

# I Beg Your Pardon

*"The code of ethics that will be followed will be the example I set...."*

—Jerry Ford, August 28, 1974

For one brief month almost everyone believed—or wanted to believe—that the country had changed. The national press gave the new Administration the kindest treatment a President has received since the Kennedy inauguration. A Gallup Poll reported that only 3% of Americans "disapproved" of the new President. Ford's speeches had little substance, but they had the unfamiliar ring of sincerity and honesty.

**Domestic Enemy.** During the first week of Ford's second month, however, his decline in public acceptance was so steep that he almost replaced inflation in the public mind as domestic enemy No. 1.

While it is possible that Ford could have achieved this feat on his own, he had help from experts: holdovers from the Nixon Administration. Together they worked overtime to assure the American people that the new Administration could be as closed, deceptive, mysterious and unscrupulous as the last.

Few were prepared for the pardon when it came on Sunday morning at 11 a.m. Besides Ford and Nixon, only seven men appear to have known in advance: General Haig, new and old White House counsels Philip Buchen and Fred Buzhardt, Melvin Laird, Ron Ziegler, Nixon attorney Herbert Miller, and their negotiator, Benton L. Becker. The immediate reaction of the press was outrage, exacerbated by the realization that unlike the Watergate crimes themselves, there is no apparent redress for a Presidential pardon, however unpopular or unjust.

The official explanation for the pardon centered around "mercy" and the need to "firmly shut and seal this book," with a few words added about Nixon's health as a factor. Because the press and Congress were unsatisfied with these explanations, which generated widespread speculation about a possible deal with Nixon, Ford's aides began leaking anonymous stories that Nixon's health had been a major consideration. But publicly, they continued to claim that Ford had put the nation's health first. Both before and after the pardon, Nixon's friends worked hard to create

## Back to the Red Sox: Report from Boston

For the past two years, the bumper stickers have proliferated: "Nixon 49, America 1," and "Don't Blame Me—I'm From Massachusetts." The large liberal bloc in this state, which gave George McGovern his only electoral votes outside the District of Columbia, has been alternately smug and angry about the spreading Watergate scandal which eventually enveloped Richard Nixon. Smug when they thought he was getting his due—when impeachment was voted, when he resigned; and angry when they thought he was getting away with something. They are angry now, about the pardon.

The anger has a personal and moral tone. Many people say, "I really wanted to see the bastard behind bars." It's not enough for them that a truly dangerous man is out of power. The reaction is reminiscent of the audience mood at a gangster movie if the bad guy doesn't get his come-uppance. This emphasis on Nixon's personal villainy—the petty crimes of Watergate, the income tax cheating—ig-

nores more institutionalized crimes of much greater magnitude, such as the bombing of Cambodia.

Of course, the Massachusetts electorate does not consist exclusively of McGovern liberals. An equally significant group is the generally Republican Catholic bloc. (Abortion is a raging issue, and the state legislature recently passed a law which will make abortions harder to get, especially for minors.) But among this group, too, the Nixon pardon is viewed in primarily personal terms. It is pointed out that John Dean will probably end up getting the longest sentence, as "stool pigeons always get shafted." Among the more conservatively inclined, there is less feeling of vendetta against Nixon, and anger over the pardon, where it exists, is more cynical: "The rich and powerful always get away with crimes for which the poor would suffer." One senses that people would like to stop worrying about Watergate and get back to watching the Red Sox. □

Marjorie Heins





Nixon at Staff Farewell

the impression that Nixon is in poor physical and mental health, although emotionally stable. Playing up Nixon's health problems may have softened public anger at the pardon, but Ford is still on the run and is apparently searching for other after-the-fact explanations, which he promised to deliver in a press conference this week.

**Deceit.** Press Secretary Gerald ter Horst's resignation Sunday night was the first public sign that Ford's Administration also suffers the intramural deceit that characterized Nixon's inner circle. The former aide told reporters, "I didn't know how I could credibly defend" the pardon, after having previously stated on several occasions that no pardon was under consideration. "I was lied to," he said.

The next day, Buchen, who has assumed the Ehrlichman-Dean-St. Clair position of Presidential Counsel, acknowledged that he may have "misled" ter Horst but that he was obliged to respect Ford's "desire for secrecy." Although reporters tried hard all week to penetrate that secrecy regarding the manner, timing and reasons for the pardon, they had little success. Ford's new Acting Press Secretary John Hushen stated Tuesday that "the President plans to maintain his accessibility to the press," but he thereupon postponed an expected news conference.

