The original documents are located in Box 300, folder "Special Prosecutor" of the Ron Nessen Papers at the Gerald R. Ford Presidential Library.

October 12, 1974

STATEMENT BY RON NESSEN

The President has been notified of the resignation by Special Prosecutor Leon Jaworski, effective October 25, 1974. The resignation letter was addressed to Attorney General William Saxbe because the appointment of the Special Prosecutor is within the jurisdiction of the Attorney General who appointed Mr. Jaworski on November 5, 1973.

My understanding is that a replacement for Mr. Jaworski would be made by the Attorney General before the effective date of Mr. Jaworski's resignation. But it is my understanding that he would make his selection only after thorough consultation with the President and with the President's approval, because of the importance of the position involved.

The President, I am sure, feels very deep gratitude to Mr. Jaworski for his devoted service in office. He accepted appointment to his position at a very critical time and did so at extreme personal sacrifice to himself.

The Special Prosecutor noted that his resignation was coming when the bulk of the work entrusted to the Watergate Special Prosecution Force has been discharged. He also indicated that he would be available for consultations to his successor in the preparation of the final report of the Watergate Special Prosecution Force after preparation of that report has begun. Further, he has offered to continue counseling the Congress in order to reach a solution to the manner in which Former President Nixon's White House materials should be made subject to continued access for purposes of the remaining investigations and prosecutions.

RN- Doyle says announcement to be made at 11:00 A.M.

Tom

WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

October 12, 1974

Honorable William B. Saxbe
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear Mr. Saxbe:

With the prosecution of United States v. Mitchell, et al., now in progress under the guidance of Associate Special Prosecutor James F. Neal and his Assistants, the Watergate Special Prosecution Force is beginning to address itself to the completion of remaining investigations and to such prosecutions as are still to be conducted. The bulk of the work entrusted to the care of this office having been discharged, I am confident that such of our responsibilities as remain unfulfilled can well be completed under the leadership of another Special Prosecutor. A part of the unfinished matters relates to the area of "milk fund" investigations, and as to these, I filed a letter of recusal shortly after becoming Special Prosecutor. Accordingly, after serving since November 5 of last year in this office, I tender my resignation effective October 25, 1974.

By separate letter, I am forwarding to you an interim report giving a resume of the work of this office to date. In that letter, I am also submitting some additional observations relative to the work of the Special Prosecution Force.

When you testified at your nomination hearings, you made it clear that you did not intend to interfere with the operation of my office and that you would permit me to act independently and without hindrance. You abided by this assurance and I express to you my appreciation for having permitted me to proceed with my responsibilities as I saw them.

I would appreciate receiving from you a communication accepting this resignation effective on the date indicated.

Sincerely yours,

LEON JAWORSKI
Special Prosecutor

WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

October 12, 1974

Honorable William B. Saxbe
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear Mr. Saxbe:

Along with my letter of resignation, I beg to hand you herewith a copy of our latest interim report which reflects the principal activities of the Special Prosecutor's office to date.

Two of the results achieved relate to the mandate directed to this office to investigate allegations involving the President. Both are without precedent.

One is the extensive grand jury report on the involvement of Richard M. Nixon in Watergate cover-up activities, prepared for the grand jury by this office and sent to the House Judiciary Committee last March, after successful litigation through the trial and appellate courts. While the grand jury report, which presented the chain of evidence in detail, has not been published, I am informed that it served as a major guide for the staff and members of the Committee in the development of the presentation leading to the Articles of Impeachment.

The second involved the successful litigation of a trial subpoena for tape recorded evidence in the hands of the President of the United States. The Supreme Court's unanimous decision supporting the subpoena of the Special Prosecutor compelled the former President to release, among others, the tape recording of June 23, 1973, which served as a forerunner to his resignation.

Although not appropriate for comment until after the sequestering of the jury in United States v. Mitchell, et al., in view of suggestions that an indictment be returned against former President Richard M. Nixon questioning the validity of the pardon granted him, I think it proper that I express to you my views on this subject to dispel any thought that there may be some relation between my resignation and that issue.

As you realize, one of my responsibilities, not only as an officer of the court, but as a prosecutor as well, is not to take a position in which I lack faith or which my judgment dictates is not supported by probable cause. The provision in the Constitution investing the President with the right to grant pardons, and the recognition by the United States Supreme Court that a pardon may be granted prior to the filing of charges are so clear, in my opinion, as not to admit of doubt. Philip Lacovara, then Counsel to the Special Prosecutor, by written memorandum on file in this office, came to the same conclusion, pointing out that:

> "...the pardon power can be exercised at any time after a federal crime has been committed and it is not necessary that there be any criminal proceedings pending. In fact, the pardon power has been used frequently to relieve federal offenders of criminal liability and other penalties and disabilities attaching to their offenses even where no criminal proceedings against the individual are contemplated."

I have also concluded, after thorough study, that there is nothing in the charter and guidelines appertaining to the office of the Special Prosecutor that impairs or curtails the President's free exercise of the constitutional right of pardon.

I was co-architect along with Acting Attorney General Robert Bork, of the provisions some theorists now point to as inhibiting the constitutional pardoning power of the President. The additional safeguards of independence on which I insisted and which Mr. Bork, on former President Nixon's authority, was willing to grant were solely for purposes of limiting the grounds on which my discharge could be based and not for the purpose of enlarging on the jurisdiction of the Special Prosecutor.

Hearings held by the Senate Judiciary Committee subsequent to my appointment make it clear that my jurisdiction as Special Prosecutor was to be no different from that possessed by my predecessor.

There was considerable concern expressed by some Senators that Acting Attorney General Bork, by supplemental order, inadvertently had limited the jurisdiction that previously existed. The hearings fully developed the concept that the thrust of the new provisions giving me the aid of the Congressional "consensus" committee were to insulate me from groundless efforts to terminate my employment or to limit the jurisdiction that existed. It was made clear, however, that there was no "redefining" of the jurisdiction of the Special Prosecutor as it existed from the beginning. There emerged from these hearings the definite understanding that in no sense were the additional provisions inserted in the Special Prosecutor's Charter for the purpose of either enlarging or diminishing his jurisdiction. I did stress, as I argued in the Supreme Court in U. S. v. Nixon, that I was given the verbal assurance that I could bring suit against the President to enforce subpoena rights, a point upheld by the Court. This, of course, has no bearing on the pardoning power.

I cannot escape the conclusion, therefore, that additional provisions to the Charter do not subordinate the constitutional pardoning power to the Special Prosecutor's jurisdictional rights. For me now to contend otherwise would not only be contrary to the interpretation agreed upon in Congressional hearings -- it also would be, on my part, intellectually dishonest.

Thus, in the light of these conclusions, for me to procure an indictment of Richard M. Nixon for the sole purpose of generating a purported court test on the legality of the pardon, would constitute a spurious proceeding in which I had no faith; in fact, it would be tantamount to unprofessional conduct and violative of my responsibility as prosecutor and officer of the court.

Perhaps one of the more important functions yet to be discharged relates to our final report. It is contemplated that this report will be as all-encompassing as the authority granted this office permits, consistent with the prosecutorial function as delineated by the American Bar Association Standards for Criminal Justice. While this report will be cast in final form subsequent to my term as Special Prosecutor, I will be available to the authors for such contributions and consultations as they deem advantageous.

You are aware, of course, of the position this office has taken regarding access to former President Nixon's White House materials for all remaining investigations and prosecutions. Legislation now pending, if enacted, will solve the problem. If not enacted, I shall continue to be available, to whatever extent my successor desires, for counseling on reaching a solution to this problem so that all relevant materials will be forthcoming.

My Deputy, Henry Ruth, and most of the other members of the staff have worked together since the creation of the office. Mr. Ruth has a familiarity with all matters still under investigation as well as those still to be tried. He has been in charge of all "milk fund" matters, in view of my recusal. I trust that you will not mind my offering the suggestion that he be given consideration to serve as my successor, thus permitting the unfinished matters to continue without interruption.

