

Ford facing pickets in Pittsburgh,

## NIXON'S CRISIS—AND FORD'S

Once again, the White House had become a bunker. The hasty pardon of Richard Nixon—and the muddle over possible further pardons that followed—suddenly drove Gerald Ford's month-old Administration deep into crisis last week. In the public-opinion polls, Ford's standing dropped precipitously; the mail was overwhelmingly unfavorable, and this fall's elections threatened to turn from a mere Republican defeat into a rout. On Capitol Hill, all the old jokes about the President's intellectual capacity were being revived. "I guess he started chewing gum again," cracked a jubilant Democrat with a nod to the old gibe that Ford couldn't walk and chew gum at the same time. And in a morose and defensive White House, some staff members were beginning to think the worst. "I really hate to say this," lamented an old Ford loyalist, "but I would not exclude the possibility that Ford made a verbal deal with Nixon for a pardon before Nixon resigned."

The available evidence suggested that chemistry of a different sort had produced the Nixon pardon. Determined to get his predecessor off the hook sooner or later and distressed at reports of Nixon's declining physical and mental health,

Ford seemed to have stampeded himself into a badly timed decision. But the real state of Nixon's health remained a mystery. His doctor, Air Force Maj. Gen. Walter Tkach, found a new outbreak of phlebitis in Nixon's left leg and what may prove to be an even graver state of mind: the former President refused hospitalization, telling Tkach that "If I go into the hospital, I'll never come out alive." Nervous and distraught himself, Tkach described Nixon as "a ravaged man who has lost the will to fight." Was Nixon actually dying? "No, not that," Tkach told NEWSWEEK. "He is just under tremendous tension. It's going to take a miracle for him to recover . . . I don't know whether I can pull him through."

### TOPIC A AGAIN

Despite what Tkach had to say, other recent visitors reported that Nixon was in good enough spirits and physical shape. Soon after his pardon, the former President felt well enough to play nine holes of golf (page 35). And a visitor just last Saturday found him favoring the leg but otherwise seemingly fit. Their conversation, the visitor recalled, was

"just as normal as those we used to have at the White House."

Near the end of a week full of self-contradictions, the White House began to back away from any suggestion that Nixon's health had been a factor in the pardon. But by then Richard Nixon had become the monkey on Gerald Ford's back, and he was not to be shaken off so easily. Nixon and Watergate had abruptly become Topic A again at the White House, smothering almost every other subject. "This puts Watergate back into the campaign, just when we thought we were rid of it," complained a GOP official. Perhaps the bitterest reaction came from Rep. John Anderson of Illinois, the third-ranking Republican in the House. "Why," he asked, "were we ever stupid enough to think this awful man would fade away like one of MacArthur's old soldiers? He was always going to be dragged, kicking and screaming, into oblivion."

On both sides of the aisle in Congress, some legislators were still trying to exorcise the demon. A Senate subcommittee focused critically on Ford's request for \$850,000 to tide Nixon over his first eleven months out of office; the amount



Wally McNamee—Newsweek



Dwight Brill—AP

Nixon visiting a beach in California last month: Medical questions and a 'crisis of competence'

seemed certain to be cut sharply. And eight members of the Senate Judiciary Committee, including Edward Kennedy, sent a letter to special prosecutor Leon Jaworski urging him to complete his investigation—for the record, if nothing else—and to give Congress a complete report on the case against Nixon.

That case, as Jaworski had already informed Ford, was broad. In addition to the Watergate cover-up, Jaworski listed ten investigative areas—including the preparation of Nixon's tax returns, the use of campaign funds, abuse of the Internal Revenue Service, and the ITT and milk-fund episodes—that could involve the former President. The prosecutors, NEWSWEEK learned, also thought that new evidence would show Nixon had advance knowledge of Watergate-type break-ins planned by his political-intelligence operatives (page 39).

