the Federal Government costs that properly should be borne by State and local interests. In addition, there are unresolved questions regarding the environmental impacts of several projects.

On balance, I have concluded that the desirable features of H.R. 15736 outweigh the undesirable ones. However, I have directed the executive agencies concerned, as part of the post-authorization review process, to carefully examine those program authorizations which depart from established policies or involve unresolved environmental problems.

On the basis of this review, I will determine whether corrective legislation is necessary, or whether funding for questionable projects should be requested.

At the same time, in order to achieve a reduction in Federal spending, I urge the Congress to approve my request for rescission and deferral of funds already approved by Congress for certain reclamation projects to make certain we stay within the \$300 billion budget for fiscal 1975.



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OCTOBER 29, 1974

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

PRESS CONFERENCE

OF

ROGERS C. B. MORTON, SECRETARY OF INTERIOR
CLAUDE S. BRINEGAR SECRETARY OF TRANSPORTATION
AND
RUSSELL E. TRAIN, ADMINISTRATOR,
ENVIRONMENTAL PROTECTION AGENCY

4:04 P.M. EST

MR. SPEAKES: A group of Administration officials have just concluded a meeting lasting a little over an hour with representatives of the auto manufacturers.

Secretary Brinegar served as Chairman, and also attending were Secretary Morton, Mr. Russell Train of the Environmental Protection Agency, and other Administration officials.

We will provide you with a complete list of those who attended and in addition, I believe you have a chart which we have made available to you.

With us to describe the meeting are the three gentlemen which I mentioned. I will turn it over to them.

SECRETARY MORTON: I think the Chairman of the meeting should be able to answer all the questions you have.

I would like to say that I felt it was very productive. It was a very concise outline of what the Government's role should be and I think we informed the automobile industry as concisely as possible as to how we intended to monitor and how we intended to pursue the route towards achieving the President's goal, which was outlined in his October 8th message, of a 40 percent mileage efficiency increase between now and 1980.

Claude, you might want to go into detail.

SECRETARY BRINEGAR: Thank you, Rogers. We have handed around a table which has some question marks in it which outlines, as we see it, the process by which we must reach the goal, the goal being the 40 percent increase after a 4-year development period, which puts us in the model year of 1980; the present average miles per gallon is 15.9. The base period that we are using of 1974 was 14.

MORE



The 40 percent increase brings us to 19.6. We endeavored to break them out by major manufacturer and grouping the others into one category show the implications of where they stand now and what seem to us to be realistic goals so in fact when we reach 1980 model year we have the 40 percent gain.

I discussed with the manufacturers the concept, asked their cooperation, first, to the dedication of the importance of saving fuel and fuel-efficient automobiles; I asked their dedication to cooperation on a voluntary monitoring process to work with me and others so we know, yes, their plans are working. Their plans will make the fuel economy goals that will give us the 40 percent increase.

We also discussed in the meeting a recently released report that was submitted to Congress last week on the result of a study done jointly with the EPA and our Department of the potential of fuel economy gains. That report suggested that a 40 percent increase was quite feasible and that the trade-offs were not too serious.

We asked them to prepare their reactions to that report and to come back to us. It was in the nature of an outlining of the process, getting a dedication to our goals and finding a way to go forward.

I think it was a productive meeting. I found, going around the table with the manufacturers, they all endorsed our approach and certainly were all committed to more efficient cars and, hopefully, finding ways to meet the President's goal.

Q Mr. Secretary, aren't you penalizing the imports by requiring a 40 percent reduction for them? In other words, aren't you requiring a loss from the ones that have already won the race?

SECRETARY BRINEGAR: We haven't approached it that way. The imports and the smaller cars, the American Motors, are grouped in this category called "All Other" for purposes just for that table and if you will notice the present level which I believe was around 21 point something miles per gallon, sort of the target number shown at the bottom, is not a 40 percent increase, but lesser amount.

We are trying to find a fair balance between manufacturing design potentiality and realistic achievement in the marketplace.

MORE



Q Did the manufacturers say they could meet the goal?

SECRETARY BRINEGAR: The manufacturers were not asked to commit to the specific goal at the meeting. They were asked to commit themselves to cooperating with us on this process of monitoring. We are going to have to sit down with them, one at a time to review their plans, to try and sort out the technology gains from the sales mix gains and to see, as we fill those question marks in how it comes out.

It may well be that our first time -- 30 days from now when we have some numbers -- it may not come out right, in which case we will have to go back and say to them we need something better here.

