

No Precedent Is Seen By Ford on Testimony

By Lou Cannon
and Richard L. Lyons
Washington Post Staff Writers

President Ford believes he can testify before Congress about the reasons he gave a pardon to former President Nixon without setting a damaging precedent that would erode executive powers, White House sources said yesterday.

These sources said that Mr. Ford, after a discussion with his legal advisers, had become convinced that his testimony would not establish a precedent because he is volunteering to give testimony rather than responding to a congressional request for his appearance. The House Judiciary subcom-

mittee before which Mr. Ford has said he will testify within the next nine days asked for detailed information about the reasons for the pardon but did not call upon the President to testify.

It is this fine line upon which Mr. Ford apparently will rely if he is directly requested to give future testimony to Congress, these sources said.

White House press secretary Ron Nessen laid the groundwork for prospective future requests yesterday when he explained the reasons for Mr. Ford's compliance.

"He's a great believer in the direct approach," Nessen said.

"He feels he is the one who has the best information surrounding his pardon power. He feels he has nothing to hide and wants to tell the truth."

The description of the President as the person having "the best information" would apply also to a host of other presidential decisions. Some congressmen and, privately, some White House aides have expressed the belief that Mr. Ford's action, however commendable, could lead to many direct requests for his testimony on other issues.

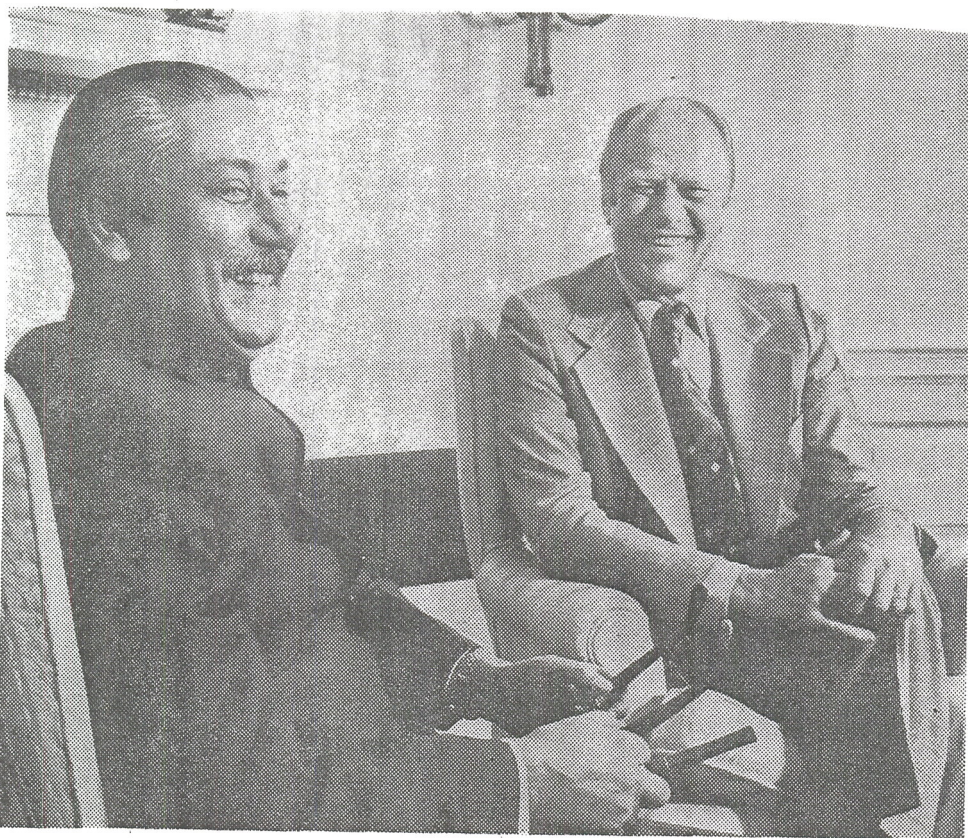
Nessen, without giving any explanation, cautioned reporters on making the assumption that Mr. Ford would testify before Congress on other issues.

The last President to appear before a congressional committee was Abraham Lincoln, who appeared voluntarily to deny charges that his wife sympathized with the Southern cause.

A succession of 20th century Presidents, citing the constitutional doctrines of executive privilege and separation of powers, blocked various attempts by Congress to obtain information from them or their high-ranking aides.

The most dramatic contrast between Mr. Ford and his predecessors is with Mr. Nixon, who barred key aides H. R. Haldeman and John D. Ehrlichman from testifying in the early stages of the Watergate investigation.

One of Mr. Ford's intimates said he thought the President would restore his reputation for candor and openness by testifying before Congress. But a White House aide familiar with the situation said that Mr. Ford's response was based on spontaneous reaction rather than political calculation.



By Frank Johnston—The Washington Post

WHITE HOUSE TALK—Bangladesh Prime Minister Sheikh Mujibur Rahman and President Ford meet at the White House. The two held "friendly and cordial" talks on a wide range of issues, including a serious food shortage in Bangladesh. An agreement for 100,000 tons of wheat and 50,000 tons of rice is due to be signed this week, after resolution of difficulties over Dacca's trade with Cuba.

This aide quoted the President as saying: "I'm the only one who knows what they want to know so I guess I'll go up and appear."

After this initial response, the aide said, the President then consulted with his staff about any problems that would be posed by his appearance. He had a long conference with Philip W. Buchen, his principal legal adviser, before determining that a voluntary appearance would avoid establishing a precedent for

presidential testimony where it is directly requested by Congress.

The House Judiciary subcommittee before which Mr. Ford has offered to testify met yesterday morning, agreed on three possible days next week for the hearing and asked him to take his pick.

Subcommittee Chairman William L. Hungate (D-Mo.) said he expected the hearing would be televised. He said the President will not be asked to take an oath to tell the truth

since none of the other witnesses at the current series of hearings have been sworn. Hungate has been holding hearings on a wide range of bills aimed at getting out the full story of former President Nixon's involvement in Watergate and why Mr. Ford pardoned him.

Hungate said he expected the format of the hearing would be for Mr. Ford to read a statement and then for members to ask clarifying questions.