



David S. Broder

TerHorst: A Resignation on Principle

AUSTIN, Tex.—By resigning on principle over President Ford's pardon of his predecessor, White House press secretary J. F. terHorst has done as much to restore confidence in the integrity of public officials as he has to weaken the administration in which he served so briefly but so well.

Jerry terHorst is a longtime personal friend, which is the reason that nothing was said here in praise of his appointment or his exemplary efforts to restore civility and candor to the dialogue between President and press that had become so poisoned in the Nixon years.

But the news of his resignation, which came at the start of the Southern Governors' Conference here, brought an odd combination of pleasure and sadness.

Sadness, at the loss of this most amiable and professional journalist from the critical and difficult role of White House press secretary.

But pride and pleasure that this colleague had not hesitated to quit his job, rather than attempt to explain or justify a decision with which he strongly disagreed.

There have been so many good men and women who have rationalized their way past such fundamental disagreements in the past two administrations—and stayed silent out of a misguided sense of loyalty or an irrational belief that their service was so valuable they were not free to be themselves.

Many were lawyers, who have a talent for such rationalization, but some were journalists-in-government, who are perhaps more inventive in such matters than members of most other professions.

But terHorst was not playing that game, and, if you will forgive my bias, my hat is off to him—the more so because I personally disagree with him on the merits of the pardon decision.

I am not offended by the grant of

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pardon to Richard Nixon, because it seems to me essentially a matter of no great public significance what happens to Richard Nixon, private citizen.

The actions which he has admitted and the others with which he might be charged were peculiarly the crimes of a public official—the gross abuse of presidential power. What was critical, from the view of the public interest, was that he be removed from the exercise of that power, in a fashion that made it plain our Constitution and our sense of public morality would not tolerate such behavior.

That was done—for reasons amply detailed in the impeachment report which the House accepted by near-unanimous vote. And we should not underestimate the significance of Mr. Nixon's forced resignation.

It demonstrated something of vital importance that we had not known until then: that the power of the Constitution and public opinion was great enough to force the removal of our highest elected official, even in the face of the provision of a fixed term of office.

That lesson will not be lost on Mr. Nixon's successors in the presidency, nor on the history books.

What happens to Richard Nixon, as a private citizen, seems to me to be a secondary question—one which can well be put aside by an act of executive clemency, either out of consideration for him or out of a belief that the public interest is not severed by a continued rehashing of his crimes.

If one believes that punishment must have some justification, it is hard

to see what ends would be served by Mr. Nixon's being jailed or fined. Is it likely to change his behavior in the future? No—he will never again be in a position to abuse the public trust. Is it likely to deter others from such action? No—the real deterrent was the spectacle of his being forced out of office in mid-term by the judgment of a stern people and their representatives in Congress.

But despite my own views on the issue, I can admire those like Jerry terHorst, who feel strongly the other way. They want to be able to face themselves, face their peers, and perhaps most importantly, face their children—because it is the young people who are raising the most pointed questions about the rule of law seemingly being ignored by the pardon of the former President.

Just hours before terHorst's action became public, a Texas judge and her husband, a law professor, were expressing their own distress at Mr. Ford's action.

“How do I go into court tomorrow and sentence young people for offenses a lot less serious than what Mr. Nixon did?” the judge demanded.

“How would you like to explain this to a law school class, as I have to do?” her husband asked.

I think these questions can be answered, but they cannot be ignored. And the fact that one man who was dissatisfied with the President's answers had the courage to act on his convictions, by resigning on principle, swept across the country like a fresh breeze.