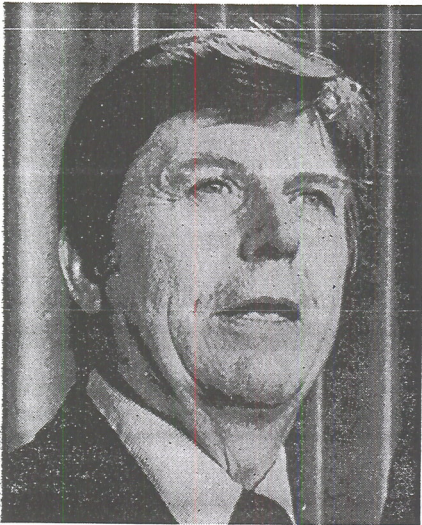


has one, the Government the other. Nixon has the right to listen to the tapes, and probably will do so in writing his memoirs. After five years he can order the Government to destroy the tapes or parts of them. In any case, the tapes must be destroyed in 1984 or at the time of Nixon's death, whichever comes first.

Watergate prosecutors regard the agreement as a *quid pro quo* for the pardon, but the White House denies it. On Saturday morning Becker delivered the agreement to the White House. Late that afternoon, Ford and several close advisers went over the final legal details of the pardon. He was still not completely sure that he would grant it, but, says one participant, "his mind was 95% made up." After that meeting, two old friends stayed behind with Ford. They were Bu-

UPI



EX-PRESS AIDE TERHORST  
*An act of conscience.*

chen and Counsellor Robert Hartmann, whose long association with the President enables him to capture Ford's style and inner thoughts in speeches. Ford talked out his reasons and his beliefs, and the two men went off to put them into a brief personal statement. Hartmann finished it overnight.

**Kind of Early.** On Sunday morning, Ford went alone to early services at St. John's Episcopal Church, across Lafayette Park from the White House. He sat in pew 54, "the President's pew," which had been occupied by many Chief Executives before him. There was no sermon. Along with some 50 other worshipers, the President knelt and received Communion. After the 25-minute service, Ford, looking solemn, climbed back into his limousine and returned to the White House.

Joining Hartmann in the Oval Office, Ford twice read the speech aloud, wrote in a few changes to make it flow more easily, and added the line referring to Nixon's health. Then he moved to a small adjoining office and began phoning congressional leaders; he had not previously informed them—or Jaworski—of the highly secret decision to pardon.

Many could not be reached because they were out golfing or otherwise relaxing. When he broke the news to House Majority Leader Thomas P. "Tip" O'Neill Jr., the stunned Congressman said, "Jesus! Don't you think it's kind of early?" According to O'Neill, Ford replied: "There is doubt that he [Nixon] could get a fair trial, and it would take a year to a year and a half to try him. He's down on his health. I feel it's time to do it."

At 11:05 a.m., Ford somberly walked into the Oval Office to face a single television camera and a pool of reporters who had been advised to assemble for an important announcement. The President engaged in none of the usual joshing banter with reporters, either before or after the speech. After he left the office, he told a staff member: "Well, I think it was the right thing to do." Then the President went to the Burning Tree Club to play a round of golf with his old friend Melvin Laird. Soon after, Laird was asked why Ford had acted just now instead of waiting until indictments had been returned. Said Laird: "The furor would have been much greater then. It is much easier now than it would have been afterward."

**Future Furor.** Of course, nothing will be easy now, and the furor promises to be intense. TerHorst's swift resignation was a symptom of what may lie ahead. Said TerHorst: "I couldn't in good conscience support the President's decision, even though I knew he took the action in good conscience." Republicans, who had delightedly looked forward to the deflation of Watergate as a major issue in November, now dejectedly faced the prospect of defending to the voters Ford's grant of pardon.

The issue is not whether Nixon has suffered enough. Indisputably, he has suffered, but so have countless other people who have committed wrongdoings—and they have not been exempted from prosecution. Nixon will be free and well pensioned, while those who took his orders are jailed and broken.

The real question is whether justice—and the country—have been served by giving Nixon a pardon. The American people deserve to know the entire story of Watergate. They do not know it yet, and the person who is in the best position to tell them—because he has the fullest knowledge of it—is Richard Nixon. If he had been brought to court, Nixon would have been under intense political pressure to divulge the full truth under oath. His degree of guilt or innocence would have been established by the law, and any claims that he had been hounded from office would have been laid to rest. Richard Nixon may well testify at the future trials of other, less privileged Watergate principals, and at that time he could still reveal the details of the unending Watergate story. The Sabbath pardon eased the plight of the man who received it, but gravely complicated the future of the man who granted it, Gerald R. Ford.