Q What are the trade-offs?

SECRETARY BRINEGAR: There are always trade-offs -- the automobile design versus weight versus engine size versus safety equipment versus environmental standards versus energy. All of these are obviously things to consider. But for purposes of this set of calculations, we have specified their assumption on emission standards and the assumptions on safety.

Q What assumptions did you make on nitrogen oxide?

SECRETARY BRINEGAR: I will ask Mr. Train to speak to that.

MR. TRAIN: The assumptions that were given the automobile manufacturers for the purpose of the report, the DOT-EPA report, are the statutory standards for 1978 for hydrocarbons and carbon monoxide. And a 2.0 level, which I had recommended last year starting in 1978 for knocks going through 1981, and then probably dropping to 1.0 at that time and an uncertain .4 by 1990, or what.

But as I pointed out to the manufacturers in the meeting today, this is simply a working assumption for the purpose of making estimates and it is not an effort to pre-judge what Congress may do when it takes a look at this issue this coming year, obviously. That is what is going to determine what the standard is.

Q Do you think the Senate subcommittee will buy this annual report from the National Academy of Sciences in September and after your own agency's report last summer on nitrate?

MR. TRAIN: A 2.0 level, I don't know. I am not going to predict what they are going to do. I am hoping they will have hearings early next year.

Q The report said in the footnote they assumed Congress would support this amendment to the Clean Air Act.

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MR. TRAIN: For the purposes of making a working assumption for estimating purposes, but obviously, there is no way to assume what Congress is going to do. Congress is an independent body. Obviously, there is no way to establish for a report in November what Congress may do six months or a year hence.

What I am hopeful of is that Congress will have hearings early in the coming year on this whole issue and get the manufacturers in and have them lay out the state of the technology as they see it, and the various courses, fuel-wise and otherwise, that are involved in making these standards.

Q Basically, what will the manufacturers have to do in general terms to reach this goal? Will they have to reduce the weight? Will they have to improve their emission system? What are the basic things to be done?

SECRETARY BRINEGAR: There are a whole series of ways to make an efficient automobile. A lot of manufacturers are making them right now. There are a number of automobiles out on the road that average over 20 miles per gallon.

Our report that I refer to -- and that is available at the Department of Transportation, and I assume the Environmental Protection Agency -- discusses in over 100 pages the kinds of decisions that could be made, but they are weight, they are transmission design, engineering of the transmission, the gear train, their engine sizing, their aerodynamics, their radial tires. There are a whole series of events that can be strung together to make the automobile efficient.

There are various reasons that cars weigh certain things. There are various engineering design criteria, as you refer to them, now on the statute books. We are always looking at the cost-benefit relations of these requirements. The President himself directed that a careful cost-benefit study be made of all of our regulatory requirements.

But as you look at how to make an automobile efficient, you look at engine design, you look at transmission, you look at weight and aerodynamics design. It is a matter of pushing each of those to see how they come out of the sales mix.

Q Secretary Morton, did you recommend Mr. Sawhill be replaced as Energy Director?

MORE



SECRETARY MORTON: I had some discussions with the other members of the Council and discussions with the President, and I certainly recommended that Mr. Sawhill be retained in the Government.

I didn't recommend directly he be replaced, but I suggested that if he could be placed somewhere else in the Government, that our Council could function perfectly all right. John is a very, very able person and I think it gets down to a matter of style. I think what we are trying to do here is establish a broad base of accountability throughout the Government so the entire Government is impacted against the problem of energy.

Q What does that mean, that he spoke out of turn?

SECRETARY MORTON: No, I don't think that. I think it is more a matter of style. I think we see some examples of it. For example, today, the implication is that I am opposed to conservation of energy and this is not true. I feel conservation and efficiency are perhaps the only real tools we have during the very short-term and we have to do everything we can to develop a new energy ethic on the part of industry and on the part of the public at large.

Q Does that mean you may not favor, however, mandatory conservation, strong mandatory conservation moves at this time which Mr. Sawhill was in favor of?

SECRETARY MORTON: I think we ought to give the people and give industry and commerce an opportunity to do this voluntarily. I think there would be a real resistance to it on the part of the public at this particular time.

I agree with the President, that if the voluntary system does not work, then we ought to come forward with some tougher turkey. But certainly, the opportunity should be given to the American people fully to understand the problem and to respond to it. And I don't think we have reached that. I don't think the problem of energy is understood by the American public. I think we have to get that understanding developed and then I think the public will respond. If we come out with a great many controls and rationing and all the other things, I think there will be tremendous resistance and will have a very depressing effect on the spirit of this country.