Sincerely,

LEON JAWORSKI
Special Prosecutor

WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

STATUS REPORT

October 7, 1974

Watergate Special Prosecution Force Status Report

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(Information updated through 10/1/74)

LIST OF COURT ACTIONS BY OFFICE
OF WATERGATE SPECIAL PROSECUTOR
JUNE 27, 1973 - OCTOBER 1, 1974

INDIVIDUALS

Subject	Status
Frederick C. LaRue	Pleaded guilty on June 27, 1973, to an information charging violation of 18 USC Section 371, Conspiracy to Obstruct Justice. Sentencing deferred.
Jeb S. Magruder	Pleaded guilty on August 16, 1973, to an information charging violation of 18 USC Section 371, Conspiracy to Obstruct Justice and Defraud the United States of America. Sentenced on May 21 to a prison term of 10 months to four years. Sentence being served at U.S. Bureau of Prisons Camp, Allenwood, Pa.
Donald Segretti	Pleaded guilty on October 1, 1973, to an indictment charging one count of violation of 18 USC Section 612, Distribution of Illegal Campaign Literature. Defendant was sentenced on November 5, 1973, to serve six months in prison. Released March 25, 1974.
Egil Krogh, Jr.	Indicted on October 11, 1973, on two counts of violation of 18 USC Section 1623, Making False Declaration before Grand Jury or Court. Indictment dismissed, January 24, 1974.
	Pleaded guilty on November 30, 1973, to an information charging violation of 18 USC Section 241, Conspiracy Against Rights of Citizens. On January 24, 1974, Judge Gerhard Gesell sentenced Krogh to a prison term of two to six years. All but six months of

	The prison term were suspended. Released June 21, 1974.
John W. Dean III	Pleaded guilty on October 19, 1973, to an information charging one count of violation of 18 USC Section 371, Conspiracy to Obstruct Justice and Defraud the United States of America. Sentenced August 2, 1974, to a prison term of one to four years.
Dwight L. Chapin	Indicted on November 29, 1973, on four counts of violation of 18 USC Section 1623, Making False Declaration before Grand Jury or Court. Found guilty on two counts, April 5, 1974. Sentenced May 15 to serve 10 to 30 months in prison. Conviction appealed.
Herbert L. Porter	Pleaded guilty on January 28, 1974, to an information charging a one-count violation on 18 USC Section 1001, Making False Statements to Agents of the FBI. Information filed January 21, 1974. Sentenced on April 11, 1974, to a minimum of five months and maximum of 15 months in prison, all but 30 days suspended. Released May 23.
Jake Jacobsen	Indicted on February 21, 1974, on one count of violation of 18 USC Section 1623, Making False Declaration to Grand Jury or Court. Indictment dismissed May 3, 1974. Indicted July 29, 1974, on one count of making an illegal payment to a public official. Pleaded guilty August 7, 1974. Sentencing deferred.
Herbert W. Kalmbach	Pleaded guilty on February 25, 1974, to charges of violation of the Federal Corrupt Practices Act (2 USC Sections 242a and 252b) and a charge of promising federal employment as reward for political activity and for support of a

	candidate (18 USC Section 600). Sentenced to serve six to eighteen months in prison and fined $10,000.
Charles W. Colson	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371) and one count of Obstruction of justice (18 USC Section 1503). Indictment dismissed.
	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Indictment dismissed.
	Pleaded guilty on June 3, 1974, to one count of obstruction of justice, 18 USC Section 1503. Sentenced to serve one to three years in prison and fined $5,000.
Harry R. Haldeman	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of Justice (18 USC Section 1503) and three counts of perjury (18 USC Section 1621). Trial in progress.
John Ehrlichman	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503), one count of making false statements to agents of the FBI (18 USC Section 1001), and two counts of making a false statement to a Grand Jury or Court (18 USC Section 1623). Trial in progress.
	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241), one count of making a false statement to agents of the FBI (18 USC Section 1001), and three counts of making a false declaration to a Grand Jury or Court (18 USC Section 1623).

	On July 12, 1974, Ehrlichman was found guilty on all charges, except on count of making a false declaration before a Grand Jury. On July 22, Judge Gerhard Gesell set aside Ehrlichman's conviction on the Section 1001 charge. On July 31, 1974, he was sentenced to a prison term of 20 months to five years on all counts.
John Mitchell	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503), two counts of making a false declaration to a Grand Jury or Court (18 USC Section 1623), one count of perjury (18 USC Section 1621), and one count of making a false statement to an agent of the FBI (18 USC Section 1001). Trial in progress.
Gordon Strachan	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371), one count of obstruction of justice (18 USC Section 1503) and one count of making a false statement to a Grand Jury or Court (18 USC Section 1623). (Case severed.)
Kenneth W. Parkinson	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371) and one count of obstruction of justice (18 USC Section 1503). Trial in progress.
Robert C. Mardian	Indicted on March 1, 1974, on one count of conspiracy (18 USC Section 371). Trial in progress.
Bernard L. Barker	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC

	Section 241). Found guilty July 12, 1974. Suspended sentence. Three years probation.
Eugenio Martinez	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Found guilty July 12, 1974. Suspended sentence. Three years probation.
Felipe De Diego	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Indictment dismissed May 21, 1974. Action under appeal.
G. Gordon Liddy	Indicted on March 7, 1974, on one count of conspiracy against rights of citizens (18 USC Section 241). Found guilty July 12, 1974. One to three year sentence to run concurrent with other sentence.
	Indicted on March 7, 1974, on two counts of refusal to testify or produce papers before either House of Congress. Found guilty on both counts May 10, 1974. Sentenced to six months on each count, sentences to run concurrently. Sentences suspended.
Howard Edwin Reinecke	Indicted April 3, 1974, on three counts of perjury (18 USC Section 1621). Arraigned April 10, 1974. Found guilty on one count, July 27, 1974. Received suspended 18-month sentence October 2, 1974.
Richard G. Kleindienst	Pleaded guilty on March 16, 1974, to an information charging violation of 18 USC Section 192. Sentenced to prison term of 30 days and fined $100. Prison term and sentence suspended.
John B. Connally	Indicted on July 29, 1974, on two counts of accepting an illegal payment, one count of

	conspiracy to commit perjury and obstruct justice and two counts of making a false declaration before a Grand Jury. Pleaded not guilty August 9, 1974.
Harry Heltzer (Chairman of the Board, Minnesota Mining and Manufacturing Co.)	Pleaded guilty on October 17, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $500.
Russell DeYoung (Chairman of the Board, Goodyear Tire and Rubber Co.)	Pleaded guilty on October 17, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fine $1,000.
Dwayne O. Andreas (Chairman of the Board, First Interoceanic Corporation)	An information was filed on October 19, 1973, in Minneapolis, charging four counts of non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. A plea of not guilty was entered on behalf of Mr. Andreas. Acquitted July 12, 1974.
Harding L. Lawrence (Chairman of the Board, Braniff Airways)	Pleaded guilty on November 12, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.
Claude C. Wild Jr. (former Vice President, Gulf Oil Corp.)	Pleaded guilty on November 13, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.
Orin E. Atkins (Chairman of the Board, Ashland Oil Inc.)	Pleaded no contest on November 13, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.
William W. Keeler (Chairman of the Board, Phillips Petroleum Co.)	Pleaded guilty on December 4, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.

