

... And More on the Presidential Pardon

THE MORE President Ford elaborates on his reasons for pardoning Richard Nixon, the more troubling those reasons become. For at bottom they rest on an assumption that 1) the orderly playing out of the judicial processes would have constituted a source of "turmoil" and "divisions" in the country and 2) the way to "heal the wounds" of Watergate is to slam the books shut on the case against Mr. Nixon before we have even heard the case. For a while there was reason to suppose there must have been something else involved. Indeed, some congressional leaders were putting it around that the President had a secret reason for his sudden decision to grant a pardon—a reason that, if known, would explain everything. At his press conference Monday night, reporters gave the President a number of opportunities to come forward with something more persuasive than his argument about the "healing" effect of a pardon of Mr. Nixon; had he, for example, been told something so alarming about the former President's state of health that he had felt it imperative to act so precipitately? The President did not exclude as a factor in his decision some concern for Mr. Nixon's health. But he was "more anxious to heal the nation," Mr. Ford insisted. "That was the top priority."

So there it is. That is apparently the only story Mr. Ford has to tell about this affair, and at this point it seems fair enough to take it on its face. And that is profoundly disheartening. For, on its face, what the President is doing is selling this country short in terms of both its good sense and its fortitude. Curiously, not very long ago, at his confirmation hearings for the vice presidency, Mr. Ford was relying on the same kind of intuition to reach precisely the opposite conclusion—the country, he then believed, would not "stand for" a summary pardon of President Nixon. When he was asked about that at Monday's news conference, the President dismissed the importance of his earlier judgment by saying that at the time he was not yet President so the whole thing had been merely "hypothetical." But you have to wonder how Mr. Ford's subsequent presidential conclusions that resulted in the pardoning of Richard Nixon were any less hypothetical. The hypotheses this time were simply different ones. They were that the

country somehow would not be able to tolerate the stress of watching and waiting for the ordinary processes of justice to be applied to a former President.

The weakness of such conjecture as the basis of presidential policy-making should be obvious by now. Elsewhere on this page, Richard Strout admirably illustrates how this conception of the American people as a kind of pale, beshawled invalid has repeatedly been invoked and exploited by our public officials in support of whatever action or inaction best suited their purposes and feeling at the time. This instinct on the part of politicians is as dangerous as it seem to be universal. And that is why we hope that Mr. Ford, who seems to us to be operating at the relatively innocent end of the spectrum, will give some thoughts to its implications. For if you seek a single destructive theme that ran through the actions which were eventually to bring Richard Nixon into disgrace and ruin his presidency, it would be Mr. Nixon's misplaced belief that certain constitutional processes were—for one reason and another—too risky to be allowed full play.

Whether it was the workings of the two major political parties in an election year, or the free expression of legitimate dissent against his policies, or the normal functioning of those government agencies and offices charged with performing certain duties, Mr. Nixon just never seemed able sufficiently to trust the conventional processes. And so, ultimately we had the conspiracy to cover-up the tracks of the "plumbers" and the Watergate burglars and to obstruct justice on a massive scale. Finally, we had the revelation of the Big Lie in the June 23 tapes which collapsed Mr. Nixon's last line of defense and forced him to resign in the face of assured impeachment and removal from office at the hands of an almost unanimous Congress. The people's representatives had understood the central message of Watergate, and by pardoning Mr. Nixon prematurely and abruptly, Mr. Ford found out in the hardest way that a large majority of the people had understood as well. What remains to be seen on the basis of Mr. Ford's performance Monday night, however, is whether the message has yet gotten through to the one man to whom it most directly applies—the President.