

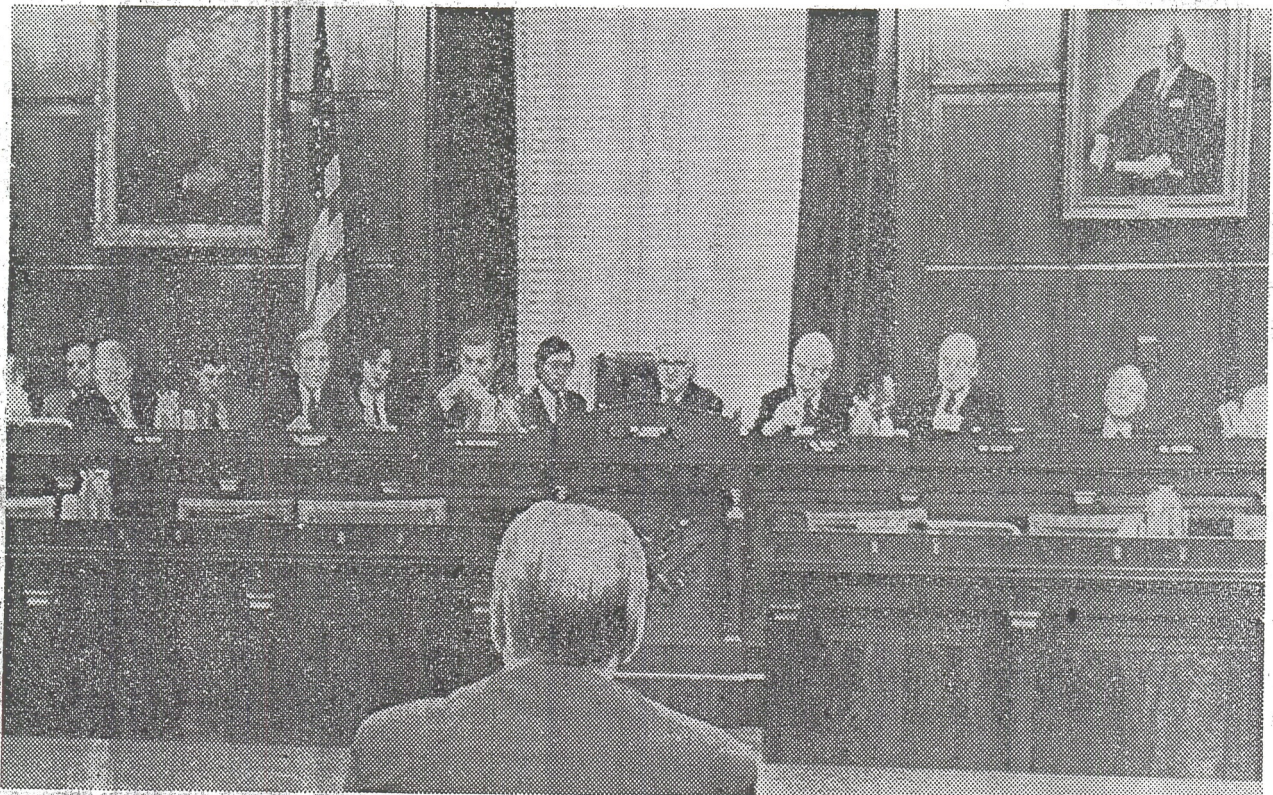
FORD DEFENDS PARDON

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BEFORE HOUSE PANEL AND SAYS THERE WAS 'NO DEAL' WITH NIXON



President Ford facing members of a House Judiciary subcommittee yesterday as he testified on the Nixon pardon

United Press International

OCT 18 1974

Ford Defends Pardon Before House Panel and Says There Was 'No Deal' With Nixon

[8 cols.]

HISTORIC HEARING

OCT 18 1974

President Declares He Acted Out of Concern for Good of Country

NYTimes

By DAVID E. ROSENBAUM

Special to The New York Times

WASHINGTON, Oct. 17

President Ford, in a historic appearance before a House subcommittee, attempted today to lay to rest suspicions raised by his predecessor, Richard M. Nixon.

