

Ford Decision Tied to View Of Limits on Presidency

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President Ford's surprise decision to appear before a Congressional subcommittee to answer questions about the pardon of Richard M. Nixon was described by close associates today as reflecting his view that executive privilege is not the absolute right many of his predecessors believed it to be.

The President's thinking, according to these associates, is that executive privilege is a valid concept but that some of the old postures do not always work in the temper of the present time.

The Constitution does not expressly refer either to the power of Congress to obtain information or to the power of the executive to withhold it. However, both rights are rooted in history and precedent.

Thus, a number of Presidents have invoked executive privilege in refusing to divulge, or to allow their subordinates to divulge, various kinds of information sought by Congress.

Move for 'Good Marriage'

President Ford's decision to appear in person before a House judiciary subcommittee, rather than balk at divulging further information or sending a subordinate to answer questions, was said today to have evolved from numerous White House discussions in recent days.

The President was said to be fully aware that his appearance could weaken any future stand he might feel was warranted in invoking executive privilege.

However, according to those close to him, he also felt that it was essential to establish close contacts between the White House and Congress—or, as he said just days after taking office, to have "a good marriage" with Congress, in which he served for a quarter-century.

Mr. Ford's pardon of Mr. Nixon on Sept. 8 abruptly ended what had up until then been an easy relationship between Congress and the Ford White House.

The relationship was strained even further when Mr. Ford, responding to the Judiciary subcommittee's request for a full explanation of the pardon, sent a 200-word letter saying that his reasons "have already been explained" and enclosing transcripts of his pardon proclamation, White House press briefings and a news conference.

Subcommittee members, even those of the President's own party, expressed disappointment over what they considered to be such cavalier treatment and these views were made known to the White House.

Response Held Unusual

One top Congressional Republican said today that the President, because of the heavy press of business in early days in office, had perhaps not paid as much attention in responding to the letter as he might otherwise have.

"I obviously was not the kind of response he [the President] would have made under ordinary circumstances," this Republican said. "He knows Congress too well for that."

Aware that his initial letter ruffled Congressional feelings, in much the same way that President Nixon had done in repeatedly refusing to supply information sought by Congress, President Ford is said to have weighed the matter and decided that a personal ap-

pearance might repair some of the damage.

Despite the risk that he might open the door for future demands that he appear in person before Congressional committees, the President is said to feel that he is not abandoning the doctrine of executive privilege.

His reasoning was described today by White House aides as based on the fact that the subcommittee inquiry involves action that he alone took rather than something done at his direction by a subordinate.

"He feels he is the one who has the best information about all the circumstances surrounding his exercise of the pardon power and thus is best informed to supply the information," Ron Nessen, the White House press secretary said.

"The President feels he has nothing to hide," Mr. Nessen continued. "He wants to tell the truth."

The President's view that executive privilege is not an absolute power and should be given some flexibility is not inconsistent with his past thinking.

More than a decade ago, Mr. Ford was highly critical of the Kennedy Administration when Gen. Maxwell D. Taylor, at that time chairman of the Joint Chiefs Of Staff, refused to answer questions posed by a defense subcommittee on appropriations about the Bay of Pigs operation.