Q Mr. Secretary, is your policy trying to direct the American consumer to get cars that will offer the best energy?

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SECRETARY MORTON: The policy is that the American consumer should have a good choice, certainly, in the purchase of cars and anything else, through good labeling and through efficient manufacturing, to be able to get the most efficient use for his fuel dollar and also make the wisest investment for his purchase dollar.

Q Doesn't this leave the American automobile companies way behind, I think, of the Japanese and even some of the German cars that have better fuel consumption?

SECRETARY MORTON: I don't think so at all. I think the energy problem is an entirely new problem for not just the automobile companies, but for the manufacturers of all kinds of machines that consume energy in this country. The energy problem has only been with us for a very short time in our technological history.

I think we ought to give the American industry a chance to respond. It always has responded to the basic economic factors in the marketplace. There is a whole new ball game in terms of the price of energy and we are already seeing some response in this area.

SECRETARY BRINEGAR: Let me add a comment to that. Our manufacturers presently offer a wide range of choice and each of them have in their fleet mix vehicles with the efficiencies that are found in the Japanese cars or the European cars. It is just that we are across the wide base in this country and we are now asking them to raise the average efficiency of that broad base without the artificiality of saying you have these restraints on your total manufacturing ability. We think this is the proper way and we think they will respond.

Q Mr. Secretary, I am wondering if you really want us to leave this room with the impression that given the magnitude of the energy problem and the fact that Mr. Sawhill is an experienced man in the energy field in the Federal Government, do you want us to leave the room with the impression that he was removed from his job because somebody didn't like his style?

Q What do you mean by "style"? We don't understand that.

SECRETARY MORTON: Let me see if I can help you. I think that John Sawhill can make a great contribution. He has made a contribution. I guess if you are going to select a team to put a team together that is most effective, one of the things you have to have is a sense of working together, a sense of executive compatibility, if that is a good word, and I think that if there was something lacking, it was in this area.

MORE



Now, there has to be a very close relationship between the Economic Council and the Energy Council and between various components in this mix. This personnel action was an action that tried to enhance the executive compatibility of this team. Certainly there are, in the course of all of your organizations and in the course of Government, there are any number of personnel transfers that occur over a period of time that are done for good business reasons, for perfectly sound and logical reasons.

This is not an indictment against the personality involved.

Q What about the question of candor, Mr. Morton? One new way to look at it is that Mr. Sawhill saw the problem differently from the rest of you and he spoke out what he thought was the truth about the matter, and here he is being, in effect, punished for speaking out of line.

SECRETARY MORTON: If you regard this as a punishment, I think this has to be evaluated, Bert. In order to solve this energy problem, we have all got to go together against the problem with a good battery of solutions. There may be more solutions than the ones that are actually applied on the ground, but I think it is necessary for this Government to come together in a coordinated fashion to put together a program that is effective and so that we are all moving against the problem with the total impact of the Federal Government and its accountability and responsibility across the board.

I don't make as big an issue out of it, obviously, as you do. I don't think it is that big an issue.

We have seen personnel actions in business and in your own newspaper organisations. You have the same type of actions. They are done for constructive reasons.

Q Mr. Secretary, the Administration has been trying to form an energy policy since 1973. Does that mean there has not been a successful energy policy?

SECRETARY MORTON: It is not related to that.

Q Could you give us some examples of why you do not think Mr. Sawhill has executive compatibility, as you put it?

SECRETARY MORTON: No, I won't give you any examples. John Sawhill is a fine person and I am not going to say anything here to degrade John Sawhill. It may well be I am in the wrong job. If the President chooses to put somebody else in that is part of an overall management decision. It is not that big an issue.

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Q Is it because he went on television to advocate a gas tax?

SECRETARY MORTON: No, I don't think it was that.

Q Why did he resign before the November release of the Project Independence Blueprint?

SECRETARY MORTON: I think he had a conference with the President and the result of that conference was there was a mutual agreement that he should resign.

Q Was the Blueprint connected with that report?

SECRETARY MORTON: I don't think so.

Q Will the Blueprint go ahead as planned?

SECRETARY MORTON: Yes.

Q How does this action square, Mr. Secretary, with your earlier statement that you are not in the personnel business?