In what may have been the first formal appearance by a sitting President before a Congressional panel, Mr. Ford testi-

Transcript of Ford hearing is on Pages 18-20.

fied that he had granted the pardon solely "out of my concern to serve the best interests of my country."

"There was no deal, period," he declared.

"I assure you," he said, addressing the millions of television viewers as well as the members of the House Judiciary Committee's Subcommittee on Criminal Justice, "that there never was at any time any agreement whatsoever concerning a pardon to Mr. Nixon if he were to resign and I were to become President."

Yet, despite Mr. Ford's effort to "make for better understanding of the pardon," his appearance generated still further questions in the minds of his political opponents.

Discussion With Haig

He told the subcommittee, for example, that, eight days before the resignation, Gen. Alexander M. Haig Jr., Mr. Nixon's chief adviser, brought up with Mr. Ford the possibility of a pardon for Mr. Nixon.

Mr. Ford said today that he made no commitment then, but he could shed no light on what General Haig, then Mr. Nixon's chief of staff, might have reported back to Mr. Nixon.

Moreover, Democratic politicians seemed prepared to try to capitalize on Mr. Ford's acknowledgement that he intentionally misled reporters in the days before Mr. Nixon resigned.

Mr. Ford said today that he had made misleading statements to the press because he felt that any change in his previously stated views would have led newsmen to think that he wanted the President to resign.

Mr. Ford insisted that the

purpose of the pardon "was to change our national focus." He told the subcommittee, "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."

Watts and Harlem

The President was not placed under oath today, and, for the most part, the nine subcommittee members treated Mr. Ford with deference. They addressed him as "Mr. President," never interrupted him, and thanked him after virtually every response.

But some of the questions reflected the bitter feelings engendered in much of the country by the irrevocable decision to pardon Mr. Nixon before any charges had been brought against him.

Representative Don Edwards, a liberal California Democrat, was the first to ask such a question.

"Mr. President," he said, "put yourself in the position of a high school teacher shall we say, in Watts or the barrios of San Jose or Harlem, and, if you were such a teacher, how would you explain to the young people the American concept of

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equal justice under law?"

Mr. Ford replied by saying that Mr. Nixon was "the only President in the history of this country who has resigned under shame and disgrace" and that "that in and of itself can be understood, can be explained to students or to others"

Representative James R. Mann, a South Carolina Democrat, spoke of the possibility that the pardon might have effectively terminated the special prosecutor's investigation of "other parties and other possible defendants in getting to the true facts of the matter that has disturbed our national political life during these past two years."

Mr. Ford responded that the pardon would have no "impact on any other mandate that the special prosecutor's office had."

Finally, as the noon deadline set by Mr. Ford approached, Representative Elizabeth Holtzman of Brooklyn, the junior Democrat on the subcommittee, got her turn to question the President.

Expression of Dismay

She began by expressing her "dismay" that, because of brief time allotted for questioning, the subcommittee would "not be able to provide to the American public the full truth and all the facts respecting your issuance of a pardon to Richard Nixon."

Then the 33-year-old lawyer in her first term in Congress cited the "very dark suspicions that have been created in the public's mind," and she posed a half-dozen questions that she said demanded answers.

Why was Mr. Nixon pardoned without specifying his crimes or obtaining a confession of guilt? Why was the W Attorney General not consulted? Why were the deliberations conduct-

ed in such haste and with such secrecy? What was the connection between the pardon and the agreement giving Mr. Nixon control over access to his tape recordings? Why was a lawyer under criminal investigation used as an intermediary? And why was the special prosecutor not consulted?

Miss Holtzman did not wait for answers. She said she did not have time to do so. Instead, she posed still another question.

Would the President, she asked, be willing to turn over to the Judiciary Committee all tape recordings of conversations between him and Mr. Nixon to insure the public that the pardon and the tapes agreement did not result from Mr. Ford's desire to keep such a conversation secret.

