

Ford Grants

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Pardon, Says He Has 'Suffered Enough'

By Peter Milius

Washington Post Staff Writer

President Ford yesterday granted former President Nixon a "full, free and absolute pardon" for all federal crimes Mr. Nixon "committed or may have committed" during his terms in the White House.

Mr. Nixon promptly issued a statement from his home in California accepting the pardon and admitting he had made mistakes but not acknowledging any crimes.

Mr. Nixon had not been formally charged with any federal crime, but Philip W. Buchen, Mr. Ford's counsel, told reporters at the White House it was "very likely" the former President

would have been indicted without yesterday's action.

He noted that one federal grand jury named Mr. Nixon an unindicted co-conspirator in the Watergate cover-up months ago, when he was still President and at a time when there was less evidence of his involvement than is available today.

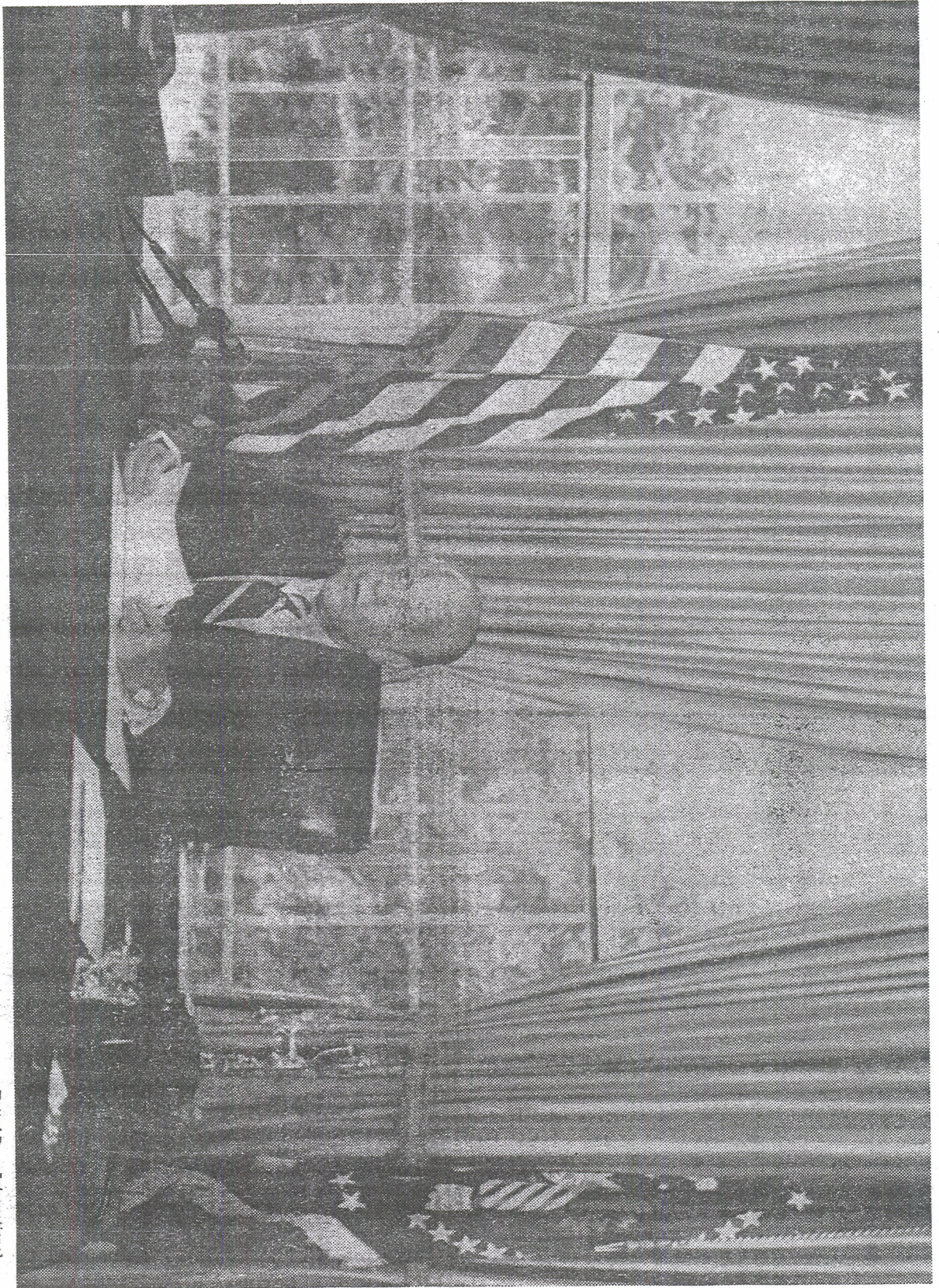
The effect of Mr. Ford's action yesterday was to immunize Mr. Nixon from federal prosecution "for all offenses against the United States" during his almost six years as President.