H. Everett Olson (Chairman of the Board, Carnation Company)	Pleaded guilty on December 19, 1973, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.
Ray Dubrowin (Vice President, Diamond International Corp.)	Pleaded guilty on March 7, 1974, to an information charging a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $1,000.
George M. Steinbrenner (Chairman of the Board, American Shipbuilding Co.)	Indicted April 5, 1974, on one count of conspiracy (18 USC Section 371); five counts willful violation of 18 USC Section 610, illegal campaign contribution; two counts, aiding and abetting an individual to make a false statement to agents of the FBI (18 USC Section 1001); four counts obstruction of justice (18 USC Section 1503) and two counts obstruction of a criminal investigation (18 USC Section 1510).
	On August 23, Steinbrenner pleaded guilty to one count of conspiracy to violate 18 USC Section 610 and one count of being an accessory after the fact to an illegal campaign contribution. He was fined $15,000.
John H. Melcher Jr. (Executive Vice President, Counsel, American Shipbuilding Co.)	Pleaded guilty on April 11, 1974, to a charge of being an accessory after the fact to a violation of 18 USC Section 610, Illegal Campaign Contribution. 18 USC Sections 3 and 610. Fined $2,500.
Thomas V. Jones (Chairman of the Board, Northrop Corporation)	Pleaded guilty on May 1, 1974, to an information charging violation of 18 USC Sections 2 and 611, aiding and abetting firm to commit violation of statue prohibiting campaign contributions by government contractors. Fined $5,000.

James Allen (Vice President, Northrop Corporation)	Pleaded guilty on May 1, 1974, to an information charging violation of 18 USC Section 610, illegal campaign contribution. Fined $1,000.
Robert L. Allison	Pleaded guilty on May 17, 1974, to a non-willful violation of 18 USC Section 610, Illegal Campaign Contribution. One month unsupervised probation and suspended $1,000 fine.
Francis X. Carroll	Pleaded guilty May 28 to a charge of aiding and abetting an individual to commit violation of 18 USC Section 610, Illegal Campaign Contribution. Received suspended sentence.
David L. Parr	Pleaded guilty on July 23, 1974, to a one-count information charging conspiracy to violate Title 18, USC, Section 610, illegal campaign contribution. Sentencing deferred pending pre-sentence report.
John Valentine	An information was filed on July 30, 1974, charging a one-count violation of Title 18, USC, Sections 2 and 610, aiding and abetting an illegal campaign contribution. A guilty plea was entered on August 12. Sentencing postponed.
Norman Sherman	An information was filed on July 30, 1974, charging a one-count violation of Title 18, USC, Sections 2 and 610, aiding and abetting an illegal campaign contribution. A guilty plea was entered on August 12. Sentencing postponed.

Harold S. Nelson	Pleaded guilty on July 31, 1974, to a one-count information charging conspiracy to violate Title 18, USC, Section 610, illegal campaign contribution. Sentencing deferred pending pre-sentence report.
William Lyles Sr. (Chairman of the Board and President, LBC & W Inc.)	Pleaded guilty on September 17, 1974, to two counts of non-willful violation of 18 USC, Section 610, illegal campaign contribution. He was fined $2,000.

CORPORATIONS

American Airlines	Pleaded guilty on October 17, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
Minnesota Mining and Manufacturing Co.	Pleaded guilty on October 17, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $3,000.
Goodyear Tire and Rubber Company	Pleaded guilty on October 17, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
First Interoceanic Corp.	An information was filed on October 19, 1973, in Minneapolis, charging a four-count violation of 18 USC Section 610, Illegal Campaign Contribution. Corporation entered a plea of not guilty to charge. Acquitted July 12, 1974.
Braniff Airways	Pleaded guilty on November 12, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.

Gulf Oil Corp.	Pleaded guilty on November 13, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
Ashland Petroleum Gabon Inc.	Pleaded guilty on November 13, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
Phillips Petroleum Co.	Pleaded guilty on December 4, 1973, to an information charging a violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
Carnation Company	Pleaded guilty on December 19, 1973, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
Diamond International Corporation	Pleaded guilty on March 7, 1974, to an information charging violation of 18 USC Section 610, Illegal Campaign Contribution. Fined $5,000.
American Shipbuilding Company	Indicted April 5, 1974, on one count conspiracy (18 USC Section 371) and one count violation of 18 USC Section 610, Illegal Campaign Contribution. Pleaded guilty on August 23, 1974, to counts one and seven of the indictment and was fined $20,000.
Northrop Corporation	Pleaded guilty on May 1, 1974, to a charge of violation of 18 USC Section 611, Illegal Campaign Contribution of Government Contractor. Fined $5,000.
Lehigh Valley Cooperative Farmers	Pleaded guilty on May 6, 1974, to an information charging violation of 18 USC Section, Illegal Campaign Contribution. Fined $5,000.

Associated Milk Producers Inc.	Pleaded guilty on August 2, 1974, to one count of conspiracy and five counts of making an illegal and willful campaign contribution. Fined $35,000.
LBC & W Inc.	Pleaded guilty on September 17, 1974, to one count of violation of 18 USC Section 611, Illegal campaign contribution by government contractor. Fined $5,000.
Greyhound Corporation	An information was filed on October 2, 1974, charging a one-count violation of 18 USC Section 610, illegal campaign contribution. No plea taken at filing.

APPELLATE MATTERS UNDER THE JURISDICTION OF THE SPECIAL PROSECUTOR

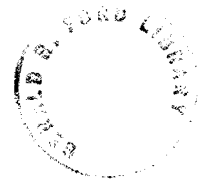
The Special Prosecutor's Office has represented the United States in the following matters before the U.S. Court of Appeals:

Nixon v. Sirica (73-1962)
U.S. v. Sirica (73-1967)

These matters refer to the Writ of Mandamus filed with the U.S. Court of Appeals following Judge John J. Sirica's decision on August 29, 1973, ordering the President to turn over subpoenaed tapes to the Special Prosecutor. Denied October 12, 1973.

Haldeman v. Sirica (74-1364)
Strachan v. Sirica (74-1368)

A petition for a Writ of Mandamus was filed by attorneys for Haldeman and Strachan after March 18, 1974, decision by Judge Sirica to permit transfer of Grand Jury report to House Judiciary Committee investigation of impeachment of President Nixon. Petition denied March 21, 1974.



Mitchell v. Sirica (74-1492)

Motion of defendants to recuse Judge John J. Sirica from presiding at trial of defendants in U.S. v. Mitchell et al. Motion denied by Sirica and confirmed by Court of Appeals on June 7, 1974. Supreme Court denied petition for a writ of certiorari on July 26.

U.S. v. Chapin

Appeal of conviction in U.S. District Court. Government briefs due September 4, 1974.

In Re: Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon v. Richard M. Nixon, Appellant (74-1618 & 74-1753)

The Special Prosecutor's Office originally received 33 minutes of the September 15, 1972, tape of a conversation in the President's EOB office between the President, Haldeman and Dean. On June 3, 1974, the Special Prosecutor requested an additional 17 minutes of this taped conversation. On June 7, Judge John J. Sirica signed an order providing access to the additional 17 minutes.

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The Special Prosecutor's office represented the United States in the following matter before the United States Supreme Court:

U.S. v. Nixon (73-1766)

On May 24, the White House filed notice of appeal with the U.S. Court of Appeals asking the court to overturn Judge John J. Sirica's May 20 ruling ordering the White House to turn over tapes and documents contained in a trial subpoena issued on April 16. On May 24, after the notice of appeal was filed, the Special Prosecutor applied to the U.S. Supreme Court for a Writ of Certiorari. The court granted the writ on May 31 and heard arguments on July 8. On July 24, 1974, the Supreme Court upheld the District Court order by a vote of 8-0.

GRAND JURY DECISION TO REQUEST COURT TO TURN OVER DOCUMENTS TO HOUSE JUDICIARY COMMITTEE INVESTIGATION OF PRESIDENT NIXON

On March 1, 1974, the Watergate Grand Jury handed up an indictment naming as defendants John Mitchell, Charles W. Colson, Harry R. Haldeman, John Ehrlichman, Gordon Strachan, Kenneth W. Parkinson and Robert C. Mardian. With the indictment the Grand Jury presented to Judge Sirica a briefcase containing material which the Grand Jury considered pertinent to the impeachment inquiry being conducted by the House Judiciary Committee. The Grand Jury requested that the material be turned over to the impeachment inquiry. The following is a chronology of events leading to the eventual transfer of the material to the House Judiciary Committee:

March 6, 1974	Hearing before Judge Sirica on objections to transfer of materials to House Judiciary Committee
March 18, 1974	Sirica announces decision to permit transfer of material
March 20, 1974	Attorneys for H.R. Haldeman and Gordon Strachan file petition for Writ of Mandamus with U.S. Court of Appeals
March 21, 1974	U.S. Court of Appeals holds hearing on Haldeman's petition. Rules later in the day to deny petition
March 25, 1974	Materials transferred to the House Judiciary Committee

JULY 23, 1973, SUBPOENA OF PRESIDENTIAL TAPES

On July 18, 1973, one day after Alexander H. Butterfield testified before the Senate Select Committee on Presidential Campaign Activities on the existence of a Presidential taping system in the White House, the Special Prosecutor wrote to White House counsel J. Fred Buzhardt requesting tapes for use in the investigation being conducted by this office.