No Direct Answer

Mr. Ford did not answer the final question directly. He said only that the tapes would continue to be available to the special prosecutor's office.

But, in his opening statement and in his answers to questions from other subcommittee members, Mr. Ford did address some of the other questions put by Miss Holtzman.

No conditions were placed on the pardon, and Mr. Nixon was not asked to make a confession, Mr. Ford declared, but he said that the former President's acceptance of the pardon implied an admission of guilt.

While discussions about the custody of the tapes were "related in time to the pardon discussions," the President said, they "were not a basis for my decision to grant a pardon to the former President."

As for the timing of the pardon, Mr. Ford said he had "thought about that a great deal, because there has been criticism of the timing."

He noted that some critics argued that he should have waited for an indictment, others said he should have allowed the matter to go to trial and still others said he should have waited to see if Mr. Nixon received a jail sentence.

Such processes, he said,

would have taken 'at least a year and probably longer,' and, during that time, "the opportunity for our Government and the President, and Congress and others to get to the problems we have would have been, I think, deeply upset and road-blocked."

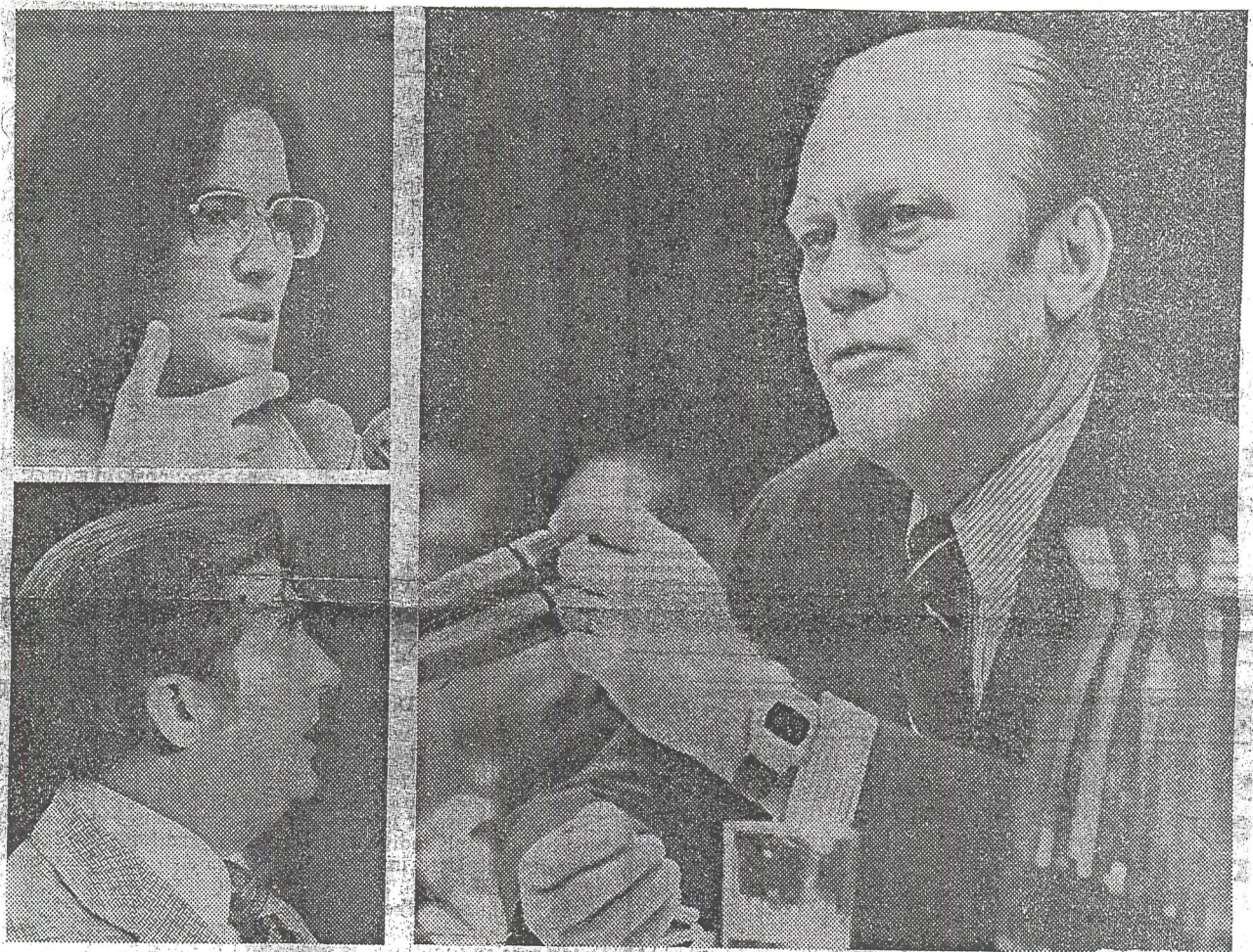
"So," the President said, "I'm convinced, after reflection, as I was previously, that the timing of the pardon was done at the right time."

