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## NO CONDITIONS SET

### Action Taken to Spare Nation and Ex-Chief, President Says

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Special to The New York Times

WASHINGTON, Sept. 8— President Ford granted former President Richard M. Nixon an unconditional pardon today for all Federal crimes that he "committed or may have committed or taken part in" while in office, an act Mr. Ford said was intended to spare Mr. Nixon and the nation further punishment in the Watergate scandals.

Mr. Nixon, in San Clemente, Calif., accepted the pardon that exempts him from indictment and trial for, among other

*Text of the Ford statement is printed on Page 24.*

things, his role in the cover-up of the Watergate burglary. He issued a statement saying that he could now see he was "wrong in not acting more decisively and more forthrightly in dealing with Watergate."

#### 'Act of Mercy'

Philip W. Buchen, the White House counsel who advised Mr. Ford on the legal aspects of the pardon, said the "act of mercy" on the President's part was done without making any demands on Mr. Nixon and without asking the advice of the Watergate special prosecutor, Leon Jaworski, who had the legal responsibility to prosecute the case.

Mr. Buchen said that, at the President's request, he had asked Mr. Jaworski how long it would be, in the event Mr. Nixon was indicted, before he could be brought to trial and that Mr. Jaworski had replied it would be at least nine months or more, because of the enormous amount of publicity, the charges against Mr. Nixon had received when the House Judiciary Committee recom-

mended impeachment.

This was one reason Mr. Ford cited for granting the pardon, saying he had concluded that "many months and perhaps more years will have to pass before Richard Nixon could obtain a fair trial by jury in any jurisdiction of the United States under governing decisions of the Supreme Court."

#### Statement by Ford

"During this long period of delay and potential litigation, ugly passions would again be aroused, our people would again be polarized in their opinions, and the credibility of our free institutions of government would again be challenged at home and abroad," Mr. Ford said in a 10-minute statement that he read this morning in the oval office upon signing the pardon.

Mr. Ford's decision was not unexpected, in light of his previous statements that he thought the former President had suffered enough by being

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forced from office. Yet the unconditional nature of the pardon, taken without the recommendation of Mr. Jaworski, was more generous to Mr. Nixon than many had expected.

Mr. Buchen, the President's soft-spoken, white-haired lawyer, said, in response to questions, that no effort had been made to obtain acknowledgment of wrongdoing. When Vice President Agnew resigned last October he pleaded no contest to a charge of tax evasion and agreed to a bill of particulars that described in detail a number of other serious charges against him.

Before Mr. Ford finally decided to grant the pardon, the White House lawyers obtained from Mr. Nixon a letter in which he agreed to make available to the courts any subpoenaed records and tape recordings. But the agreement is also favorable to Mr. Nixon in that the documents are judged to be his personal property and the many tape recordings not yet made public are to be destroyed.

The only adverse aspect of today's action from Mr. Nixon's point of view is that he can now be more easily forced to testify in the forthcoming trial of several of his former aides

accused of obstruction of justice in the Watergate case. The defendants have already subpoenaed the former President for the trial scheduled to open Sept. 30, and Mr. Nixon, having been pardoned, cannot decline to testify under the Fifth Amendment, which protects citizens against self-incrimination.

Mr. Ford's action today was a sharp reversal from the position his aides conveyed as he ascended to the Presidency on Aug. 9.

What would be done about prosecuting the former President was even then a major question, because Mr. Nixon admitted in a statement of Aug. 5 that he had ordered a halt to the investigation of the Watergate burglary, for political as well as national security reasons. Tape recordings released at the same time documented this.

#### Earlier View by Ford

J.F. terHorst, Mr. Ford's press secretary, when asked Aug. 9 whether Mr. Ford would grant a pardon, pointed out that the new President had addressed that question in his confirmation hearings for Vice President before the Senate Rules Committee late last year.

Mr. Ford was asked then whether, if a President resigned, his successor would have the power to prevent a criminal investigation or prosecution of the former President.

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

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

However, since taking office, there have been several changes. Mr. Nixon, in seclusion in San Clemente, has been reported by

his friends to be deeply depressed and some have said that the legal troubles he faced were causing him so much anguish that his health was in jeopardy.

At the same time, high Republican officials, including Nelson A. Rockefeller, Mr. Ford's selection for Vice President, put out statements saying that the former President had suffered enough, and Mr. Ford agreed.

They way for a Presidential pardon was further prepared when Mr. Ford came out for conditional amnesty for Vietnam draft evaders and deserters as an act of mercy and as a means of uniting the nation. Although the Ford White House was not associated the two actions, the President struck similar chords in calling for both. He is scheduled to announce his plan for leniency

in the Vietnam cases on Tuesday.

The most surprising aspect of Mr. Ford's action was that it came on Sunday morning when the Government buildings were almost empty and no one was expecting any dramatic Presidential action. Mr. Ford attended early morning communion at St. John's Episcopal Church, then returned to the White House to make the announcement. He had chosen the Sabbath, it was learned later, to emphasize that the pardon was an act of mercy, not justice.