After receiving a letter from the President's counsel, Charles Alan Wright, refusing to turn over these tapes, the Special Prosecutor announced on July 23 that he would subpoena tapes and other documents needed for use by the Grand Jury investigating the Watergate cover-up. A subpoena was issued later that day. On July 26, President Nixon wrote to Judge John J. Sirica refusing to produce the tapes. The Special Prosecutor then filed a motion for an order to show cause why the tapes should not be produced. Oral arguments were heard on August 22 and and a District Court decision ordering in camera inspection of the tapes was issued on August 29. On September 6 the White House filed a petition for Writ of Mandamus with the U.S. Court of Appeals. A cross petition was filed by the Special Prosecutor on September 7. Oral arguments were heard September 11. The Court issued a decision on October 12 ordering the President to produce the tapes. On October 23 the White House informed Judge Sirica it would comply with the order. The tapes were turned over to the judge on November 26.

EXAMINATION OF JUNE 20, 1972, WHITE HOUSE TAPE BY PANEL OF EXPERTS APPOINTED BY U.S. DISTRICT COURT

On November 21, 1973, Judge John J. Sirica appointed a panel of scientific experts to examine tapes and other recordings of Presidential conversations turned over to him under the July 23, 1973, subpoena issued by the Special Prosecutor. The panel issued its preliminary findings on its examination of the June 20, 1972, tape, on January 15, 1974. It issued its final report on May 3, 1974. Judge Sirica made this report public on June 4, 1974.

Representatives of the Special Prosecutor's Office and the White House were present during many of the panel's testing sessions.

Members of the panel include:

Dr. Richard H. Bolt, Cambridge, Massachusetts
Mark Weiss, New York, New York
Tom Stockham, Salt Lake City, Utah
James Flanigan, Murreyhill, New Jersey
Dr. Franklin Cooper, New Haven, Connecticut
Jay McKnight, Palo Alto, California

MARCH 15, 1974
SUBPOENA OF WHITE
HOUSE DOCUMENTS

On March 15, 1974, the Special Prosecutor issued a subpoena directing the White House to turn over specified documents for use by the August 13, 1973 Grand Jury. The subpoena was returnable March 25. The documents subpoenaed were described as being "a limited number pertaining to a limited area of the Special Prosecutor's investigation." On March 25, White House counsel requested and received an extension of four days in which to comply with the subpoena. On March 29, documents were received by the Special Prosecutor and later turned over to the Grand Jury.

APRIL 16, 1974 REQUEST
FOR TRIAL SUBPOENA FOR
SEPTEMBER 9 WATERGATE
COVER-UP TRIAL

On April 16, 1974, the Watergate Special Prosecutor filed a motion requesting an order directing the issuance of a subpoena for tapes and other documents required for the September 9 trial in U.S. v. Mitchell et al. District Court Judge John Sirica signed the order on April 18 and set May 1 as the return date. On May 1, President Nixon informed Judge Sirica he would not turn over the tapes and documents. Attorneys for the President filed a motion to quash the subpoena. At a hearing on May 2, Judge Sirica asked the Special Prosecutor's office to file briefs on the matter on May 6 and scheduled a hearing for May 8. On May 6, White House counsel and the Special Prosecutor requested an extension of time in which to file briefs. Judge Sirica announced he was granting the extension and listed "discussions leading to possible compliance with the subpoena" as the reason for granting the extension. The White House counsel announced the following day, however, that there would be no voluntary compliance with the subpoena.

On May 10, the Special Prosecutor's brief was filed with the court under seal. A hearing was held on the matter, in camera, on May 13. On May 20, Judge Sirica ordered the White House to turn over subpoenaed tapes. On May 24, the White House filed notice of appeal with the U.S. Court of Appeals. That afternoon, the Special Prosecutor applied to the U.S. Supreme Court for a Writ of Certiorari. This writ was granted on May 31. Arguments were heard July 8.

Briefs were filed on June 21. The White House filed a cross petition for Writ of Certiorari on June 6. This application was made public on June 11 and granted by the Court on June 15. In a related matter, the White House filed a motion with the U.S. District Court on June 6, asking the court to lift its protective order on briefs and in camera hearings concerning the April 16 subpoena. Sirica lifted his protective order on June 7. On June 10, the Special Prosecutor, with the concurrence of the White House, filed a motion with the Supreme Court, requesting the court to unseal these matters. On June 15, one paragraph from the Special Prosecutor's brief was made public. On July 24, 1974, the Supreme Court handed down its decision upholding the lower court order. A hearing was held by Judge John J. Sirica on July 26 on a motion by the Special Prosecutor requesting expedited delivery of the tapes. The first tapes were turned over to Judge Sirica on July 29. Additional tapes were turned over on August 2. The remaining tapes were to be turned over to Judge Sirica for in camera inspection on August 7.

FEDERAL GRAND JURIES INVESTIGATING WATERGATE BREAK-IN, COVER-UP AND OTHER MATTERS UNDER THE JURISDICTION OF THE SPECIAL PROSECUTOR

I. Grand Jury empanelled on June 5, 1972. This Grand Jury was due to expire on December 1, 1973, but was extended up to one year by Congressional authorization. This extension, contained in Public Law 93-172, was approved by the President on November 30, 1973. This grand jury is investigating Watergate break-in and cover-up. On May 31, 1974, Chief Judge George Hart granted an application by the Special Prosecutor, on behalf of the Grand Jury, to extend its life until December 4, 1974.

II. Grand Jury empanelled on August 13, 1973. This grand jury is investigating other matters arising out of the Special Prosecutor's jurisdiction (campaign contributions, political espionage, plumbers and ITT)

III. Grand Jury empanelled on January 7, 1974. This grand jury will investigate matters similar to those under investigation by the second grand jury.

All three grand juries are under the general jurisdiction of the U.S. District Court, Washington, D.C.

The Watergate Special Prosecution Force was established by Order No. 517-73 of the Attorney General on May 25, 1973. The Office of the Special Prosecutor was re-established by Order No. 551-73 of the Attorney General on November 2, 1973. Archibald Cox of Cambridge, Massachusetts, served as Special Prosecutor from May 25 to October 20, 1973. The incumbent, Leon Jaworski of Houston, Texas, became Special Prosecutor on November 5, 1973.

The decision to establish the Office of the Special Prosecutor came as a result of hearings before the Senate Judiciary Committee on the nomination of Elliot L. Richardson to be Attorney General on May 9, 10, 14, 15, 21 and 22, 1973.

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HOLD FOR RELEASE SUNDAY, AUGUST 3

ISSUES AND ANSWERS

SUNDAY, AUGUST 3, 1975

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GUESTS:

LEON JAWORSKI - Former Special Watergate Prosecutor

JUDGE LAWRENCE E. WALSH - President Elect,
American Bar Association

INTERVIEWED BY:

Bob Clark - ABC News Issues and Answers Chief Correspondent

Sam Donaldson - ABC News Capitol Hill Correspondent

Highlights

Mr. Jaworski:

1. Announced special watergate report would be released in its entirety.
2. Stated White House tapes must be made available for prosecution.
3. Comments on the missing tapes
4. Gives his opinion on the importance of plea bargaining.

