

Jaworski Wanted to Indict Nixon

By Jack Anderson

Watergate Special Prosecutor Leon Jaworski would have sought an indictment against former President Nixon "in a matter of weeks," according to sources familiar with the plans, if President Ford hadn't intervened with a pardon.

These sources say the special prosecutor intended to indict Mr. Nixon solely for obstruction of justice. Jaworski believed he had "an ironclad case" against the former President and would get an "almost certain conviction," our sources report.

The case would have been based heavily upon Mr. Nixon's own tapes, which provide prima facie evidence that he participated in the Watergate cover-up. Jaworski's deputy, James Neal, had already arranged for Secret Service technicians to testify about the taping system.

Our sources describe Jaworski as a man with a deep faith in the judicial processes. They say he simply could not ignore the verdict of the House Judiciary Committee, which voted unanimously to impeach Mr. Nixon for obstruction of justice, nor the will of the Watergate grand jury, which voted 19 to 0 to name him as an unindicted co-conspirator.

The grand jury would have indicted him last March if Jaworski had not counseled that a sitting President couldn't be legally indicted.

The threat of indictment hung over the former President like Damocles' sword. Sources who have had access to him in his seclusion at San Clemente, Calif., describe him as "totally weary, terribly depressed and completely despondent."

One source has been struck by the "stark loneliness" of Mr. Nixon. He is "absolutely alone within himself," the source explains.

All sources agree that he has complete control of his faculties, although his conversation sometimes wanders and his nerves seem frayed.

Mr. Nixon's psyche is so "delicate," our sources report, that his loyal aide Ronald L. Ziegler and attorney Herbert J. Miller took President Ford's representative, attorney Benton L. Becker, aside before putting him together with Mr. Nixon at San Clemente. They asked the judicious Becker to keep the meeting informal.

Becker refused to comment on the meeting, except to say he found Mr. Nixon "alert" and "cordial."

The main cause of Mr. Nixon's anguish, according to our sources, was the expectation that Jaworski would ask the grand jury to indict him. The distraught Mr. Nixon even developed a strange inability to repeat Jaworski's name.

In a phone conversation with Rep. Dan H. Kuykendall (R-Tenn.), for example, the former

President mumbled: "We've got problems with that fellow...uh...uh..."

"Jaworski?" suggested Kuykendall.

"Yes," said Mr. Nixon.

Others have also reported that he seems to have trouble with the special prosecutor's name.

We have established that President Ford learned of Mr. Nixon's mental state and imminent indictment. White House sources say the President feared the indictment could cause his predecessor a nervous breakdown.

Here are the other reasons, which finally persuaded the President to move quickly to grant Mr. Nixon a "full, free and absolute" pardon:

- Mr. Ford's legal advisers, Philip W. Buchen and Becker, determined that a pardon was the President's prerogative and had nothing to do with equal justice. President Johnson granted fewer than 200 pardons during his five years in the White House, for example, while President Truman issued about 200 pardons a year. People have been pardoned for crimes that kept others in prison. Buchen and Becker advised Ford, therefore, that the Nixon pardon would not affect the criminal cases against H. R. Haldeman, John D. Ehrlichman, John N. Mitchell and the other alleged conspirators.

- The President's lawyers came up with a quote from Alex-

ander Hamilton who, writing in The Federalist, declared: "There are critical moments when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth." Under the preamble to the Constitution, the lawyers noted, the President is required to "insure the domestic tranquility." Mr. Ford agreed that a pardon, in Mr. Nixon's case, would promote tranquility.

- Buchen and Becker also contended there was no evidence Mr. Nixon had advance knowledge of the Watergate break-in. He was guilty merely of covering it up in order to avoid political embarrassment in the middle of the 1972 presidential campaign. What started out to be a political move wound up as a criminal conspiracy. The lawyers quoted from Sir Walter Scott's famous line, "Oh, what a tangled web we weave when first we practice to deceive!" Mr. Ford agreed that his predecessor hadn't started out to commit a crime but merely had become entangled in one.

The President and his advisers also took into account Mr. Nixon's 28 years of political service, the last 24 under a national microscope. As one aide mused, "This is a terrible way to go after such long service."