

House may postpone testimony from Ford

F-Post
10-8-74

WASHINGTON (AP) — Members of House judiciary subcommittee were reported Monday heavily in favor of postponing President Ford's historic testimony Thursday on his pardon of former President Richard M. Nixon if the Watergate cover-up jury has not been impaneled by then.

Rep. Wiley Mayne, R-Iowa, said he was the only member at a subcommittee meeting Monday afternoon who objected strongly to any postponement. He said other members wanted to postpone it to Oct. 17 if the jury has not been selected by Wednesday night.

Chairman William Hungate, D-Mo., said the subcommittee "will make a decision one way or the other tomorrow (Tuesday) afternoon and announce it."

Other members who did not want to be named confirmed that Mayne was the only strong opponent to a postponement. The subcommittee took no vote on the question.

At the White House, Press Secretary Ron Nessen had nothing to say about the

reports of a delay. "I can't say anything about Hungate," he said.

Hungate said Special Watergate Prosecutor Leon Jaworski expressed concern that the publicity surrounding Ford's appearance might affect prospective jurors. "But that was a concern that we already had," he added.

The concern was that the publicity Ford's appearance will generate might be prejudicial to jurors if they have not already been sequestered.

Ford has offered to personally answer 14 questions on the pardon.

Meanwhile, the prosecution at the cover-up trial suggested Monday that individuals with "lightly held" opinions about Watergate might still be allowed to serve on the jury.

In a memorandum recommending altered questions to be asked potential jurors, the prosecutors focused on three areas.

The memo said that a potential juror who says he has formed an opinion as to the guilt or innocence of any of the defendants based on what he has read, seen or heard about the case should then be asked if the opinion is a strong one or is lightly held.

It added:

"The government suggests that if the opinion is a firm or strong opinion, the prospective juror should be excused for cause. If the opinion is one lightly held, or the sort of casual opinion or general impression, the government would suggest continuing with the following question:

"Do you believe that, even though you have an opinion, you could conscientiously law aside that opinion, and if selected as a juror in this case you could return a verdict on the guilt or innocence of any of the defendants based solely on the evidence you hear in court and on the instruction I (the judge) will give you on the law of the case?"

The prosecutors suggested that the same procedure be followed when asking potential jurors if they have formed opinions as a result of the pardon of Nixon and the naming of Nixon as an unindicted co-conspirator.

The memorandum appeared to reflect difficulty in finding potential jurors who have formed no prior opinions on the highly publicized case.

Potential jurors are being interviewed one by one, in a locked, guarded courtroom and all parties in the case are forbidden by Sirica to say anything about progress.

The Nixon pardon was a major factor cited Monday in a request filed by attorneys for former White House aide Charles W. Colson for a reduction in his sentence.

Colson is serving one to three years on a charge of obstruction of justice stemming from his attempts to smear Daniel Ellsberg before Ellsberg went on trial in the Pentagon Papers case.

Colson, who pleaded guilty to the charge, was sentenced last June 21 and began serving his sentence July 8.

In his request for reduction of sentence, Colson said, "Ford's action in pardoning former President Nixon raises serious questions with respect to evenhanded justice for former subordinates of Mr. Nixon who have been prosecuted for offenses in which he was a participant. This is particularly troubling in the case of Mr. Colson, who was convicted for disseminating derogatory information ... at Mr. Nixon's direct request."