

# Aide Doubtful That Ford Would Give Nixon Pardon

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WASHINGTON, Aug. 9—The new White House press secretary, J. F. terHorst, suggested today that President Ford was not likely to grant a pardon to former President Nixon.

The press secretary was asked at a briefing this afternoon about the prospects of a pardon.

He replied that he had not spoken to Mr. Ford about the question directly, but that the President had apparently stated his position on the matter last fall, during the Senate confirmation hearings into his nomination as Vice President.

"I do not think the public would stand for it," Mr. Ford said then.

Mr. Nixon's prospects for avoiding criminal prosecution thus remained in doubt, with the office of the special Watergate prosecutor saying only that a decision on whether to prosecute had not been made.

Mr. Nixon lost whatever immunity from prosecution that he may have had when he resigned today. According to Mr. terHorst, Mr. Nixon did not try to pardon himself before leaving office, nor did he grant pardons to anyone else.

Some Republican members of Congress urged today that Mr. Nixon not be prosecuted, saying that he had already suffered enough. But even among Republicans, the sentiment was not unanimous.

Senator Edward W. Brooke, Republican of Massachusetts, submitted a resolution to the Senate yesterday expressing

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the "sense" of the Congress that Mr. Nixon be given immunity. But today, Mr. Brooke made it clear that he would not press for passage of the resolution, apparently because Mr. Nixon had not yet sufficiently admitted wrongdoing.

Mr. Nixon's speech to the nation last night announcing his resignation, Mr. Brooke said, "fell far short of what I consider full disclosure of his involvement in Watergate or related matters."

Mr. Nixon's allusions to wrongdoing were confined in his address largely to one paragraph. "I regret deeply," he said, "any injuries that may have been done in the course of the events that led to this decision. I would say only that if some of my judgments were wrong—and some were wrong—they were made in what I believed at the time to be the best interests of the nation."

Mr. Nixon is potentially liable

to criminal prosecution in several areas, including the Watergate affair and tax matters. The Federal grand jury that named him an unindicted co-conspirator in the conspiracy to obstruct justice by covering up the facts behind the Watergate burglary is still in existence and, conceivably, could indict Mr. Nixon at any time.

The grand jury reportedly had wanted to indict Mr. Nixon at the same time it indicted the others in the case but had been dissuaded by the prosecution, which argued that it was not legally clear that an incumbent President could be indicted.

Theoretically, Mr. Nixon could escape prosecution in two ways — by Presidential pardon, or by decision of the Watergate prosecution. As a practical matter, though, neither Mr. Ford nor Leon Jaworski, the special prosecutor, is likely to take such a momentous step without some kind of Congressional consensus.

At the moment, that con-

peachment trial is still subject-sensus has not yet formed.

Senator Hugh Scott of Pennsylvania, the Senate Republican leader, said this morning that Mr. Nixon has already been punished adequately. He said that the nation already had its "pound of flesh" and that it did not need "the blood that goes with it."

However, Mike Mansfield of Montana, the Senate Democratic leader, said he "personally would have appreciated some reference [by Mr. Nixon] to the reasons which brought about Mr. Nixon's resignation." Mr. Mansfield also noted that the Nixon resignation did not close the books on Watergate, for the courts would still be "operating for another year, maybe two years."

The American Civil Liberties Union issued a statement in New York today saying it viewed "with great concern" the suggestions that Mr. Nixon be given immunity. The organization pointed out that the constitutional provisions on impeachment specifically state that a person convicted in an im-

to indictment and punishment "according to law."

John Barker, a spokesman for Mr. Jaworski, said today that White House lawyers had not yet approached the prosecution to discuss Mr. Nixon's potential liabilities.

"Eventually, some decision will have to be made," he said, adding, "It's not immediate."

The exchange to which Mr. terHorst referred today took place before the Senate's Committee on Rules and Administration.

Senator Howard W. Cannon, chairman of the committee, asked, "If a President resigns his office before his term expired, would his successor have the power to prevent or to terminate any investigation or criminal prosecution against the former President?"

Mr. Ford: Would we have the authority?

Mr. Cannon: Yes, would we have the power?

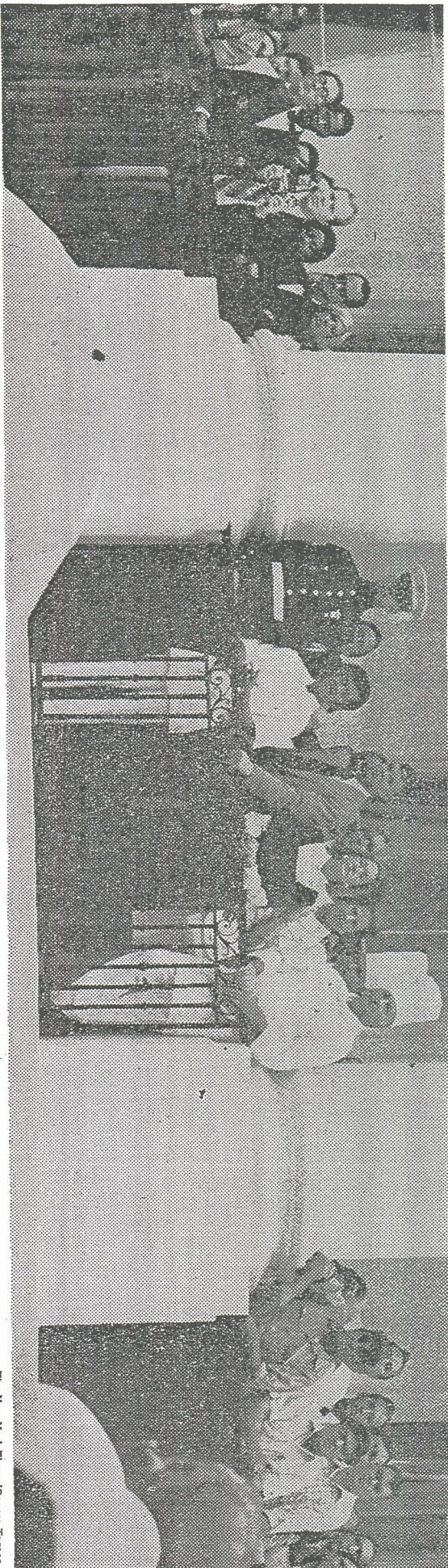
Mr. Ford: I do not think the public would stand for it. I think—and whether he has the technical authority or

not, I cannot give you a categorical answer. The Attorney General, in my opinion, with the help and support of the American people, would be the controlling factor.

Mr. Cannon then asked: "Do you believe that any President or Vice President of the United States should claim absolute immunity from prosecution while in office?"

Mr. Ford responded, "Well,

as I said a moment ago, as I understand the Constitution, a President has to be impeached and convicted before he can be prosecuted. But once he has been impeached and convicted by the Congress, then he is not immune under any circumstances to criminal prosecution. I think the same would apply as far as the Vice President is concerned."



Members of Richard M. Nixon's personal staff on a White House balcony as Mr. Nixon's party departed from the mansion. They also gave an ovation to Mr. Nixon.

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