SECRETARY MORTON: I am not in the personnel business.

Q You are talking today about executive compatibility --

SECRETARY MORTON: You all are bringing the subject up, now.

Q You do sound like a personnel expert today.

SECRETARY MORTON: Come on. I run an organization over here with some 70,000 people in it. I guess anybody that tries to put a group of people together to make something work in that sense is in the personnel business. But I am not trying in any way, shape or form to suddenly change a lot of faces or names or anything else. This is the thing that just grew out of a series of relationships. There was a lot more input in this problem, if it was a problem, than I put into it.

Q When did you decide that Sawhill had to go?

SECRETARY MORTON: I never did decide he had to go.

Q The President, this morning I believe, indicated that you wanted him to leave.

MORE



SECRETARY MORTON: Well, I decided somebody else with a different style would serve this Council better. There was a lot more input into it than that. I think this whole thing has gotten out of proportion. What you are trying to do is to drive a stake in this guy's heart and you shouldn't do that because that is not accurate.

Q Mr. Secretary, what is it about Mr. Gibson's style that makes him more acceptable?

SECRETARY MORTON: I don't know. We will see. Mr. Gibson has had a fine record. This was a decision that was made on a series of options of a good many candidates, Stanley, that the President made. He had a very fine record in the Maritime Administration and was considered by the personnel people in the White House to be eminently qualified for this job.

Q You are talking about style, not record. We are trying to get at why did John Sawhill have to leave, without derogating anybody in particular, what is it about Sawhill's style that didn't mesh with yours, or what is it about Gibson's that will?

SECRETARY MORTON: Well, I can't answer the second part of it. I am not going to get into it, Stanley, because I have a job to do and I think that John can make a great contribution. I don't see any reason why we have to turn him wrong side out at this point in time. I don't know what the conversation was between the President and John. John decided to resign. I assume it was a mutually agreeable thing. I think that is sufficient comment.

Q Do you know where he is going now?

SECRETARY MORTON: I don't know.

Q Mr. Secretary, Mr. Sawhill says he contacted you many times over the last several weeks, and that there was no hint at any time that you were dissatisfied with the way he was doing things, that you had no complaints to make and so forth, and he seemed a little bit surprised that this came at this time. Can you try to answer that? He said there was no expression on your part that you were dissatisfied with the way things were going.

SECRETARY MORTON: Well, he asked me on the telephone a day or so before he resigned whether I thought he ought to resign, whether the President wanted him to resign, and I told him I thought the President did want him to resign and that I felt he probably should resign. But I also told him, and I think the record will bear me out, I thought he had done a great job when he was in the OMB and I think he can do a great job in the Government. He is an excellent salesman and if he is put in the right niche, he will do a tremendous job.

MORE



Q Mr. Secretary, Mr. Sawhill told us you had offered him a job as the Vice Chairman.

SECRETARY MORTON: No, he is mistaken about that.

Q We were given that impression.

SECRETARY MORTON: We discussed the fact as to whether there should be a Vice Chairman or not. I discussed that with him and I said, "Well, I don't know." He said he thought it would be a good idea if he was the Vice Chairman. I said that that was certainly something we should consider, but I don't know whether a small council like this needs a Vice Chairman. That decision is yet to be made. I didn't turn him down on the idea.

I don't see that a Vice Chairman or a second in command is needed because we have a coordinator -- Frank Zarb has been acting in this capacity -- and the style of this Council is to try and give accountability to the various agencies that are involved -- the EPA, Transportation, Commerce -- all the other Departments that have a piece of this action.

Q Did Mr. Sawhill prefer some other style of Council operation?

SECRETARY MORTON: I am not sure about that, Stanley. Why don't you ask John?

Q Certainly, Mr. Secretary, you can't be saying that the President of the United States fires a man or asks him to resign because of his style?

SECRETARY MORTON: I think he is moving him from one place to another. My understanding is that the President is going to put him in another job. I don't know what the job is.

Q Won't his style be as bad in the other job?

SECRETARY MORTON: I don't know. You don't like the word "style". Do you like the word "compatibility" better?

Q Isn't a better word, Mr. Secretary, philosophy?

SECRETARY MORTON: All right.

Q His philosophy was generally for mandatory measures in the field of energy. Yours, obviously, is for voluntary approach, and that was the basic difference, wasn't it?

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SECRETARY MORTON: Well, philosophy. I will buy that. Change the word "style" to "philosophy" throughout the script. It is simply a question of building an organization that functions smoothly together, as with many of you.

