

... Who Has Eroded Respect for Law ...

"Man," said Robert Louis Stevenson, "is a creature who lives not by bread alone but principally by catchwords." Americans will have to eat more bread now that President Ford has drained the nutritional value from the catchwords about "equal justice under law."

Those words are chiseled deep in stone over the portico of the Supreme Court building. Rather than try to erase them Mr. Ford should just chisel a big asterisk next to them. Then he should find a surface large enough and chisel on it all the exceptions to that rule.

It is an iron law of politics that when a politician intones support for a principle, he is about to make an exception to that principle for the benefit of a friend. ("I revere the free enterprise system, but the farmers in my district need this subsidy because . . .") That is why an alert citizen listening to Mr. Ford's statement about pardoning Mr. Nixon knew what was coming when Mr. Ford sailed into the part about believing in "equal justice, for all Americans, whatever their station or former station."

That principle is not the only casualty of Mr. Ford's pardon for Mr. Nixon. The English Muffin Theory of History is now just another theory killed by a fact.

The theory was that a President who toasts his own English muffins for breakfast is somehow different from the general cut of politicians. The lethal fact is that Mr. Ford now has demonstrated that he is just one of the boys: he doesn't mean what he says.

Mr. Ford said he would let the judicial process work regarding Mr. Nixon. Two weeks later, when aborting the judicial process, Mr. Ford said, "I deeply believe in equal justice," etc. Mr. Nixon always said the people could not stand an impeachment process. Mr. Ford says the people could not stand a trial of a former President; it would shatter "domestic tranquility." Amazing, you think, how solicitous our leaders are about our peace of mind? But it is not really amazing when a politician decides that people cannot endure whatever he thinks it is not in his interest to let happen.



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In fact, Mr. Ford has done for Mr. Nixon what Mr. Nixon never quite mustered the gall to do for Lt. William Calley, the officer convicted on charges stemming from the My Lai massacre. By pardoning Mr. Nixon, Mr. Ford has ingratiated himself with an intense minority (Nixon bitter-enders) whom Mr. Ford evidently considers important to his political base.

We judge a politician, at least in part, by his political base, and by what he will do to curry favor with it. We also judge a politician by his ability to get something in exchange for something. Mr. Ford either did not seek or could not get Mr. Nixon to admit, in exchange for the pardon, that he was guilty of any of what Ford gingerly refers to as

the "allegations and accusations" against him. All Mr. Nixon says is that he regrets not acting "more decisively" about Watergate and he has never admitted to and will never admit to anything worse than indecision. Of course, the June 23, 1972 tape shows that he acted decisively to obstruct justice.

Mr. Ford seems to think Mr. Nixon is a sociological not a legal problem. According to Mr. Ford a Nixon trial, like some social condition, might stir "ugly passions." Mr. Ford plunges through the looking glass to argue dizzily, that "the credibility of our free institutions" would be "challenged at home and abroad" if our free judicial institutions were allowed to work.

Mr. Ford may, as he says, have

"the constitutional power to firmly shut and seal" the Watergate "book." But that does not mean that it was right for him to hastily slam the book shut before we could read it. That is what he did by rushing to prevent a judicial examination of Mr. Nixon's conduct, and by giving Mr. Nixon custody of the best evidence about Mr. Nixon's conduct.

Mr. Ford's motives no doubt included a desire to be compassionate, and a concern for Mr. Nixon's health. But in government effects and appearances can be as important as motives. And whether or not it was Mr. Ford's intention, the effect of his precipitate action appears rather like the effect of what used to be called, in less polite times, a cover-up.