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This is a rush transcript for the press. Any questions regarding accuracy should be referred to ISSUES AND ANSWERS

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THE ANNOUNCER: Former Special Watergate Prosecutor, Leon Jaworski, who has been awarded the American Bar Association's highest award as a distinguished lawyer, inspired leader and dedicated public servant;

President-elect of the American Bar Association, Judge Lawrence E. Walsh, will take office at the ABA's 98th annual meeting in Montreal later this week.

Two of the nation's top legal experts, here are the issues:

Should Congress create a permanent Special Prosecutor to guard against future Watergates?

Are Judges afraid to enforce the law against criminals as Attorney General Levy has said?

Who owns the tapes and documents of President Nixon's years in the White House?

From Washington, D. C., ISSUES AND ANSWERS Chief Correspondent, Bob Clark.

MR. CLARK: Our guests today are Leon Jaworski, who is the Special Watergate Prosecutor and Lawrence Walsh, the incoming President of the American Bar Association.

With me is ABC Congressional Correspondent, Sam Donaldson.

The resignation of President Nixon just a year ago brought the Watergate investigation to a dramatic climax. Is it time now, after the passage of a year, for the Special Prosecutor's Office to close down, turn over the loose ends to the Justice Department in September as your successor as Special Prosecutor, Henry Ruth, has proposed to do?

MR. JAWORSKI: Yes, sir, I think so. I'd like to see it done at the end of September. I believe the timing is right and I believe that the job has been done. There are a few things that still need to be cleaned up but they are relatively few.

MR. CLARK: You say a few things that need to be cleaned up. Can you be more precise?

MR. JAWORSKI: I mean you still have some cases on appeal. You still have some few charges that perhaps may be brought, but they are relatively minor.

MR. DONALDSON: Judge Walsh, do you think we need a permanent Prosecutor or public attorney to perform the work permanently of oversight of the ExecutiveBranch that Leon Jaworski, Archibald Cox and Henry Ruth have performed?

JUDGE WALSH: No, I think once an office becomes permanent it loses much of the value of theSpecial Prosecutor. I think the fact that when such a prosecutor is needed that he comes in fresh and brings his new staff with him. That gives the Special Prosecutorship much of its value.

MR. DONALDSON: Yes, but how do you get one then? Looking at the history of how this office was established that Mr. Jaworski filled, it was almost by a fluke. There was the Richardson nomination and as a part of confirming Elliott Richardson as Attorney General, the Senate required this establishment of a Special Prosecutor.

In other words, if you don't have an administration over the barrel, that is, suspected of being corrupt, how do you get it established?

JUDGE WALSH: Well, one of the good things about this country is, somehow it gets done. Now, it may be a fluke, it may be something we can't foresee with precision, but if there is corruption and if it reaches the scale of magnitude that is sufficient and if the Department of Justice is embarrassed, then I have no doubt that it will be done somehow, and it is worth taking that risk in order to have a fresh, new office created at that time.

MR. CLARK: And Mr. Jaworski, you expressed your opposition to the creation of a permanent Special Prosecutor's Office in testimony before a Senate Committee this week and one of those who argued with you on the point was Senator Weicker, and let me quote a line that he used. He said, "I don't think the job --" in effect, as performed by the Special Prosecutor in Watergate and any similar abuses -- "can be left up to the Attorney General because it has been proven he can be as corruptible as any crook in the country."

How do you insulate the Justice Department from outside political pressures?

MR. JAWORSKI: Insulating the Justice Department, I assume is no different from the insulation that I received when I became the Special Prosecutor. I think the key to it is, independence, of course. But you must remember I was given that independence largely through congressional help and the leadership in Congress would have to, by consensus, agree before I could be discharged unless I was

guilty of some act of extraordinary impropriety.

I think that is the key to it and if it can be done once it seems to me it can be done again.

MR. CLARK: One point that was made as you testified by some Senators on the committee is that the Senate should simply in the future refuse to confirm anyone as Attorney General who has a political background. What would you think of that idea?

MR. JAWORSKI: Well, I don't know that I would go that far. It certainly is worth thinking about and I believe it has validity, but I would dislike to see some who might make outstanding Attorney Generals who may have had some political background just automatically ruled out because of that political experience.

On the other hand, I would like to see the office completely removed from politics.

MR. DONALDSON: Well, Judge Walsh and Mr. Jaworski, how about simply taking the Attorney Generalship out of the Cabinet and making the Justice Department a separate division of our government in the sense that it is not under the executive Branch and thePresident's wing?

JUDGE WALSH: It seems to me the Attorney General's relationship with the President is too important to both of them to do that. The Attorney General's strength comes from his Cabinet position in part, and it is the support of the President that he needs.

It seems to me that a less drastic suggestion might be a period of disqualification from political activity after leaving the Attorney General's Office, so that we

can't have the repetition of an Attorney General moving into a campaign chairmanship. That might be a more moderate form of insulation.

MR. CLARK: That could have kept Bobby Kennedy from running for President in 1964 if he had wanted to.

JUDGE WALSH: It might do that and it would have kept Mr. Mitchell from becoming President Nixon's campaign chairman in '72.

MR. DONALDSON: You like the idea of maintaining a Justice Department in the Cabinet?

MR. JAWORSKI: I do. I think it belongs there.

MR. CLARK: And Mr. Jaworski, the question that you heard at the opening of the show, who does own the White House tapes?

MR. JAWORSKI: Well, of course, first I would assume that the proper premise would be to say that the White House tapes and the documents must be made available for investigations that are needed; until the investigations have run the full course they should be made available.

Now, once I have said that, I don't see very much reason why they shouldn't be also made available to the President or the former President for the writing of his memoirs. I am not so sure even that he shouldn't have control over them, once the investigations have been concluded.

MR. CLARK: But something short of full ownership?

MR. JAWORSKI: Well, full ownership does raise a question, but I say certainly they ought to be under his control and in my guess he probably would want to place

them somewhere in time. Some of them I don't think he would want to place anywhere.

MR. DONALDSON: Mr. Jaworski, when you were the Special Prosecutor, you made a commitment that at the end of all of these investigations the full story would be written, there would be a report, but it would appear that Mr. Ruth is not going to include everything in his report. What do you think about that?

MR. JAWORSKI: I think he is going to include everything that is proper for a prosecutor to comment upon. There may have been some investigations that did not lead to the filing of charges and I think it would be improper for him to comment on those and I think he feels the same way about it.

Now, I am working with him on this report because there are some phases of it that belong in my area of concern and area of activity and others just don't know the story on it and to whatever extent I can be of assistance I will be.

MR. CLARK: Do you envision a report of the sort that we got from the Rockefeller Commission on the CIA that would have some passages made public and others would remain confidential?

MR. JAWORSKI: I envision that this one would be made public in its entirety.

MR. CLARK: And when we talk about loose ends, one of the things that has disturbed some people and the bit of those White House tapes that got the most notoriety during the

great Watergate crisis, the missing portion of the tape, whether it was erased or not. that question is still dangling. Never answered. Is that going to be answered in the report or should it be?

MR. JAWORSKI: As I understand it, the issue has not been closed. I understand an investigation is still in progress so I really don't know what the outcome of that will be.

MR. CLARK: Do you personally today know what the answer is?

MR. JAWORSKI: No, I don't. I have a fairly strong suspicion but you don't indict on the basis of suspicions.

MR. CLARK: Is there a suspicion you would make on a television program?

MR. JAWORSKI: No, sir.

MR. DONALDSON: Is there a suspicision that you think eventually we will be able to find the facts on and indictments will flow from it?

MR. JAWORSKI: I have no way of knowing that. It could, but I don't think so.

I will say this, that we do know that there ware anywhere from seven perhaps to nine segments of starting and stopping so we know it wasn't accidental because this has been testified to in court by some of the outstanding experts of thenation and the question is, who did it.

MR. DONALDSON: There were only three or four people who had access to those tapes during that critical time. Is that not correct? One of them being the former President,

the secretary, Rose Mary Woods, and a couple of aides.