At 11:04, Mr. Ford walked into his Oval Office, where a small group of reporters and photographers was waiting, and sat at his desk. His face was grave.

### An American Tragedy

He then opened a manila folder and began reading his decision, looking occasionally into the cameras, which were filming the event for later showing. He spoke of the difficulty of the decision.

"To procrastinate, to agonize and to wait for a more favorable turn of events that may never come," he said, "or more compelling external pressures that may as well be wrong as right, is itself a decision of sorts and a weak and potentially dangerous course for a President to follow."

Of President Nixon and his family, Mr. Ford said: "Theirs is an American tragedy in which we all have played a part. It could go on and on and on, or someone must write the end to it. I have concluded that only I can do that."

He pointed out that there was no historical or legal precedent for him to follow. Never before had a president resigned from office and never before had a former President been

"But," Mr. Ford said, "it is common knowledge that serious allegations and accusations hang like a sword over our former President's head, threatening his health, as he tries to reshape his life, a great part of which was spent in the service of this country and by the mandate of its people."

The words, "threatening his health," were not in Mr. Ford's

prepared remarks, and his assistants said later that he had added them because of the reports that Mr. Nixon "is not well."

He then spoke of the unavoidable delay in any trial of Mr. Nixon and said that Mr. Nixon, instead of enjoying equal treatment under the law, "would be cruelly and excessively penalized in preserving the presumption of his innocence or in obtaining a speedy determination of his guilt in order to repay a legal debt to society."

In the end, he added, the courts might well hold that Mr. Nixon had been denied due process and "the verdict of history would even be more inconclusive with respect to those charges arising out of the period of his Presidency."

But he said that his decision had been based first on the public good and "my conscience tells me clearly and certainly that I cannot prolong the bad dreams that continue to reopen a chapter that is closed."

"Finally, 'Mr. Ford said,' I feel that Richard Nixon and his loved ones have suffered enough, and will continue to suffer no matter what I do, no matter what we as a great and good nation can do together to make his goal of peace come true."

### Reads Key Paragraph

At that, Mr. Ford took a blue silver felt-tip pen and signed the proclamation granting the pardon, reading the key paragraph:

"Now, therefore, I Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, have granted and by these presents do grant a full, free and absolute pardon unto Richard Nixon for all offenses against the United States which he, Richard Nixon,

has committed or taken part in during the period from Jan. 20, 1969, through Aug. 9, 1974."

He read the first date as July 20, but his assistants said later this was a mistake that he did not notice until after he had completed the statement. He left the room immediately afterward, his face still somewhat grim.

Mr. Buchen later briefed reporters on the events leading up to today's action. Sitting before the podium of the briefing room, Mr. Buchen, making his first public appearance as White House counsel, said Mr. Ford approached him about the pardon about a week ago and asked him to make a study of the matter.

### Consulted Jaworski

Mr. Buchen said that he had first consulted Mr. Jaworski about what a trial of Richard Nixon would involve and get, in writing, a statement that it would be "unprecedented."

Mr. Jaworski told him, he said, that the events leading up to Mr. Nixon's resignation—the House Judiciary Committee's recommendation for impeachment, the release of the tapes showing Mr. Nixon ordered a halt to the Watergate investigation six days after the burglary at the Democratic national offices here, on June 17, 1972, the decision of Republicans who had been supporting Mr. Nixon in Congress to vote for his impeachment or conviction on the basis of the new evidence—would necessitate a long delay because it would involve much "prejudicial, pretrial material" that the courts would have to dispose of.

Mr. Jaworski advised Mr. Buchen, the President's counsel said, "that the case against Mr. Nixon was 'readily distinguishable from that against the Watergate defendants whose trial is set for Sept. 30,

because they had not been tried before a Congressional body in the way, Mr. Nixon had in the impeachment proceedings.

Mr. Buchen said that he had picked a Washington lawyer, Benton L. Becker, to negotiate with Mr. Nixon and his lawyers. Mr. Becker, a friend of both the President and Mr. Buchen, went to San Clemente last week and advised Mr. Nixon that he probably would receive a pardon. Mr. Nixon told Mr. Becker, either personally or through an aide, that in such an event he intended to issue a statement similar to the one he put out today a few minutes after Mr. Ford's announcement.

Mr. Buchen said that he considered the Nixon statement a "statement of contrition" that would hasten the time when Mr. Nixon and his family "may achieve peace."

The lawyer, however, did not contest reporters' views that the statement was no more a confession than were Mr. Nixon's statements on leaving the White House.

"In accepting this pardon," the former President said, "I hope that his [Mr. Ford's] compassionate act will contribute to lifting the burden of Watergate from our country."

He said that he could now see the situation more clearly than when he was in office, adding:

"I know that many fair-minded people believe that my motivations and actions in the Watergate affair were intentionally self-serving and illegal. I now understand how my own mistakes and misjudgments have contributed to that belief and seemed to support it. This burden is the heaviest one of all to bear. That the way I tried to deal with Watergate was the wrong way is a burden I shall bear for every day of the life that is left in me."



President Ford as he talked to newsmen yesterday in the Oval Office before announcing his pardon for Richard M. Nixon

Associated Press