

Mr. Ford and the Pardon

When President Ford appears voluntarily before a House Judiciary Subcommittee tomorrow to explain why he prematurely granted Richard Nixon an unconditional pardon, his questioners should not allow the commendable Presidential gesture to overshadow the need for specific answers.

Regardless of Mr. Ford's motives and intent, the pardon *before* rather than *after* full disclosure of Mr. Nixon's abuse of Presidential power has the effect of impeding the search for the truth about a dark and dangerous episode in American history.

The issue of the pardon cannot be laid to rest by a reiteration of Mr. Ford's earlier emphatic denial of any agreement on the matter between himself and Mr. Nixon. A persuasive review of the decisions that led up to the pardon would have to include—as the resolution of inquiry introduced by Representative Bella Abzug properly emphasizes—the complete history of any prior discussions of a pardon not only between Mr. Ford and Mr. Nixon but also any of their aides or advisers.

The specific White House actions during the week that preceded the pardon remain shrouded in mystery. An attorney representing the President was dispatched to San Clemente, allegedly with orders to obtain from Mr. Nixon a confession of guilt. In the face of the former President's reported refusal to agree to such a statement, what persuaded Mr. Ford to grant the pardon unconditionally? And why, in any event, did the White House choose for so delicate a mission an attorney who was himself under investigation by the Justice Department?

Answers must be forthcoming on the role played by General Haig and J. Fred Buzhardt during that week of behind-the-scenes negotiations. Did Mr. Haig act as an intermediary between his former chief and his new one? If so, who provided the information thus transmitted? Mr. Buzhardt, who had been a principal lieutenant in Mr. Nixon's fight to keep the White House tapes from Congress and the courts, appears once again to have been intimately involved in the aborted agreement to bury those same tapes in vaults that could not be entered without Mr. Nixon's consent. Was it purely coincidental that the agreement concerning the tapes and the issuance of the pardon seemed so closely synchronized?

Only the most persuasive explanations can dispel existing suspicions of a link between the White House tapes and alleged efforts by H. R. Haldeman to obtain a Presidential pardon during Mr. Nixon's last days in office. Such suspicions were fed further by the Ford Administration's trial balloon—shot down by public and Congressional indignation—that Mr. Ford was also considering a Nixon-type pre-trial pardon for Mr. Haldeman and all the other Watergate defendants.

Finally, the questions to be put to Mr. Ford should not skirt the issue of the Presidential pardon itself. There is, for instance, the matter of possible conflict between the pardon and the charter granted the special Watergate prosecutor—an issue disposed of much too cavalierly by Leon Jaworski in his letter of resignation last week.

Also there is disagreement among legal authorities on the constitutionality of a blanket and unconditional pardon without prior determination of guilt. In considering so fundamental an issue, the framers' intent cannot be ignored. A Constitution aimed at freeing this nation for all times from the exercise of royal and arbitrary rule can hardly have been designed to bestow on future Presidents a power so absolute that it could vitiate the judicial process and deny the American people's right to know the truth about the conduct of those in highest office.

The President's constitutional right of pardon needs satisfactory definition—to temper justice with mercy is not to supplant justice altogether.