Mr. Ford, in his formal proclamation of pardon, said he took the step because "the tranquility to which this nation has been restored by the events

of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States," a process he said would take a year or more and "cause prolonged and divisive debate" all across the country.

And finally, Mr. Ford added in a statement delivered rather grimly before television cameras and a small pool of reporters in the Oval Office, "I feel that Richard Nixon and his loved ones have suffered enough, and will continue to suffer no matter what I do."

Mr. Ford had said himself, during his vice presidential confirmation hearings last November, that "I don't



President Ford reads statement that he has granted Richard M. Nixon a "full, free and complete pardon."

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think the public would stand for it" if one President resigned and his successor then took steps to quash his possible prosecution. Yesterday he said simply that many decisions in the White House "do not look at all the same as the hypothetical questions that I have answered freely and perhaps too fast on previous occasions."

Reaction yesterday was mixed and generally followed party lines, with Democrats quickly critical and Republicans defending the President, though not enthusiastically.

One Democrat, Sen. Henry M. Jackson of Washington, said at a press con-

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ference in Atlanta that "most of us were brought up to believe that there is one law for the high and the low, the rich and the poor. Many Americans may be wondering tonight what has happened to that concept."

A Republican, House Minority Leader John J. Rhodes of Arizona, said, on the other hand, that "The Nation needs to have the traumatic and divisive events connected with Watergate firmly and forever in the past . . . Richard Nixon has paid a substantial price for whatever transgressions may have occurred during his administration. Anything further would be more overkill than justice, and would not be in the national interest."

Mr. Nixon, in the statement issued in San Clemente, said that "here in California, my perspective on Watergate is quite different . . . Looking back on what is still in my mind a complex and confusing maze of events, decisions, pressures, and personalities, one thing I can see clearly now is that I was wrong in not acting more decisively and more forthrightly in dealing with 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 depth of my regret and pain at the anguish my mistakes over Watergate have caused the nation and the presidency—a nation I so deeply love, and an institution I so greatly respect," the former President said.

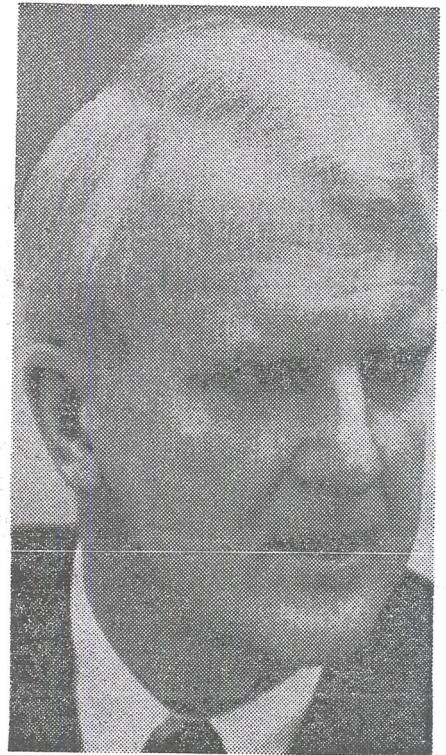
"That the way I tried to deal with Watergate was the wrong way is a burden I shall bear for every day of the life that is left to me."

Buchen, at the White House, described Mr. Nixon's statement as "a statement of contrition." But he said the statement was not a precondition for the pardon. Nor, he said, was the agreement worked out last week and announced yesterday on the disposition of Mr. Nixon's presidential documents. The documents include tape recordings of conversations, some of which are sought as evidence in forthcoming trials, particularly one set to start Sept. 30 in which six Nixon ex-aides will be tried on conspiracy charges in the Watergate cover-up.

Essentially, the agreement puts the documents and tapes under the former President's control. Its purpose, Buchen frankly said, was "so that this administration would not be caught in the middle" on the issue of access to the papers.

The White House gave no explanation yesterday of what precipitated Mr. Ford's decision, or its timing. Buchen said the President had asked him about a week ago to look into the question of pardoning Mr. Nixon.

