

Although Nixon no longer need fear that he will have to stand trial for his own Watergate-related acts, he still may face many long days in court as a witness in the trials of his onetime staff members.

Nixon's most immediate problems, however, are financial. In an interview with the *Los Angeles Times*, Dean Butler, Nixon's personal attorney, said that it would not really be "too much of an exaggeration" to say that Nixon was "broke" because of his severe "cash flow" problems. Butler has reportedly advised Nixon, who has paid an IRS assessment of some \$275,000 in back taxes for the years 1970 through 1972, to ignore an additional deficiency of some \$171,000 for 1969. Although Nixon has publicly pledged to pay this amount, the statute of limitations for that year has run out, and he is not legally obligated to do so. The pardon excuses him from any criminal tax-fraud charges. Nixon also faces a "balloon" payment, already once postponed, of more than \$200,000 on his San Clemente mortgage.

The Nixon financial situation is also clouded by rising opposition in Congress to President Ford's request that Nixon be given \$850,000 to meet his post-resignation "transition" expenses until next June 30, \$400,000 above the sum specified in the Presidential Transition Act of 1963. Phone calls and letters to Congressmen and Senators are running overwhelmingly against providing such a large sum. Nixon has drawn up a budget for \$250,000 in expenses, which can be challenged by Congress. This includes a puzzling \$100,000 for "miscellaneous" costs, \$40,000 for travel expenses and \$20,000 for telephone calls.

**Great Stories.** Another potential financial-windfall source for Nixon is, of course, the sale of his memoirs. One of the West Coast's top literary agents, Irving ("Swiftly") Lazar, said that Nixon has signed a contract with him to negotiate with publishers. Lazar, 67, represents such luminaries as Vladimir Nabokov, Arthur Schlesinger Jr., Irwin Shaw, Theodore White, Françoise Sagan and Billy Wilder. Lazar expects Nixon to write three volumes. The first will trace his life through his first term as President; the second will cover his foreign policy achievements and contacts with world leaders; the third will deal with Watergate. "I think he's going to tell one of the great stories of all time," said the agent, who told Nixon that he could expect worldwide hardcover sales of 500,000 and paperback sales of some 10 million. Lazar said that in his discussions with Nixon, there was little talk of "that cheap money stuff. He was very dignified." Nonetheless, Lazar said that Nixon ought to get an advance of "above \$2 million."

Until he reaps such a cash bonanza, Nixon will probably remain in a financial bind. To help alleviate that, he has been considering selling his San Clemente property, which he once vowed



RICHARD NIXON ALONE ON THE BEACH AT SAN CLEMENTE

## An End to the Greatest Uncertainty

In the month since he resigned the presidency, Richard Nixon has lived in brooding isolation on his 29-acre San Clemente estate. On occasion, he walked alone and brooding along deserted stretches of the chilly Pacific beach. When old friends telephoned, gingerly asking to renew social contacts, they were usually rebuffed, though gently. Among his few contacts with others were half a dozen or so phone conversations, including one with California Governor Ronald Reagan in which Nixon denounced the choice of Nelson Rockefeller as Vice President. The former President's few visitors found him brisk and alert on some days, depressed and digressive on others. Repeatedly he asked his callers two questions: 1) Was he right in resigning? and 2) Would he face prosecution for acts he had committed as President?

**Formal Statement.** Clearly the second question dominated Nixon's thoughts, so much so that he could not even bring himself to mention the name of Leon Jaworski, the Government's Watergate prosecutor who was to have directed any case against him. According to Nixon's aides and friends, uncertainty about Jaworski's intentions was nearly paralyzing the ex-President, making it almost impossible for him to act on the problems he faced. This week that uncertainty ended dramatically with the unconditional pardon granted by President Ford.

Nixon was well prepared for the move, which startled the rest of the nation. Only ten minutes after the White House announcement, Ronald Ziegler—the former presidential press secretary who has been acting as chief of Nixon's much shrunken staff—placed a conference call to key news representatives. A secretary then read a formal statement from Nixon. It was the clos-

est the ex-President has come to admitting culpability in his handling of the Watergate affair, but it still fell short of an acknowledgment of guilt. In his resignation speech of Aug. 8, Nixon conceded "misjudgments," but insisted that they had been committed in the national interest. This week he confessed that he had been wrong in not acting more decisively on Watergate, "particularly when it reached the stage of judicial proceedings and grew from a political scandal into a national tragedy. No words can describe the depths of my regret and pain at the anguish my mistakes over Watergate have caused the nation and the presidency."

As if to explain why he has changed his attitude regarding his own role in the Watergate controversy, Nixon added: "Here in California, my perspective on Watergate is quite different than it was while I was embattled in the midst of the controversy and while I was still subject to the unrelenting demands of the presidency itself." From this new vantage, Nixon said, he could see that those who criticized him were not all partisan enemies. "I know 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 to me." After this statement, Nixon's aides withdrew behind the wall of silence that has surrounded San Clemente for weeks. Nixon himself was not even on the estate at the time of the announcement. He and his wife had left by car, unobserved, earlier that morning.

would be presented to the U.S. public as a gift after his death and that of his wife. Daughters Julie and Tricia are reportedly urging their parents to return East, while Old Friend Bebe Rebozo has apparently suggested that the Nixons live near him on their Key Biscayne, Fla., property. The ex-President seems torn, because he also wants to be near research facilities for his long period of memoir writing, and Southern California is the probable location for a proposed Nixon library.