I have been in professional athletics and semi-professional athletics, and college athletics, and I found out that a lot of times a person will move from one team to another and his performance will be entirely different because he happens to coordinate better with the second group than he did with the first group. This could happen to any of us.

Q I have a question about today's meeting that I didn't want to go unasked in the rush of other business. You were sued to open this meeting up to the public and the public action groups. The question arose as to whether sitting down with the automobile industry big-wigs maybe there wouldn't be a trade-off; that the industry would say, "Yes, you want better efficiency and we don't want such tough pollution standards, and we don't want the safety standards that raise our cost."

Now, you kept the meeting closed. You won your court action. How do you dispel the feeling that perhaps a sweetheart deal emerged out of these kinds of meetings.

SECRETARY BRINEGAR: First, there were a lot of people in that room and I would not lie to anybody. There was no sweetheart deal. It is quite clear from the discussion that we talked at them as a group so they would understand the seriousness of the energy problem. They would understand the importance of addressing it from the automobile because, after all, the automobile uses over 5 million barrels a day of liquid fuel and if we are going to save fuel it obviously is going to be in the automobile.

So, we made it clear to the manufacturers that the President was dead serious and that we wanted them to hear this as a group. We also made it clear to them that we planned to monitor and review their progress through a voluntary process such as I have described to you, and that I hope I had their commitment to cooperation.

There was no discussion of "we can only do this if," because we did not ask them to say that they could do it. We asked them to cooperate in the process and as always under a legal docket-type thing where they can bring us comments as they do regularly. I get comments all the time on safety equipment and Mr. Train gets comments all the time on emission equipment.

MORE



Within that framework, we will be exploring down the road some of these questions but they were not discussed today. I think the court properly understood this was not an advisory committee. This was the Government bringing in the people responsible for the manufacturing decisions on an extremely important element in our economy and on this most important question of fuel efficiency.

Q Mr. Secretary, how often are you going to meet with the automobile people on this and how is your monitoring going to work?

SECRETARY BRINEGAR: I have asked them to be available to me within the next two weeks and I am very hopeful that I can assemble the first summary of what I see the direction is within 30 days.

Q Was the horsepower tax discussed at all?

SECRETARY BRINEGAR: It was not.

Q Mr. Secretary, I assume you have industry projections on the number of automobiles that are going to be on the road in 1980 and I am wondering if you have projections of a weighted average of 19.6 miles per gallon whether we are going to be using more or less than 5 million barrels a day?

SECRETARY BRINEGAR: We do not have forecasts of 1980 sales. The ball game has changed. Forecasts that were made in other sets of assumptions I think now need to be re-examined. That is one of the areas that I want to sit down and discuss with them in these other meetings.

What we need to do is get some decent facts as to what the future really holds because we do, as Rogers has said, have to plan energy economy in a very tough 10 years that is ahead of us.

Q Did the manufacturers make any response at all to your proposals today on the 40 percent gain in fuel economy? Did they say anything?

SECRETARY BRINEGAR: They said they would cooperate with the process by which we are going to determine how it is going to be met. The purpose of the meeting was to get their commitment to work with us. We wanted them to hear as a group so they wouldn't say, "What did he say to that one?" We wanted them to hear Rogers' comment and my own of the seriousness of the situation, the seriousness of the President's dedication to the goal and we described to them how we now plan to proceed.

MORE



Q Are you looking toward an agreement with the auto makers where you will trade off automobile safety standards and clean air standards in exchange for their agreement to meet the voluntary standards?

SECRETARY BRINEGAR: No, that is not what we are looking for.

Q Was there any indication from them they had announced they could meet their goal?

SECRETARY BRINEGAR: I did not ask for that today. It was not an appropriate statement for today's meeting.

Q Are they to be asked for a commitment to meet 40 percent?

SECRETARY BRINEGAR: Not 40 percent uniformly. They will in time be asked for a commitment, so when we reach 1980, we will have made the 40 percent gain. We will monitor, and study their plans and if in fact it looks like there are some difficulties, then we will have to examine these difficulties. But this is part of an ongoing process.

Q Mr. Secretary, does your department feel it can relax somewhat its bumper standards, specifically that the 5-mile an hour harmless impact requirement doesn't have enough benefits to justify it and you could relax them?