MR. JAWORSKI: You see, that is at least two too many people when you think in terms of an indictment.

MR. CLARK: Judge Walsh, we want to ask you about the one productive act by Congress that has occumed in the year since the climax to Watergate investigation and that is the passage of some new campaign laws.

Are they in your view strong enough to end the sort of Watergate abuses we saw in the area of campaign contributions?

JUDGE WALSH: It seems to me they are going to help. I doubt that any law can give assurance of a complete end of this problem, but I think there will be benefits.

MR. CLARK: Mr. Jaworski has already expressed himself on this in Senate hearings. He thinks, as I understand it, there should be tougher enforcement of these new campaign laws even at the point of severe sentences for violators. That we let some off rather easily this last time.

Do you share that feeling, that they should be rigidly enforced and with stiff sentences?

MR. JAWORSKI: Yes. It seems now everybody is on notice. Anybody who drifted into difficulties because of a casual approach to election laws in the past is on notice that they are going to be enforced and therefore there is no reason now for leniency in this area any more than any other area.

MR. DONALDSON: While we are talking of leniency and the lack thereof, Mr. Jaworski, may I take issue with this, but

let me give you a proposition for you to comment on. In the whole Watergate investigation and the trials that occurred and the sentences that were meted out, it was the Cubans who broke into the Watergate originally who somehow come out with the tough sentences and as you climb higher on that ladder of social and government responsibility you find the sentences were lighter and lighter and in some cases mere raps on the knuckles. Is that equal justice?

JUDGE WALSH: I think any time we get into a discussion of comparative sentences we get into difficulty in making simple answers. The facts as to each case differ and I am sure that if the initial defendants received inordinately high sentences there is still time to rectify that through clemency or otherwise.

The Judge, in imposing sentence, has undoubtedly many things in mind, including the hope of getting help for the prosecution and thatmay explain part of it.

MR. DONALDSON: I suppose I am also asking the obvious question: Which is the greater crime, breaking and entering, or subversion of the constitutional system?

JUDGE WALSH: Well, when you put it in that form, it is easy to answer. Subversion of the constitutional system would be as great or greater than most crimes and I don't think that --

MR. DONALDSON: Well, have we learned that lesson?

JUDGE WALSH: I would hope so.

MR. CLARK: To talk a bit more about this whole problem of equal justice and the extent to which it may be

be affected by plea bargaining which favors one defendant over another, but we have to take a short break before coming back with more ISSUES AND ANSWERS.

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MR. CLARK: Mr. Jaworski, you have had an interest, I notice, in the issue of plea bargaining. Was it a delicate issue for you to deal with in the Watergate cases?

MR. JAWORSKI: Some of the decisions that had to be made were sensitive and were difficult. Let me say this about plea discussions:

I think it is very much misunderstood. You get back to again having to rely upon the integrity of the officer who applies that concept of law, or procedure. If you are going to do it honorably, there is nothing wrong with it. I think it is of great value to the administration of criminal justice. I think it worked very well in Watergate.

I don't think we would have had the story of Watergate as we have it now. I don't think we would have had it had it not been for perfectly appropriate plea discussions and these men pleaded guilty to felonies.

What a Judge is to do, to ask a man to plead to two when he is going to get the same sentence if he pleads to one. His career is ruined. If he is a lawyer, he is going to be disbarred in all likelihood. So you have really accomplished everything plus gotten from him a true story. If he doesn't tell a true story, he is subject to indictment for perjury. I just don't see how a mechanism applied or a concept applied in law can be any fairer than that.

The American Bar Association studied it for years. Some of the best minds in the country. Defense lawyers as well as prosecutors and judges agreed that it was a vehicle that should be used.

MR. DONALDSON: I think of taking it from another tack, if I may. There is always the question of plea bargaining because people like to say that our courts couldn't handle the volume of cases if cases weren't settled by taking pleas. Is that a valid reason for plea bargaining?

MR. JAWORSKI: It doesn't appeal to me as much as it has appealed to some. I think it is the poorest of all reasons. I think what we are interested in is a search for the truth and if you can ascertain the truth better through appropriate and honorable plea discussions, then you ought to follow that route.

MR. CLARK: I think perhaps that takes us into a broader area of the still soaring and staggering crime rate in this country and the extent to which our court procedures are involved in encouraging or discouraging crime.

Let me quote a line to you from Attorney General Levy very recently, as recently as a week or so ago and he said, "Judges throughout the United States are afraid to enforce the criminal law."

That seemed to be his way of saying the courts and judges are too soft on criminals.

Judge Walsh, would you agree with that?

JUDGE WALSH: Again these generalizations about sentences bother me. It is very difficult to generalize

on sentences and I don't think the word "afraid" is the proper word. "reluctant" perhaps. But I think that judges are in a difficult period right now.

We have been taught for a generation that one of the purposes of sentence is rehabilitation. We are told that our penal institutions, many of them are not much help in this regard; that indeed the shorter the sentence the better chance of rehabilitation and judges who have that factor uppermost in mind may seem to give too lenient sentences.

I think there is a broad school of thinking now that sentences should be more rigid and that greater consideration should be given to deterrence. I think the Attorney General is expressing that point of view perhaps very vigorously. I think if he spoke in terms of a trend toward a greater use of fixed sentences and a lesser use of indeterminate sentences, that would be something we could all agree on.

MR. DONALDSON: Do we, Judge Walsh, have any major data to support the contention that long sentences are a greater deterrent to people who have not committed crime than a more moderate sentence, and where does this idea come from? It has a certain logic about it, or apparent logic , but is it really correct?

JUDGE WALSH: It is very difficult to say what deters a person from doing something. It seems so logical that I think it is generally accepted, and whether it is in fact an actual deterrent, if indeed it gives the public the impression of being a deterrent, that may in

itself be a justification because --

MR. DONALDSON: It is the definition of a placebo, is it not?

JUDGE WALSH: No, I don't think so. The public's satisfaction with the administration of law is one of the things which is important in preserving law and order. The logic of a long sentence to deter a more serious act appeals to that and therefore it is, in itself, a help in preserving that --

MR. DONALDSON: (Interposing) Forgive me -- I don't want to monopolize this, Bob -- you seem to be saying, if I were convicted, by giving me a long sentence that would satisfy the public's feeling that something was being done about crime, whether in fact it was doing anything about crime, and that would be a justification for throwing the key away on me.

JUDGE WALSH: Well, I don't think we have to go to the limit of throwing thekey away. I think the public sense of a fit sentence is important in keeping public order. If the public feels that a person is committing a serious act without punishment, then additional members of the public are tempted by disorder to a greater degree. It is the satisfaction of the public with the sentence imposed which keeps public order in part.

MR. CLARB: As Special Prosecutor, Mr. Jaworski, you didn't have to deal with any crimes committed with a gun or at least none that you told us about. But do you agree with the President's proposaLS in his recent crime

message for mandatory sentences for crimes committed with a gun?

MR. JAWORSKI: I think it has much value. I really do.

Let me mention something that is right along the line of your question which you have gone into with Judge Walsh. The English concept is that it is the swiftness of the trial that is so important, not the length of the sentence. They have done a pretty goodjob of proving that too.

Now, the point Judge Walsh makes is very clear to me and that is what the citizenship really wants it is going to get, and if they get enough worried about crime, then they are going to find ways of helping and solving crime.

Now, when I was at the stage where Judge Walsh is now, being prepared to take over the American Bar Association, I read to see what my predecessors had to say. What were their problems. Do you know what their problems were?

The same problems we have today. This went back 50 and 60 years ago, at the turn of the century.

What were they worrying about? Crime. Here was a Solicitor General making a speech in which he said the crime situation has gotten so bad that it is about to break down our society.

MR. DONALDSON: What is the solution, Mr. Jaworski?

Now, in Texas, as I understand it -- and you are a Texan so correct me if I am wrong -- juries give sentences of a thousand years, 500 years. I think I have seen something -- what good does that do?

MR. JAWORSKI: It doesn't do any good and I think it is just a piece of dramatization, you know.

