

W Post  
9/12/74

## 'A Miscarriage of Justice'

The honeymoon is over. The incredible event which transpired Sunday, Sept. 8, 1974, compels me to write this political commentary. It is the contention of this writer that President Ford's "full, free, and absolute" pardon of former President Nixon for "high crimes and misdemeanors" committed in his (Nixon's) conduct of the presidency, constitutes a gross and inordinate miscarriage of justice. It is a miscarriage of justice when the system of due process is subverted, and when "equal justice under law" is applicable to 220 million Americans minus one.

Webster defines "miscarriage" as "to give birth to prematurely." There should be no argument that Ford acted prematurely. In essence, Ford prejudged and summarily dismissed the 9,888 pages of evidence amassed by Chief Counsel John Doar and the various crimes which comprise the three Articles of Impeachment. The pardoning of Nixon is not at issue, but the timing is. To be sure, this was a carefully calculated and orchestrated maneuver when one stops to consider why Mr. Ford would announce a decision of such magnitude at 11:00 a.m. (EDT) on a Sunday morning. To absolve Richard Nixon of the crimes which comprise the three Articles of Impeachment is to abort the system of due process guaranteed under the Constitution.

As the moderator of "To Tell The Truth" would ask, I, similarly hasten to ask: "Would the real Jerry Ford please stand up?" After taking the presidential Oath of Office on Friday, Aug. 9, 1974, Mr. Ford, in his Inaugural Address promised "openness and candor." He declared: "I believe that truth is the glue that holds government together—not only our government but civilization itself . . . our great republic is a government of laws and not of men. Here the people rule."



Those were Ford's words, but his presidential actions speak louder than his words. For he has shown by virtue of this pardon that one man can be and is above the law.

By hastily choosing to exercise his pardon power granted to him under Article II, Section 2 of the Constitution, Mr. Ford has delivered a knockout punch of hypocrisy and duplicity at the American system of criminal justice. Ostensibly, it is a vindication of a new theory of presidential non-accountability under law.

The President has set a precarious precedent for it could conceivably give license to future Presidents, who may commit "high crimes and misdemeanors" during their incumbency, to expect pardons from their criminal transgressions. Under our American system of justice, a man is presumed innocent until proven guilty. But Mr. Ford's pardon of Nixon presupposes guilt.

It is a dangerous precedent in that it established a standard of duplicity; a double standard of justice in which one man is above the law, thus destroying his inaugural assertion that

this is a "government of laws and not of men."

Mr. Ford's decision to exonerate Nixon from crimes committed against the United States will open up a "Pandora's Box" which could have serious legal and political ramifications. In the interest of fairness and consistency, the President must now give due and timely consideration to pardoning the others who have been convicted of Watergate crimes and to those who will stand trial for these related crimes. And, inevitably, he must heavily weigh giving a blanket pardon and amnesty to the Vietnam deserters and draft-dodgers whose actions do not nearly approach the criminal magnitude of Richard Nixon. His pardon action did not shut and seal the book as he initially thought. It merely reopened it.

If truth is the glue which cements this government and civilization alike, how does pardoning Nixon constitute truth or a search for the truth? Resignation left many questions unanswered, and the criminal justice system via due process would have sought to remedy this. With this pardon, it is now virtually impossible to elicit a clear record of what happened in the Watergate affair. And to have agonizingly weathered the Watergate storm for two years, I feel the American people and posterity deserve more than that.

It would be well for Mr. Ford to listen to some "straight talk" from the Preamble of the Constitution which states: "We the people of the United States, in order to form a more perfect Union, establish justice . . ." Gerald Ford, by virtue of his presidential pardon of Richard Nixon, has taken a step to form a more imperfect Union which does not insure domestic tranquility.

Steven R. Jones.

Washington.