The sudden similarities between the Nixon and Ford Administrations provoked an immediate and outraged response from the public. The "honeymoon" atmosphere began to crumble, with almost everyone rushing to get on the bandwagon and denounce Ford.

Some viewed the pardon as a blatant continuation of the Watergate coverup. Among these was Vladimir Pregelj, foreman of the original Watergate grand jury. He expressed his sense of "betrayal" and reported the "deep dismay to high outrage" of other jury members.

Ford began to get the message from the citizenry at large and the press immediately after the pardon announcement. Sample telegrams: "Last of the unindicted co-conspirators," and "Roosevelt had his New Deal, Truman had his Fair Deal, and Ford has his Crooked Deal." The *New York Times*, in its most scathing editorial of the entire Watergate era, wrote that Ford could "have taken no single act of a non-criminal nature that would have more gravely damaged the credibility of this Government in the eyes of the world and of its own people than this unconscionable act of pardon." The American Civil Liberties Union, among many others, called for a resumption of impeachment proceedings. Aryeh Neier, ACLU Executive Director, noted that "if Ford's principle had been the rule in Nuremberg, the Nazi leaders would have been let off and only the people who carried out their schemes would have been tried."

Under attack for the pardon decision, Ford postponed an announcement on conditional amnesty for war resisters previously scheduled for the following day.

Having dangled one foot into the raging whirlpools of public discontent, Ford then proceeded to put in the other. His new press secretary announced on Tuesday that "the whole matter [of Watergate pardons] is under study" and that the study applied to all defendants and potential defendants in the Watergate case.

But there was another uproar, and 24 hours later, Hushen was obliged to retract everything. He said that 16,000 telegrams had poured in and they were running six to one against the idea of a blanket pardon. (He also said that phone calls, which cannot be independently verified, were running three to two *in favor* of the pardon.)

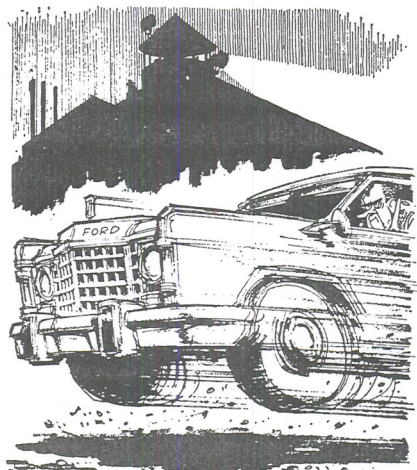
Throughout, Hushen tried to convince a disbelieving press that his statement had been misinterpreted and sought to link the previously announced "study" of pardons to Maureen Dean's "prayer" on behalf of her incarcerated husband, John. Finally, Hugh Scott, after a Wednesday morning meeting between Ford and Republican leaders, said flatly, "There is no study going on." Hushen kept insisting that "there was never any consideration of blanket amnesty and pardon," but his Tuesday pledge of "openness and candor" was

a sad joke by the time of Scott's Wednesday statement. The White House was searching openly for a new press secretary. Privately officials spoke of a "trial balloon," but it was clear that Ford had totally misjudged the public mood.

Congress was furious too. The latest scheme was called the "coverup of the coverup" by West Virginia Democratic Senator Robert Byrd. A congressman who had supported the Nixon pardon, Republican Representative John Rhodes of Arizona, drew the line, saying the aides' "fates are not directly connected with the well-being of the Republic." A "sense of the Senate" resolution was adopted, 55-24, which urged Ford to refrain from further exercise of the pardon power until after judicial resolution of the pending cases.

**Empty Jails.** Several judges around the country, confronted with the startling inequities in American punishment, commuted sentences and emptied their jails. Rep. Jack Brinkley (D-Ga.) declared he would request a pardon for Lt. Calley, the convicted My Lai murderer. The *Dallas Morning News* reported that Justice Department officials are considering "the very real possibility" that Ford would pardon John Connally, who is under indictment for accepting a \$10,000 bribe from milk producers in return for pressing Nixon to implement the price supports they desired. And, of course, the six men indicted for conspiracy in the Watergate coverup used the occasion of pardon fever to press for dismissal or delay of their own trials, although these motions were denied by Judge John Sirica.

