

Nixon's Pardon Strangely Timed

PRESIDENT FORD has touched off a massive eruption of conflicting opinion with his abrupt grant of "full, free and absolute pardon" to former President Richard M. Nixon.

Though he brought it forth with intent to "promote domestic tranquillity," it appears, for the time being, to have worked an opposite effect by splitting the public, the press, the legal profession and the Congress into seemingly inalterable opposite factions, one holding the pardoning "courageous and merciful," the other deeming it "outrageous and political."

It is our feeling that pardon had become an inevitable element in this unprecedented situation; that it had to come sooner or later, but would have been infinitely better had it come later, when the allegations involved had been tested in the furnace of due process.

THIS IS A JUDGMENT shared by congressmen of both parties, by a goodly segment of the press, and public, and by eminent legal authorities. We quote Elliott Richardson, the former attorney general who resigned during the historic "Saturday night massacre": "The result is compassionate and right for the country, although I would have preferred it had been reached by a different route."

There is also James D. Feller, president of the American Bar Association, who said the pardon is "probably in the best interests of the country," but might better have been withheld "until clearly defined charges" had been brought forward.

FEARS THAT inauspicious timing may indeed have induced results directly contrary to the President's avowed intent "to promote domestic tranquillity," were voiced by Senator Howard Baker, Republican vice chairman of the Watergate committee, who said "It might have opened the whole Watergate controversy one more time." Others suggested that the President, "hoping to close the door on Watergate, may indeed have kicked it wide open."

What dictated this timing — a few weeks after President Ford, himself, had observed that "the public would not stand for" a pardon — is unclear. Opinions, more or less "authoritative," range from a supposed desire of the President to clear the decks before the November elections, to a merciful intent to remove pressures that were reportedly threatening Mr. Nixon's mental or physical health.

WHATEVER STAMPED the date of September 8, 1974, on the former President's pardon, likewise raised some serious questions pertaining to equal justice under the law. Lawyers have expressed concern over the answers, and so have the various Nixon aides already convicted, and the six awaiting trial for the Watergate coverup, including Haldeman, Ehrlichman and former Attorney General Mitchell.

In this connection it would be noted that some of the defendants have already subpoenaed Nixon as a witness, and as a private citizen he can be compelled to testify. Some have bitterly complained that his pardon clearly implies that he, and they, are guilty of criminal action — a point supported by a 1915 Supreme Court decision, which held that a pardon "carries an imputation of guilt" and acceptance of a pardon constitutes "a confession."

Just what effects for better or for worse will stem from this grant of pardon are hidden in the future; for the present it is clear and obvious that it ended the executive-legislative honeymoon.