

THE PARDON

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Gerald Ford: 'An Ordinary Pol'...

President Ford would probably have been obliged to pardon Richard Nixon sooner or later. But by acting hastily, the President has shocked public opinion in a way bound to revive the worst Watergate divisions. The more so as the terms of the pardon were arranged by a small-time lawyer in an amateurish fashion wholly at odds with the large issues of public policy at stake.

The most casual acquaintance with the Watergate cover-up case shows why some kind of presidential intervention on behalf of Mr. Nixon was inevitable. The grand jury originally wanted to indict Mr. Nixon for his part in bribing witnesses, suborning perjury and otherwise obstructing justice. It named him as an undicted co-conspirator only on being advised that a sitting President could not be indicted.

Resignation cost Mr. Nixon that protection. The Watergate Special Prosecutor, Leon Jaworski, has repeatedly indicated that duty might oblige him to indict and try the former President.

The trial of Mr. Nixon would have been a devastating experience. Mr. Ford felt—rightly, I believe—that it would not serve the national interest. So he determined to intervene

even before an indictment was handed down. Given that determination, Mr. Ford had reason to move with some dispatch.

Mr. Jaworski was heading toward a trial of the former President and a large segment of public opinion was lining up behind that idea. The six persons already indicted in the Watergate cover-up—including former Atty. Gen. John Mitchell and former White House aides John Ehrlichman and H. R. Haldeman—were due to come to trial on Sept. 30.

Now that Mr. Nixon has been pardoned, they can argue that they too should get off scot free. I don't think that argument is going to hold water. I think all six will be tried and convicted. But it would have been truly unfair to bring them to trial without letting it be known that the President intended to pardon Mr. Nixon for his role in the cover-up. So, fairness, in effect, dictated a September 30 deadline for the presidential action.

But Mr. Ford was late in seeing the need to move with dispatch. He allowed himself, before he had thought the matter through, to tell his press conference of August 28, "I think it is unwise and untimely for me to make any commitment"

until "legal process has been undertaken" against Mr. Nixon.

When he did see the need to decide quickly, the President acted in a higger-mugger, hole-in-the-corner fashion. Instead of preparing the country for the turn-about, he sprung the news suddenly on a sleepy Sunday morning. It looked almost like a replay of Mr. Nixon's favorite tactic of government by bombshell, and nothing could have been better calculated to produce the enormous outpouring of indignation which now dominates the organs of public opinion.

Moreover, Mr. Ford entrusted the negotiations for the pardon to Philip Buchen, the White House counsel and an old friend, who is obviously way over his head in handling presidential business. Mr. Buchen concluded the arrangement for the President without bothering to learn the status of the various investigations being conducted by Mr. Jaworski into the doings of the President and his friends. Thus Mr. Ford has given a blind, blanket pardon without even knowing what horrors might have been committed for Mr. Nixon by his pal Bebe Rebozo.

Furthermore, Mr. Buchen did not extract from Mr. Nixon as terms

of the pardon any serious acknowledgement of wrongdoing. On the contrary, the statement issued by Mr. Nixon in San Clemente merely gives the impression that he may have been a shade underzealous in running down the Watergate burglary—not that he was part and parcel of the conspiracy.

Finally, the arrangement negotiated for the handling of the Nixon tapes and papers is virtually useless. While Mr. Nixon doesn't get full possession immediately, the Watergate prosecutor will have to go into the courts to use the material, material which belongs to the people of this country.

The upshot is a fueling of the worst suspicions. Indeed, the simplest explanation of what happened is that there was some sort of pre-established fix all along—an arrangement whereby Ford, in effect, promised a pardon in return for the Nixon resignation. Even those not disposed to such ugly interpretations now wonder what the word of Mr. Ford really means. It is perhaps one of the consolations of this whole affair that the President is now seen for what he is—an ordinary pol who cannot be deeply trusted, even if he does make his own breakfast.