**TWO GIANT STEPS BACK**

Ford got himself into more trouble two days after the Nixon pardon by raising the prospect of a blanket pardon for all the people involved in the Watergate affair. "I am authorized to say that that entire matter is now under study," acting press secretary John Hushen announced at the President's express bidding. Republicans and Democrats alike were incensed. As denunciations poured in from every quarter, the Senate passed a resolution asserting that no additional Watergate figures should be pardoned

until after their trials. By then, the White House had retreated two giant steps. The first fallback position was that pardons would be considered only for people who requested them; the second was that trials would have to come first. But even as the White House was backing away from blanket pardons, NEWSWEEK's Stephan Leshner learned that the Administration was considering commuting the sentences of three Watergate figures who helped the prosecutors and are now in jail: former White House counsel John Dean, former Nixon lawyer Herbert Kalmbach and ex-campaign aide Jeb Stuart Magruder.

Through most of the week, in fact, the White House rarely seemed to know what it was doing. Immediately after Hushen's announcement that wholesale pardons were under consideration, for example, Presidential counsel Philip Buchen, Ford's chief legal adviser, said that he wasn't aware of any pardon study. Partly in response to the Administration's blunders (and partly because of a soaring wholesale-price index), the stock market plunged 50 points last week to a twelve-year low of 627.19 on the Dow Jones average (page 77). The Wall Street Journal discerned a "crisis of competence."

"I wouldn't say this shows they're incompetent," a White House survivor of the Nixon years said of the Ford team. "But it really gives you pause about their ability to deal with tough questions."

Loyal Republicans were grasping at straws. "If Nixon goes into the hospital," a GOP leader in the House remarked wistfully, "Ford's curve will shoot right back up." But failing some such revival, the political calculus for 1976 was abruptly changed—and a GOP Congressional leader told NEWSWEEK's Samuel Shaffer: "I don't think it can be taken for granted that Jerry will run in '76. I think he will remember his promise to Betty and go back to Grand Rapids."

**FROM RICHES TO RAGS**

One act of indecision may actually have helped the President slightly. His program of limited amnesty for Vietnam-era deserters and draft evaders was not announced last week, as scheduled. Hushen said the President hadn't had time to study the plan, and instead the announcement was expected early this week. As some observers saw it, the furor over Nixon's pardon would have been even worse if there had been any apparent connection between that action and amnesty. Even so, many of Ford's supporters were growing restless. "The party people I talk to are aghast at the pardon and at the appointments he's made to the national committee," reported a moderate GOP leader. "And when's he going to start doing something about the economy instead of holding meetings? So far, all we've gotten from him is a lot of platitudes, an amnesty proposal that no one in the party

had asked for and a pardon for Nixon."

The public reaction to the pardon was not so much a fire storm as a slow burn. Telephone calls to the White House were narrowly in favor of Ford's decision, but the considerably larger volume of letters and telegrams that poured in ran against the President by 5 to 1. In a new Gallup poll, 32 per cent of the 553 people questioned rated Ford's performance in office "good," while 33 per cent called it only "fair" and 25 per cent dis-