MR. DONALDSON: Isn't that what Judge Walsh said? Gives them the feeling they are doing something about crime and maybe all other Texans think, "Attaboy," but is it really doing anything about crime?

MR. JAWORSKI: No, but this is not what I am directing my comment to. I think that what ought to be done is for the citizenship to say "All right, we will establish enough courts; we will have enough law enforcement agencies; we are going to try to get the best personnel to man these particular instrumentalities of government -- and I think when all this is done along with the other matters that are so badly needed, rehabilitation -- proper rehabilitation in these institutions, I think when all of that is done you are going to find that this crime situation will be reversed.

MR. CLARK: We have a saying, of course, that "justice delayed is justice denied," and that was originally aimed at the rights of criminal defendants, but you turn that around and say the public is denied justice if there is too much delay in court procedures.

MR. JAWORSKI: You have to strike a balance. There isn't any question about it and the balance is one that serves society as well as serves the individual.

MR. DONALDSON: Let me change the subject and ask both of you, Judge Walsh particularly:

In the Nixon Administration you were head of the Bar Committee which passed on Supreme Court nominees. But in the

end President Nixon declined to submit further Supreme Court nominees to the bar for a clearance.

Do you think some system with President Ford in anticipation of vacancies that may occur on the court ought to be established so that there is that clearance and what would you recommend?

JUDGE WALSH: Well, we would very much hope that we could reestablish that relationship. We do have it now as to the other federal courts. It is only the Supreme Court as to which we don't have that relationship.

MR. DONALDSON: It is no secret Mr. Nixon, because of your turndown of Judge Carswell and other prospective nominees --

JUDGE WALSH: There were two others. After we had found two prospective nominees not qualified, he changed the system so that we were no longer given these names in advance, but the desirability of getting the names of the nominees before they are made public comes from the fact that an investigation can be made much more effectively at that time. Once the nomination is announced, everyone says good things about the nominee and it makes it difficult to get at the actual facts --

MR. DONALDSON: Have you considered asking President Ford about this?

JUDGE WALSH: Yes, we have and as soon as the new Deputy Attorney General is settled in office that is going to be one of the first things we will discuss with him and then through him we hope --

MR. CLARK: (Interposing) This brings us to a related point. Your profession is singled out glowingly these days as one that is guilty of gross discrimination against ladies that you have in the Washington area, I think some two per cent of lawyers are women.

By way of rectifying that, do you think the next appointee to the Supreme Court should be a woman?

JUDGE WALSH: I don't think the next appointee should be picked on that basis, but to reassure you about ladies coming into the profession, the number of law school students who are ladies has greatly increased in the last few years. It is up now to almost one-third. So whatever shortcomings there may be at the present time will be rectified.

MR. CLARK: We are about out of time.

Mr.Jaworski, do you have an opinion as to whether it is proper for this country to have gone since the beginning days of the Republic without ever putting a woman on the Supreme Court?

MR. JAWORSKI: Well, I would like to see the best qualified individual selected each time regardless of sex. If a woman is to be considered and she is qualified, I see no reason why she shouldn't be the next appointee.

MR. CLARK: I am sorry but we are out of time. Thank you both very much for being with us on ISSUES AND ANSWERS.

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October 14, 1976

Integrity: Talking Points

The Special Procesutor, Charles Ruff, today released a statement giving the President a totally clean bill of health concerning campaign conduct and contributions. The Special Prosecutor also commended the Ford White House for its full cooperation on this sensitive matter. I hope that this issue is now behind us and that we can concentrate on issues during the rest of the campaign.

Our opponent has attempted to exploit this issue through innuendo and his usual clever, weaselly rhetoric. He called on the President to tell "the truth, the whole truth and nothing but the truth" about my campaign contributions. The President has done so.

In fact, the President has done so many times. He has been thoroughly investigated -- repeatedly. He has voluntarily cooperated with 5 investigating bodies -- more than any man in the history of the United States. Well, now that his finances have passed through the microscope once again, I believe our opponent has an obligation to tell the truth, the wole truth and nothing but the truth about his campaign contributions and records.

For example, in today's New York Times an article headlines "CARTER DONORS IN 1970 REMAIN UNDISCLOSED." It also says "despite his repeated vows to list backers of (his) race for Governor, he has not yet done so." Let me quote: "for eight months Jimmy Carter

has delayed making public a list of contributors to his 1970 campaign for the Georgia governorship, although he has repeatedly said that he would do so."

Let me remind people that Governor Carter early this year assured the American people that "nobody ever made a report of contributors and we didn't maintain those records."

However, in May he found that such a list did exist.

We now know that Mr. McCall, who worked in Mr. Carter's campaign, found those lists in June. However, Mr. Carter did not choose to release this information to the public until October 1. I would like to find out what happened to that list between June and October. Why couldn't Governor Carter just release that list?

On October 1 Governor Carter's office said the list would be made public on October 8. On October 9 the Governor's office said the list would be made public on October 13. Yesterday Governor Carter's office said it would be ready "shortly." What's the matter?

Why does the Governor continue to stonewall? Is this an example of what he means by "open government?" First he denies the list's existence, then he covers up. Why can't the list simply be revealed? Why can't reporters look through it? What's the Governor been doing to that list? How has it been prepared for the public? Has it been changed? I'd like to hear an explanation.

I would also like to see the income tax records for Governor Carter's corporate partnership. That's the real Carter tax picture. Why has he hidden it from the American public? Isn't it time that Jimmy Carter told the truth, the whole truth and nothing but the truth?

What about the new revelations concerning Governor Carter's dirty tricks manual? His own official campaign handbook suggests stalling cars in traffic to create crowds, and to lie by "inventing fictitious name(s) like Resort Marketing, Inc." to get information for campaigning. I was amused to see that the manual describes how to use the Governor's hair in T.V. appearances. It tells how to arrange television lighting to create a radiant circle -- like a halo -- around Mr. Carter's head. Is this dirty tricks manual an example of the Carter approach to good government?

What about the Governor's promises to help the Lockheed Corporation sell its planes -- right after he took free rides on corporate planes?

What about Governor Carter's signing of a bill in Georgia giving paper and pulp companies special favors and treatment by exempting them from provisions of Georgia's anti-pollution laws? He did that after taking hunting and vacation trips at the expense of those same fatcat corporations.

Is this how Governor Carter shows his concern for average Americans? How about the truth, the whole truth and nothing but the truth? How about even part of the truth?

We want to clear up these matters so we can focus on issues. We can focus on defense and Jimmy Carter's plans to slash billions from the defense budget, whether his number is $15, $8, $7 or $5 billion. We want to debate economics and the Governor's claims that he will balance the budget, cut inflation, stimulate employment and start a hundred billion dollars worth of new programs -- all at the same time.

I noted in today's New York Times that his chief economic advisor, Professor Klein, said that Mr. Carter's goal of lowering the inflation to 4% by 1980 was not realistic and that Carter economics would actually increase inflation although he hoped it would only be temporary. The Governor's own chief economist said that the Governor's program could not cut down the inflation rate although he said "but perhaps he could have it in the second term." Professor Klein made the remarkable statement that under Carter policies, in his own words, "the inflation rate might be a half percentage point higher in the middle years" of the 1976-80 period than if present economic policies were continued. I want to point out that both of Dr. Klein's statements conflict with Governor Carter's remarks.

FOR IMMEDIATE RELEASE OCTOBER 14, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

Statement by the President

When I was chosen to be Vice President, I underwent the most intensive scrutiny of any man who has ever been selected for public office in the United States. My past life, my qualifications, my beliefs--all were put under a microscope and in full public view.

Nonetheless, all of you here tonight and many in our listening audience are aware of allegations in recent weeks involving my past campaigns.

As I have said on several occasions, those rumors were false. And I am very pleased that this morning the Special Prosecutor has finally put this matter to rest, once and for all.

I have told you before that I am deeply privileged to serve as the President of this great nation. But one thing that means more to me than my desire for public office is my personal reputation for integrity.

