

House Unit Approves Ford Nomination, 29-8

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The House Judiciary Committee approved the nomination of Gerald R. Ford to be Vice President yesterday by a vote of 29 to 8. Eight liberal Democrats voted against and one voted present.

The full House is expected to complete the confirmation process next Thursday. Tentative plans call for Ford to be sworn in that same day in the House chamber before a joint meeting of House and Senate. He has served 25 years in the House, the last nine as Republican leader.

The Michigan congressman will become the nation's 40th Vice President and the first chosen by presidential nomination and congressional confirmation under provisions of the 25th Amendment to fill a vacancy. He will succeed Spiro T. Agnew who resigned Oct. 10 and was then fined for tax evasion.

Voting against Ford were the three black members of the committee—Reps. John Conyers (D-Mich.), Charles B. Rangel (D-N.Y.) and Barbara Jordan (D-Tex.)—who felt he had built a weak civil rights record. Also voting against the nomination to the full House were Reps. Robert Kastenmeier (D-Wis.), Don Edwards (D-Calif.), Jerome Waldie (D-Calif.), Robert Drinan (D-Mass.) and Elizabeth Holtzman (D-N.Y.). Their reasons included his conservative voting record and what Waldie called his "insensitivity to and lack of understanding of the rule of law" in "using" the Justice Department to obtain information with which he tried to impeach Supreme Court Justice William O. Douglas in 1970.

Rep. John Seiberling (D-Ohio) voted present, saying he was not sure how he would vote next week but felt a responsibility to send the nomination to the House for a vote.

Several Democrats argued that this was not the usual

executive branch appointment, which is generally approved by the Senate unless some wrongdoing is turned up. They contended this proceeding was in lieu of a popular election, that members were acting as surrogates for their constituents and should take their views into account.

Kastenmeier voted against Ford at least in part because his Madison district voted against the Nixon-Agnew ticket last year. Rep. Joshua Eilberg (D-Pa.) said he strongly disagreed with Ford's voting record, but voted to send the nomination to the House floor in part because his Philadelphia voters supported President Nixon last year. He reserved judgement on how he would vote on the floor.

But Rep. Jack Brooks (D-Tex.) apparently voiced the sentiment of most Democrats when he said, "Republicans are entitled to pick a Republican" for the office.

"He is not my candidate for President," said Brooks, "but if he does become President he will be a vast improvement over the one we've got."

All agreed that the exhaustive investigation of Ford showed him to be an honest man.

Rep. Holtzman raised the question of whether Ford was constitutionally eligible for the post because Congress this year passed a law raising federal retirement benefits. The Constitution forbids a member of Congress to be appointed to a civil office whose emoluments have been increased during his present term of office.

Chairman Peter Rodino (D-N.J.) said experts have advised the committee that the vice presidency is not a civil office as covered by this constitutional provision. The same question was raised and similarly disposed of in the Senate, which approved Ford Tuesday by a vote of 92 to 3.