

Behind the Pardon

Aides Call Timing Wrong, Picture Ford as Immovable

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Two weeks ago President Ford jolted the Watergate prosecutors, provoked the resignation of his press secretary and stunned the nation by abruptly pardoning the man he had replaced in the White House.

Now, after an angry public reaction that ended Mr. Ford's month-long honeymoon with the American people and with the Congress, his intimates pri-

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vately are conceding that the timing of the pardon was a grave mistake which has seriously damaged the early Ford presidency.

The reconstruction by Ford aides and associates of the events leading up to the pardon suggests quite clearly that the emotional condition of Richard M. Nixon was very much on the President's mind when he made his decision. On the whole this reconstruction also is strongly supportive of Mr. Ford's own repeated con-

tention that he arrived at the decision himself and not as the result of any pre-arranged agreement with Mr. Nixon.

At the same time, the private statements of Mr. Ford's own defenders raise serious doubts about the new President's political acumen and about his ability to formulate a decision-making process on critical and controversial issues.

"He still is the same Jerry Ford we knew in Congress," said a Republican congressman who knows him well, "which means that he is a good, decent guy who sometimes doesn't think things through or listen to advice once he's got a notion in his head."

This congressman cited Mr. Ford's insistence on pushing an impeachment resolution against Supreme Court Justice William O. Douglas as an example of an unwise idea that Mr. Ford refused to drop despite private pressure to do so from GOP colleagues who realized that the effort was fruitless and embarrassing.

None of Mr. Ford's present aides was as blunt in their discussion of their President's deficiencies. But there was more than a hint in their own accounts of the same quality of narrow stubbornness once Mr. Ford had convinced himself of the necessity for the pardon.

According to presidential aides, the President was warned beforehand of the consequences of the pardon decision both by then press secretary J. F. terHorst, who subsequently resigned in protest, and by Robert T. Hartmann, his counselor and long-time aide. Other aides also questioned the timing, the mechanics or other aspects of the pardon.

"We wanted him to wait until they had at least drawn blood from Mr. Nixon's heel through an indictment," said one aide. "The President didn't want to wait. He had concluded that

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the issue always would be controversial and that he might as well get it over with."

This was the main reason cited by Mr. Ford in his statement to reporters Sept. 8, when he granted the pardon.

"To procrastinate, to agonize and to wait for a turn of events that may never come . . . is itself a decision of sorts and a weak and potentially dangerous course for a President to follow," Ford said then.

Aides recalled that when Mr. Ford first mentioned the idea of a pardon he seemed already to have decided to issue it. One aide said that Mr. Ford even was insistent late Friday, Sept. 6, and early Saturday on the idea of announcing the pardon Saturday night. He was dissuaded, the aide said, only when he became convinced that the mechanics of preparation would require another day.

This aide said the pardon was shrouded in tight security because of fears that Mr. Nixon might not accept it—as strange as this contention might seem outside the White House.

"There was the danger that Nixon would say shove it, I don't want your pardon, I'm innocent and will fight it out," a Ford aide recalled. "In that event the humiliation to President Ford would have been even greater."

Partly because of what Mr. Ford regarded as the uncertainty of Mr. Nixon's reaction, the new President wasted no time. He instructed his emissary to San Clemente, Washington attorney Benton Becker, to fly back to Washington as soon as Mr. Nixon had signed an agreement which gave him control over White House tapes and documents prepared during his administration.

Along with the signed agreement on the tapes and documents—ostensibly the full purpose of Becker's trip to San Clemente—he brought back with him the oral statement that Mr. Nixon would indeed accept a pardon.

Becker took a "red-eye" flight from Los Angeles to Washington late Friday night and arrived at the

White House without having gone to bed. He and Philip W. Buchen, the President's attorney, then went to discuss the agreement and the pardon with Mr. Ford.

However, the meeting was interrupted when Mr. Ford had to leave to accompany visiting Soviet cosmonauts to an Alexandria crab-feast. The meeting did not resume again until 4:30 p.m. and was attended by Mr. Ford, Buchen, Becker, Hartmann, attorney William E. Casselman, who since has been made White House attorney, and counselor Jack Marsh.

It is the recollection of one of the participants at this meeting that Alexandria M. Haig Jr., the hold-over White House chief of staff who was known to favor the pardon, excused himself at the beginning of the meeting and went home.

The participants were aware—or immediately learned—that Mr. Ford had already decided to issue the pardon. He brushed aside various suggestions that were intended to delay the timing of it and allow the tapes agreement to be announced first. Near the conclusion of the meeting he asked Becker, "How did Nixon look?"

According to one of the participants, Becker told the President that Mr. Nixon had lost weight, that he seemed too small for his coat and that "a lot of the fight had gone out of him." Also, said Becker, his color was not good. Becker said he

seemed to be sharp enough except for a tendency to wander from details of the discussion at hand. The attorney made no mention of the recurrence of phlebitis in Mr. Nixon's left leg.

