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Nixon Aides Urged Pardon

Emotional State Weighed Reaction Is Party-Line

By Lou Cannon
Washington Post Staff Writer

President Ford's decision to issue an immediate pardon to former President Nixon came after he was told that delay would have damaging consequences both to White House political policies and to Mr. Nixon's emotional state, according to sources close to the situation.

At least two friends of Mr. Nixon had communicated to President Ford their belief that the former President was so emotionally depressed that he would have been unable to withstand prolonged indecision.

"Thank God, if he was going to give him a pardon, he didn't wait," one former aide of Mr. Nixon said yesterday.

Another person familiar with the situation reportedly told the President that the situation was "very bad and getting worse."

Mr. Nixon had known at least since Thursday that President Ford intended to grant him a pardon yesterday, and his statement of acceptance was prepared ahead of time.

According to Philip W. Buchen, the President's lawyer, the information that Mr. Ford intended to issue the pardon had been communicated either to Mr. Nixon or to his staff last Thursday when Benton Becker, a Washington attorney, visited the San Clemente residence to discuss transfer of Mr. Nixon's papers to a General Ser-

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By Austin Scott and Marilyn Berger
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Congressional reaction to the pardon given former President Nixon split generally along party lines yesterday, with the often lukewarm Republican defense and the frequently strong Democratic criticism focusing on very different issues.

With some exceptions, Republicans made only brief comments, arguing that President Ford has wisely tempered justice with mercy in order to hasten healing of the wounds of Watergate.

"No man is above the law, but the law is purposely flexible so as to accommodate varying degrees of reality and circumstance," said House Minority Leader John J. Rhodes (R-Ariz.), one of three congressmen who told Mr. Nixon a few days before he resigned that he could no longer count on effective support in Congress.

"Richard M. Nixon has paid a substantial price for whatever transgressions may have occurred during his administration," Rhodes continued. "Anything further would be more overkill than justice, and not be in the national interest."

Democrats, on the other hand, voiced long and detailed objections, raising questions of a dual standard of justice, the fairness of the pardon to other Watergate defendants, and whether the nation can now ever know what Mr. Nixon was or was not guilty of.

"I'm afraid President Ford has given us

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vices Administration facility at nearby Laguna Niguel.

The prospective pardon also had been discussed with various Nixon aides and legal representatives. Reportedly, participants in one or more of these discussions included Buchen, former White House press secretary Ronald L. Ziegler, former White House legal consultant J. Fred Buzhardt, Mr. Nixon's Washington lawyer Herbert J. Miller and Alexander M. Haig Jr., the Nixon chief of staff whom Mr. Ford has kept on at the White House.

According to several sources, President Ford had concluded that he made a political miscalculation in his original decision to wait until the legal process had been completed before issuing any pardon.

"If he was going to do it, this was the time to bite the bullet," said Robert H. Finch, Mr. Nixon's friend and former White House official. "The President would be subject to far more criticism after the attorneys had gone through the arduous work of preparing a case and seeking an indictment."

Herbert G. Klein, a long-time Nixon associate and former White House communications director, said that the Ford decision, which he praised as "exactly in the best interests of the country," would have proved far more difficult after months of national debate.

"The taking of this decision now will serve to unify the country and close the issue," Klein said. "It is also good that he acted well in advance of the [November] election."

Only 10 days ago, in the first formal press conference of his administration, Mr. Ford had said that it would be "unwise and untimely" of him to make any commitment to a pardon until legal action was taken.

But the President was aware that political reaction was building in favor of prosecution of Mr. Nixon, a point dramatically confirmed by a Gallup Poll last week, which showed that 56 per cent of the American people thought that Mr. Nixon should be tried while only 37 per cent opposed such action.

This political reality plus Mr. Ford's decision to "heal the wounds" and his awareness of Mr. Nixon's emotional condition all led him



Associated Press

President Ford walks back into the Oval Office after announcing the Nixon pardon.

in the direction of an immediate pardon, one source indicated.

The pardon had been "in the works," according to one aide, ever since Aug. 30, when Mr. Ford told Buchen at a private meeting to research historic and legal precedents. Buchen worked on this assignment over the Labor Day weekend, while Mr. Ford and his family relaxed at Camp David.

Buchen's research produced the necessary legal requirements for the decision to pardon. The legal research which cited the Sam Shephard murder trial in Ohio as a case of prejudicial pre-trial publicity, convinced Mr. Ford that it would be difficult for Mr. Nixon to receive a fair trial, at least until a very long time had elapsed.

If the agitation caused by Watergate and its aftermath was going to continue for a very long time with no quick means of resolving it by trial, the President was said to have concluded, then a presidential pardon became a means of resolving an issue that would otherwise continue to fester.

After reaching this decision and receiving another report on Mr. Nixon's emotional state, President Ford decided to waste no further time. He dispatched Becker to Mr. Nixon that a pardon soon would be granted.

