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# 'Prior Presidential Abuse'

The House Judiciary Committee, as part of its historic impeachment inquiry a year ago, didn't confine itself to investigating the abuses of Richard Nixon.

Fifteen historians were hired to dig up the misconduct of his predecessors as well, going all the way back to George Washington.

The prying professors learned that John Tyler had claimed "executive privilege" to keep information from Congress, that the Abraham Lincolns had overspent their furniture budget, that Teddy Roosevelt had collected corporate contributions and that Franklin Roosevelt's tax returns had been examined.

The investigation failed, however, to uncover the illegal operations of the CIA, FBI and other federal agencies. These activities, condoned by previous Presidents, might have been ferreted out a year earlier if investigators had been employed instead of professors.

The investigation into "prior presidential abuse" was demanded by Rep. Charles Wiggins (R-Calif.), one of Nixon's staunchest supporters on the committee. He insisted this was necessary "to furnish a standard to test the alleged abusive conduct of Richard Nixon."

On behalf of the minority members, Wiggins kept up a clamor for a probe of past Presidents but got the brush-off from the majority. Unknown to him, however, chief counsel John Doar decided to go ahead with it.

He assigned the investigation not to a team of investigators armed with subpoenas but to a squad of professors headed by Yale University historian C. Vann Woodward.

The committee members never learned about the Woodward study until the hearings were over and the impeachment vote had been taken. Then its existence came to the attention of the members only because

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they were asked to pay the professors' salaries.

Still, the study was never released to the committee members. According to Doar, it was "not in shape" to be circulated and was completed too late to be of any use.

Woodward acknowledged to us that the investigation was confined to the historical records and that the professors had no access to evidence that past Presidents had misused the CIA and FBI.

The study, nonetheless, offers some fascinating historical parallels to the Nixon case:

• The question of whether a Vice President can be prosecuted came up in 1804 long before Spiro Agnew was accused of bribery and income tax violations. Aaron Burr was indicted twice for murder after the famous duel in which he killed Alexander Hamilton. Since the indictments "were quietly allowed to die," the study says, "a test of whether an incumbent Vice President could stand trial under criminal law was thus not made." Ironically, Burr later returned to Washington and presided, as Senate president, over the impeachment trial of Justice Samuel Chase.

• President John Tyler, like Richard Nixon more than a century later, clashed with Congress over the doctrine of "executive privilege." In March 1842, Tyler rejected a House demand for information about patronage applications from congressmen.

The demand, he fumed, was "dangerous, impolitic and unconstitutional." Tyler's refusal, along with his record of vetoes, brought a House report recommending his impeachment. The proceedings were never started, however, because impeachment would have failed.

• Nixon also wasn't the only President to overspend government funds on his home. Mary Todd Lincoln exceeded her \$20,000 furniture budget by \$6,700 in 1861. In tears, she begged the public buildings commissioner to tell Honest Abe that "it is common to overrun appropriations." But Lincoln, says the study, wouldn't hear of it. "I'll pay it out of my pocket first," Lincoln reportedly said. "It would stink in the nostrils of the American public to have it said the President of the United States had approved a bill overrunning an appropriation of \$20,000 for flub dubs for this damned old house when the soldiers cannot have blankets."

• Nor did Nixon's men invent the practice of selling ambassadorships. President Grover Cleveland, for example, received \$50,000 from a wealthy Rhode Islander named James Van Alen in 1892. The following year, Van Alen was appointed minister to Italy. But after a furor over the impropriety, he resigned the post.

• There were also questionable fundraising practices back in James Buchanan's time. His "close personal friend, George Plitt of Philadelphia,

was promised naval contracts in return for campaign contributions, and such contracts were later awarded," states the study.

• Teddy Roosevelt, to whom Nixon turned admiringly in his tearful farewell address, was accused like Nixon of accepting large corporate contributions. The Woodward study claims that more than 70 per cent of the \$2.2 million collected by the GOP in 1904 came from giant corporations—among them U.S. Steel, \$216,000, and Standard Oil, \$150,000.

• Nixon also wasn't the first President who didn't practice what he preached. Warren Harding solemnly called for "individual compliance and more state action" to enforce prohibition laws at the same time that he was hitting the bottle himself inside the White House. But in January 1923, according to the study, "Harding announced he had become a total abstainer."

• It turns out that Nixon also wasn't the first President whose income tax returns were examined by Congress. Critics of President Franklin Roosevelt charged that he had filed inaccurate returns. Congress subsequently cleared Roosevelt of the charge, with one Republican acknowledging that Roosevelt had submitted "an eminently fair return."

Yet no previous President, so far as the study shows, committed the variety and enormity of offenses that have been attributed to Nixon.

Footnote: The contributing professors, after collecting \$10,791.27 from the taxpayers to compile a tome on presidential improprieties, collected another \$11,000 from Dell Publishing Company for the rights to publish the manuscript. Yet the manuscript, presumably, belonged to the taxpayers who previously had paid for it. A spokesman for Dell said the company had "agreed to withhold publication until it was cleared with Doar."