

Jaworski Won't Challenge Pardon, Spokesman Says

by John M. Drewsdson  
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The Constitutional power invoked by Mr. Ford today in absolving Mr. Nixon from Federal prosecution is considered to be almost without limitation, one of the strongest and clearest assertions of executive authority contained in the Constitution.

The breadth of the power, in the opinion of legal scholars who favor this view, is based in large part on an 1866 decision by the Supreme Court, which held that the power "extends to every offense known to the law," and "may be exercised at any time" after the commission of a criminal offense.

Some constitutional authorities, such as Philip Kurland of the University of Chicago, expressed doubt today, however, about the constitutional "sufficiency" of a pardon conferred in advance of conviction or even indictment.

The language in the 1866 case, ex parte Garland, Mr. Kurland noted, was "dicta" - opinions expressed by judges on points - not crucial to the issue at hand, and thus opinions that do not have the binding force of a formal adjudication. The case concerned a general amnesty declared by President Lincoln after the Civil War.

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