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The Vietgate Solution

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After an 18-month "orgy of recrimination," the White House floated a trial balloon for an orgy of forgiveness. It didn't stay up for long.

Its spirit was expressed in these lines of Shakespeare's King Richard II: "Let's purge this choler without letting blood . . . Forget, forgive; conclude, and be agreed—our doctors say this is no time to bleed."

That particular king was forced from his throne—forgive and forget is rarely a popular policy—which is why, after his decision to pardon Mr. Nixon, President Ford seemed to be asking for public debate on the question of pardoning others connected with Watergate.

The pardon-the-Watergaters balloon was subjected to withering fire, and the President backed away from "mass pardons"; a more positive element is needed, and will probably be produced, to give a new "case-by-case" trial balloon some uplift and balance. That brings us to the Vietgate Solution.

As put forth by former everything, Arthur Goldberg, to Daniel Schorr of CBS the idea would be to find some

bridge, or rationale, for a general amnesty linking the bearded Vietniks and the crewcutted Nixniks who might have broken laws in what they saw as "higher causes."

Certainly Vietnam was fertile soil for national aberrations. Fear of leaks about the bombing of Cambodia led to illegal wiretapping; fury at the leak of the Pentagon Papers, detailing the origins of the Vietnam war, led to the heyday of the plumbers who then followed their calling into the Democratic headquarters. The linkage between Vietnam and Watergate is not so far-fetched.

By considering Watergate crimes as a direct overreaction to Vietnam protest, the Vietgate solution gains some logic: Full, free and absolute amnesty for those who ran for cover as well as those who covered up, for those who followed their conscience as well as those who followed their leader. No confessions necessary: Unequal justice for all.

But this, it will be argued, would smack of a "deal." It would infuriate those who want to see the Nixon men get their just desserts, frustrate servicemen and their families who hate to see draft dodgers return unpenitent, and disturb all who be-

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lieve in the orderly rule of the process of law.

Granted. But unfairness is rampant in the situation. To try the courtiers and not the king is unfair; to pardon the men about to be tried without pardoning the jailed accusers is unfair; to insist some men "earn their way back" while letting others have full pardon is unfair.

The Vietgate Solution, either as a general amnesty, or as the basis for case-by-case review, could offer the least bad way out. Our suddenly hardnosed editorial Robespierres may fume that we might as well throw open all the jails and do away with the courts, but the fact is that presidents have averaged 167 pardons per year over the past 20 years, not including commutation of sentences, and—as Sam Ervin would say—the heavens have not fallen.

Politicians who too quickly equated media fury and flash poll results with active voter reaction to the pardon of the President are soberly studying what happened to Representative Laurence Hogan's bid for the Republican nomination for governor of Maryland. Hogan was the first Republican on the judiciary committee to announce he would vote to impeach; he exploited his decision at a dramatic press conference, milking his anti-Nixon stand for all it was worth. He was decisively upset in the primary by Mrs. Louise Gore, who had criticized the hearings as a "television circus."

The quality of mercy, which has been under a bit of a strain the past few days, droppeth as the gentle rain, and seems to be inundated by the hard-splattering downpour of vitriol from so many of our opinion leaders. But Congressman Hogan's surprising rejection by Republican voters is an experience that may soften some hard incumbent hearts and bring them round to the thought

that mercy is "mightiest in the mightiest."

Whether or not Mr. Ford pursues the Vietgate Solution, exercising his pardon power on a frequent individual basis, he has shown us that he is prepared to take the long view and steer by conscience and conviction rather than polls and polls.

The honeymooners, who adored Mr. Ford for his nomination of Nelson Rockefeller and his pronouncement about leniency to draft evaders, have shown us that their talk of unity and civility applied only when the President was doing things their way. When he acted to remove what surely would have been "the pardon issue" from the 1976 primaries, they reacted as if his pardon were forever unpardonable.

Perhaps there is a good clue to the future in Mr. Ford's choice of new paintings to put in the Cabinet room: The unlikely combination of Abraham Lincoln and Harry Truman. "With malice toward none, with charity for all," they seem to say in unison, "the buck ends here to bind up the nation's wounds."