

Nixon Pardon: A Dilemma

Despite Qualms, Judges Say It Probably Won't Affect Actions

9/13/74
By B. D. Colen

Washington Post Staff Writer

Some Washington area judges said in interviews this week that they are troubled by the implications of the pardoning of former President Nixon by President Ford, but that they will not allow their qualms to affect their handing of sentencing of defendants before their courts.

Some of the jurists said the pardon does raise questions in the public's mind as to the concept of "equal justice under the law," but that they as judges felt Mr. Ford's action probably would not affect them in determining what sentence to give a defendant for a minor crime.

"I had to sentence a person (Monday) for shoplifting a \$12 belt, and I can't tell you it (the pardon) wasn't in my mind, because it was," said Judge Ernest L. Loveless, of the Prince George's County Circuit Court.

"In that case, I followed the recommendation of the state's attorney's office, which was probation," Loveless continued. "The pardon didn't shape my decision, but I don't know what the future might hold. I just follow the philosophy of following the law as is just and proper in my mind.

"I think the concept of equal justice will be affected more in the mind of the individual (before the court) than in the trial judge's mind. It's always hard for a person who gets a harder sentence (than another person who committed a similar crime) to understand why he does.

"If I was President, I wouldn't have done it at this time," said Loveless, "but I really don't think I should comment further . . ."

When asked about the pardon, Chief Judge John A. Rothrock Jr., of the Fairfax County General District Court said, "We try to steer as far away as possible from policies in the District of Columbia.

"This court does not deal

with that serious an event, or alleged event (as the Watergate scandal), and (the pardon) wouldn't give us any problems. It's the law, that the President may pardon, that's all I would have to say. We try to abide by what the law is here," said Rothrock.

Judge Charles W. Halleck, an outspoken member of the D.C. Superior Court bench and the son of former Rep. Charles Halleck (R-Ind.), commented on the Nixon pardon by quoting Nixon.

"I can only continue to do what (then President Nixon recommended in a speech on Oct. 15, 1972," said Halleck, who then quoted Nixon:

"I will work unceasingly to halt the erosion of moral fiber in American life and the denial of individual accountability for individual action. . . government must never mistake license for liberty, amorality for tolerance, indulgence for charity or weakness for compassion . . ."

"Those are the ideals to which I subscribe," said Halleck, "and I'm not going to be deterred from those ideals by questions of whether or not President Nixon should have been pardoned."

Prince George's County District Court Judge James Magruder Rea said he viewed the Nixon pardon with mixed emotions.

The pardoning of Nixon "has done harm on a temporary basis, but in the long run we're a great society

and have a way of forgetting very quickly" said Judge Rea. "But to look a man in the eye and say you're going off to jail. . ."

"It makes it very difficult for judges on the local level," he continued, "no doubt about it. . . Even the Agnew case makes a difficulty of what the state of justice is in this country. . ."

"You know, people say

there are three reasons for prevention. You used to hang felons to prevent crimes. Another is retribution, 'an eye for an eye and a tooth for a tooth.'

"And then there's rehabilitation, what we knee-jerk liberal judges worry about. If that (rehabilitation) is the criteria, then I think the individuals (involved in Watergate) will go back into

society and be moral individuals. . ."

But, "I don't know if we haven't had equal justice," said Judge Rea. "We've gotten the man out of office. It's just that the sentence came before the trial.

"I've had people get up in court and throw themselves on the mercy of the court. I think its mercy that we're talking about," Rea said.