

Ford Denies Deal on Pardon  
--- Historic House Testimony

## President Sticks by His Actions

Washington

In a historic appearance at a congressional witness table, President Ford declared yesterday that there was no deal nor secret understanding behind his sudden and widely criticized pardon of Richard M. Nixon.

But Mr. Ford acknowledged for the first time that the option of executive pardon for Mr. Nixon was mentioned to him eight days before he assumed the presidency.

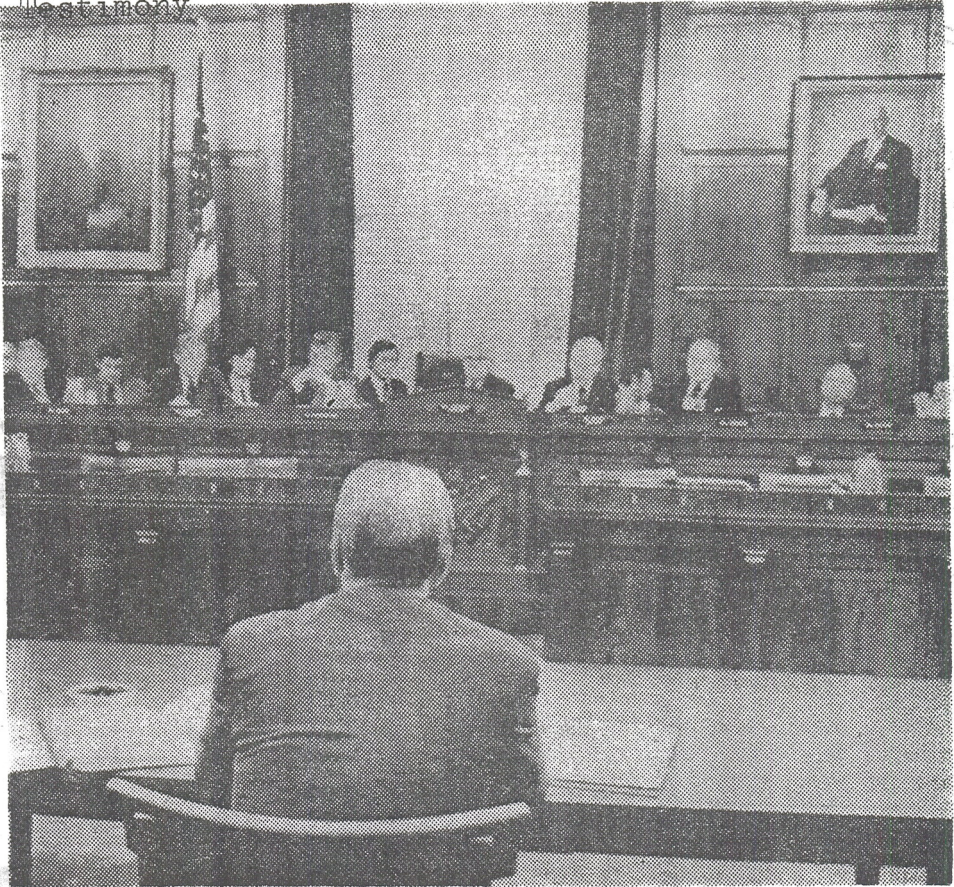
He told a House Judiciary subcommittee on criminal justice that Alexander M. Haig Jr., then White House chief of staff, came to him on August 1 with the news that a tape recording to be turned over to U.S. District Judge John J. Sirica on August 5 could "tip the vote in favor of impeachment" in the House of Representatives.

In another meeting that same day, the President told the subcommittee, Haig outlined Mr. Nixon's situation, and half a dozen options possibly open to Mr. Nixon.

These options included possibly pardoning himself, and the possibility of a pardon by his successor if he resigned.

"General Haig," Mr. Ford said, "wanted my views on the various courses of action as well as my attitude on the options of resignation. However, he indicated he was not advocating any of the options. I inquired as to what was the President's pardon power, and he an-

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UPI Telephoto

Mr. Ford faced the House subcommittee in a televised hearing



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answered that it was his understanding from a White House lawyer that a president did have authority to grant a pardon even before any criminal action had been taken against an individual, but obviously he was in no position to have an opinion on a matter of law."

Throughout his long prepared statement and in response to more than an hour of questions, the President stated that his motive in pardoning Mr. Nixon, before legal action was instituted against him, was to get the Watergate scandal behind the country.

Although he acknowledged that the timing of the pardon had been widely questioned, the President strongly indicated that, confronted with the same circumstances, he would do it again.

Asked by Representative Wiley Mayne (Rep-Iowa) whether he now thinks he acted too hastily, Mr. Ford said he is "convinced after reflection, as I was previously, that the timing of the pardon was done at the right time."

It would have taken a year, probably more, he said, if he had decided to delay the decision until an indictment and trial of the former President.

In going personally to answer questions before the subcommittee investigating the pardon, the President gambled, as he did in granting the pardon, that direct action could prevent a controversy from dragging out.