## Reaction: Is the Honeymoon Over?

"Well," said California's Democratic Representative **Don Edwards**, "that's the end of the honeymoon." That curt comment may prove to be as good a summary as any of the political consequences of President Ford's complete pardon of Richard Nixon. Democrats were almost unanimously opposed. Most of those Republicans who agreed to comment said that they favored the pardon. "It was the only decent and prudent course to follow," declared **Barry Goldwater**. Many Republicans were distressed, however, and the abrupt resignation of Ford's press secretary in protest against his boss's decision could encourage further defections. Whatever else it accomplished, the President's stunning move stirred such deep passions that it could bring his month-long era of good feeling to an abrupt end.

Unlike Richard Nixon's resignation, which had been expected for days before it occurred, his pardon by Ford came as a complete surprise. "You've just ruined my day," groaned **James Giller**, a Manhattan computer analyst, reflecting what may be a widespread reaction to the President's most important decision thus far.

Most critics complained that Ford's action had dealt a devastating blow to the idea that the poorest citizen is equal to a President—or former President—under the laws. "There is the obvious anomaly of punishing people who were working on Nixon's behalf or on Nixon's orders, yet not punishing Nixon," concurred Historian **Arthur Schlesinger**

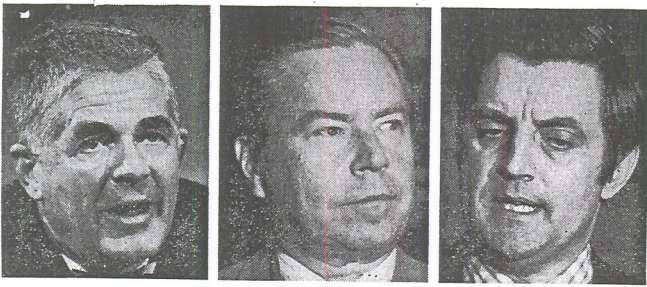
## "Nixon . . . Has

*Excerpts from the President's statement pardoning his predecessor:*

I have come to a decision which I felt I should tell you, and all my fellow citizens, as soon as I was certain in my own mind and conscience that it is the right thing to do.

To procrastinate, to agonize, to wait . . . is itself a decision of sorts and a weak and potentially dangerous course for a President to follow . . .

The Constitution is the supreme law of our land and it governs our actions as citizens. Only the laws of God, which govern our consciences, are superior to it. As we are a nation under God, so I am sworn to uphold our laws with the help of God. And I have sought such guidance and searched my own conscience . . . to determine the right thing for me to do with respect to my predecessor in this place, Richard Nixon, and his loyal wife and family.



COX                      RHODES                      MONDALE

White House since Aug. 9. Assistant Senate Majority Leader **Robert Byrd** said that he was "greatly disappointed. I think this sets a double standard—one standard for the former President of the U.S. and another standard for everybody

else." Senator **George McGovern**, who lost to Nixon in 1972, also emphasized the same point. "It has seemed to me that the central lesson of Watergate should be that no one stands above the rule of law," he said. "It is difficult to understand granting immunity to Mr. Nixon while committing his subordinates to prison." "This deals a terrible blow to the system of justice as we know it," said **Peter Rodino**, chairman of the House Judiciary Committee, which called for Nixon's impeachment. "I'm distressed and disquieted by it. It will reopen a lot of old sores."

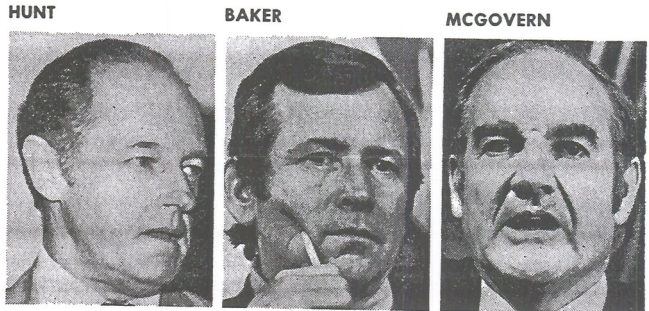
Many were not necessarily opposed to a pardon, but to a pardon at this time, before Nixon's guilt or innocence had been absolutely established. "No one wished the former President to go to jail," said Minnesota's Senator **Walter Mondale**, "but to grant a pardon for unspecified crimes and acts is unprecedented in American history." Ford "is kind of getting the cart before the horse," judged Oklahoma Representative **Tom Steed**.