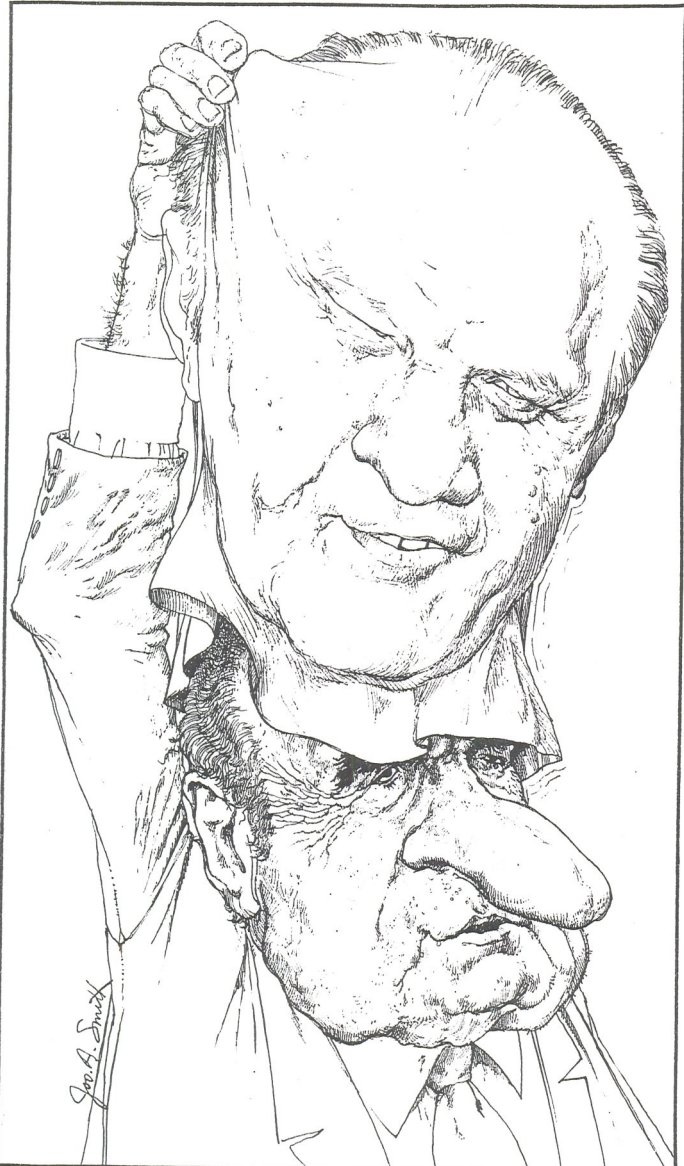
boing demonstrators of his Presidency (along with some cheering supporters), and a gaggle of pickets (FORD'S PARDON DEFIES JUSTICE). Newspaper editorials were preponderantly against him, and so were the letters-to-the-editor columns of many newspapers. Three days after the pardon, The Chicago Daily News ran 28 letters on the subject. Only one of them was favorable, and it came from Louis D. Ziegler of Clarendon Hills, Ill.—the father of Nixon aide Ronald Ziegler.\*

Despite the general post-pardon depression among Republicans, Ford had a number of stout defenders. Vice President-designate Nelson Rockefeller, who had advocated leniency, pronounced it "an act of conscience, compassion and courage."

tion that sooner was better than later, and that the protests would blow over. "The President knew the issue was bound to become politicized the closer it got to this November and the 1976 election," said one aide. "So he decided that a swift knife was better than a thousand cuts." And a top staffer concluded: "The country needs a man who isn't afraid to stand up and make a decision and take the heat for it."

#### A LOYAL PARTY MAN

The fact was that once Ford's decision had been made, there was very little that Congress or the public could do about it. There was a short-lived movement to revive the impeachment process, in order to write a record for posterity, and there was talk of a constitutional amendment to limit the President's pardon power. But there was



Two faces: How long would Nixon haunt the GOP?