It was the first documented appearance of a president before a congressional committee since the days of George Washington, although tradition says Abraham Lincoln once appeared before a committee on the conduct of the Civil War.

For the most part, the President was, with unusual courtesy, asked the same questions that had been posed at a White House press conference on September 16.

The only member of the subcommittee showing impatience was Representative Elizabeth Holtzman (Dem-N.Y.), who com-

plained that the two-hour, nationally televised session with the President was insufficient to settle the "dark suspicions" that she said had been aroused in the country by the early pardon.

"Perhaps these suspicions are totally unfounded, and I sincerely hope they are," she said.

"But, nonetheless, we must all confront the reality of these suspicions and the suspicions that were created by the circumstances of the pardon which you issued and the secrecy with which it was issued, and the reasons for which it was issued, made people question whether or not, in fact, there was a deal."

The President interrupted, telling her: "I want to assure you, the members of this subcommittee, the members of the Congress and the American people that there was no deal, period, under no circumstances."

At another point, thumping the table for emphasis, the President told the subcommittee, "the reason I gave the pardon was not as to Mr. Nixon himself. I repeat, and I repeat with emphasis, the purpose of the pardon was to try to get the United States, the Congress and the American people focusing on the serious problems we have . . ."

Mr. Ford said the only condition attached to the pardon when his tentative decision to grant it was relayed to Mr. Nixon at San Clemente was that it be accepted.

And, agreeing with a statement by White House counsel Philip W. Buchen shortly after the pardon, he said he considers acceptance of a pardon tantamount to an acknowledgment of guilt.

In his prepared statement to the subcommittee, Mr. Ford said he continued believing in the last months of the Nixon administration that Mr. Nixon had committed no impeachable offense.

It was not until the second conversation with Haig on August 1, he said, that he learned of information on a June 23, 1973, White House

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tape recording, information which, Haig said could be catastrophic for Mr. Nixon.

The recording dealt with a conversation between Mr. Nixon and White House aide H. R. Haldeman in which they discussed using the Central Intelligence Agency to limit an FBI investigation of Watergate.

"I cannot really express adequately in words how shocked and stunned I was by this unbelievable revelation," Mr. Ford said.

"First was the sudden awareness I was likely to become President under these most troubled circumstances; and secondly, the realization that these new disclosures ran completely counter to the position I had taken for months, in that I believed the President was not guilty of any impeachable offense."

Even after being told of the last and most devastating tape recording on August 1, Mr. Ford, on a trip to Mississippi and Louisiana on August 3, 4 and 5, continued telling reporters he did not believe Mr. Nixon would be found guilty of an impeachable offense.

He told the subcommittee yesterday, any change from my stated views, or even refusal to comment further, I feared would lead in the press to conclusions that I now wanted to see the President resign to avoid an impeachment vote in the House and probably conviction in the Senate."

Mr. Ford said after he became President on August 9, neither Mr. Nixon nor any of his representatives ever mentioned the subject of pardon. Furthermore, the President said he never discussed it with members of his own staff until the subject was raised at his press conference on August 28.

At the press conference, the President indicated he expected the judicial process to run its course before he moved toward a pardon decision.

But he told the subcom-

mittee that shortly after the press conference, "I became greatly concerned that if Mr. Nixon's prosecution and trial were prolonged, the passions generated over a long period of time would seriously disrupt the healing of our country from the wounds of the past."

"I could see that the new administration could not be effective if it had to operate in the atmosphere of having a former President under prosecution and criminal trial.

"Each step along the way, I was deeply concerned it would become a public spectacle and the topic of wide public debate and controversy."

The President said at the time of his pardon decision that he had been given no medical reports on Mr. Nixon's condition. In reply to a question by Representative Lawrence J. Hogan (Rep-Md.), Mr. Ford denied reports that Secretary of State Henry A. Kissinger had expressed concern to him that Mr. Nixon might attempt suicide.

Nevertheless, Mr. Ford, who last saw Mr. Nixon the day of the resignation, said he thought a prolonged trial would have been a threat to the former President's health. He said at his last meeting with Mr. Nixon he noticed that the former President seemed drawn and appeared to have lost weight.

When the tentative decision to pardon the former President was relayed to San Clemente, Mr. Ford said, his representatives told Mr. Nixon's attorney the statement accepting the pardon should express "contrition."

The President said he saw the Nixon statement before it was issued. It contained no acknowledgement of guilt, but the President said he did not consider the statement subject to his approval.

Referring to the Watergate coverup trial now under way in Washington, Representative Don Edwards (Dem-Calif.) asked the President whether the same mercy extended to Mr. Nixon should not be applied to his former aides now being prosecuted.

Mr. Ford replied that it would not be appropriate to comment on the other cases with a trial under way.

Edwards then asked the President to "put yourself in the position of a high school teacher in Watts or Harlem. How would you explain the concept of equal justice under law?"

Saying Mr. Nixon had resigned in "shame and disgrace," the President told Edwards "That in itself can be understood, can be explained to students or others."