



Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS, SECOND SESSION

Vol. 120

WASHINGTON, WEDNESDAY, SEPTEMBER 11, 1974

No. 136

Senate

SENATE RESOLUTION 400—SUBMISSION OF A RESOLUTION RELATING TO THE GRANTING OF EXECUTIVE PARDONS

Mr. CRANSTON. Mr. President, I am going to submit a resolution together with Senator BROOKE, who is joining me in this matter, and I will ask that it be placed on the calendar. Failing in that, I will then ask for its immediate consideration. I want to make clear, however that we have no desire to bring the resolution to a vote until Senators have had an opportunity to familiarize themselves with it.

I hope, Mr. President, we can work out an agreement, when an agreement becomes possible, to vote on the resolution, say, Tuesday of next week.

The resolution reads as follows:

Whereas the United States of America is a nation of laws and all persons in the United States are subject equally to its laws and institutions;

Whereas a public fully informed about events, situations, or ideas of public concern or public interest or which affect the public welfare is essential to the principles as well as the effective operation of a democracy;

Whereas public confidence in and respect for our system of order and justice under law is vital to the maintenance of our free institutions;

Whereas that public confidence and respect depends upon the equal application of our laws to all persons;

Whereas the offenses and alleged offenses known as "Watergate" have constituted an enormous breach of public trust and confidence on the part of officials of Government;

Whereas a part of Watergate is its alleged coverup which has deprived and continues to deprive the American people of the full information they require and to which they are entitled in our democracy;

Whereas "Watergate" will thus continue to pose a grave crisis for the American people and the Government of the United States until there is a reasonable assurance that all of the facts related thereto have been publicly revealed;

Whereas the President of the United States has chosen to pardon Richard M. Nixon for all offenses against the United States which he has committed or may have committed or participated in as President of the United States without a full exposition of his involvement in Watergate and related offenses or prior to the opportunity for the judicial process to be initiated, let alone completed, with respect to the guilt or innocence of the former President of any such offenses against the United States;

Whereas various matters are currently under investigations or in various stages of prosecution by the Special Prosecutor pursuant to regulations of the Attorney General of the United States—including matters related to "Watergate", other alleged offenses arising out of the 1972 Presidential election, and other offenses alleged to have been committed by Presidential appointees or members of the White House staff;

Whereas public confidence in the integrity of the nation's system of order and justice under law will be seriously undermined if the investigation and prosecution of such allegations of illegal acts by officials of Government do not proceed in accordance with the orderly and normal course of the criminal justice system and judicial process; and

Whereas any further action by the President of the United States at this time to pardon any defendant or prospective defendant with respect to such matters could abort the normal and orderly course of the criminal justice system and the judicial process and thereby destroy that public confidence and deprive the American people of the full information they require and to which they are entitled: Now, therefore, be it

Resolved, That it is the sense of the Senate that the grant of a pardon under section 2 of Article II of the Constitution of the United States should not be considered until after the judicial process has been fully completed (including the exhaustion of all rights of appeal with respect to a criminal investigation and prosecution referred to or within the jurisdiction of the Special Prosecutor under Attorney General's Order 517-73 (May 25, 1973) and Attorney General's Order 551-73 (November 2, 1973), 28 C.F.R. 0.37, or with respect to other matters which have been or shall be assigned to him by the Attorney General of the United States.

Mr. CRANSTON. Mr. President, the resolution speaks for itself. The whereas clauses are based on considerations of equal justice under law, and the public's right and need to know, in our democratic society and its free institutions. The reason for our urgency stems from the unprecedented action by the President in regard to the pardon of Richard Nixon without any significant consultation with a broad spectrum of leadership in the Senate.

The resolution stems, furthermore, from the statement yesterday by the White House spokesmen that the President was considering granting a blanket pardon to all the Watergate defendants or people under the cloud of Watergate, and the further statement today that, instead, pardons are being considered on an individual basis. These statements indicate that something may happen rather hastily. For that reason, we feel it appropriate to seek action now.

