

President Denies

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President Ford made a historic trip to Capitol Hill yesterday to testify that no deal was involved in his pardon of former President Nixon and that it was done for the good of the country.

Members of the House Judiciary subcommittee—where Mr. Ford made what may have been the first formal appearance by a President before a congressional committee—treated him very gently except for freshman Rep. Elizabeth Holtzman (D-N.Y.). Rep. Holtzman, expressing dismay that she was limited to five minutes of questioning, fired seven tough questions at the President about circumstances of

the pardon. He had no time to answer, but she got them in the record.

Rep. Holtzman also asked the President to give the subcommittee all tapes of conversations between himself and Mr. Nixon. The purpose, she said later, was to learn if they had discussed a pardon before Mr. Nixon resigned. Mr. Ford said the executive branch is protecting the tapes for Watergate and other prosecutions, and will keep them for the time being.

Mr. Ford's purpose in volunteering his testimony was to assure the nation that there had been no deal for Mr. Nixon's resignation in exchange for the pardon, and that the pardon was an attempt to shift the nation's focus from the divisiveness of Watergate onto

pressing economic and international problems.

He made more than half a dozen categorical statements that there had been no deal, as in this response to Rep. Holtzman:

"I want to assure you . . . and the American people there was no deal, period. Under no circumstances."

The President added only one new fact to his previous statements. This was that a week before Mr. Nixon resigned his chief of staff, Alexander M. Haig Jr., met with Mr. Ford to tell him generally of the catastrophic June 23, 1973 taped conversation that caused Mr. Nixon's resignation on Aug. 9.

Mr. Ford testified that Haig told him White House staff members were con-

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sidering half a dozen options that Mr. Nixon might follow, and that one of them was that he might resign and be pardoned.

President Ford said Haig did not advocate any of the options, but asked whether the then-Vice President would make a recommendation on what course Mr. Nixon should follow. Mr. Ford said he asked for time to think about it and the next day told Haig, and later Mr. Nixon at a Cabinet meeting, that he would not make a recommendation as to what Mr. Nixon should do.

Mr. Ford read a 43-minute statement and answered questions for an hour in the same Judiciary Committee hearing

room where he testified at his vice presidential confirmation hearings 11 months ago and where the Judiciary Committee's impeachment inquiry of Mr. Nixon was conducted earlier this year. He left at noon for another appointment.

Reactions of members to Mr. Ford's performance varied according to their political state of mind.

Republicans applauded his statements. But Rep. Bella Abzug (D-N.Y.), who set off the events that led to his appearance by filing a resolution of inquiry asking questions about the pardon, saw a need "to probe deeper to learn if there was a deal." Rep. Holtzman agreed.

Rep. William L. Hungate (D-Mo.),

the subcommittee chairman, said after the hearing: "He stated very strongly that there was no deal. That was what we wanted to hear."

The President left the stand saying: "I hope that I have at least cleared the air so that most Americans will understand what was done and why it was done."

He had begun by saying he granted the pardon "to change our national focus. I wanted to do all I could to shift our attentions from the pursuit of a fallen President to the pursuit of the urgent needs of a rising nation . . . We would needlessly be diverted from meeting those challenges if we as a people were to remain sharply divided

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over whether to indict, bring to trial and punish a former President who already is condemned to suffer long and deeply in the shame and disgrace brought upon the office he held."

Whenever a member suggested that the pardon benefited Mr. Nixon, Mr. Ford replied that his primary intent was to help the country.

And Mr. Ford repeatedly stated that, except for the Aug. 1 conversation with Haig, neither before nor after he became President did he discuss the possibility of a pardon with Mr. Nixon or anyone representing him.

Responding to questions asked in Rep. Abzug's resolution, Mr. Ford said that at the time he granted the pardon he knew of no criminal charges about to be brought against Mr. Nixon. He did see, however, a memorandum prepared for the Watergate special prosecutor listing 10 areas in which Mr. Nixon was under investigation, not counting the Watergate cover-up. Mr. Ford said he was also told a Nixon trial would take a year or more.

The President said he did not consult Attorney General William B. Saxbe on the question of granting the pardon, nor any other outside legal authorities. He said his consultation was limited to his own legal advisers, Philip W. Buchen, Benton Becker and John O. Marsh. The President said he told Vice President-designate Nelson A. Rockefeller about his decision to grant the pardon during a discussion on another subject on Sept. 6, two days before it was announced.

