



Department of Justice

QUESTION AND ANSWER SESSION
OF
ATTORNEY GENERAL WILLIAM B. SAXBE
WITH
MEMBERS OF THE PRESS

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GREAT HALL

DEPARTMENT OF JUSTICE

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QUESTION: Mr. Attorney General, there have been a number of suggestions that the American people should be spared the spectacle of a former President on trial in a criminal case. Do you believe that Mr. Nixon should be granted immunity from prosecution, if he leaves office?

ATTORNEY GENERAL SAXBE: I haven't any views on that. In fact I'll be glad to talk to you on anything about the Justice Department, but I won't have anything to say about the impeachment because things are moving so fast that you know just as much about these facts, as I do. I am not directly involved because the Special Prosecutor is in that end of it and the Attorney General has no responsibility in the Congressional duties of impeachment.

So I'm trying to prove to the people that the government is functioning, that we are continuing on our day to day business, -- and we are going to -- that we're holding this government together and that it is not falling apart, as some would presume.

We are involved this morning in a very serious meeting on cargo theft which is one of the great problems which we face in all our centers of transportation.

I'm sure that all of the departments here in Washington are looking to their business and doing it in a comprehensive and competent manner. I think this is a job

that the cabinet officers and especially the Attorney General have to do at this time.

QUESTION: Mr. Attorney General, there have been reports that the President, in effect, is having nothing whatsoever to do with the running of the government, that he is consumed with his Watergate defense. You were at the Cabinet meeting yesterday.

ATTORNEY GENERAL SAXBE: Certainly he didn't give that impression. In fact, the major part of the meeting yesterday was concerned with how to fight inflation with proposed meetings and suggestions from the Secretary of the Treasury, the Secretary of Agriculture, and all of the others, as to the best means to meet the problem. How effective this is, is yet to be seen.

QUESTION: Are you aware of any negotiations underway whereby the President would resign or would otherwise leave office and thereby afterwards would not be subjected to criminal or civil prosecutions?

ATTORNEY GENERAL SAXBE: I am not.

QUESTION: Mr. Saxbe, do you think it would be helpful if the Special Prosecutor were to state his views on the question of whether a former President should be prosecuted after he leaves office?

ATTORNEY GENERAL SAXBE: The Special Prosecutor is in a very unusual position and he would have to make that decision. I have not been in contact with the Special Prosecutor. I think it would be a conflict if I did because if

I were counseling with him on a daily basis he'd no longer be a Special Prosecutor. He is part of the Justice Department but he has a free hand and I have not interfered.

QUESTION: Some people have suggested that the Special Prosecutor might clear the air if he would discuss the immunity question. Do you think it would be helpful if he would do that?

ATTORNEY GENERAL SAXBE: I think that's a decision that he has to make. He's got many irons in the fire and I think that only he can make that decision.

QUESTION: Mr. Attorney General, should the President stay in office?

ATTORNEY GENERAL SAXBE: I think that's a decision that only he can make. And if he decides to stay in office then the impeachment is under way. There's only two alternatives.

QUESTION: Did he solicit your counsel on this or anybody else's either at that meeting yesterday or otherwise?

ATTORNEY GENERAL SAXBE: No, he has his own counsel and I neither expected to be involved nor was I.

QUESTION: Have you talked with any of the Republicans on the Hill who seem to be interested in the President's resignation?

ATTORNEY GENERAL SAXBE: No.

QUESTION: Let me ask you this. You talked some time ago about who would pay for the President's legal fees. Where does that stand now?

ATTORNEY GENERAL SAXBE: It's not decided and the problem has not arisen.

QUESTION: Mr. Saxbe, if you'll bear with me I'd like to return to the question of immunity. Some people have suggested that Congress should pass a statute granting immunity to a former President. Do you think that would be wise?

ATTORNEY GENERAL SAXBE: This is an action that is entirely up to them and whether it's wise or not probably is within their decision to make.

QUESTION: Another suggestion that has been made to accomplish immunity for the President, is that the incoming President could grant a pardon. Do you think it would be wise to even consider such a thing on the part of Mr. Ford, a pardon for President Nixon?

ATTORNEY GENERAL SAXBE: I think this is a long way down the road because if the President is going to tough it out and if we go through impeachment, it's a long time off.

QUESTION: Well, I'd like to ask a question that is based on some comments by Justice Department officials. Solicitor General Bork in his brief of the Agnew case suggested that the President has self-pardon powers. Two of the pardon attorneys, a former one and the current pardon attorney have suggested that the President can pardon himself. Charles Allen Wright, the President's attorney, has suggested that the President can pardon himself.

Do you think that President Nixon can pardon himself for criminal offenses?

ATTORNEY GENERAL SAXBE: This is a legal question that we expect to be asked if it comes to that point and, if so, we'll do the research on it, then come up with a legal opinion; if it's properly presented to us.

QUESTION: Have you been asked?

ATTORNEY GENERAL SAXBE: No.

QUESTION: Have you begun any research on it?

ATTORNEY GENERAL SAXBE: This is in the Office of Legal Counsel and whether it's reached the point of definite research or not I don't know. Probably, but I don't know.

QUESTION: What about the question of the applicability of the 25th Amendment to this sort of situation? Have you requested any research on this?

ATTORNEY GENERAL SAXBE: I'm sure that there's continuing research on this. We're in a period of transition right now. Mr. Dixon has resigned. We have a new one up for confirmation; so we do have a hiatus there right now. The work's continuing but just what it is I can't answer.

QUESTION: Let me just ask you one more question about this and I appreciate your patience with me. If the President were to leave office, do you think the American

people would want the former President to be brought to trial in a criminal case or do you think he should avoid any of that kind of prosecution?

ATTORNEY GENERAL SAXBE: Well, the only people who can interpret what the American people want would be the Congress. I think that they're aware of this, and if it were handled in that manner it would not be a legal question.

QUESTION: You seem to be suggesting that Congress should consider a statute on immunity for a former...

ATTORNEY GENERAL SAXBE: No, I'm not suggesting that, you asked if you thought it would be appropriate. And I think if it is appropriate then Congress would be the agency to express that feeling of the American people.

QUESTION: Have you done any research on the legal fees question?

ATTORNEY GENERAL SAXBE: No, and it hasn't arisen and may not for some time.

A VOICE: Thank you.