"My whole position on Watergate has been to get at the truth," said Historian **James MacGregor Burns**. "To the extent that the par-

don interferes with that process, it is most unfortunate. I am worried that this means that Nixon will not play a role in the completion of facts that he should play. He has never been a voluntary source of facts on Watergate." **Archibald Cox**, whom Nixon fired as special Watergate prosecutor last October, was also afraid that Ford's premature forgiveness had created a situation in which Nixon partisans could claim that he had been the victim of a political vendetta.

"Without a declaration of personal guilt from Nixon, the whole thing is still up in the air," agreed **Chesterfield Smith**, former president of the American Bar Association. "It allows the diehards to continue to cry that he was innocent."

The question uppermost in the minds of most people was what would now happen to those who are under indictment or already in prison for Watergate crimes. **E. Howard Hunt**, who was convicted for his part in the break-in at Democratic headquarters and who is scheduled to testify at the Watergate trial beginning Sept. 30, had his own, no doubt biased answer. "It would really be a mockery to continue the trial," he said. "I certainly would have liked the same indulgence Nixon had."



HUNT                      BAKER                      MCGOVERN

Jr. "It seems to be an act which can only suggest that we *do* have a double standard of justice in the U.S.—that the President is indeed above the law."

For the most part, Republican politicians fell in line behind their new party chief. Vice President-designate **Nelson Rockefeller**, who had already urged clemency for Nixon, called Ford's pardon "an act of conscience, compassion and courage." The pardon will undoubtedly be controversial in the short run, Rockefeller said, but in the long run it will speed the nation's recovery from Watergate. "I don't think the people want Nixon to stand trial or to be convicted," agreed House Republican Leader **John Rhodes**. "I think Ford is trying to defuse this thing and bring us back together." Among the few Republicans who opposed the pardon were Massachusetts Senator **Edward Brooke** and Tennessee's Senator **Howard Baker**, ranking Republican on the Senate Watergate committee, who said that he was apprehensive about the pardon, fearful that it might prove devastating to the G.O.P. "Watergate is once again an issue," he sighed.

With few exceptions, however, Democrats in Congress were angered by the President's decision—the first real break in the good fellowship that has existed between Capitol Hill and the

## Suffered Enough

Theirs is an American tragedy ... It can go on and on and on, or someone must write "The End" to it ... Only I can do that. And if I can, I must.

There are no historic or legal precedents to which I can turn ... that precisely fit the circumstances of a private citizen who has resigned the presidency of the United States. But it is common knowledge that serious allegations and accusations hang like a sword over our former President's head 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.

... I have been advised and am compelled to conclude that many months and perhaps more years will have to pass before Richard Nixon could hope to obtain a fair trial by jury in any jurisdiction of the United States under governing decisions of the Supreme Court.

I deeply believe in equal justice for all Americans, whatever their station

... The facts as I see them are that a former President of the United States, instead of enjoying equal treatment with any other citizen accused of violating the law, would be cruelly and excessively penalized ...

During this long period of delay ... 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. In the end, the courts might well hold that Richard Nixon had been denied due process, and the verdict of history would be even more inconclusive.

But it is not the ultimate fate of Richard Nixon that most concerns me ... but the immediate future of this great country. In this I dare not depend upon my personal sympathy as a longtime friend ... nor my professional judgment as a lawyer. And I do not.

As President, my primary concern must always be the greatest good of all the people of the United States ...

As a man, my first consideration will

always be to be true to my own convictions and my own conscience.

My conscience tells me ... that I cannot prolong the bad dreams that continue to reopen a chapter that is closed. My conscience tells me that only I, as President, have the ... power to firmly shut and seal this book. My conscience says it is my duty not merely to proclaim domestic tranquillity, but to use every means I have to ensure it.

I do believe ... that I cannot rely upon public opinion polls to tell me what is right. I do believe that right makes might, and that if I am wrong ten angels swearing I was right would make no difference. I do believe with all my heart and mind and spirit that I, not as President, but as a humble servant of God, will receive justice without mercy if I fail to show mercy.

Finally, 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.