

NYTimes SEP 18 1974
'The Nixon Affair'

To the Editor:

The inequity and abuse of the pardon power shown by President Ford's recent act is too obvious to require more comment. There is another aspect of the Nixon affair, however, that deserves scrutiny: this is the financial emolument that is asked of the taxpayer to pay off Mr. Nixon's expenses and provide him a lifetime pension. It was never intended that such a reward for service be granted to a man who, but for his resignation, would have been impeached and, but for his pardon, would probably have been convicted of crime.

Under the circumstances, it seems only fair that the entity that was most responsible for Mr. Nixon's nomination and election pay the cost of supporting him, if the cost is to be paid at all. Why should the ordinary taxpayer be required to put up the money?

In summary, why not find a way to pay Mr. Nixon out of funds from the Committee to Re-Elect the President? The easiest way to do this would be for the Republican party, which has been most hurt but which also has some responsibility for Mr. Nixon's election, to donate the money to the Treasury for the specific purpose. The act would be good public relations for the party and might even help its recovery in future elections.

EDWARD W. HEROLD
Princeton, N. J., Sept. 9, 1974

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When he pardoned Richard M. Nixon, President Ford, of course, had no precedent to guide him in the treatment of a President who had resigned his office rather than face impeachment, removal and possible civil and criminal prosecution. But certain general principles should have been in his mind when he granted this unique pardon.

The first is that he was acting in a dual capacity, judicial and executive. He was a judge, in effect, when he dismissed charges that had not even been formally brought, although they surely would have been. And he was also using the executive power to pardon.

Herman Melville a century ago in his novel "White Jacket" put the case perfectly, although he was treating the matter of shipboard "justice" in the 19th century Navy. He wrote:

"If there are three things opposed to the genius of the American Constitution, they are these: irresponsibility in a judge, unlimited discretionary authority in an executive, and the union of an irresponsible judge and an unlimited executive in one person."

BLAIR CLARK
Princeton, N. J., Sept. 10, 1974