

# The New York Times

Founded in 1851

ADOLPH S. OCHS, *Publisher 1896-1935*

ARTHUR HAYS SULZBERGER, *Publisher 1935-1961*

ORVIL E. DRYFOOS, *Publisher 1961-1963*

ARTHUR OCHS SULZBERGER  
*Publisher*

JAMES RESTON, *Vice President*

JOHN B. OAKES, *Editorial Page Editor*

A. H. RASKIN, *Assistant Editorial Page Editor*

A. M. ROSENTHAL, *Managing Editor*

SEYMOUR TOPPING, *Assistant Managing Editor*

MAX FRANKEL, *Sunday Editor*

JACK ROSENTHAL, *Assistant Sunday Editor*

CHARLOTTE CURTIS, *Associate Editor*

CLIFTON DANIEL, *Associate Editor*

TOM WICKER, *Associate Editor*

## Nightmare Compounded

The horrendous implications of President Ford's untimely pardon for Richard Nixon, are finally becoming apparent to the White House. The official disclosure that the President is now considering pardons for all those convicted or accused of Watergate-related crimes underscores the peril his rash action poses for every concept of justice, law and leadership in this democracy.

There is obvious merit to the argument that it is grossly unfair to prosecute and punish the underlings when the ex-President in whose service and for whose benefit the misdeeds were committed is given blanket absolution—without either confession or even specification in any formal document of the crimes for which he is being pardoned.

But something else is even more obvious: The foreclosing by President Ford of the judicial process on which the nation now depends to learn the truth of the abuses perpetrated upon it by the man who put Mr. Ford in the White House would make the new President the central figure in a cover-up as worrisome and divisive as the one that drove Mr. Nixon out of office.

Instead of closing the book on an agonizing national scandal, amnesty for all the Watergate conspirators and cancellation of a trial now less than three weeks away would perpetuate that scandal with far graver political, legal and moral consequences than those the country has already suffered. No convincing argument could be advanced for keeping any convicted public official, judge or civil servant in jail. Indeed, it would be hard to explain why all the prisons should not be emptied and all the courts disbanded.

It is precisely because the dangers inherent in indiscriminate and ill-considered invocation of the pardoning power are so overwhelming that it has been used only under extraordinary circumstances across the centuries of English and American jurisprudence. Each exercise of executive clemency involves risk to the concept of equal justice, except in instances where the original conviction was demonstrably unjust.

That is why President Ford, having erred so grievously in his precipitate pardoning of his predecessor before any court process against him had even begun, would do well to think through the implications of further pardons more carefully than he did the first.

The issue is not, and never has been, primarily one of putting a few people into prison cells. Rather, the issue is to affirm that the United States is a nation of laws—laws that apply equally to all citizens—operating under a constitutional system strong enough to survive an attempt at intimidation and subversion from the loftiest positions of power.

Only after that affirmation is complete, will it be time to consider mitigating circumstances that might warrant clemency.