Therefore, I send this resolution to the desk, and I ask unanimous consent that it be placed on the calendar.

Mr. STAFFORD. Mr. President, I object.

Mr. CRANSTON. Mr. President, I ask unanimous consent for its immediate consideration.

Mr. GRIFFIN. Mr. President, I did not hear the request.

Mr. CRANSTON. There was an objection to the resolution being placed on the calendar. Because of that, I asked unanimous consent for its immediate consideration.

Mr. GRIFFIN. Mr. President, the Senator from Vermont did not object. If it is agreeable with the Senator from California, he will withdraw any reservation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. STAFFORD. That it be placed on the calendar?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The Chair hears none, and the resolution will be placed on the calendar.

Mr. GRIFFIN. Mr. President, may I be recognized for a moment?

The PRESIDING OFFICER. There is a time limitation.

Mr. CRANSTON. I am delighted to yield, if I have time.

Mr. GRIFFIN. For the purpose of clarification, is it the fact that under the unanimous-consent request which was made by the Senator from California, the parliamentary situation is the same as though he had asked for immediate consideration and there had been objection?

The PRESIDING OFFICER. The Senator is essentially correct.

Mr. CRANSTON. Mr. President, I should like to explain again, in case the distinguished Senator from Michigan did not hear me, that I did not want immediate consideration. I think that would be totally unfair. I hope we can work out an agreement for action, perhaps next Tuesday.

The PRESIDING OFFICER. The time of the Senator from California has expired.

The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, the resolution which the distinguished Senator from California (Mr. CRANSTON) and I have introduced is easy to understand. It has been read by the Senator from California. The reason for this resolution is that yesterday the White House informed us that the President was giving serious consideration to pardoning all the Watergate defendants.

We feel very strongly that the Congress has a responsibility to report to the President its feelings relative to a blanket pardon of all Watergate defendants. I personally feel, and I think it is implicit in one of the "whereas" clauses of this resolution, that the President made a serious mistake in granting a pardon to former President Richard Nixon without the full confession of Mr. Nixon of his involvement in Watergate and related incidents. But this particular resolution addresses itself to the other Watergate defendants.

This resolution would make it the sense of the Senate that each defendant could only be considered for a pardon on an individual basis, and only after the judicial process has been fully completed.

For example, in the case of John Dean, he has pleaded guilty, has been sentenced, and is presently serving a jail sentence. Under this resolution, or under the sense of this resolution, the President could pardon John Dean at this time.

But John Ehrlichman, who has been tried and convicted and is on appeal in one case and awaits another trial in a second case, could not be pardoned by the President at this time. He would have to wait until his case has been fully completed and all appeals have been fully exhausted.

We feel very strongly, Mr. President, that the American people are entitled to know the full facts of Watergate. There should be no coverup of the coverup. If there is a blanket pardon given to everyone involved in Watergate, in addition

to the blanket pardon which has been given to former President Richard Nixon, the facts of Watergate might never come to light and without the facts Congress would be unable to enact laws which would prevent future Watergates.

I have discussed the basis for this resolution. It is only a sense-of-the-Senate resolution. It has no legal effect. But precedents indicate that the executive branch of the Government does give serious consideration to a sense-of-the-Senate, or a sense-of-the-Congress, resolution. We hope and pray that, by the introduction of this resolution and, hopefully, by the passage of this resolution, the President of the United States will be assisted in his deliberations and in his ultimate decision as to whether he should grant a pardon to the Watergate defendants.

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. CRANSTON and Mr. BROOKE on having introduced the resolution to which they have just addressed their remarks. I ask unanimous consent that my name be added as a cosponsor of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I am delighted that the Senator from West Virginia has joined us.

Mr. HART. Will the Senator yield for the purpose of my asking unanimous consent that my name be added, also?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. CRANSTON. That is a pleasure, too.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.
