

Ford's Pardoning Action 'Premature'

O'Malley (F/D) Sent and Sta 9/14/74

WASHINGTON — "To do a great right, do a little wrong," Shakespeare advised in "The Merchant of Venice." But in granting former President Nixon, at this time, a full, complete and absolute pardon, I fear that President Ford has reversed this aphorism.

Don't misunderstand me. There's no doubt that the President's act was a gutsy one. He reportedly made it against the advice of most of his top aides. So, in this respect, the decision was truly Lincolnesque. But it remains to be seen whether what the President did was courageous or foolhardy.

IT IS impossible to analyze President Ford's pardoning of Nixon without the head and the heart being in violent conflict. The more you think about it, the more the thoughts from the two meet somewhere near the stomach area with the result being indigestion.

I guess that what bothers me about the pardon is its prematurity. I have said before that I do not want to see Nixon go to jail and I do not think most people, regardless of how they feel about the pardon, do either.

BUT TO HOPE for leniency and to favor no prison for Nixon is not to say that he should not have to face the legal music.

President Ford argues that he is the man to write "The End" to the Watergate affair. He says: "To procrastinate, to agonize, 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



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weak and potentially dangerous course for a President to follow."

DURING A period of long delay and potential litigation, the President continues, "ugly passions" would again be aroused, the people once more "polarized" in their opinions and "the credibility of our free institutions of government would again be challenged at home and abroad."

Well, I disagree. I think that precisely what was required in this case was a little prudent procrastination, at least until Nixon was officially accused or convicted of something and/or was a little more detailed in admitting some of his own guilt.

AS IT STANDS now, President Ford's pardoning of the ex-president without any of these things happening has in fact precipitated the ugly passions and polarization which he says his actions were designed to prevent.

From a humanitarian viewpoint, there is no doubt that what President Ford did was absolutely correct. What happened to Nixon is "an American tragedy" and he and his loved ones have suffered long enough.

BUT PERSONAL suffering cannot

be a substitute for going before the bar of justice, if we are, as is constantly maintained, a government of laws and not of men.

Writing in Federalist Paper No. 74, Alexander Hamilton argued strongly for the President having the power of pardon solely to himself. He felt that one man would be a "more eligible dispenser of the mercy of the government than a body of men."

It was Hamilton's view that "the benign prerogative of pardoning" be fettered as little as possible. But he saw a very specific purpose for a pardon:

"THE CRIMINAL code of every country partakes so much of necessary severity that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel."

And it is here Mr. Ford erred. Because he moved too swiftly, Nixon will never get close enough to justice to see what the expression on her face is.