

Nixon Pardon

'Can Imply Guilt'

Washington

White House Counsel Philip W. Buchen said yesterday that the granting of a pardon to former President Nixon "can imply guilt — there is no other reason for granting a pardon."

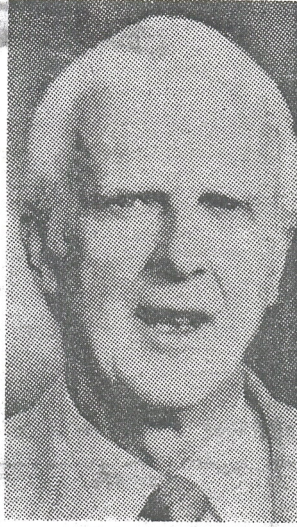
Answering reporters' questions at a White House news briefing, Buchen said he had advised President Ford that the offer of a pardon to Mr. Nixon carried the implication of guilt.

"This did not deter him," Buchen said.

Buchen spoke to newsmen after the White House released a memorandum from the Watergate Special Prosecutor's office listing ten areas of possible criminal activity that may have involved the former president and were under investigation when Mr. Nixon was pardoned.

Buchen's comments on the

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AP Wirephoto

PHILIP BUCHEN
Nixon counsel

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implications of the President Ford's pardon offer arose when he denied, in response to questions, that Mr. Ford had ever asked Mr. Nixon to make a full statement of his role in the Watergate scandal.

However, Buchen's comments seemed to indicate that the White House regarded the acceptance of the pardon by Mr. Nixon as virtually tantamount to a confession of guilt and that, therefore, no separate statement was required.

"The fact that a man accepts a pardon means that the man believes it is necessary or useful to have it," Buchen said.

Then he added: "A pardon is not useful unless there is a strong probability of guilt."

Explaining why the White House had not asked the special prosecutor for a second memorandum, which outlines charges related specifically to the Watergate coverup, Buchen suggested that material already made public, particularly the White House tape recording of June 23, 1972, provided adequate information about the alleged coverup.

"We didn't need any more

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than that," Buchen said.

The memorandum released yesterday was prepared last week for the Watergate special prosecutor Leon Jaworski by his deputy, Henry Ruth. Buchen said that the memorandum was used by Mr. Ford while reaching his decision to pardon Mr. Nixon.

The memorandum, whose subject was "Mr. Nixon," began by stating that "the following matters are still under investigation in this office and may prove to have some direct connection to activities in which Mr. Nixon is personally involved."

The areas of investigation were Mr. Nixon's tax deductions, obstruction of justice in the Ellsberg case, wiretaps, transfer of national security wiretap records from the FBI to the White House, misuse of the Internal Revenue Service information and misuse of IRS by initiating audits on Nixon administration "enemies", dairy industry campaign support in connection with milk price supports, testimony about the International

Telephone and Telegraph Co. by former Attorney General Richard Kleindienst, "the handling of campaign funds by Mr. (C. G.) Rebozo for the personal benefit of Mr. Nixon" and filing a challenge to the Washington Post Company's ownership of two Florida television stations.

Buchen said that Jaworski had asked that the final paragraph of the memo, which was dated September 3, be called to public attention.

That paragraph said that "none of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon, but I thought you ought to know which of the pending investigations were even remotely connected to Mr. Nixon. Of course, the Watergate coverup is the subject of a separate memorandum."

Buchen said Jaworski had sent the memorandum to the White House in confidence last week but now had advised him that the special prosecutor's office would have no objection to making it public provided "I were willing to accept responsibility for its release."

Buchen said he had been informed by Herbert J. Miller Jr., Mr. Nixon's Washington attorney, that the former

president "would never enter a plea of guilty."

Buchen would give no explanation of why Mr. Ford did not think such a plea — or a statement acknowledging guilt — was a prerequisite for a pardon except to say that the pardon was "an act of mercy" that did not require a specific admission of wrongdoing.

The decision to grant a pardon was reached without knowing what Mr. Nixon planned to do, Buchen said.

But the White House lawyer said he had informed Miller at the time he told him of the pardon that a statement from Mr. Nixon would be "very beneficial."

Buchen insisted, contrary to some published reports, that Washington attorney Benton Becker did not take a copy of a suggested statement with him to San Clemente last Thursday when he took a proposed pardon to Mr. Nixon.

Buchen said that a published report that Mr. Nixon had been asked to make what he regarded as "a public confession of criminal guilt" and had "angrily refused" was without foundation.

However, another White House source said that there had been a refusal — but by former White House Press Secretary Ronald L. Ziegler. This source said that Ziegler had told Becker, and forcefully, that Mr. Nixon would not acknowledge any criminal wrongdoing.

New York Times