

Pardon for What?

Far from writing "The End" on the tragedy of Watergate, President Ford's sweeping pardon of former President Nixon has only muddied further the ambiguities and uncertainties left in the wake of that whole lamentable episode. A more divisive and distasteful outcome could scarcely be imagined.

Mr. Ford himself, in explaining his action, noted that "serious allegations and accusations hang like a sword over our former President's head." What Mr. Ford failed to explain was how a Presidential pardon would resolve those allegations. Though now protected in his person, Mr. Nixon's stewardship in the office of President will be more open to controversy than ever before. How are the citizens of today and of future generations to know, beyond challenge, whether any or all of the criminal accusations against the former President were justified, whether they could be made to stick before a jury of citizens within the system of criminal justice?

Even upon his pardon, Mr. Nixon acknowledged having made only "mistakes and misjudgments." That is far short of specification of a crime, much less confession of one. In a legal sense, even the act of pardon is apparently no confirmation that crimes were actually committed—constitutional scholars come down on both sides of this point. Certainly, the way in which President Ford exercised his pardoning power gives no definition of the offenses or crimes for which he seems to believe Mr. Nixon needs the protection of clemency.

We have previously regretted that Mr. Nixon's preemptive resignation deprived the nation of a definitive vote by the Congress on the charges brought against him in the aborted impeachment proceedings—though the House Judiciary Committee's evidence and votes left no basis for doubt in the mind of Mr. Nixon or anyone else that impeachment by the House and removal by the Senate was a certainty. A verdict on at least the criminal element in these charges—reached after Mr. Nixon had stopped being President—would have supplied a comparably definitive assessment arrived at through the system of justice, with all its safeguards and possibilities for acquittal as well as conviction.

Now, by President Ford's ill-considered action, the nation is in danger of losing even that note of clarity in a morass which has confused and divided a frustrated populace for two long years. Without the firm seal of a 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.

There is now a strong case for the full House of Representatives to resume consideration of the Judiciary Committee's impeachment report, and vote on it in some form that would stand as a formal verdict by the Congress. Beyond that, President Ford has an obligation to define just what crimes he is pardoning Mr. Nixon for. Even in the case of former Vice President Agnew, the Justice Department insisted on publishing a full bill of particulars so that no ambiguities remained on the public record when he was permitted to escape the punishment normal for the offenses charged.

It should not have to fall to a grand jury or the special Watergate prosecutor to make a presentment against Mr. Nixon. President Ford has taken upon himself the public responsibility for shutting and sealing the book on the misdeeds of the man who made him Vice President and now President. There are too many mysterious circumstances surrounding the decision for anyone to have confidence that the whole story is out. The least Mr. Ford can do is to let the American people be told without ambiguity or extralegal emotionalism just what the case against Mr. Nixon would have turned out to be.