One other instruction to

Becker, and one presumably understood by Mr. Nixon to be a quid pro quo for the action, was to complete negotiations on an agreement insuring three years access to Mr. Nixon's files if they are needed for any prosecution.

The agreement was signed Friday in San Clemente after Becker met with Miller and Ziegler. Mr. Nixon immediately began preparation of his statement accepting the pardon.

Sources who agree on the reasons for Mr. Ford's decision and on the reasons for its timing disagree about what was expected of Mr. Nixon in the way of acknowledgment.

One source said that the Ford action was "very unilateral" and would have been done even if Mr. Nixon had decided to remain silent. Another source said he understood that Mr. Nixon had agreed, through Ziegler, to issue a statement showing "contrition" for what he had done. This source said also that Mr. Nixon had indicated he would not issue future statements protesting his innocences.

But whatever the understanding on this point, it was clear that Mr. Nixon had made no agreement to acknowledge criminal conduct.

His statement Sunday, while going far beyond his resignation statements in expressing regret for his Watergate conduct, did not acknowledge legal wrongdoing. Still, said one former

aide, Mr. Nixon's admission of "mistakes and misjudgments" was as close as he was likely to come to such an admission.

When he resigned on national television on the night of Aug. 9, Mr. Nixon said that "some of my judgments were wrong" but that they were "made in what I believed at the time to be the best interest of the nation."

Mr. Nixon said then he was quitting because he no longer possessed "a strong enough political base in the Congress" to govern.

Yesterday, Mr. Nixon said he could understand how "many fair-minded people" had concluded that "my motivations and actions in the Watergate affair were intentionally self-serving and illegal."

"Looking back on what is still in my mind a complex and confusing maze of events, decisions, pressures and personalities, one thing I can see clearly now is that I was wrong in not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the state of judicial proceedings and grew from a political scandal into a national tragedy," the Nixon statement said.

Reflecting his own torment in his San Clemente exile, Mr. Nixon said that "no words can describe the depth of my regret and pain at the anguish my mistakes have caused the nation and the presidency..."

REACT, From A1

his answer as to whether law," said Rep. Edward Mezvinsky (D-Iowa), a member of the House Judiciary Committee. The President is above the mittee which voted to impeach Mr. Nixon.

"I don't think anyone disagrees that justice should be tempered with mercy. But hiding from the truth is not justice and providing pardon before charges are resolved prohibits us from knowing how much mercy has been shown."

Two Democratic members of the Judiciary Committee, Reps. George Danielson and Don Edwards, both of California, said they thought the pardon would force the House to consider whether the impeachment process should be taken up where it left off and carried through to its conclusion.

"I can't understand how he agreed to it without a confession by Nixon that would have laid the ghost; at least we had that with Agnew," said Edwards. "We'll certainly have meetings of the Judiciary Committee and discuss this matter, because perhaps it would be appropriate to consider completing the proceedings."

"There will be a strong call for continuing the impeachment process," said Danielson. "It could be taken off the (House) calendar and taken up for hearings. I predict there will be some strong efforts to do so, although I won't predict the outcome."

Comments from House and Senate leaders, as well as other national political figures, generally followed the party line trend.

"It would be easy for me to criticize the President's judgment but I will not do so, I will await a further study of the facts," said Senate Majority Leader Mike Mansfield (D-Mont.).

"There is an axiom we all say we believe in: all men are equal under the law. That includes Presidents and plumbers. What about the 40 or 50 already indicted



REP. JOHN J. RHODES
... "degrees of reality"

and some of whom have been sent to prison? How does that axiom apply?"

Sen. Barry M. Goldwater, (R-Ariz.) said the pardon was "the only decent and prudent course."

House Majority Leader Carl Albert (D-Okla.) said he would have no comment.

Senate Minority Leader Hugh Scott (R-Pa.) said the President acted "with great humanity to bring an end to an American tragedy. It was a courageous decision that may very well be controversial. Undoubtedly it was made possible by former President Nixon's admission of wrongful actions pertaining to the Watergate affair."

An aide to Scott said President Ford telephoned him personally at 10 a.m. to tell him of the decision, and "they talked about it."

Assistant House Majority Leader Robert C. Byrd (D-W.Va.) said he was "greatly disappointed . . . I think this sets a double standard . . ."

Among those who broke with their general party positions were Republican Sens. Edward Brooke of Massachusetts and Lowell Weicker of Connecticut.

"President Ford's blanket pardon without Mr. Nixon's full confession of his involvement in Watergate is, in my judgment, a serious mistake," said Brooke.

Weicker, a member of the Senate Watergate Commit-



REP. EDWARD MEZVINSKY
... "hiding from truth"

tee, said, "President Ford's pardon may be a personal, political or emotional reaction, but it's neither equal justice nor leadership in a government of laws."