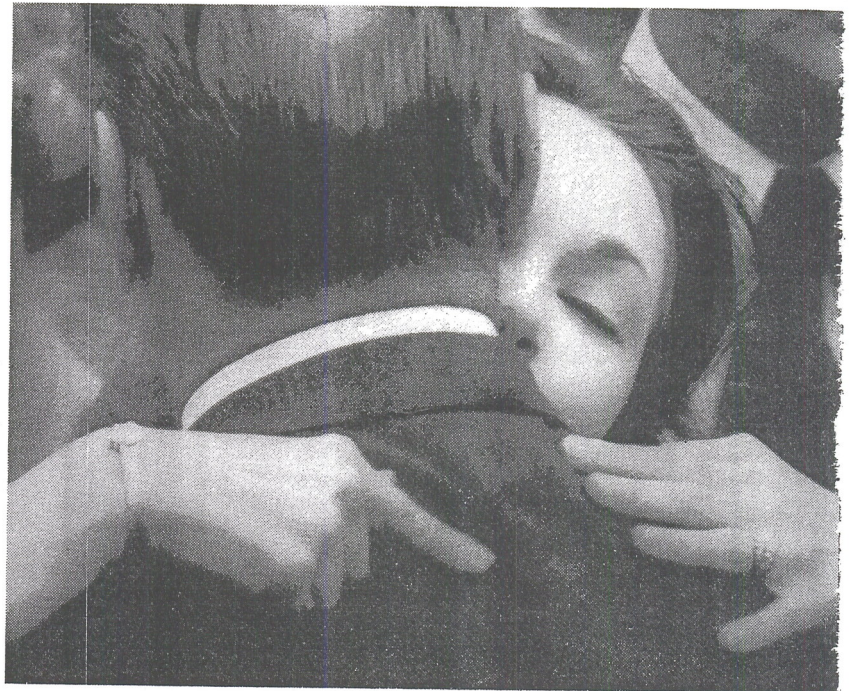
missed it as "poor"; a month ago, the President got a positive rating of 71 per cent, with only 3 per cent disapproving. Another poll, the Phillips-Sindlinger Survey, showed Ford's favorable job rating plunging from 53 per cent on Sept. 4 to 36 per cent on Sept. 9, the day after the pardon. "Ford is the first President in memory to trigger a negative job rating by the end of his first month in office," said the report.

On a visit to Pittsburgh the day after the pardon, Ford encountered the first

Counselor Robert Hartmann opposed the pardon on political grounds, while another aide, John Marsh, questioned the timing. The other two staffers who were in on the pardon decision—Buchen and White House chief of staff Alexander Haig—supported it firmly.

A number of White House officials shared the hard-boiled political calcula-

\*In the first week after the pardon, NEWSWEEK received more than 550 letters and telegrams commenting on Ford's action. Only seven of them approved of it.



Ford consoles Julie Eisenhower: Who was the prime mover?

But Ford had expected more support than he got. "I hope the country understands what a difficult decision it really was," he told one senior aide early in the week. Even in Ford's inner circle, opinion had been divided.

almost universal agreement that Ford had acted within his rights and that Nixon could not be unpardoned. It also seemed likely that the furor over the pardon would eventually die down.

In retrospect, the pardon appeared to say a lot about Ford the man. It showed once again his strong sense of compassion. It also demonstrated anew that he is a party loyalist, until lately more accustomed to following policies than conceiving them. "If Mr. Ford had been a member of the [House] Judiciary Committee," New York Times columnist William V. Shannon wrote last week, "there is little doubt that he would have been ranged with Representatives Wiggins, Dennis and Sandman, doggedly defending his party chief despite the evidence and the promptings of common sense." Indeed, that is what Ford did, off and on, as Vice President.

Newsweek

His lonely deliberations on the pardon—he broke his own recent pattern by consulting few advisers—brought some other elements of the Ford character to light, stubbornness among them. “If he’s made up his mind,” said an aide, “the more you argue with him the firmer he gets set in his ways.” Finally, the decision underscored Ford’s longstanding inability to perceive the depth of feeling that Watergate has aroused in the country. “Unlike millions of Americans,” said a White House official who disagreed with the pardon, “Ford has never felt that Watergate subverted the processes of government all that much. He has consistently believed that Watergate was terribly exaggerated.”

**NO DEAL**

There was no evidence last week of any outright “deal” between Nixon and Ford for a pardon. “I don’t believe Ford ever had to make such a commitment,” a lawyer familiar with the White House legal maneuvers told NEWSWEEK’s Nicholas Horrock, “nor do I believe that such a commitment would even have been implied.” But it seemed clear that early in his Presidency—if not before—Ford had made up his mind that he would pardon Nixon rather than see him go to jail. The question was: what made Ford grant the pardon so soon?

