

POLICY STATEMENT

This decision by the President is the only one that could explain a pattern of undisputed incidents that otherwise cannot be explained: (1) the President's professed ignorance of CRP and White House involvement in Watergate in the face of discussion of Watergate on or before June 20, 1972 with Haldeman, Colson and Mitchell, persons aware of such involvement; (2) the President's professed desire to learn the facts of Watergate in the face of the failure to participate in a discussion of Watergate at the White House on the morning of June 20, 1972 between Haldeman, Mitchell, Ehrlichman, Kleindienst and Dean, the failure following this meeting to receive a report on Watergate from Ehrlichman, assigned by the President to handle Watergate for the White House, and the failure to ask Mitchell on June 20 what he meant when he said that he regretted he had not policed the people in his organization; (3) the erasure of that portion of the recording of the President's conversation with Haldeman on June 20 dealing with Watergate, an erasure that occurred while the tapes were in the possession of the President's personal secretary; (4) the President's instruction on June 20 to Haldeman to be "on the attack for diversion"; (5) the President's refusal to honor a subpoena for recordings of six conversations with Haldeman and Colson on June 20; (6) the President's statement on June 22 that Mitchell and Ziegler had stated the facts accurately when in fact they had not and there was no basis for believing they had; (7) the President's directive on June 23 that officials of the CIA request the FBI to suspend its investigation into the source of cash found in the possession of those arrested when such cash was in fact traceable to CRP and to Liddy; (8) the President's refusal to honor a subpoena

for three conversations on June 23, 1972 with Haldeman; (9) the President's decision on June 30, 1972 to "cut the loss" from potential disclosures about CRP involvement in Watergate by having Mitchell resign as campaign director on July 1, 1972; (10) the President's refusal to heed the warning of Gray on July 6 that his staff was mortally wounding him; (11) the President's discussion with Ehrlichman on July 8, 1972 of clemency for those involved in Watergate more than two months before the return of any indictments and six months in advance of trial; (12) the President's statement on August 29, about a non-existent investigation and report by Dean purporting to establish that there was no White House involvement in Watergate; (13) Haldeman's statement to the President on September 15, 1972, that Dean had kept people from "falling through the holes"; (14) the President's statement to Dean on September 15, 1972, that a lot of this stuff went on, that Dean had handled it skillfully putting his fingers in the dike when leaks had sprung here and sprung there, and that "you just try to button it up as well as you can and hope for the best...and remember that basically the damn things is just one of those unfortunate things and, we're trying to cut our losses"; (15) the President's discussion with Colson in January, 1973 about clemency for Hunt; (16) the President's decision in February, 1973 to appoint Magruder to a \$36,000 per year government job; (17) the President's discussion with Dean on February 28, 1973 about clemency for the Watergate defendants; (18) the President's discussion with Dean on February 28, 1973 about Kalmbach's upcoming testimony before the SSC during which the President

said that it would be hard for Kalmbach because "it'll get out about Hunt"; (19) the President's failure to act on Dean's statement of March 13, 1973 that Sloan has a compulsion to "cleanse his soul by confession" and that Stans and Kalmbach are trying to get him to "settle down"; (20) the President's failure to act on Dean's statement of March 13, 1973, that Strachan had lied about his prior knowledge of Watergate out of personal loyalty and the President's response to Dean that Strachan was the problem "in Bob's case"; (21) the inclusion in the edited transcript of the President's March 17, 1973 conversation with Dean of only that portion of the conversation relating to the Fielding break-in; (22) the President's instruction to Dean on the evening of March 20, 1973 to make his report on Watergate incomplete; (23) the President's refusal to honor subpoenas for 31 conversations between June 17, 1972 and the meeting with Dean on the morning of March 21, 1973 with the exception of an edited transcript of the March 20 phone conversation with Dean, the portion of the March 17, 1972 conversation relating to the Fielding break-in and a statement that two conversations could not be located; (24) the President's instruction to Haldeman on the morning of March 21 that Hunt might "blow the whistle", that "his price is pretty high, but at least, uh, we should, we should buy the time on that, uh, as I, as I pointed out to John"; (25) the President's statement on March 21, 1973 that he had "no doubts about the right plan before the election", that Dean "handled it just right", that Dean "contained it"; (26) the President's failure to inform the Department of Justice that Dean had confessed to obstruction of justice

(25a) the President's directive to Dean on March 21, 1973 to be falsely state that payments to the defendants had been made through a Cuban Committee.

