

Dear Jim,

3/11/74

For your Ford file. And my continuing perplexity about the schizoid WxPost, which was underwhelming in its coverage of Ford's past when he was determined by Nixon to be the only man fit to succeed.

Calling it F.Y.I a today's editorial starts a "Fairness Doctrine" for Ford, making it explicit that he is incapable of saying what he means (... "he had not always succeeded in getting the two statements fastened together" with regard to the only quoted opinion Ford is represented as having said about the requirements for impeaching a president.)

The Post quotes from "the 1970 debate on Mr. Justice Douglas." It has Ford holding only that impeachment would <sup>indeed</sup> ~~indeed~~ require crimes of the magnitude of treason and bribery." It does not plumb ~~the~~ the Ford mind of what this means, giving an implied interpretation that Ford meant then and forever some statute-book crime.

In today's mail I have from a friend who was not for Douglas then a xerox of the first of 24 legal-sized pages Ford reprinted from the Congressional Record dated 4/15/70. So, I can quote from the first page only. There Ford says other than the Post's editorial writer represents:

"This [Article 4] has been the most controversial of the constitutional references to the impeachment process. No consensus exists as to whether, in the case of federal judges, impeachment must depend upon conviction of one of the two specified crimes of treason or bribery or be within the nebulous category of 'other high crimes and misdemeanors.' There are pages upon pages of learned arguments whether the adjectives 'high' modifies 'misdemeanors' as well as 'crimes' and over what, indeed, constitutes 'high misdemeanors'."

Ford followed this with what he described as his opinion, nothing omitted in quoting:

"In my view, one of the specified or general offenses cited in Article II is required for removal of the indirectly elected President and Vice President and all appointed civil officers of the executive branch of the Federal Government, whatever their terms of office. But in the case of ...federal judges ...I believe an additional and much stricter requirement is imposed by Article II, namely 'good behavior.'"

Whether a reading of this rather long Ford commentary is justified by our common interest I don't know. I don't have it. I do know that the editorial policy of the Post is now stretched in the same direction its news policy took when Ford's qualifications should have gotten the attention I feel they did not get, as I believe his false swearing was legitimate if unreported news.

In this same mailing was a xerox of an AP story from Washington of 11/16/73 reporting a Ford denial: "he and two other congressmen did not offer to help millionaire Louis Wolfson with his legal problems if he would help their effort to impeach" Douglas. Ford testified that "a lawyer working for the congressmen, Benton L. Becker, offered on his own to help the financier." Or, self-starters only.

It seems that Becker wrote Wolfson's lawyer, who was William O. Bittman.

Small world, huh?

UPI reported 11/23/73 (Chi Sun-Times) that "Ford told the panel Wednesday he sought help early in 1970 from...Mitchell, who sent Will Wilson...to talk with Ford. Ford said Wilson gave him a list of what he called 'certain areas I should pursue.'"

Ford condemned "a partisan majority" of the House committee for "whitewashing" Douglas in a press release for AMs of 12/16/70 in which he further defined what it takes to impeach a judge, where the standards are higher than for President: "...did show poor judgment in his personal financial transactions," to which he added a quote from ~~Brandt~~ Cardozo, "Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior."

Best,