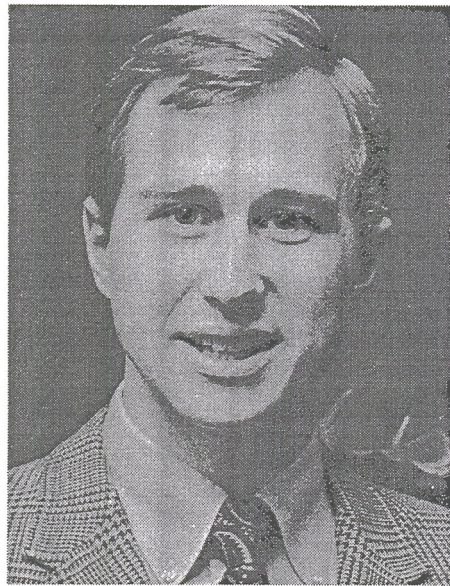
Most speculation centered on Nixon’s health and the supposition that someone had persuaded Ford that the former President was in imminent physical or mental peril—a possibility that Ford himself hinted at in announcing the pardon. By one frankly speculative guess, Julie Nixon Eisenhower may have alerted Ford to the danger. Other possible prime movers mentioned by various observers included Mississippi Sen. James Eastland, Nixon sons-in-law Edward Cox and David Eisenhower and White House lawyer J. Fred Buzhardt. But late last week, when the Administration began to

deny that Nixon’s health had been a factor, one aide told NEWSWEEK’s Thomas DeFrank: “The President didn’t get that kind of medical report. He didn’t talk to any members of the former President’s family, and he didn’t talk to any members of Congress who had received phone calls from him.”

If the impulse to pardon didn’t spring from compassion, some in Washington suspected that it could have been coldly political. In blunt terms, Nixon threatened to be a costly embarrassment to Ford and his party for months. While Ford had not had detailed briefings from Jaworski on the charges piling up against the ex-President, he did have the memo spelling out Nixon’s vulnerability. If tried and convicted, another Jaworski memo had warned the Oval Office, Nixon might well win reversal on a technicality such as the prejudicial publicity that has surrounded the case. Thus, if Ford postponed the pardon, he might



Ziegler: No thanks



Robert R. McElroy—Newsweek

Cox: Grave words for Ford

find himself granting it during his own election campaign in 1976.

Neither compassion nor cold calculation seemed a fully satisfactory explanation for Ford’s abrupt decision; late in the week, he himself reportedly hinted in a meeting with eleven governors that there were still other factors in the case—that, as Tennessee Gov. Winfield Dunn relayed it, he “might be able to explain in the not-too-distant future a number of things.” Whatever the ultimate explanation, Ford reversed himself just after his Aug. 28 press conference when he indicated that he would make no decision on a pardon until the “legal process” of indictment and trial had been completed. Just two days later, he told Buchen to research the question of whether he could pardon a man for crimes he hadn’t formally been charged with committing. Buchen, in turn, handed the assignment to an outside attorney, Benton L. Becker.

A 36-year-old partner in a Washington

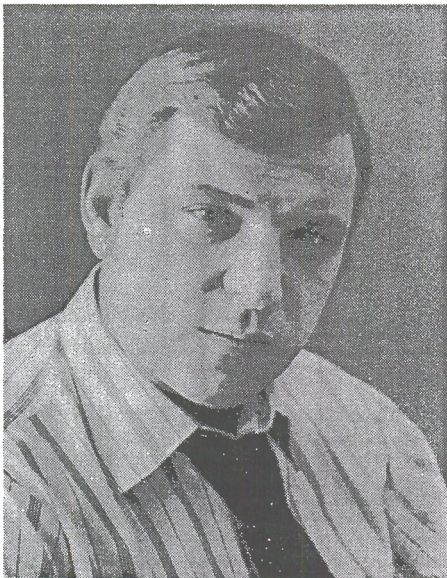
law firm, Becker had done volunteer work for Ford in the past. In 1970, he researched Ford’s campaign to impeach Supreme Court Justice William O. Douglas, and when Ford became President he helped out on the transition team. In selecting him for the new assignment, Buchen did not seem to be bothered by the fact that Becker was under investigation by the U.S. Attorney’s office in Washington, reportedly for alleged evasion of Federal taxes. The charges apparently were made by a convicted former client, and Becker has denied them under oath.