Article II, Section 2 of the Constitu-



PHILIP W. BUCHEN
... no "understandings"

tion gives the President "power to grant reprieves and pardons for offences against the United States."

The President wanted to know two things, Buchen said: whether he could grant a pardon in advance of indictment, trial and possible conviction, and how long it would take to bring Mr. Nixon to trial if he were indicted. The problem there, Buchen said, was how to select a jury impartial and unaffected by the massive publicity given the cover-up and various other acts by Mr. Nixon in the past few months.

Buchen said he spoke to Watergate Special Prosecutor Leon Jaworski and was told it would take nine months to a year of more before a jury could be selected, given the rulings of the federal courts on the question of prejudicial pre-trial publicity.

The prospect of a year was one factor in Mr. Ford's decision, a "long period of delay and potential litigation," as he put it in his statement yesterday, during which "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."

The President also apparently felt it was a decision he was going to have to make sooner or later, and might as well make it sooner, in part, perhaps, for Mr. Nixon's sake. "It is common knowledge," he noted yesterday, "that

serious allegations and accusations hang like a sword over our former President's head, threatening his health, as he tried to reshape his life."

"To procrastinate," Mr. Ford added, "to agonize, and to wait for a more favorable turn of events that may never come, 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."

A Gallup Poll last week found 56 per cent of the public saying Mr. Nixon should be tried "for possible criminal charges arising from Watergate" to 37 per cent opposed. Another poll taken by Gallup for Newsweek magazine last Thursday found 59 per cent opposed to granting Mr. Nixon immunity from prosecution, essentially the step Mr. Ford took yesterday, and 33 per cent in favor.

But the President said yesterday, "I cannot rely upon public opinion polls to tell me what is right."

"I do believe that right makes might," he added, "and that if I am wrong 10 angels swearing that I was right would make no difference."

The announcement yesterday came as a surprise. The decision was closely guarded—reporters were summoned to the White House yesterday morning for what was described as an "important announcement," and that was all—and the White House went to great lengths to make sure nothing leaked out in advance. Mr. Ford did not submit to questions after making his announcement in the Oval Office.

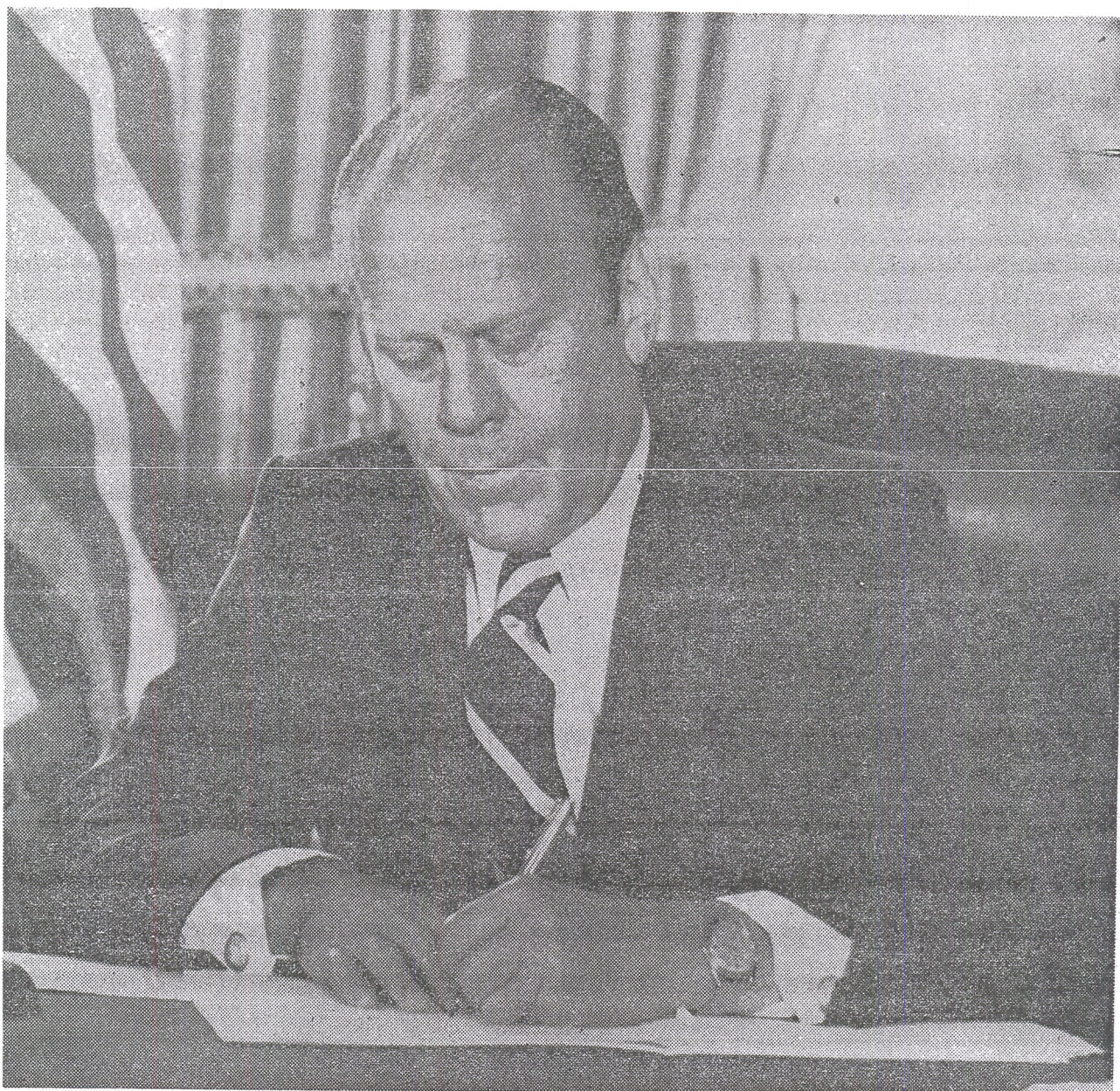
Buchen said the President did not speak personally to Mr. Nixon during the week that led up to yesterday's announcement. He said he did not know exactly when Mr. Ford made up his mind on the issue, but that Mr. Nixon was told Thursday through an emissary, during negotiations over the disposition of his presidential papers, that Mr. Ford "was intending to grant a pardon."