In his 40-minute opening statement, Mr. Ford said his first discussion of a pardon came on Aug. 1, five days after the Judiciary Committee had approved its first Article of Impeachment and two days after the committee concluded its proceedings.

Various Possible Options

General Haig came to him that day, Mr. Ford said, and described to him "the critical evidence on the tape of June 23, 1973." It was the eventual disclosure of that tape, showing indisputably Mr. Nixon's involvement in the Watergate cover-up, that led to Mr. Nixon's resignation on Aug. 9.

The main purpose of the Haig visit, Mr. Ford said, was to prepare him "to assume the Presidency within a very short



Elizabeth Holtzman, Brooklyn Democrat, and Lawrence J. Hogan, Maryland Republican, questioned Mr. Ford

The New York Times

time."

But, in the course of the meeting, according to Mr. Ford, Mr. Haig mentioned that the White House staff was considering "various possible options."

One alternative, Mr. Ford said he was told, was for Mr. Nixon to step aside temporarily. Another was for him to delay resignation until further along the impeachment process. A third was to try to persuade Congress to settle for a censure vote rather than an impeachment trial.

But, according to Mr. Ford, three of the options involved pardons. There was the "question of whether the President could pardon himself." There was thought given to "pardoning various Watergate defendants, then himself, followed by resignation."

And, finally, Mr. Ford said, there was the possibility under consideration of "a pardon to the President, should he resign."

Mr. Ford said that he told Mr. Haig he needed "time to think." The next day, he testified, he talked with James D. St. Clair, Mr. Nixon's impeachment attorney, and was told that Mr. St. Clair "had not been the source of any opinion about Presidential pardon power."

Then, Mr. Ford said, he called Mr. Haig and told him that "I had no intention of recommending what President Nixon should do about resigning or not resigning and that nothing we had talked about the previous afternoon should be given any consideration in whatever decision the President might make."

In response to a question of whether Mr. Haig had discussed the pardon issue with Mr. Nixon, Mr. Ford said, "not to my knowledge. If any such discussion did occur, they could not have been a factor in my decision to grant the pardon when I did, because I was not aware of them."

Trip to the South

Representative William L. Hungate, Democrat of Missouri, who is chairman of the subcommittee, said after hearing Mr. Ford's testimony that there was "considerable sentiment" for calling Mr. Haig to testify about what was discussed between him and Mr. Nixon. He added, however, that no decision would be made until Congress returned from a recess after the Nov. 5 elections.

On Aug. 3, 4 and 5—the day following his discussions with Mr. Haig and Mr. St. Clair—Mr. Ford took a previously planned trip to Mississippi and Louisiana. On the trip, he repeated what he had been saying for months—that he did not believe Mr. Nixon was guilty of an impeachable offense.



President Ford at the witness table yesterday as he testified before the House Judiciary Committee's Subcommittee on Criminal Justice

The New York Times



Associated Press

John M. Doar, left, who was special counsel in the House Judiciary Committee inquiry on impeachment of Richard M. Nixon, at the hearing on the pardon given Mr. Nixon.