Today's announcement by the Special Prosecutor reaffirms the original findings of my vice presidential confirmation hearings.

I hope that today's announcement will also accomplish one other major task: that it will elevate the Presidential campaign to a level befitting the American people and the American political tradition.

For too many days, this campaign has been mired in questions that have little bearing upon the future of the nation. The people of this country deserve better than that. They deserve a campaign that focuses on the most serious issues of our time--on the purposes of government, on the heavy burdens of taxation, on the cost of living, on the quality of our lives, and on ways to keep American strong and at peace. Governor Carter and I have profound differences of opinion on these matters. I hope that in the 20 days remaining in this campaign, we can talk seriously and honestly about these differences so that on November 2nd, the American people can make a clear choice and give one of us a mandate to govern wisely and well during the next four years.

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PM-RUFF 3RDADD A091 10-14
X X X REPORTERS.
FORD, WHO WAS INFORMED OF THE DECISION TO DROP THE INVESTIGATION WEDNESDAY NIGHT, HAD EARLIER URGED THAT THE MATTER BE QUICKLY CLEARED UP TO CLEAN THE POLITICAL AIR IN HIS RACE AGAINST DEMOCRAT JIMMY CARTER FOR THE WHITE HOUSE.
RUFF, WHO WAS NOT PRESENT WHEN THE STATEMENT WAS HANDED OUT AT TTHE JUSTICE DEPARTMENT, SAID THAT THE WHITE HOUSE HAD COMPLIED FULLY WITH THE INVESTIGATION.
"COUNSEL FOR THE PRESIDENT COMPLIED WITH THIS REQUEST AND, ALSO AT THE SPECIAL PROSECUTOR'S REQUEST, AUTHORIZED THE INTERNAL REVENUE SERVICE TO MAKE AVAILABLE THE 'WORK PRODUCT' OF ITS 1973 AUDIT OF PRESIDENT FORD'S INCOME TAX RETURNS FOR THE YEARS 1967-1972," THE STATEMENT SAID.
RUFF ALSO DISCOUNTED ANY POLITICAL MOTIVATION BY THE INFORMANT WHO SPARKED THE INVESTIGATION.
"THIS ALLEGATION WAS MADE TO AN AGENT OF THE FBI BY AN INDIVIDUAL WHO HAD RECENTLY BECOME AWARE OF THE UNDERLYING INFORMATION," RUFF SAID. "INVESTIGATION HAS REVEALED NO APPARENT MOTIVE ON THE PART OF THIS INDIVIDUAL TO FABRICATE."
THE PROSECUTOR SAID HIS STAFF AND FBI AGENTS EXAMINED PUBLIC RECORDS OF THE UNION CONTRIBUTIONS AND MONEY FORD'S CAMPAIGN COMMITTEES RECEIVED.
RUFF SAID PERSONS WHO MIGHT HAVE INFORMATION WERE INTERVIEWED EITHER BY HIS ATTORNEYS OR FBI AGENTS OR BOTH. HE SAID HE CONTACTED FORD'S COUNSEL ON SEPT. 30 AND REQUESTED HIM TO FURNISH "CERTAIN INFORMATION" ABOUT FORD'S PERSONAL FINANCES.
UPI 10-14 10:25 AED

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PM-RUFF CQRRECTION1STGRAF A091 10-14
READ IT X X X CHARLES RUFF (CHARLES STED CHALRES)
UPI 10-14 10:26 AED

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ŧPM-Watergate Prosecutor; 1st Ld; 4th Add; a084; 250

ŧWASHN: to fabricate.''

The statement said Ruff went into the case at the request of Atty. Gen. Edward H. Levi.

The special prosecution force and the FBI ''examined various public documents reflecting contributions made by the unions as well as those received by Mr. Ford or committees acting on his behalf.''

It had been reported previously that the investigation focused on contributions from the Marine Engineers Beneficial Association and the Seafarers International Union.

In Grand Rapids; Mich.; Robert Eleveld; Republican chairman of Ford's old congressional district; said: ''I'm so delighted with that;'' when informed that the investigation had been closed.

Eleveld said he learned about the move from Republican attorney Stephen Bransdorfer; who was n Washington talking with Ruff about the investigation.

Still to be answered; however; was the separate request from three House Democrats for the special prosecutor to look into whether Ford may have played a role in the early stages of the Watergate cover-up; an issue raised by former White House counsel John W. Dean III. The congressmen want Ruff to revien several tape recordings of conversations between then-President Richard M. Nixon and Ford during those early months of the scandal.

Ruff reportedly told the House members he would make his decision on whether to listen to those tapes before the week is out.

ŧMORE

ŧBy MARGARET GENTRY

ŧAssociated Press Writer

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ŧPM-Watergate Prosecutor; 1st Ld - 5th Add; a086; 100

ŧWASHN:is out.

In the congressional campaign probe; attorneys and FBI agents questioned a number of persons; and FBI agents examined records of the unions' political units and the Michigan campaign committees; the statement continued.

Ruff on Sept. 30 asked Ford's attorney for ''certain information relating to the President's personal finances;'' the statement said.

''Counsel for the President complied with this request and; also at the special prosecutor's request; authorized the Internal Revenue Service to make available the work product of its 1973 audit of President Ford's income tax returns for the years 1967-1972;'' the statement said.

ŧMORE

1038aED 10-14

JOHN CONYERS, JR.
1ST DISTRICT, MICHIGAN

COMMITTEES:
JUDICIARY
CHAIRMAN
SUBCOMMITTEE ON CRIME
GOVERNMENT OPERATIONS

Congress of the United States
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October 18, 1976

Mr. Charles F. Ruff
Watergate Special Prosecutor
Federal Triangle Building
315 9th Street, N.W.
Washington, D.C. 20530

Dear Mr. Ruff:

I am in receipt of your letter of October 15, 1976 declining my request of October 8 that your office investigate the allegations of conspiracy to obstruct justice and of perjury against Gerald R. Ford.

I regret your decision and call upon you to reconsider it. Your October 15 letter leaves me confused about the basis upon which you made your determination that "neither the information previously available nor recent statements concerning White House efforts to block the Patman Committee's investigation...would justify this Office's initiation of an investigation..."

I am sure you are aware that any information previously available to the Special Prosecutor's Office did not cover the material in the White House tapes that is relevent to the investigation I had requested of you. Nor is there any reason to believe that prior inquiry of your Office into the obstruction of the Patman Committee investigation dealt explicitly with Mr. Ford's role in that obstruction or discrepancies in his testimony on his role before the Senate Rules and House Judiciary Committee's confirmation proceedings.

I am sure you appreciate that the basis for establishing "criminal intent," which you discussed in your letter, can only be arrived at by a review of the relevent White House tapes, and of other pertinent documents pertaining to the matter at hand, which you have declined to undertake. May I also point out that you did not address in your letter allegations of Mr. Ford's role in conspiracy to obstruct justice.

I understand that you did not arrive at your decision against investigating the allegations by reviewing the relevant White House tapes. I would appreciate knowing, then, whether you or your staff interviewed either Mr. William Timmons or Mr. Richard Cook (whose name did not come up during the confirmation proceedings) in arriving at your decision.

I would also appreciate knowing your view of whether a sitting President is indictable, assuming that criminal conduct has been established.

I am sure you share my concern about the seriousness of these allegations against Mr. Ford. The American people should not be confronted with the possibility of a repetition of the 1972 cover-up, in which an investigation of wrong-doing by the highest officials of government was kept from the public until after an election.

I would appreciate your reconsideration of my request, and your response to the questions raised in this letter.

Sincerely,

John Conyers, Jr.

John Conyers, Jr.
Member of Congress

[In the absence of Congressman John Conyers, Jr., signed at his request by Neil G. Kotler, Legislative Assistant.]

Neil G. Kotler

enclosure

Hungary After 20 Years *Tad Szulc*

THE NEW REPUBLIC

A Journal of Politics and the Arts—October 16, 1976, 60 cents

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