

FORD SAID TO BAR PRETRIAL PARDONS OF EX-NIXON AIDES

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Resolution by Senate Urges
Him to Refrain Until Court
Action Is Completed

DEFENDANTS REBUFFED

Sirica Denies Requests by 3
in Watergate Case That
Charges Be Dropped
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By JOHN HERBERS

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WASHINGTON, Sept. 12 — President Ford does not intend to pardon any of the Watergate defendants before trial as he did former President Richard M. Nixon, a White House spokesman said today.

John W. Hushen, deputy White House press secretary, gave his assessment of Mr. Ford's intentions shortly before the Senate adopted, by a vote of 55 to 24, a resolution urging the President to refrain from using his pardoning power until the judicial process is completed in each case.

The resolution has no force of law but simply expresses the sense of the Senate.

Meanwhile, Federal Judge John J. Sirica denied today requests by three of the defendants in the Watergate case that the charges against them be dropped because the pardoning of Mr. Nixon had created the impression that they were guilty. However, he did agree to delay by a day, to Oct. 1, the start of the trial to assemble a new panel of prospective jurors.

Lawyers for the three defendants—H. R. Haldeman, John D. Ehrlichman, two former high-level aides to Mr. Nixon, and former Attorney General John N. Mitchell—had asked that either the trial be postponed indefinitely or the charges dismissed. [Page 23.]

Protests Continue

The moves to head off, at least for the time being, any further pardons in the Watergate case came as protests and questions concerning Mr. Ford's grant of an unconditional pardon to Mr. Nixon continued for

the fifth straight day.

Hugh Scott of Pennsylvania, the Senate Republican leader, said there was near unanimity in Congress that there should be no interference with the judicial process in the Watergate cases.

"The public needs to know everything it can about Watergate," Senator Scott said shortly before the Senate adopted the resolution opposing any pardon "to any individual accused of any criminal offense arising out of the Presidential campaign and election of 1972 prior to the indictment and completion of trial and any appeals of such individual."

The resolution had the sup-

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port of Senators of both parties.

White House officials, meantime, sought to clarify further President Ford's position on pardons, retreating for the second day from an official statement of Tuesday that Mr. Ford had under study the possibility of granting pardons for the 48 persons charged with Watergate-related crimes.

Mr. Hushen said today that what was under study was the President's pardoning powers in general and that the President agreed with Senator Scott and others that there should be no pardon before trial.

Asked about recurring reports that President Ford may have made an agreement on some basis with former President Nixon, before Mr. Nixon left office, to grant him a pardon, Mr. Hushen said, "that is absolutely not true. There was no communication regarding a pardon for Mr. Nixon."

Mr. Hushen said at a White House news briefing that he had no knowledge of efforts by H. R. Haldeman to obtain executive clemency for either himself or John D. Ehrlichman. The men were among former President Nixon's closest advisers.

It was reliably reported here yesterday that in the last days of the Nixon Administration the two men had made vain appeals.

There were the following other developments in the pardon controversy:

¶A close friend and adviser to President Ford who asked not to be identified said the pardon for Mr. Nixon was granted after Mr. Ford talked

with Edward F. Cox, Mr. Nixon's son-in-law, who impressed on him that Mr. Nixon was in poor health and that his leg, because of the phlebitis he developed in June, was swollen to twice its normal size. Mr. Hushen said today he was not aware of Mr. Ford's having talked to any member of the Nixon family before the pardon about the former President's health.

¶Representative Bella Abzug, Democrat of Manhattan, and eight other Representatives introduced a resolution calling on President Ford to answer 12 questions concerning his pardoning of Mr. Nixon. While the resolution was not expected to be approved it pointed up questions that have been asked with increasing frequency this week. Among other things, it asked what part Gen. Alexander M. Haig Jr., the White House chief of staff who had also served

capacity, played in the pardon; President Nixon in that whether President Ford had any certification from a psychiatrist or physician that the charges pending against Mr. Nixon were threatening his health, and whether Mr. Nixon's resignation was related in any way to a promise of a pardon.

¶Friends of Charles W. Colson, the former White House aide who is serving one to three years in prison for obstruction of justice, have been conducting an extensive Ford Administration for a pardon. Those seeking the pardon include members of the prayer group Mr. Colson joined after he left the White House.

Mr. Hushen said today that no formal application for a pardon had been received for any of the Watergate defendants, but this would not rule out a lobbying campaign that would prepare the way for an application.