Buchen insisted yesterday that there were no preconditions to the pardon, which he said was "not contingent on anything."

The pardon's effect is to immunize Mr. Nixon from prosecution for federal crimes only, not state offenses, committed between Jan. 20, 1969, the day he was sworn into office as President, and Aug. 9, 1974, the day he resigned.

In theory, the former President still could be prosecuted for violations of state laws if any are alleged. But that seemed unlikely yesterday. Mr. Nixon remains subject to civil suits, as any citizen is.

One question yesterday was what effect the pardoning of the former President may have on the uncoming trial of six of Mr. Nixon's former aides on charges of conspiracy to obstruct justice in the Watergate cover-up. The six



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President Ford signs the document granting former President Nixon a "full, free and absolute pardon."

include former Attorney General John N. Mitchell and former White House aides H.R. (Bob) Haldeman and John D. Ehrlichman.

The grand jury that indicted them was the one that named Mr. Nixon an unindicted co-conspirator after being told it could not indict an incumbent President.

Ehrlichman has called Mr. Nixon as a witness in his defense in the trial set for Sept. 30 before U.S. District Court Judge John J. Sirica.

Part of the question is whether these defendants should now be tried and possibly sent to jail for the same offense on which their leader has now been pardoned without indictment or trial. This question also applies to those already convicted and sent to jail in the Watergate case.

A second issue is how the Watergate

defendants can get a fair trial now, given all the publicity of the past several months, if Mr. Nixon could not get one for a year or more.

Buchen said yesterday that Special Prosecutor Jaworski drew a distinction between their case and Mr. Nixon's, in that the defendants are coming to trial "without any previous adverse finding by an investigative body holding public hearings on its conclusions."

That was a reference to the massively publicized impeachment proceedings before the House Judiciary Committee, whose members ultimately voted unanimously to impeach Mr. Nixon for obstruction of justice in the Watergate cover-up, and by minority votes recommended two additional impeachment articles.

Jaworski said yesterday that he expected the cover-up conspiracy trial of

former Nixon aides to begin as scheduled Sept. 30.

Though Buchen said an indictment against Mr. Nixon would have been "very likely" without yesterday's action by Mr. Ford, he said he did not discuss in detail with Jaworski the federal investigation that was under way in Mr. Nixon's case, and so could not say specifically what the former President might have been charged with.

Just as there were no preconditions attached to the pardon, Buchen stated, there were no secret "understandings" with Jaworski in the case. He said Jaworski was told of the President's decision only yesterday morning.

Buchen did tell a questioner that Jaworski assured him the investigation of Mr. Nixon had turned up nothing not already largely in the record, "no 'time bombs,' as you call them."