Participants in the White House meeting were, in fact, somewhat surprised to learn the following week of the seriousness of the Nixon phlebitis—a painful inflammation of the veins that results in potentially dangerous blood clots—because Becker said that Mr. Nixon got up at the conclusion of their discussion and put his arms around him.

"The overall impression from Becker's presentation was that Nixon's condition was sad but not surprising," said one of the participants at the meeting. "He had not taken a dramatic turn for

the worse but his spirits were downcast. You got the impression that he was a broken man who had not adjusted to his situation."

This aide and other Ford intimates believe that the President already was convinced that Mr. Nixon was in "poor shape" emotionally.

"One thing about the mental condition of Nixon," said the aide. "It may have undergirded things even though it wasn't the issue Ford spoke about. This [Nixon] is a man who hadn't been acting rationally in a long time. There is no reason to think that being broken and out of power at San Clemente was going to improve him."

According to one of Mr. Ford's close friends, who discussed the issue with him after the pardon had been granted, the "health thing" had a lot to do with the pardon decision—but not because of any entreaty from the Nixon family or from Haig.

"Nixon was in extremely bad shape when he left the White House and there was no reason to think he was getting any better," this presidential friend said. "Look at the performance the day he left. Ford didn't need a psychiatrist to tell him that Nixon was disturbed."

Another aide of the President regarded as "highly significant" the fact that Mr. Ford added a passage to his pardon message which spoke of the "serious allegations and accusations [which] hang like a sword over our former President's head and threaten his health as he tries to reshape his life. . ."

Boiled down to its essentials, the account of Mr. Ford's defenders could be summarized this way:

The President was aware of the physical and emotional condition of Mr. Nixon. He was profoundly grateful to him for resigning and believed that the American people would forgive him in exile. When the weeks passed and it became apparent that Mr. Nixon faced trial and that the issue would not go away, Mr. Ford determined to end the trauma, as he believed, by pardoning him. He consulted with few people and was not dissuaded by aides

who argued it was poor timing, an action which is questionable politically but not on grounds of honesty.

This account accepts the view that Mr. Ford had in effect decided to pardon the former President when, on Aug. 30, he instructed Buchen to research precedents for a pardon. But it does not offer a clear explanation of why Mr. Ford came to this conclusion only two days after he told his first news conference that he was not going to make any comment on a pardon "during the process of whatever charges are made."

None of the Ford aides shed any light on this seeming mystery, although one said he believes that the

President had not intended to rule out a pardon so directly at the press conference. Mr. Ford said at his second press conference that he reached the decision "in my own mind" after he became informed that proceedings would drag on for a year or more.

The other serious questions that arise over the granting of the pardon concern the alleged role of the Nixon family, of Nixon friends C. G. (Bebe) Rebozo and Robert Abplanalp—all of whom were supposed to have lobbied for a pardon—and of Haig.

All who are knowledgeable about the pardon discount the role of Rebozo and of Abplanalp, neither of whom is held in high regard by Mr. Ford.

"Their intervention would have been counter-productive to a pardon," this aide said.

He also tended to discount the view that Mr. Ford would have been swayed by a report from the Nixon daughters, Julie Eisenhower and Tricia Cox, both of whom have been consistently loyal to their father.

But there remains a belief within the White House that Haig, despite professed neutrality, did not miss any opportunity to create a favorable climate for a pardon.

Most aides, however, said that his influence was not decisive and that he took care to take no formal part in any decision-making process. Haig last week firmly and unequivocally denied a published report in The

New York Times that he "persuaded President Ford to reverse his publicly stated position and grant an immediate pardon to the former President."

There also persists a report that Mr. Ford was talked to by others who were more influential in the Republican Party than any holdover aide or Nixon personal friend could be. One name that has been mentioned is that of W. Clement Stone, the GOP's premier fund-raiser and millionaire, who visited Mr. Nixon over Labor Day weekend at San Clemente and afterward talked to Mr. Ford. Stone has denied through a spokesman that he carried a report on Mr. Nixon's health or lobbied for a pardon.

Despite these unresolved mysteries, the weight of available evidence appears to indicate that Mr. Ford arrived at the decision on his own and in an intensely personal manner that in effect introduced the pardon into the White House decision-making process only after the President had reached his decision.

One Ford aide who participated in the Sept. 7 meeting believes, also, that there was "an unspoken reason" which tells a lot about the President and the narrow way in which he considered the pardon issue.

"The one unspoken reason was that he [Ford] wanted to put the decision behind him because the question of Nixon's fate kept coming up," said this aide.

As Mr. Ford's advisers now privately agree, he did not realize that his decision would keep the issue going rather than put it behind him or the nation.