Although the details which led up to the pardon are still unclear, it was revealed last week that H.R. Halde- man, former Nixon Chief of Staff, talked to White House aides two days before Nixon resigned about the pos-



The Getaway Car

Conrad—Los Angeles Times Syndicate



sibility of general pardons. A package containing several proposals was delivered to the White House a few hours before the resignation. Two virtually identical Presidential statements were suggested. Both proposed overall pardon for all Watergate figures and disbandment of Jaworski's office. But one of the statements combined these actions with amnesty for Vietnam war resisters. In his notes, Haldeman commented on the necessity for the pardon, saying it would "avoid trauma of the country, injustice to defendants, personal problems for RN [Nixon], adverse historical effects—all point to necessity of overall pardon."

Another Nixon-connected figure served as intermediary for the back-and-forth communication concerning the pardon. This was General Alexander M. Haig, who may become the focus for speculation concerning the specifics of a possible Ford-Nixon deal (the existence of which they both deny). It is possible that Haig could have been the intermediary in a deal without Nixon and Ford ever having discussed it directly. Another possibility is that Haig promised Nixon to secure a pardon and convinced Ford to grant it by allowing him to hear emotional appeals—from Nixon's friends and family—concerning his failing health.

The possibility of a strong Haig influence is supported by Gerald ter Horst's first column in the *Detroit News* after he resigned, which stated that in the last months of the dying Nixon Administration Haig had virtually usurped Presidential powers. "With a troubled President drawing more and more into his shell, everyone in the government with the possible exception of Kissinger was working for Al Haig," ter Horst asserted.

The Great Pardon and its aftermath do little to reveal to an angry and suspicious public the real circumstances of the Watergate story. Hopes are dimming that anything will be revealed in the coverup trial which begins October 1. It already appears that regardless of the accuracy of reports about his health, former President Nixon may be in the hospital for the duration of the trial. Furthermore, it is possible that Ford and other interested parties may have more schemes to control the information revealed at the coverup trial. Although Judge Sirica could refuse, the defendants might attempt to change their pleas to "guilty" if they knew a pardon would follow sentencing. Whatever happens in the coverup trial, however, the week's events established for many the belief that the most famous coverup since the Trojan horse is still alive. □



July 1974 Veterans March

## Amnesty: With Malice toward Some

There is a distinct possibility that Ford will have an amnesty, and no one will come.

This week, the President again postponed announcement of a detailed amnesty plan. If he follows his announced outline, however, the terms of "reconciliation" will hardly be inviting to resisters who, in the current absence of any policy, confront grossly inconsistent treatment from the government. Only one out of four convicted war resisters now

serves any time at all, but the average sentence, when imposed, is 17½ months. Rhode Island has a 100% conviction rate, while the Western Wisconsin Federal District has acquitted everyone.

Wonderland? Probable terms under Ford's new plan include lengthy service similar to that performed by conscientious objectors. In general, these are low-paying, menial jobs in hospitals and other public service facilities. Administration sources indicate that deserters may receive undesirable discharges despite their alternative service. Resisters in the U.S. and abroad question whether the imposition of uniform obligations to "earn" re-entry will represent any gain at all.

With the exception of some religious organizations which see amnesty primarily as a question of reconciliation, virtually all elements in the amnesty movement believe that their success will ultimately be judged on their ability to expose the criminality of U.S. policy in Indochina and to limit the Government's capacity to mount similar interventions in the future. Jack Colhoun, editor of *Amex/Canada* magazine, a leading publication of war resisters, argues that the Pentagon Papers and the testimony of the former Chairman of the Joint Chiefs of Staff, General Wheeler, regarding the coverup of the bombing in Cambodia, prove conclusively that the American intervention in Indochina was illegal. As Dick Harmon, a draft resister from Missouri, asked, "Why should we admit we were wrong when we were right?" Like many exiles, Harmon says he has no intention of going home under a conditional pardon, even if there is probation and no other punishment.

Ford's attitude, on the other hand, treats the resisters as penitents. Although the President made his position seem conciliatory by announcing it before bitterly anti-amnesty Veterans of Foreign Wars, he characterized the resisters as people who "committed the supreme folly of shirking their duty" and announced that he will "make the penalties fit the seriousness of the individual's mistake."

For those with less than honorable discharges, the penalties are indeed serious. "A bad discharge is a life sentence," notes Dee Knight, a draft resister who won his case. "It can deprive a veteran of a decent job, VA benefits, mortgages, even life insurance."

Only 11% of all draft-age men were called during the Vietnam era. Many middle-class men were able to avoid service through educational and medical deferments, or service in the National Guard and local police; those who did enter the Armed Forces were