

Excerpts From Transcript of Ford's Testimony at Hearing

Special to The New York Times

WASHINGTON, Nov. 1—Following are excerpts from a transcript of testimony today by Representative Gerald R. Ford, Republican of Michigan who is President Nixon's nominee for Vice President, before the Senate Committee on Rules and Administration:

OPENING STATEMENT

This is a new experience for me, I realize it is also a new experience for you, and for the American people. I feel that I am among friends however I ask you only to treat me as true friends treat one another, with directness, with candor, without favor and without guile, in full and mutual awareness of the solemn oath we have all taken to the Constitution and our responsibility to the people of this great Republic.

I am deeply conscious that today the Congress and the citizens we represent are embarking upon a historic voyage into uncharted waters. I come before you as the nominee of the President to fill a vacancy in the office of Vice President of the United States under the provisions of the 25th Amendment to the Constitution, for which 65 Senators and 368 members of the House voted in 1965 and which the Legislatures of 48 states subsequently ratified.

I know you are going to have a lot of questions for me, but there are two big ones perhaps I can answer at the start.

First, what makes you, Jerry Ford, qualified to be Vice President of the United States? Second, what kind of a Vice President would you hope to be?

Let me take the second question first. How do I regard the office of the Vice Presidency — in the climate and context of right now, and in terms of the future. History isn't much help here, except recent history, through which we have all lived.

There are only three living Americans who have held this high office, and three weeks ago at the White House one of them told me he wanted me to take the job.

The first two telephone calls I got after that were from the two other former Vice Presidents. And for their generous good wishes I will

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always be grateful.

Events at home and abroad have moved so swiftly since that night that I have not had much time for scholarly homework on the duties of the Vice Presidency, or even to collect my own feelings at the sudden change in my own style of life.

Pride and Sadness

My thoughts have been mixed—pride in the confidence which President Nixon has shown for me and deep satisfaction that apparently it is shared by hundreds of other old friends and colleagues, in the Congress, and throughout the country. I have felt a touch of sadness at the thought of leaving the House of Representatives which has been my home for nearly half my life.

I have also felt something like awe and astonishment at the magnitude of the new responsibilities I have been asked to assume. At the same time I have a new and invigorating sense of determination and purpose to do my best to meet them.

Perhaps the worst misgiv-

ings I have about the Vice Presidency are that such contacts with all kinds of people would be more difficult—and that my friends might stop calling me Jerry.

Not only has my public life been an open book but in the last three weeks my private life has been opened as well. Once I told the President I'd accept—I guess I told him as much—I made a firm decision, I decided to make available to this committee and to the House Committee on the Judiciary, without reservation except reliance on their good judgment, every record relating to my public service, my personal finances, my health and the health of my wife and children, and to respond as fully and accurately as possible to every reasonable inquiry.

I asked all public officials, Federal, state and local, and all persons or agencies that have custody of normally private records regarding me to make them fully and speedily available, including all of my campaign finances, office and personal bank ac-

counts—even our children's savings accounts — my income tax records and confidential financial disclosure reports, required by House rules, all correspondence of my Congressional office and the records of my certified public accountant in Grand Rapids, including a statement of my net worth. It has been a monumental job, just locating and digging out the records. I have, all in a very short time. I have answered every request, unreservedly, and I want to give such answers because of the great importance of the present inquiry.

I believe you and the Congress and the American people must become fully satisfied that I am worthy of your trust and that I am fit to perform the duties of the Vice Presidency.

'I Am Not a Saint'

I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself, and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans.

President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions: Get all the facts and all the good counsel you can, and then do what's best for America.

The constitutional duties of of a Vice President are few, and his statutory duties while numerous do not really define his role. It is trite and cynical to sum it all up by saying the Vice President does whatever the President wants him to, and no more. I have a different idea, I hope a broader one. It is based on the uniqueness of my situation and, above all, on the greatest single need of our country today.

I realize, of course, that almost exactly a year ago President Nixon and Vice President Agnew were elected

by majorities of the people in 49 of the 50 states. Not only that, but the President was running on his record of four years. He was re-elected by a massive majority who approved of his program and his policies as they had been

tried and tested over that period. I fought hard for those programs in the Congress as Republican leader in the House. I defended them vigorously all over the country and on the campaign trail, and for that I have no apologies. If being for his President and for his party and for its candidates disqualified anyone from becoming Vice President, then we'll never have another Truman, Nixon, Johnson or Humphrey.