Sen. John C. Stennis (D-Miss.), one of a handful of congressmen informed of the pardon before President Ford made his decision public, said he approved of the act.

"Mr. Nixon has sustained severe and what will prove to be continued punishment," said Stennis. "With this pardon now granted, all of us . . . can now turn our full attention to seeking solutions to our nation's present and future problems . . ."

A Gallup Poll commissioned by Newsweek and conducted last Thursday indicated that 59 per cent of the American people were opposed to granting Mr. Nixon immunity from prosecution.

The telephone poll used a nationwide sample of 519 persons, and found 33 per cent in favor and 9 per cent undecided.

Former Watergate Special Prosecutor Archibald Cox, fired by Mr. Nixon in what became known as the "Saturday Night Massacre" last October, said, "An advance pardon defeats three principles important to a free society."

Those principles, said Cox, are determining guilt or innocence by established processes, preserving the integrity of legal proceedings, and making sure "that the law does in truth apply to all men equally, the highest executive official as well as the lowliest citizen."

Former Attorney General Elliot L. Richardson, who resigned the same night Cox was fired, said he supports the pardon, commenting: "The result is compassionate and right for the country although I might have preferred that it had been



REP. GEORGE DANIELSON
... could be hearings

reached by a somewhat different route."

A sampling of congressional and other reaction:

Sen. Edward S. Muskie (D-Maine): "I think this is unwise. We don't know what if any crime Mr. Nixon committed . . . pardons are usually granted at the point where the accused is in jeopardy of punishment, and we have not reached this point in Mr. Nixon's case."

Rep. Wiley Mayne (R-Iowa), a Judiciary Committee member: "While there is no question of President Ford's complete right to take such action, my first impression is that it is premature and might well have been deferred until special prosecutor Jaworski had indicated what if any further action would be undertaken by his office."

Sen. Philip Hart (D-Mich.): "However well intentioned, it misreads the short- and long-term interests of America . . . Watergate involved many persons including those who admitted guilt, cooperated with the prosecutor, and still were jailed. In that context, a decision which precludes even full presentation of charges can only serve to breed cynicism and corrode a sense of justice."

Sen. George Aiken (R-Vt.): "The President's action 'will make it easier for him to give amnesty to those draft evaders who sincerely thought they were doing the right thing . . .'"

Sen. Henry M. Jackson (D-Wash.): "The question is not whether Nixon should be granted a pardon, but what it does to our whole system of justice. Specifically, what does it do with those who are already convicted, those awaiting trial, and those who may still be indicted. President Ford may have es-

The Constitution on Pardons

Following is Article II, Section 2 of the Constitution of the United States, dealing with presidential pardons:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.



REP. DON EDWARDS
... "I can't understand"



SEN. MIKE MANSFIELD
... "a further study"

established a precedent which will hurt our whole system of the administration of justice for a long time to come."

George Bush, Republican National Chairman flamed by Mr. Ford last week to head the U.S. mission in China: "It has been my view all along the country would

be better off with this behind us. I feel Nixon has paid a big price already."

Sen. George McGovern (D-S.D.): "A person can only wonder how the President can be granted a pardon while his subordinates are being sent off to prison."

Rep. David Dennis (R-Ind.), a Judiciary Committee

member who initially voted against all three articles of impeachment recommended by the panel: "Basically I'm for it... Probably the President's acting now and getting the thing decided without letting it become a protracted subject of debate is a good move."

Rep. Jerome R. Waldie (D-Calif.), Judiciary Committee member: "I thought it was a disastrous error on the part of President Ford... I certainly believe that the Judiciary Committee ought to continue its inquiry."

Rep. Edward Hutchinson (R-Mich.), ranking Republican on the Judiciary Committee: "It's a very favorable reaction... The White House called me this morning before it was announced."

Rep. Elizabeth Holtzman (D-N.Y.), Judiciary Committee member: "There is no justification for exempting President Nixon at this time for all accountability to our criminal law. I also think President Ford made a totally unwarranted and un-

justified statement when he said Mr. Nixon could not get a fair trial in this country."

Nelson A. Rockefeller, Vice President designate: "An act of conscience, compassion and courage... undoubtedly controversial in the short run, but promising in the long run that it will speed the healing of our nation."

Gov. Ronald Reagan of California: "I understand President Ford's reasons and support them. It was the right thing to do."

Sen. Walter F. Mondale (D-Minn.): "How do we explain to our children that dozens of others have already, or soon will, go to jail for acts committed in the service of Richard Nixon while Richard Nixon himself goes free?..."

At the White House, switchboard operators said "angry calls, heavy and constant" jammed their boards soon after the President's announcement.

Washington Post staff writer **Jane Rippeteau** contributed to this story.



Associated Press

President Ford is deep in thought while aides receive reaction comments on the pardoning of former President Nixon. From left, William Timmons, John O. Marsh, Alexander M. Haig Jr., Robert T. Hartmann and Ford.