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President's Statement Worries Ford

By Jules Witcover

Washington Post Staff Writer

Vice President Gerald R. Ford yesterday expressed concern that President Nixon may have opened himself up to accusations of obstructing justice by not reporting a year ago that he was told that hush money had been paid to Watergate defendants.

"I'd think anybody would be [concerned]," the Vice President told a breakfast group of reporters when asked about Mr. Nixon's failure to tell authorities of the payments he has said former White House counsel John W. Dean III advised him of on March 21, 1973.

"I think in retrospect it probably would have been the better procedure [to report the information], if it's perfectly clear that was what was told him," Ford said. "I think I would have, yes."

Ford acknowledged that the accusation of obstruction of justice—by convicted Watergate conspirator James W. McCord Jr. in a petition to the House to impeach Mr. Nixon—could be argued. He added, however, that "you can also get good legal questions" in support of the President.

But when asked for one, Ford—after thinking for a moment—said "I can't give you a legal defense because I don't have the specific details" on how knowledge of the payments came to Mr. Nixon.

Ford then was reminded that the President in his press conference last Wednesday said Dean "told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense." Last Aug. 15, in a televised talk, Mr. Nixon had said just the opposite—that payment went "for attorneys' fees and

family support, not that it had been paid to procure silence from the recipients."

"I want to refresh my memory on what he said and what the other evidence might be," Ford said. In doing so, he said, he might reconsider his earlier decision not to listen to tapes the White House has said can exonerate the President.

Ford has contended that if he listened to the tapes, and they didn't clear the President, he might disclose their contents and lead some to accuse him of using them for his own political advantage—presumably to replace Mr. Nixon.

Asked whether determining the facts on the President's actions in this matter were not more important than protecting himself against this kind of hypothetical accusation, Ford said:

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"I'll make that decision, but not at this table."

While "I haven't changed my mind as of this moment" about listening to the tapes, he said, in light of the obstruction of justice charge "I think it raises another question, yes."

Ford has said he has had the opportunity to read summaries of the critical tapes but has declined, preferring to take the word of Senate Minority Leader Hugh Scott (R-Pa.), who says he has read them, that they clear the President.

The Vice President's remarks came a day after the President's chief Watergate lawyer, James D. St. Clair, told *The New York Times* in an interview that the President as the nation's chief law enforcement officer was obliged when hearing of a crime only to see that the judicial process was set in motion and carried out. He then cited the recent indictment of seven men in the Watergate cover-up as evidence that Mr. Nixon had done so.

McCord is contending that the President's failure to tell U.S. District Court Chief Judge John J. Sirica of

the hush-money payments amounted to tampering with a defendant, a federal crime, because two days after the Nixon-Dean conversation McCord and the other six defendants went before Sirica for sentencing. Had Sirica known of the hush-money payments, McCord has contended, all seven convictions would have had to be overturned.

In yesterday's breakfast meeting, Ford said he thought refusal by the President to turn over tapes requested by the House Judiciary Committee could be a "catalyst" to impeachment by the House.

Refusal to respond to a reasonable House request "certainly adds fuel to the fire when you consider 435 members have to make up their minds," Ford said, and would be a factor particularly among members who have not decided on impeachment or are leaning one way or another.

Ford said he has read correspondence between John Doar, counsel for the committee's impeachment inquiry, and St. Clair and wants to talk to St. Clair to determine whether the request is reasonable or not. It is his impression, he said, that the request "goes far beyond any act relevant to" the constitutional definition of impeachable crimes.

At the same time, however, Ford said he believes that "any indictable crime" can be grounds for impeachment, including tax fraud.