

Walter Pincus

Post 10-17-74

Questions for Mr. Ford

When he appears before Rep. William Hungate's House Judiciary subcommittee today, President Ford is scheduled to be questioned on the immediate background of his surprise pardon of Richard Nixon. The congressmen should take advantage of this unusual situation to ask Mr. Ford about his personal views of Mr. Nixon's actions in the Watergate affair — actions that led to the former President's resignation and the Ford pardon.

For his own part, Mr. Ford should welcome such questions and the chance to clarify his own position with regard to the guilt of his predecessor. A part of the public shock over the pardon came from the fact that it was not accompanied by a government bill of particulars — as was the case with Vice President Agnew's plea. Nor did the statement released by Mr. Nixon at the time of the pardon confess to the commission of a crime. Rather it referred to mistakes and misjudgments — hardly acts justifying impeachment or requiring a presidential pardon.

President Ford's request for an \$850,000 transition fund for Mr. Nixon, the pro-Nixon bias of the original agreement on disposition of the White House tapes and the continued failure of Mr. Ford to state directly his own views on Mr. Nixon's **guilt** have created further doubts among the public. Just what does this President think about his predecessor's Watergate conduct?

The subcommittee members could open this area of questioning by asking Mr. Ford what the specific criminal offenses were that Mr. Nixon had

*Mr. Pincus is executive editor of
The New Republic.*

cific and not interfere with the trial. If Mr. Ford says he cannot identify any particular crime, he could be asked if he now believes that Mr. Nixon committed any impeachable offenses. A blanket reference to the persuasiveness of the House Judiciary Committee report — such as the one Mr. Ford made at a recent press conference — does not really indicate what President Ford himself thinks.

Another way to approach the subject is to ask why President Ford thinks Mr. Nixon resigned. Does he believe Mr. Nixon was driven from office because political events and news media pressure destroyed his political base? Or does President Ford believe Mr. Nixon recognized that the contents of the June 23, 1972, White House tape showed the former President took part in obstruction of justice? That tape and other evidence would have been laid out in detail at a Senate impeachment trial and Mr. Nixon would have been required to rebut or explain his acts.

Mr. Ford could also be asked when he learned first of the contents of the June 23, 1972, tape, and what his reaction to it was. Mr. Ford termed the House Judiciary Committee's original approval of the first article of impeachment a partisan act. When the June 23 tape was made public on Aug. 5, he said only that he would no longer repeat his previous belief that "the President is not guilty of an impeachable offense."

Mr. Nixon and his closest associates have always maintained there was nothing really wrong in wiretapping a political opponent—that it had been done in earlier campaigns by both par-

ties. Does Mr. Ford believe that to have been the case? Mr. Nixon's aides have also said it was not surprising that in the midst of the presidential campaign, there was an effort made to cover up the fact that over-enthusiastic campaign aides did something wrong. They further argue that the anti-Nixon press and the former President's long-time opponents have blown the entire Watergate affair totally out of proportion. Does Mr. Ford believe that to have been the case?

Mr. Ford is going to be asked if he had demanded or at least requested that Mr. Nixon make some statement about his past actions in connection with the pardon. When the pardon proclamation was under discussion, White House Counsel Philip Buchen told Mr. Nixon's lawyer, Herbert J. Miller Jr., that it would be advisable that—according to Mr. Buchen—"as full a statement as possible be issued by Mr. Nixon." Mr. Ford, however, should be asked by the congressmen why his own pardon proclamation did not spell out the specific offenses for which Mr. Nixon was being pardoned. The presidential pardon power goes to "offenses": in almost every pardon



committed or taken part in for which the Sept. 8 pardon was granted. With the Watergate cover-up jury now sequestered, President Ford can be spe-

case, the document specifies the offense involved. There are some lawyers who believe President Ford's pardon would not stand a court challenge because it does not describe the crime or crimes involved.

The subcommittee members should also ask Mr. Ford what effects he wanted his pardon to have on the ongoing Watergate investigations being conducted by Special Prosecutor Leon Jaworski. Mr. Ford was given a list of 10 specific investigations that could involve Mr. Nixon that were under way at the time of his pardon. Did President Ford by his action want to have the investigations in those areas halted? Does he believe others, besides Mr. Nixon, involved in acts ranging from possible tax fraud to misusing FBI wiretaps to use of campaign funds for personal benefit should be prosecuted if evidence shows crimes were committed? Does Mr. Ford believe the public eventually should be informed of the results of such investigation to show that Mr. Nixon did or did not commit a crime? In short, does President Ford believe the Special Prosecutor's office should eventually produce a report on what has been found in the investigation of the former President?

President Ford, at the time of the pardon, voiced his desire that the Watergate "nightmare" be concluded. What blame for that "nightmare" does Mr. Ford place on his predecessor? Does he believe Mr. Nixon misused the public trust or fell victim to circumstances? Is Mr. Nixon now to be considered a retired statesman to be honored as we have past Presidents? Or does President Ford look on Mr. Nixon as a man who brought dishonor to the Oval Office?

President Ford's view of Mr. Nixon could play an important part in determining how the public views Mr. Ford. Rep. Hungate and his colleagues have a unique opportunity through their questions to bring forth that information.