

The Pardon of Nixon Was Timely, Legal, Jaworski Believes

He Says Nixon's Acceptance
Clearly Shows His Guilt
And More Evidence Is Due

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WASHINGTON—Special Watergate Prosecutor Leon Jaworski sees nothing wrong with President Ford's decision last month to pardon Richard Nixon.

Mr. Jaworski, talking publicly about the controversy for the first time, concedes that the pardon prevented an indictment and trial of Mr. Nixon. But he believes that sufficient evidence has, or soon will, become public to show conclusively that the former President was guilty of obstruction of justice.

"The evidence will show he's guilty, just as much as a guilty plea," the special prosecutor declared during an interview yesterday in his sparsely furnished office here. Next week, Mr. Jaworski is leaving the job he has held for 11 months and is returning to Houston to resume the practice of law.

The special prosecutor believes, furthermore, that both the offering of a pardon and Mr. Nixon's acceptance of it clearly signify his guilt:

"A pardon isn't just a beautiful document to frame and hang on the wall. You are offered a pardon only because it is believed you can be charged and convicted. You accept it only if you want to be cleared."

An All-Out Defense

Mr. Jaworski's attitude about the pardon has been a subject of intense speculation here for weeks. Many have assumed that the special prosecutor, who has gained a reputation in Washington for toughness and integrity, objected to the decision. It even has been suggested in recent days that his supposed anger over the pardon is what prompted him to resign his post.

In fact, his statements yesterday amount to an all-out defense of the most controversial aspect of the pardon: its timing prior to a Nixon indictment and trial. Thus, the Jaworski position could have significant political benefit for President Ford, whose popularity with the public has dropped dramatically since he granted the pardon.

The special prosecutor said he has kept silent on the pardon and on Mr. Nixon's role

in the Watergate cover-up for two reasons: He wanted to wait until a jury was chosen and sequestered for the trial of five of Mr. Nixon's former top aides, and he wanted to wait until he had announced his resignation. All that has happened, and now Mr. Jaworski is talking: There will be more newspaper interviews, and on Sunday he is scheduled to appear on NBC's "Meet the Press" program.

Mr. Jaworski denies that the pardon prompted his resignation. He said in the interview yesterday that he decided three weeks ago to resign because he had completed what he has always considered to be his primary task—outlining Mr. Nixon's role in the cover-up.

His own departure, he said, won't slow the investigations that the prosecutor's office is conducting into the milk-fund scandal and into illegal political contributions by corporations. Action is expected soon

against other companies, he said.

"The Best-Prepared Case"

The special prosecutor said that evidence to be presented during the current Watergate trial will further enmesh the former President in the cover-up. Mr. Jaworski, who won't be participating in the prosecution, called it "the best-prepared case I've been associated with."

Mr. Jaworski's attitude about the controversial pardon rests on the assumption drawn from an early Ford news conference that President Ford always intended to pardon Mr. Nixon eventually. Thus, to Mr. Jaworski, all that is at issue is the timing of the pardon.

Mr. Jaworski insists that if Mr. Nixon's case had been allowed to proceed to indictment and trial, the public would have learned nothing more about the former President's role than will come out in the trial of his former aides. "It's a mistake to believe there would have been more evidence for the public if he had been tried," the special prosecutor said.

"If he had been pardoned after indictment, the public would have no new information. If he had gone to trial, he could have invoked his Fifth Amendment guarantees against self-incrimination, pleaded nolo contendere, or even pleaded guilty, and we wouldn't have learned any new details," Mr. Jaworski said.

The special prosecutor wouldn't say

Please Turn to Page 26, Column 1



Continued From Page One

whether he would have prosecuted the former President if Mr. Ford hadn't pardoned him. "Nothing is served by talking about hypothetical situations now," he declared.

But Mr. Jaworski said that if the former President had been charged, his trial wouldn't have come for many months. "We gave no consideration to doing anything with the former President until after the cover-up jury was sequestered," he said.

A major task still facing the special prosecution force is a report to Congress on the Nixon investigation and on other aspects of the Watergate case. That report will exclude much evidence against the former President unless Congress specifically authorizes its inclusion. Without such authority, Mr. Jaworski believes, a prosecutor can't ethically disclose evidence against a man who hasn't been charged; Mr. Jaworski has asked Congress for authority to include such material in the report.

"We can paint a very full picture of Mr. Nixon's role in obstructing justice, but the difficulty arises in other areas where we didn't bring charges," he said. The Watergate grand jury named Mr. Nixon as an unindicted coconspirator in the obstruction of justice for which his former aides are being tried.

Mr. Jaworski is turning philosophical as he prepares to leave for a rest at his Texas ranch, where he will "watch the deer and birds and think about something besides Watergate for the first time in a year." Watergate, he believes, has shown that the American governmental system works. "Here are top men in government who haven't been spared from investigation, exposure and conviction," he said.

But he isn't sorry to be leaving. "The whole thing is a tragedy," he said. "And I don't get any satisfaction from being involved in a national tragedy."