and Mitchell

on March 21, 1973 and had charged Haldeman, ~~and Ehrlichman~~, with complicity in that crime; (27) the President's failure to inform the Department of Justice that Strachan was, as the President stated when he dictated recollections on the night of March 21, 1973, in a "straight position of perjury"; (28) the President's receipt of information on the afternoon of March 21, 1973, that Mitchell and LaRue were in a position to do something about Hunt's demand; (29) the President's failure on March 21 and 22, 1973 to question Haldeman, Ehrlichman or Mitchell about the charges Dean had made against them; (30) the President's statement to Mitchell on March 22, 1973 that he wanted "you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it -- save the plan" and that "up to this point, the whole theory has been containment"; (31) the President's failure to disclose in conversation with the Attorney General on March 22, 25 and 31, 1973 and with the Director of the FBI on March 23, 1973 the disclosures made by Dean on March 21, 1973; (32) the President's directive on March 27, 1973 that Ehrlichman give the Attorney General false and misleading information about Watergate; (33) the President's instruction to Ehrlichman on April 14, 1973, concerning how assurances of executive clemency to Magruder, Mitchell and Dean should be handled; (34) the President's directive to Ehrlichman on April 14, 1973, to coach Strachan so that he could cover points made by Magruder to the prosecutors; (35) the President's approval of Ehrlichman's statement to Kleindienst on April 14, 1973 that he knew no more than Magruder had told the prosecutors; (36) the President's directive to

Ehrlichman on April 14, 1973, to have Dean prepare a plan to deal with the obstruction of justice allegations; (37) the President's decision on April 14, 1973 to state that Ehrlichman had conducted an investigation in the fact of Dean's allegation of March 21 of Ehrlichman's complicity in an obstruction of justice; (38) the President's failure to relay to Henry Petersen Dean's, Ehrlichman's and Haldeman's disclosures concerning their complicity in obstruction of justice and the President's furnishing to Petersen false and misleading information about his conversation with Dean on March 21; (39) the President's conduct following April 15 to pass on to those under investigation information furnished to the President by Petersen; (40) the President's directive to Ehrlichman on April 17, 1973 to give false testimony concerning Kalmbach's knowledge of the purpose of the payments to the Watergate defendants; (41) the President's decision on April 25 and 26, 1973 to give Haldeman access to tape recordings of presidential conversations in the face of Petersen's repeated warnings that Haldeman was a suspect; (42) the President's characterization on April 30, 1973 of Haldeman and Ehrlichman as two of the finest public servants he had known; (43) the President's decision on or about May 22, 1973 to waive executive privilege as to testimony but not as to documents; (44) the President's failure to disclose the existence of the White House taping system in response to the Special Prosecutor's request for a tape of the President's April 15, 1973 conversation with Dean;

(45) the President's adoption on August 15, 1973, of Haldeman's false testimony before the SSC concerning the substance of the President's March 21 conversation with Dean; (46) the refusal of the President to cooperate in the investigations of Special Prosecutors Cox and Jaworski, even to the point of resisting subpoenas; (47) the President's directive to Cox not to challenge executive privilege in the courts and the discharge of Cox when he refused to comply with that directive; (48) the President's insistence on discharging Cox though it was in violation of a pledge made by the Attorney General to Congress and meant the resignation of Richardson and Ruckleshaus; (49) the refusal to comply with the subpoenas of this Committee; and (50) the President's decision to delete relevant passages from the edited transcripts published on April 30, 1974.

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President Ford's action is as surprising as I think it is unwise. Only two weeks ago, the president clearly indicated that he believed the judicial process should run its course with respect to Richard Nixon. By ~~practically~~ proudly proclaiming that America is a nation of laws, not men, I thought ~~the president acknowledged~~ that any premature use of his pardon power--prior to the resolution of charges-- would be a sad miscarriage of justice. The abrupt turnabout today is a blow to his credibility. The credibility of our legal system is also damaged by this frightening precedent. The central point of the Watergate scandal was the way in which power could manipulate the law. Nixon's resignation aborted the impeachment process, and the pardon now derails the courts' pursuit of the truth. But I am afraid President Ford has given us his answer to the question of whether a president is above the law (I don't think anyone disagrees with the principle that justice should be tempered with mercy, but hiding from the truth is not justice and providing pardon before charges are resolved prohibits us from knowing how much mercy has been shown)

Far from closing the book on Watergate and Richard Nixon's involvement, by pre=empting a final judgment the pardon condemns the nation to a history of speculation that threatens to be far more divisive than the search for the truth.