But while I feel a strong obligation to recognize the Presidential mandate of 1972, I am also very much mindful of the Congressional mandate on the same Election Day. The very same Americans who gave the Republican President a margin of 17,838,725 votes also gave the Senate a Democratic majority of 56 to 42, with one Independent and one Conservative and the House a Democratic majority of 243 to 192.

Partisan Division Seen

The Founding Fathers in 1787 never intended—and the American people in 1972 never intended—to paralyze and cripple the Government in Washington. But responsible citizens and leaders in both parties are beginning to worry about our national Government becoming seriously weakened by partisan division.

I have served in one Republican Congress and a dozen Democratic Congresses. I have served during three Democratic and two Republican Presidencies. In the course of 25 years I've stood with the Congress when it was right and with the President when he was right, in my judgment, regardless of which party controlled the executive branch or the legislative branch of Government.

I know from first-hand ex-

perence that almost without exception the people in their wisdom send to Congress men and women who are reasonable, who prefer action to inaction, who are capable of compromise, who love their country and who are concerned for the future of the oldest representative republic on earth.

I know these men and women can work together because I have worked together with them the best years of my life.

So I come back to the first question: What makes you, Jerry Ford, qualified to be Vice President of the United States?

My answer is that I believe I can be a ready conciliator and calm communicator between the White House and Capitol Hill, between the reelection mandate of the Republican President and the equally emphatic mandate of the Democratic 93d Congress. I believe I can do this—not because I know much about the Vice-Presidency—but because I know both the Congress of the United States and the President of the United States as well and as intimately as anybody who has known both for a quarter century.

Friend of the President

I count most of the members of the Senate and of the House as my friends. They have been wonderfully kind and helpful during these hectic days of volunteering support and encouragement to me. The President of the United States has been my friend from the time he was a second-termer

from California in the House and took time to make a freshman from Michigan feel welcome. He has always been truthful to me, as have my good friends in the Congress. I have never misled them even when they might have wanted to hear something gentler than the truth. And if I change jobs that is the way I intend to continue.

Truth is the glue that holds government together, and not only government, but civilization itself.

So gentlemen, I readily promise to answer your questions truthfully I know you will not pull any punches—the American people will never forgive any of us if you do. Through my testimony it is my intention to replace misunderstanding with understanding and to substitute truth for untruths.

SENATOR HOWARD W.



The New York Times

Mrs. Ford, left, holding a copy of her husband's statement during the hearing. With her is Mrs. Robert Hartmann, wife of Representative Ford's chief of staff.

CANNON: It has been said that essentially you are a strict conservative, and that you represent a conservative district as a legislator from Grand Rapids. But the question has come to mind, would the entire country vote for you if they had a chance.

No '76 Race Planned

Now, I'm thinking that on previous occasions the nation rejected Senator Goldwater because perhaps they thought he was too conservative, and rejected Senator McGovern because possibly they thought he was too liberal. Even former Vice President Agnew did not become a strict conservative but rather was a moderate, in his public image preceding his election at least, and I wonder if you would care to comment on the question of your electability if you were to be confirmed, not by this committee, but by the vote of the people, and also do you think that some method should be devised for the people to vote on a vacancy

in addition to the application of the 25th Amendment?

A. Mr. Chairman I first should reiterate a comment I've made many times since Oct. 12, that I have no intention of seeking any public office in 1976. So my observations in response to your question must be taken in that light.

I have been very successful, for which I'm happy and proud, in my district, on 13 occasions. I must differ with the interpretation as to the political attitudes of the Fifth Congressional District in Michigan.

It is in my opinion a moderate electorate. And my own views are not as conservative as might have been implied in that regard. I consider myself a moderate certainly on domestic affairs, conservative on fiscal affairs, but a very dyed-in-the-wool internationalist in foreign policy.

Now I think those moderate views, being an internationalist in foreign policy, a conservative in fiscal affairs and a moderate in general domestic matters, if I had ever had my name submitted, I might have done at least fairly well. I wouldn't forecast any victory, however.

Q. You didn't address yourself to the last part of the question. A. Oh, the last question, I'm sorry.

Q. Do you think we ought to have some provision whereby the people of the country would have the opportunity to vote some way in connection with the 25th Amendment?