Although the pardon saves Nixon from standing trial, it probably will not silence those who have been arguing that under a legal system promising equal justice for all, even a for-

mer President should be prosecuted if he is suspected of having broken the law. Moreover, few of Nixon's recent statements—as reported by friends—indicate any contrition. He has complained acidly, for example, that his former supporters in Congress “deserted” him when he needed them most.

Judging from an interview that Nixon's son-in-law David Eisenhower gave to the Associated Press last week, it may well be that the ex-President still does not comprehend how seriously his actions may have eroded America's constitutional system. Nixon had merely “acquiesced in the non-prosecution of aides who covered up a little operation into the opposition's political headquar-

ters,” said young Eisenhower. And that, he added, “is a practice that was fairly well established in Washington for a long time and that no one took all that seriously.” Eisenhower admitted that only at the last minute did he and Nixon's wife and daughters learn the details of the former President's incriminating June 23, 1972 taped cover-up conversations. Only three days before he told the nation, Nixon gave his family the information—in effect, a confession that he had been lying to them for months. Nonetheless, Eisenhower still regards his father-in-law as a “natural resource” who ought to run for office once again, perhaps for the Senate.



INDICTED NIXON AIDES: FROM LEFT, HALDEMAN, EHRLICHMAN & MITCHELL

## The New Legal Tangles

President Ford's pardon of Richard Nixon may betray questionable judgment. There is no question of its constitutionality. Article II, Section 2 of the Constitution provides that the President “shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.” In an 1867 case that has obvious bearing on Ford's action, the Supreme Court ruled that the pardoning power is “unlimited” (except for impeachment) and “may be exercised at any time”—even before an indictment is issued.

Presidents in the past have made frequent use of the pardoning power—though never before on behalf of a former President. But while most uses of Executive clemency have resolved criminal cases for good, Ford's pardon of Nixon creates new legal tangles in the already snarled Watergate affair. Most immediately affected will be the six men facing trial on Sept. 30 for their roles in the Watergate cover-up—John Ehrlichman, H.R. Haldeman, John Mitchell, Kenneth Parkinson, Gordon Strachan and Robert Mardian. Many lawyers felt, in the aftermath of Ford's announcement, that the President had given a big boost to the defense.

Attorneys for Nixon's accused former aides are now in a position to argue

that their clients should not be convicted when the ex-President himself cannot even be brought to trial. “The President gave Nixon a complete ‘walk,’” said one defense attorney. “The other defendants should get the same thing. How can they be tried when all they really did was try to protect Nixon?” In ordinary legal proceedings, the leading member of a criminal group is most actively prosecuted and gets the stiffest sentence if convicted. Now that the highest-ranking person in the Watergate affair would go free, it seemed doubtful to many lawyers that any jury would send his subordinates to jail. The pardon also raised a question about the fate of the nine who have already been sent to prison; John Dean began his one-to-four-year term only last week.

**No Violation.** Other lawyers, however, questioned that pardoning Nixon would affect others still facing trial. Said Stanford Law Professor John Kaplan: “The fact that one person has been pardoned does not constitute a violation of the equal-protection clause of the Constitution.” In addition, the Nixon pardon has provided both the Watergate prosecutors as well as the defense lawyers with a whole new element: the assured testimony of the ex-President. In granting Nixon a pardon, Ford made it

difficult for the former President to refuse to testify in future Watergate trials by claiming his Fifth Amendment rights against self-incrimination. And when he does testify, Nixon will run the risk of a charge of perjury if he is less than completely truthful.

Nixon's own testimony, in combination with the records and tapes he has already agreed to make available for court use, may well ensure the fullest explanation to date of the entire Watergate affair. What that will mean for the defendants is still unclear. Certainly Nixon's evidence will be a crucial part of the entire case, and he may well furnish information about the Watergate cover-up that could clinch the arguments of the prosecution. At the same time, however, at least one of the Watergate defendants has already indicated that he wants Nixon to testify as a defense witness. Before Ford's pardon, Ehrlichman subpoenaed Nixon to testify, hoping apparently that Nixon would support his claim that he was led into thinking that national-security considerations justified the cover-up.

**Cloudy Future.** Though Nixon has been freed of the overwhelming anxiety that he would be indicted and have to face trial, he has not been freed from all the legal troubles growing out of the Watergate affair. Technically, he still faces the possibility of state criminal action for tax fraud in California, though this is considered extremely unlikely. More conceivably, citizens resentful about what they regard as illegal expenditures on the President's homes in California and Florida could bring civil suits. Further, action in the federal courts could be initiated by someone like former National Security Council Staffer Morton Halperin, whose telephone was bugged on Nixon's orders. Another potential danger to the former President is that he will be disbarred. Still, these problems are less pressing than the one President Ford disposed of with his order of Executive clemency. The future remains cloudy for Richard Nixon, but in all likelihood he no longer faces the prospect of being the first President of the United States to go to prison.