Working over the Labor Day weekend, Becker probed the precedents and concluded that Ford could indeed pardon Nixon before indictment and trial. He reported back to Buchen on Tuesday, Sept. 3, and according to one source Ford had already made up his mind by then to pardon Nixon. Later in the day, Buchen and Becker met with Herbert J. Miller Jr., Nixon’s attorney. Their first task was to work out an agreement under which Nixon would regain control over his White House tape recordings and documents, subject to compliance with subpoenas from Federal investigators. Two days later, Miller was informed that Ford planned to pardon his client.

**NO MORE AGNEWS**

Buchen felt strongly that Nixon should respond to the pardon with a public “statement of contrition.” The statement was not a quid pro quo for the pardon, but Buchen felt that it would be helpful politically and that it would prevent Nixon from issuing an “Agnew-like exclamation of innocence nine months later,” as one source put it. Miller agreed that a statement should be made. After Ford had OK’d a draft of the pardon, Becker and Miller boarded an Air Force plane and flew off to San Clemente.

There they ran into a stone wall in the person of Ronald Ziegler. Becker had not



Wally McNamee—Newsweek

Becker: Mission to San Clemente

brought along a statement for Nixon to sign, contrary to some news reports, and Ziegler, who once observed that "contrition is bulls---," was not about to go along with any admission of guilt. "If Becker had drafted Nixon's statement, it would have been stronger," said one insider. "If Phil [Buchen] or Jack [Miller] had drafted it, it would have been stronger." But Ziegler was adamantly opposed to an admission of guilt.

At that point, the White House negotiators caved in on the statement of contrition, and Becker finally was ushered into Nixon's presence. Nixon was dressed in a dark blue suit, a white shirt and a blue tie and wore the customary American flag pin in his lapel. He looked tired and perhaps depressed, but seemed fit and in control of himself. The two men talked for half an hour, Nixon

adding that others involved in Watergate were "suffering because they told the truth—which is something we have yet to hear from Mr. Nixon."

If the study of a mass Watergate pardon was merely a "trial balloon," it was quickly shot down. Some of the sharpest protests came from Jaworski's office. The prosecutor, NEWSWEEK learned, called a top White House official and bluntly declared: "I don't want any double-talk. Either these men are going to be pardoned and there won't be a trial, or they won't be." And a high-ranking Justice Department officer informed White House topsiders: "If Ford goes ahead with these other pardons, you can expect my resignation and those of half the top officials in this department on his desk in the morning."

The White House quickly back-

ants moved again for delay or dismissal, partly on the ground that Nixon's pardon would prejudice the jury. (Haldeman and Ehrlichman, it turned out, were not opposed to leniency in general; they had put heavy pressure on Nixon to pardon them in the last days of his Administration.) In the end, however, Judge John Sirica agreed only to delay the trial by one day—to Oct. 1—in order to assemble a new pool of potential jurors.

#### BACK TO BUSINESS

And as the trial date neared, it seemed increasingly possible that Nixon might not have to testify after all—either because his health was too poor, or because neither Jaworski nor the defendants, with the possible exception of Ehrlichman, would want his testimony. Ford, meanwhile, was trying to press

## the pardoner's tale

*It was the drama of Sen. Sam Ervin's Watergate hearings that first prompted Judith Wax, a Chicago free-lance writer, to begin a wickedly witty parody of Chaucer's "Canterbury Tales." Last week Wax surfaced again, on the Op Ed page of The New York Times, with her next installment:*



Whan that August with his summer searings  
Men alle watch Judiciayre Hearyngs  
Til one Lord pilgrimage to San Clemente  
And folk do get a newe Presydenste.  
A GERYLD was ther with strong footbal legges,  
Wel koud he cook his bacyn and his egges.  
Some seyde he chew his gum and walk with trubl,  
Yet still myght blow a verray good y-bubbl.  
He trow to endyth tayps and tapt phone calle  
And lyk it not the olde art, stonewalle.  
(The KNYGHT OF ROCKYFELYR get his nodde  
He maken a ful rich vyce-enchylade.)  
The press, they mak the GERYLD swich good talke  
For all he was a parfait gentil hawke  
Since late he tel the Old Vet Campaignye  
Should thynken on some modyst amnestye  
For hym that years in Canyda hath spende—  
GOD WOT, NOW GIV IT FUL TO BEBE'S FRIENDE!



