

NYTimes **More on the Pardon** SEP 16 1974

To the Editor:

The Nixon pardon issue comes to this:

Whether you believe with The Times that "without the firm seal of conclusive judgment by constitutional institutions, the way will be open wide for a subsequent demagogic rewriting of history that could poison the political atmosphere for generations to come." [Editorial Sept. 10.]

Or, whether you believe that the welfare of the country is at this time better served by putting the sordid and divisive morass of Watergate behind us and devoting our energies to the on-going problems that beset the nation and the world.

I believe in the second proposition, not the first, and thus approve of President Ford's action.

The Times' premise is stated as though it were either fact or Holy Writ. It is, of course, neither. It is just one newspaper's prediction and, I think, a wrong one.

Historians are accustomed to grappling with unanswered questions. The dire consequences expected by The Times to flow from this particular one are highly conjectural. My guess is that history, written or rewritten, does not generally have and in this case is not likely to have such an impact on future generations.

As a nation, we have all learned various important lessons from Watergate as, I am sure, have participants. Exacting a last additional pound of flesh is not required or needed for emphasis. President Ford has wisely used his constitutional power of pardon, designed as it is to ameliorate the rigidity of the law, to start the process of putting Watergate behind us and of re-focusing our attention on the problems that lie ahead.

CHARLES H. TOWER
Riverside, Conn., Sept. 10, 1974

To the Editor:

I suggest that Ford, because of demonstrated inadequacy, start planning immediately for resignation when Rockefeller is confirmed.

JAMES C. BARBOUR
Nashville, Tenn., Sept. 12, 1974

To the Editor:

While the pardon of former President Nixon raises many questions of an immediate nature, including justice to his former subordinates, and equal treatment under the law, President Ford's action also raises an important constitutional question. He has interpreted Article 2 of the Constitution as giving him the right to extend a blanket pardon to Mr. Nixon for any and all offenses he may have committed in the time of his Presidency.

If the indictment for a crime and conviction must carry a specificity in detail, by the same token, the legal act of pardon must be for specific criminal acts. But the President now claims the prerogative of granting immunity from prosecution for any and all acts known or unknown in a given period of time. Surely, this is new legal ground, a broad new expansion of Presidential authority, and a bad beginning for the heir of the Nixon Administration. Could the President pardon future acts as well, could he pardon himself? What are the limits of the power of pardon? One hopes that this new assertion of Presidential power will not go unchallenged and that a case will be carried to the Supreme Court to test whether this new interpretation of the Constitution is valid.

One lesson to be learned from Watergate is that the power of the Presidency is not necessarily what the holder of that office asserts it to be.

WILLIAM BROWDER
Princeton, N. J., Sept. 9, 1974



To the Editor:

The outrageous assault on the nation's judicial process by Richard Nixon's handpicked successor, placing the lawless former President beyond the reach of the law for any crimes known or unknown that he committed while in the White House; cannot be permitted to pass unchallenged; or the United States of America will not long endure as a government under law.

The Nixon pardon should be challenged in the courts by parties over whom the President has no control whatsoever; and which he cannot stop by another "Saturday Night massacre," which it now appears that President Ford might well be capable of in his zeal to protect Richard Nixon. In the absence of confession; or indictment, trial and conviction the full, absolute and blanket pardon issued by the President to his friend and benefactor; may well be a flagrant violation of the intent of the Founding Fathers; however little regard Nixon and Ford appear to have for that document.

EDWIN EZEKIEL
New York, Sept. 9, 1974

To the Editor:

It was timely for Joe McGinniss to write in his Sept. 8 Op-Ed article: "In our lust for decent leadership we are creating an idol whom, history suggests, we will eventually feel compelled to destroy."

There were sighs of relief when Ford took over the White House. We welcomed his courage in choosing a veterans' convention to proclaim his intention to grant amnesty—though the generalization has not yet shown to any individual the road home. Partisanship diminished. One had begun to feel that lesser issues could now lead Democrats to split their tickets in order to vote for some individually qualified Republican, when earlier the sole issue was to repudiate Nixon.

Even those who were not enthusiasts for Nelson Rockefeller were relieved that the choice had not gone to back-slapping George Bush, who was a disaster at the U.N. when Nixon ousted the skilled diplomat Charles Yost to make place for the unsuccessful—but wealthy—Texas politician. (The Chinese are too intelligent to believe Bush is an adequate replacement for the eminent David Bruce.)

Ford's retention of Kissinger as Secretary of State had almost unanimous support in the hope that "Henry" could crown the spectacular success of his temporary reconciliation in the Middle East, though not even if the Nobel Committee had been unanimous could it have transformed the *papier maché* facade into peace in Vietnam. Although Kissinger has been scornful of the U.N., it was encouraging that President Ford, on his first day in office, wrote a warm letter of support to Secretary General Waldheim.

But now President Ford and the unconfessing, mildly regretful Richard Nixon! As The Times pointed out in a Sept. 8 editorial, Congress, under existing law, has to appropriate \$450,000 plus a \$55,000 pension and \$96,000 for employing a staff; but President Ford has proposed to add a further \$249,000 for Nixon's personal benefit.

And now complete pardon for any and all offenses Nixon may have committed while in office! It is too much. How can one escape the horrid suspicion that in this era of plea-bargaining that the pardon and the stipend were agreed upon before Nixon turned over

the White House to Ford?

