

Thoughts on the Pardon of Nixon



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THE SHEER RAGE and frustration with which Mr. Nixon's foes have greeted his pardon by President Ford is dramatic evidence of how far they were from through with him.

It was quite a scenario they had in mind. First, Special Prosecutor Leon Jaworski would move to indict Mr. Nixon for obstruction of justice. Mr. Nixon would then be arraigned and asked how he pled. Judge John Sirica would assign the momentous case to some other judge for trial, or reserve it for himself. There would be a variety of legal motions, all appealed to higher courts wherever possible.

Then would come the arduous process of jury selection. Sooner or later there would be a trial — televised, of course.

Since Mr. Nixon's technical guilt on the obstruction charge is clear, the outcome would not be in doubt. The trial judge would predictably have some pithy things to say before passing sentence. Finally, there would be the appeal of the sentence itself.

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IF MR. NIXON survived this ordeal and was actually facing a prison term, then and then only — on this view — would be the time for President Ford (or his successor) to consider clemency.

Of all this, President Ford has summarily deprived us by his "premature" pardon of Mr. Nixon. It is, as Hugh Johnson used to say, enough to bring tears to the eyes of a brass Buddha.

However, although I believe the President's decision was the right one, it does unquestionably have unsatisfactory side effects. For one thing, it leaves technically open, forever, the issue of Mr. Nixon's personal guilt (which he has never admitted).

In fact, however, his guilt of the charge of obstructing justice is apparent from the taped transcripts of June 23, 1972.

Second, the pardon of Mr. Nixon leaves in a sort of uneasy moral limbo the prison terms already meted out, and the others yet to be imposed, on his former aides. Granted that Mr. Nixon has already paid a fearsome price for his part in the mess, it is bound to seem a little unfair to keep on trying and jailing men who were, after all, basically just his assistants. The way out of this dilemma is to recognize that they too have already suffered the wreck of their lives and careers for these less than earth-shaking crimes, and to extend to them, if not presidential pardons, at least a generous measure of judicial clemency.

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FINALLY, I confess to being a little uneasy about the broad scope of President Ford's pardon proclamation. It is one thing to pardon Mr. Nixon for his involvement in Watergate. It is something else, and something more, to pardon him "for all offenses against the United States" which he committed or may have committed during his years as President.

Still, despite such reservations, I welcome President Ford's decision.