Folks weary be from natynl insomny  
Koud wel y-Ford some Amor vincit omnia.  
Thys litel honymoon men seyde myght serv us  
(Though Democratyc Lords some getten nervys)  
But he that pardyn mayd on Richyrd's hed  
Hath blis y-blown in thys Grand Rapyds bed.  
The fyrst to lyk it not, the Earl tyrHorst,  
Was also fyrst to getten hym divorsyt.  
Forsooth, the good wyf U.S., ful dyspondent  
Now name the Nixyn lord y-co-respondynt!

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Sketches by John Huehnergarth

asking Becker where he was from and passing on his regards to Ford. Becker never mentioned such words as "indictment" or "Jaworski."

The result was that Nixon responded to the pardon with a carefully hedged statement. Buchen argued later that Nixon's acceptance of the pardon was itself a tacit admission of guilt, but the fact remained that the former President had not confessed to any crimes.

#### TO TELL THE TRUTH

The public outcry that followed the pardon included an appeal from John Dean's wife Maureen. "Mr. Nixon and his family are not the only ones who have suffered enough," she declared,

tracked. Hushen contended that "there was never any intention on our part to give the impression that the Watergate defendants were going to be pardoned at any time, and especially not before the trial." The news media, he asserted, had misunderstood. "We just didn't realize how badly we were being misinterpreted until the network news shows," he said in the best Ziegleresque manner.

For a while, the pardon flap threatened to disrupt the impending Watergate trial of former Attorney General John Mitchell, ex-White House aides H.R. (Bob) Haldeman, John Ehrlichman and Gordon Strachan, and former Nixon campaign officials Robert Mardian and Kenneth Parkinson. Some of the defend-

on with other business. The news conference that he had postponed last week was expected to be held early this week. He urged Congress to give priority to trade reform, foreign aid, improvements in unemployment compensation and aid for urban transit, among other bills. He stressed the need for speedy confirmation of Nelson Rockefeller (who had filed a report with Congress stating his personal wealth, apart from family trusts, at only \$33 million—a figure that may well be revised upward). But given the new, post-pardon political situation, the Democrats in Congress were likely to delay confirmation past Election Day, neutralizing Rocky as a factor in the campaign.



Case history: Nixon with Kissinger when phlebitis struck on Mideast trip

The President seemed to recognize that at least some mistakes had been made. Implementation of the agreement with Nixon on the tapes—which deputy prosecutor Ruth had said would hinder the Watergate investigation—was postponed. And Buchen was by some reports kicked upstairs; he kept his title and was given Cabinet rank, but Harvard law professor Phillip Areeda was brought in to handle much of Ford's legal work. Some Ford supporters, in addition, were hoping that Haig would soon depart—presumably heading back to military life as NATO commander—and that the President would surround himself with more savvy advisers, such as former Defense Secretary Melvin Laird and NATO ambassador Donald Rumsfeld.

#### FEET OF CLAY?

Whatever he did to restructure his battered White House, Ford was no longer immune to criticism. In possibly the crowning indignity of the President's week, Nixon made another of his rambling telephone calls to a former associate and complained about Ford's performance on the job—particularly the Vietnam amnesty plan. The strain was beginning to show on Ford. His state dinner for Israeli Prime Minister Yitzhak Rabin was somber in contrast with earlier White House galas. Ford himself looked tired, and his eyes were bloodshot.

"He had everything going for him," lamented one of his staffers. "Now he's blown it." Perhaps. Certainly, the evolution of Nixon's latest crisis would affect the way Ford's decision to pardon him will finally be judged. That Gerald Ford is no superman was bound to come out sooner or later. But both he and the country could have used a longer period free of fresh trauma.

September 23, 1974