SECRETARY BRINEGAR: That standard was put into place in response to an act of Congress that we address damageability. The standard was put into place when fuel costs were somewhat different than they are now. When some of the basic assumptions were different than they are now. I have asked Dr. Gregory, who heads the National Highway Traffic Safety Administration, to re-examine whether or not the cost-benefit ratios are still favorable, to see if in fact this becomes a candidate to save some weight.

MR. TRAIN: Before you ask another question, let me just volunteer one comment -- some of the good news out of the meeting was that all of those manufacturers who addressed the issue of fuel economy testing spoke very favorably of the EPA dynamometer, urban-suburban highway driving cycle test system. There was no criticism addressed to the EPA testing procedures at all. In fact, just the contrary. They were very highly spoken of by those who addressed the issue.

Q While we have you up there, Mr. Train, and at the risk of getting you out of style, did you hear anything from the manufacturers that would make you think that a rollback in clean air standards is necessary? In other words, have you changed your mind at all on the clean air standards as they now stand?

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MR. TRAIN: I certainly haven't, no. I am sure the manufacturers would find it easier to meet fuel economy goals if standards were lower. I imagine that is an engineering fact of life, but this was not discussed. One manufacturer did mention that from their standpoint it was beneficial to keep the standards at the current level but there was no comment made to that, there was no discussion at all. No one else made the point whatsoever.

Q Was there any suggestion that their currently dismal profit picture might pose problems if it continued towards a mileage gain?

MR. TRAIN: This was discussed. Maybe Secretary Brinegar could more suitably address this. This was discussed particularly by one spokesman for the industry who not necessarily relating the problem to the goal that we were there to discuss, but just simply laying on the table very serious concern over profitability and employment projections within the industry, and urging this be one of the factors that properly must be brought into account in any systematic analysis of a goal of this sort. And I certainly would agree.

Q One last point, Mr. Train. Did you find the replacement of Mr. Sawhill perhaps an inhibiting influence on yourself as one who had spoken differently on land-use planning, on strip mining, than Mr. Morton? Do you think this was a very inhibiting action?

MR. TRAIN: I only heard about it about an hour or two ago, so I haven't had time to be inhibited, George. The style expert is behind me, but I don't foresee any influence on myself as a result of this.

Q Mr. Train, since you say in your report that you think with a 3-year lead time for improvements, you could meet all of the statutory standards on emissions in that three years, why is it that you advocate postponing until 1990 the achievement of the statutory emission on nitrogen oxide?

MR. TRAIN: I may have to ask Eric on that. I don't believe we included the nitrogen oxide standards in that 3-year lead time requirement. That has always been a problem.

THE PRESS: Thank you.

END

(AT 4:39 P.M. EST)



FOR IMMEDIATE RELEASE

DECEMBER 6, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT
AND LEONARD GARMENT, ASSISTANT TO THE PRESIDENT

December 5, 1974

Dear Len:

I have your letter of December second and it is with deep regret that I accept your resignation as Assistant to the President, effective December 31, 1974.

In so doing, I welcome this opportunity to express my personal appreciation for your dedicated service to the Presidency and to our Nation. In particular, I want you to know of my gratitude for your highly capable assistance and unhesitating support during the early, critically important period of transition. Yours is an exceptional record of public service and one in which you can always take great pride and personal satisfaction.

You have my admiration and warmest best wishes for every happiness and success in the years ahead.

Sincerely,

JERRY FORD

December 2, 1974

Dear Mr. President:

I herewith submit my resignation as Assistant to the President effective December 31, 1974. I do so with particular appreciation for your personal thoughtfulness to myself and other members of President Nixon's staff during the transition period.

It has been a pleasure knowing you through these years in Washington and a privilege working for you during the past few months.

You and Mrs. Ford have my warmest regards and best wishes.

Sincerely,

LEONARD GARMENT

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FOR IMMEDIATE RELEASE

DECEMBER 12, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced the appointment of four persons as Adviser-Members of the Council on Wage and Price Stability. They are:

William A. Morrill, an Assistant Secretary of Health,
Education and Welfare

Thomas E. Kauper, an Assistant Attorney General

Michael H. Moskow, an Assistant Secretary of Housing
and Urban Development

John W. Barnum, Deputy Secretary of Transportation

The Council was established by Public Law 93-387 of August 24, 1974, and consists of eight members and four adviser-members appointed by the President.

The eight members were appointed by President Ford on August 29, 1974, under the Chairmanship of then Counsellor to the President, Kenneth Rush. The new Chairman of the Council is William E. Simon.

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