Sadly, we must admit that President Ford has dragged Watergate back into the political arena. He has entered the Nixon camp and tied his party to Watergate. He has blocked the normal course of justice through the courts; he cannot block the verdict of an outraged citizenry at the ballot box.

PHILIP JESSUP

Norfolk, Conn., Sept. 9, 1974

The writer was a judge of the International Court of Justice, 1961-1970.

To the Editor:

Less than two weeks ago, President Ford himself told the press, "There have been no charges made, there has been no action by the courts, there has been no action by any jury, and until the legal process has been undertaken, I think it is unwise and untimely for me to make any commitment."

Mr. Nixon's pardon comes even before the special prosecutor's investigation was able to run its course in establishing which criminal acts (if any) were committed by Mr. Nixon while he was in office. The ultimate cover-up of the extent of Mr. Nixon's criminal involvement has been breathlessly performed by his handpicked successor.

This latest action by President Ford tells us far more about him than it does about the man he pardoned.

MICHAEL W. NOLAN

Columbus, Ohio, Sept. 8, 1974

To the Editor:

It must stop. No more United States Presidents by appointment. We must change the present provision for filling the office of Vice President, but that will take time.

Right now, we the people must say no to the confirmation of Rockefeller as our Vice President. We already see the folly of Presidential designation of his successor. I appoint you, you pardon me. No thanks.

I say to all Congressmen, in House and Senate, you have the power to control this appointment. Our Vice President should not be a person of princely wealth, practically sovereign wealth, and sovereign power through family banking interests; but more importantly, our Vice President should recognize that his responsibility is to the people, not to the man who appoints him, who in the present case is himself an appointee.

I say to all Congressmen, let the President know that you, not he will determine who is to hold the office of Vice President.

Say it nicely, maybe even give him some choice, but let the selection of choices be yours, ours through our Representatives and Senators. We can wait. It may take time, but we can get along without a Vice President until we can have one designated by our elected Congressmen.

NINA HOWELL STARR

New York, Sept. 9, 1974

To the Editor:

President Ford's decision to grant Mr. Nixon full pardon cannot be faulted on legal grounds, nor can anyone surely predict it will not prove to be in the best interest of our country.

There was no pre-empting the judicial process. President Ford was not required to wait for the courts first to deal with the matter. The Constitution expressly vests the President with the broad powers to pardon. It is his sole responsibility to decide if and when to use it. In his wisdom and conscience, he granted the pardon. It is his belief that it should restore tranquillity to the nation, and spare Mr. Nixon further punishment beyond what he has suffered and will continue to suffer.

Like all grand concepts, capsulated in few words, "equality before the law" is not one that has been or can be applied as by mathematical formula. In countless criminal cases immunity has been granted. Prosecutorial policy in each instance decided that immunity be granted to one offender for his testimony against another, who is sent to jail. Has this widespread practice in every locality of our land violated or ignored the principle and set up a double standard?

Of far more weight than local prosecutorial policy should be the national policy under the leadership of President Ford.

If prosecution were sought in order to establish for the record Nixon's guilt, then ignored is his admission found in the tape surrendered before his resignation, which spelled his doom before Congress.

If prosecution were sought for further punishment of the individual, to many it would appear vengeful. Too, it could prove to be an extravagant futility. For the search for unbiased jurors, because of the overwhelming Nixon publicity, would better be a task not begun. And, if a jury were impanelled, conviction would hardly be assured. Further, if Mr. Nixon were convicted, weighty factors would militate against any sentence of imprisonment.

There exists a vast gulf between his subordinates and any other persons in criminal trouble and Mr. Nixon; for he has been before millions of people around the world as President of the United States and has been held in such high admiration for his efforts to secure peace, he suffers enduring world-wide disgrace and shame of unprecedented nature. This punishment could hardly be enlarged unless a level of vengeful cruelty were wanted.

That chapter is now legally, soundly and finally closed. CHARLES A. LORETO
Stony Brook, L. I., Sept. 10, 1974
The writer is a retired Justice of the New York State Supreme Court.

To the Editor:

It was a humanitarian gesture which sets an extremely dangerous precedent.

I urge the adoption of a constitutional amendment which would strip the President of the pardoning power in cases which involve the immediate predecessor. The opportunity for collusion is too great. Where a President resigns under the threat of removal from office via impeachment, only Congress or the Supreme Court should have the power to pardon from future prosecution.

EDWARD EARLY

Stamford, Conn., Sept. 8, 1974

To the Editor:

I think that President Ford needs to be reminded that although he may consider himself "a humble servant of God," he is first and foremost a public servant whose first duty is to the laws of this country.

Mr. Ford's speech announcing the substitution of his conscience for the procedures of the courts in the pardon of Richard Nixon has the same ring of pious humility coupled with arrogance that used to echo throughout Nixon's speeches. What effrontery to proclaim that only he, Gerald Ford, with a stroke of his pen can put an end to the agony of Watergate.

What happened to the open administration and the promise of straight talk and honesty? What we got here was a backroom deal at San Clemente and a continuing orchestration of the cover-up.

By his very foolish and hasty decision to subvert the judicial course, Mr. Ford has taken the one step which insures that Watergate and its relative evils will continue to plague us for years, and perhaps generations to come.

DOROTHY F. HALL

New York, Sept. 9, 1974