

Presidential Clemency

Ford Says He Will Decide Nixon Case After Legal Process Runs Its Course

By CLIFTON DANIEL
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WASHINGTON, Aug. 28—Leon Jaworski, the Watergate special prosecutor, got the word today from the President of the United States. The word was: Let justice take its course in case of Richard M. Nixon — up to a point. That point will apparently be when — and if — President Ford decides to exercise his Presidential option of extending clemency to the former President.

President Ford relieved Mr. Jaworski of the sole burden of deciding whether and how much the former President should be punished for the crimes of Watergate—assuming that he is found guilty of them.

Mr. Ford accepted that responsibility for himself, and said he would exercise it, but not before any charges were made or any action taken by a court or jury. That seemed to be an invitation to Mr. Jaworski to get cracking.

The President avoided an outright promise of clemency to Mr. Nixon, if he should ever be in need of it, but Mr. Ford left no doubt that he was disposed toward leniency.

Position Backed

Mr. Ford said at his conference today that he subscribed to the view of Nelson A. Rockefeller, his nominee for Vice President, and that Mr. Rockefeller's view coincided with that of the American people.

Last Saturday, Mr. Rockefeller, echoing the words of Senator Hugh Scott of Pennsylvania, the Senate minority floor leader, said of Mr. Nixon, "He's been hung, and it doesn't seem to me that in addition he should be drawn and quartered."

That attitude, as President Ford seemed to be aware, was shared by a majority of 555 American voters who were polled for Newsweek magazine by the Gallup Organization after President Nixon resigned. Fifty-five per cent said they believed that any investigation of criminal charges against the former President should be dropped.

In affirming his right as President to exercise the option of pardoning Mr. Nixon, President Ford drew a subtle but clear distinction between his former, widely quoted statement on the subject and his position today.

Earlier Question

"I do not think the public would stand for it," Mr. Ford told the Senate Rules Committee at hearings on his confirmation to be Vice President. But that was in response to a question on whether, if a President resigned, his successor would have the power to prevent a criminal investigation or prosecution of the former President.

The question that was asked his today was whether he would use his pardoning authority.

President Ford's statements

ton said they assumed that Mr. Miller would have some proposals to make to the prosecutor on behalf of Mr. Nixon, but not just yet, because it was only Monday that Mr. Miller was retained.

A precedent in everybody's mind was the case of Vice President Spiro T. Agnew, who pleaded no contest last Oct. 11 to one count of tax evasion, resigned from office and avoided imprisonment.

Mr. Agnew was not indicted by the grand jury that was investigating him, but was charged in an information brought by the United States Attorney in Baltimore. Like Mr. Agnew, some of the Watergate defendants have successfully bargained for leniency.

If Mr. Nixon is not disposed to bargain, or if Mr. Jaworski does not like the bargain he is offered, there is the option of having the Watergate grand jury reopen its investigation.

The grand jury has already named Mr. Nixon as one of the conspirators in the Watergate cover-up, but it did not indict him along with the others accused. It refrained because it had been advised by Mr. Jaworski that a President could not be indicted while in office.

That bar has now been removed, and the evidence against Mr. Nixon has, if anything, been strengthened by disclosures in a tape recording of a White House conversation involving Mr. Nixon on June 23, 1972, six days after the break-in at the Democratic National Headquarters in the Watergate complex here.

One alleged cover-up conspirator, Charles W. Colson, has pleaded guilty and been sentenced. Another John W. Dean 3d, has pleaded guilty and his sentence has been deferred. Six others, including former Attorney General John N. Mitchell and Mr. Nixon's former chief White House aides, H.R. Halde- man and John D. Ehrlichman, are due to stand trial beginning Sept. 30.

Special Case

Normally, a prosecutor would want all alleged co-conspirators to stand trial together, but former President Nixon is obviously a special case, and how to treat him as a major question and the courts.

President Ford was asked today whether "the special prosecutor can in good conscience pursue cases against former top Nixon aides as long as there is a possibility that the former President may not also be pursued in the courts."

His reply was that Mr. Jaworski "has an obligation to take whatever action he sees fit in conformity with his oath of office, and that should include any and all individuals, yes."

President Ford was not asked for and he did not volunteer any information on the question of clemency for other Watergate defendants if he extended it to Mr. Nixon.

Meanwhile, whether Mr. Nixon becomes a defendant or not, he has been subpoenaed as a witness in the trial of his former aides. His testimony, if it is ever given, would obviously bear on his own role in the alleged cover-up conspiracy.

Whether he and they should be on a different footing before the law was the fundamental question put to President Ford today. To some it seemed that he did not quite answer it.

Various lawyers in Washing-