Buchen told Mr. Nixon's attorney that "he bedeviled" the statement should express contrition, Mr. Ford said. He saw a preliminary draft of Mr. Nixon's statement accepting the pardon but did not consider it subject to his approval.

Mr. Ford noted that much of the controversy about the pardon dealt with the timing—the fact that it was issued before indictment or trial of the former President, and just 10 days after Mr. Ford had told his first news conference that he would let the legal process run on before acting.

The President said that shortly after the press conference he asked Buchen to research the pardon power, and was told a few days later that he could pardon Mr. Nixon before he was indicted for any crime.

The President was then told that if Mr. Nixon were indicted and went to trial, the process might take more than a year. Mr. Ford said he was "greatly

concerned" that another year of "the passions generated over a long period of time would seriously disrupt the healing of our country from the wounds of the past."

Mr. Ford also said that he received no medical reports on Mr. Nixon's condition before granting the pardon, but believes a trial would have proved a "serious threat" to his health.

"In closing," he said, "I would like to re-emphasize that I acted . . . out of concern to serve the best interests of my country."

One of the first questions from Rep. Robert W. Kastenmeier (D-Wis.) dealt with benefits accruing to Mr. Nixon from the pardon. The President replied:

"My prime reason was for the benefit of the country, not for any benefits that might be for Mr. Nixon."

Rep. Don Edwards (D-Calif.) asked, in view of the fact that Mr. Nixon has gone free while his top aides are now standing trial for the Watergate cover-up, how Mr. Ford would explain the American concept of equal justice under law to schoolchildren. The President replied:

"Mr. Nixon was the 37th President of the United States . . . He is the only President in the history of this country who has resigned under shame and disgrace. I think that that in and of itself can be understood, can be explained to students or to others. That was a major, major step . . . and it certainly constituted shame and disgrace."

Rep. Wiley Mayne (R-Iowa), saying he had been disturbed that the pardon was granted before indictment at least, asked if upon reflection the President felt he had acted too hastily.

Mr. Ford replied he was convinced he had done the right thing at the right time. If there had been a delay of a year, "the opportunity for our government . . . to get the problems we have would have been I think deeply upset and roadblocked."

It was at this point that Rep. Holtzman provided a sharp change of pace. She voiced "dismay" at the five-minute limit on questioning, and criticized the subcommittee for not preparing for the President's testimony by first calling Haig, Buchen and others. She told the President the secrecy with which the pardon was issued has created "very dark suspicion" in the public's mind and "made people question whether or not, in fact, there was a deal."

The President categorically denied there had been any deal, and Rep.

Holtzman then fired off these questions without waiting for responses:

"The people want to understand how you can explain having pardoned Richard Nixon without specifying any of the crimes for which he was pardoned.

"And how can you explain pardoning Richard Nixon without obtaining any acknowledgment from him?"

"How do you explain failure to consult the Attorney General of the United States with respect to the issuance of the pardon even though in your confirmation hearings you had indicated that the Attorney General's opinion would be critical in any decision to pardon the former President?"

"How can this extraordinary haste in which the pardon was decided on and the secrecy with which it was carried out be explained?"

"And how can you explain that the pardon of Richard Nixon was accompanied by an agreement with respect to the tapes which in essence in the public mind hampers the special prosecutor's access to the materials . . . ?"

"And in addition, the public, I think, wants an explanation as to how Benton Becker was used to represent the interest of the United States in negotiating a tapes agreement when at that very time he was under investigation by the United States for possible criminal charges. (Becker is under investigation on a tax matter.)"

"And how also can you explain not having consulted Leon Jaworski, the special prosecutor, before approving of the tapes agreement?"

Rep. Lawrence J. Hogan (R-Md.) observed in regard to Edwards' remarks about equal justice that the pardon power is "inherently inequitable," that some people get pardoned and others in similar circumstances do not.

The President agreed with a statement by Hogan that Mr. Nixon's acceptance of the pardon was "tantamount to admission of guilt."

The President denied press reports which Hogan said were carried in The Washington Post and The New York Times among other publications that Secretary of State Henry A. Kissinger told him he feared Mr. Nixon might commit suicide. Hogan then said: "Much of the (pardon) controversy has been generated by the press by just such erroneous statements."

A syndicated column (Evans and Novak) in The Washington Post Sept. 12 recounting events leading up to the pardon said "reports flowing into the Oval Office" included a fear expressed by Kissinger "that Nixon's life might be in danger by his own hand."