

ditor

SEP 4 1974

NYTimes

## To Prosecute Mr. Nixon

To the Editor:

It is regrettable that Mr. Ford in his first press conference appeared to be equating prosecution of Mr. Nixon with lack of compassion. He seemed, at any rate, to be propagandizing this equation. He has reverted to his pre-resignation position of asserting Mr. Nixon's innocence—now in the guise of supporting the people's demand for compassion. But it is not primarily Mr. Nixon who needs protection: the Constitution and the Presidency need it. In resigning, Mr. Nixon finessed the impeachment process but he inevitably and knowingly exposed himself to prosecution as a private citizen. Only such prosecution can now resolve the charges brought with full force by the Judiciary Committee and endorsed by the House.

Mr. Ford's assertion that he has the legal power to pardon Mr. Nixon seems intended to confound the question of prosecution (which is *not* within his executive power) with the President's power to pardon. By "blurring" the distinction in the eyes of his TV audience Mr. Ford has blurred his reputation for candor. For it is *morally* "gray" for one who owes his office to Mr. Nixon to assert that he is now legally empowered to pardon him.

Mr. Jaworski is not likely to be misled by this special pleading as to what the American people want. For the people are not sufficiently informed to know what can or what should be done by the Special Prosecutor to protect their rights as citizens of this constitutional democracy. In its agonizing recent deliberations the Congress has all but unanimously expressed its condemnation of executive encroachment upon the people's sovereignty.

Taking the impeachment process to its conclusion would have properly defined these encroachments. Now only the prosecution of Mr. Nixon can accomplish this end. Punitiveness is not the issue. (Any sentence following indictment and conviction could, and probably should be, suspended by the presiding judge.) The issue is to complete a procedure which Mr. Nixon's resignation interrupted. The problem remains: to prevent further abuses of Presidential power. SAUL ROSENZWEIG

St. Louis, Mo., Aug. 29, 1974