Separation of Power

A. Mr. Chairman, I don't think that's practical. In my judgment, the procedure set up under the 25th Amendment is a sound one. It does provide for immediate, or relatively immediate filling of the office of the Vice-Presidency. It does give to the spokesmen of the American people in the 100 members of the Senate and the 435

members of the House, the opportunity to express the people's view on the person nominated by the President.

An election, I think, is unnecessary under the circumstances.

SENATOR MARLOW W. COOK: Congressman, as you know, there has been a great deal of controversy recently on the question of executive privilege and separation of power. Can you give the committee some idea of what your feelings are about providing the Congress or the courts information originating in the executive branch

of government.

A. Let me make two comments: One, I don't think a President has unlimited authority in the area of executive privilege. On the other hand, which is just the opposite, I don't think the Congress or the public generally have unlimited right to the personal confidential conversations between a President and his advisers or any documents that go between a President and his advisers.

In other words, between the two extremes, it seems to me that we have to apply reasonable rules so that some confidentiality is maintained between the President and his advisers.

On the other hand, the Congress and the public have certain rights to have certain information.

There has been an effort in the House, and I suspect in the Senate as well. There have been some bills introduced to get one or more committees to draft some prescription or guidelines. No action has been taken but I think it might be well—it would be a lot easier for Presidents, for members of the Congress, and particularly for me if we had some definitive guidelines, but we don't.

So I think you really have to take each instance case-by-case, Senator, and judge what's actually in the best interest of the country. No, I, should the President bend over backwards to cooperate, to make available documents, and if so, he ought to do it. On the other hand, if it's in the best interests of the country that the Congress shouldn't ask for certain documents, then I think they shouldn't ask.

And there are certain documents involving national security, where perhaps the Congress should show some reservation. I wish I could give you a black or white answer, but the history of this country doesn't give us any precedents of that kind and I repeat I think it depends on the individual circumstances.

SENATOR ROBERT C. BYRD: Now Mr. Ford, do you feel that executive privilege should be invoked by a chief executive, any chief executive, even though serious allegations of criminal conduct may have been made with respect to the Presidential office itself?

A. It seems to me in this situation the judgment would have to be what's in the best interest of the country. We certainly don't want any

person who is a criminal to go free because of the refusal of any document to be made available to the proper authorities.

Q. Can you conceive of any justification for any President to invoke the doctrine of executive privilege to prevent the surrender of any documents, Presidential

papers, etc., that do not deal with foreign relations or national security, but which may have deep bearing upon the possible commission of serious felonies and which have been requested by a court through an order?

A. When the question is asked as I understand it, I think there should be cooperation by the chief executive.

Q. In other words, in your judgment the doctrine of executive privilege could not legitimately be invoked under those circumstances?

A. Where you have allegations—serious allegations—of criminality, where those documents have a material impact on the guilt or innocence of an individual, it seems to me that judgment, bearing in mind the best interest of the country, would be that they should be made available.

Concealment of Information

Q. Is it your opinion that

concealment of information which may go to the commission of crimes is justified under any circumstances when invoked by a President?

A. I can't at this point foresee any. But that's a pretty broad statement. But at the moment I can't foresee any.

Q. Would not the concealment of such information constitute an obstruction of justice?

A. As I would understand the question and the determination. You have to make an honest determination as to what is actually obstructing justice. And that's not always a clear-cut question or a set of facts. But in the normal context I would say yes.

Q. You would say yes, that concealment of information which may bear upon the commission of crimes would constitute an obstruction of justice? A. Yes, I think under my interpretation.

Q. Can you conceive of any justification, Mr. Ford, for anyone, including a President of the United States, to disobey a final court order?

A. I would strongly say that any person, including the President, where a determination has been made by the highest court of the land, ought to obey the court order.

Q. Would you, Mr. Ford, if the high mantle of Presidential authority were bestowed upon you, invoke executive privilege to prevent the courts from seeing documents judicially ordered to be turned over to the courts?

The Proper Thing

A. Well I publicly stated several weeks or months ago that certain documents that have been widely publicized should be turned over to the courts or to a court as well as to a committee of the United States Senate. I said that would have been the proper thing politically to do. I have qualified it by saying that in my opinion there were serious legal and constitutional questions involved.

But if I had to weigh those two, the political public impact on the one hand and the legal or constitutional issues on the other I think my judgment would be to make them available and therefore I was pleased that the President has made available those tapes to the District Court here in the District of Columbia. That's the way I felt, on the basis of the facts, it should have been handled.

Q. You think they should have been turned over? A. Right. That is correct, yes sir.