

Ford Studying Possible Pardons for the Watergate Defendants; Congressional Leaders Opposed

48 ARE INVOLVED

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Aides Won't Say How Serious President Is on Clemency Move

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WASHINGTON, Sept. 10—

President Ford is studying the possibility of pardoning those persons convicted or accused of crimes in the Watergate and related scandals, a Presidential spokesman said today.

John W. Hushen, deputy White House press secretary, said he had been authorized by Mr. Ford to say that the "entire matter" of pardons for the Watergate defendants "is now under study."

He would not expand on the statement, and other White House officials would not say how serious the President really was about pardoning any or all of the 48 individuals who have been charged with crimes related to the Watergate burglary and other political espionage.

Avalanche of Protest

The announcement was made after an avalanche of protest, set off by the announcement two days ago that Mr. Ford was granting an unconditional pardon to former President Richard M. Nixon for any Federal offenses he may have committed during his 5½-year term of office.

His spokesmen continued to insist that the President was aware that his action of Sunday morning would be met with controversy. But there was no sign that he or his assistants had expected that the Administration, which was one month old yesterday, would become so engulfed in the after-effects of the Watergate scandals.

Since Sunday, there has been confusion and defensiveness at the White House that has over-

shadowed Mr. Ford's efforts to form a new government and take the lead in stabilizing the economy, an atmosphere that was similar to that which characterized the last months of the Nixon Administration.

Ford Unavailable

Mr. Ford, like his predecessor, has not made himself available for questions but has left that to his counsel, Philip W. Buchen, and to his press office, which was thrown into disorganization by the sudden departure of the press secretary, J. F. terHorst, who resigned in protest over the Nixon pardon. A Presidential news conference tentatively scheduled for this week has apparently been canceled.

One of the questions that has

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been asked of the White House since Sunday was how Mr. Ford justified pardoning Mr. Nixon, who according to tape recordings ordered a halt to the investigation of the Watergate burglary, while Mr. Nixon's subordinates were undergoing trial and serving jail terms for the cover-up.

Mr. Buchen, asked Sunday whether Mr. Ford was considering pardoning the Nixon subordinates also, replied, "To my knowledge, he has not given that matter any thought."

Today, after 48 hours of controversy, Mr. Hushen was asked whether the President was considering a pardon for John W. Dean 3d, former counsel to Mr. Nixon, and all other persons connected with Watergate. Mr. Dean is now serving a prison term, and his wife was reported to have written Mr. Ford asking that he, too, be pardoned.

Authority of President

Mr. Hushen, holding his first White House press briefing, said, "I am authorized to say that the entire matter is now under study." Asked repeatedly if he understood the probable impact of the statement, he declared that he had said it with authority from the President and that all of the factors involved "have been taken into account."

However, he emphasized that the creation of such a study did not mean that Mr. Ford would decide to grant further pardons.

Mr. Buchen said later that he had not been brought into the study but assumed that he would be. It was understood that a decision to announce that pardons for the Watergate

defendants was under study was made at a meeting this morning between Mr. Ford and senior members of his staff.

There were indications that the question of further pardons was being considered as the President re-evaluated his plan to grant limited amnesty to Vietnam draft evaders and deserters. He was to have made public that plan today, but it was announced yesterday that it was postponed. Mr. Hushen said today it would be announced by the end of the month.

President Ford met for two

hours last night with top advisers and again today to discuss the amnesty question. Mr. Hushen said the delay had been caused by "many of the complexities involved" and the President's limited time to deal with them. There was speculation, which White House officials sought to discourage, that Mr. Ford was considering being more lenient than he had originally planned in view of the protests against the Nixon pardon.

White House officials acknowledged a number of problems involved should the Presi-

dent decide to pardon the Watergate defendants. Of the 48 charged with crimes, 39 have pleaded guilty or have been convicted by juries. Some, like Egil Krogh Jr., have completed jail terms. Others such as Jeb Stuart Magruder and Mr. Dean are now serving terms, and still others are awaiting trial.

Six defendants — including H. R. Haldeman and John D. Ehrlichman, top Nixon aides, and former Attorney General John N. Mitchell—are scheduled to go on trial Sept. 30 for alleged obstruction of justice and other charges.

Could Halt Trial

By granting blanket pardons to all of the defendants, Mr. Ford could stop the trial and all other Federal criminal proceedings against the Watergate defendants. Mr. Buchen said today that he did not believe the White House study of the question in itself would have any prejudicial effect on the forthcoming trial. Nevertheless, White House officials acknowledged privately that Mr. Ford, in any way he turned, faced enormous problems.

The initial reaction from Congress, for example, was hostile to the idea of further pardons.

Mr. Buchen, the white-haired lawyer who has long been a friend of the new President, sought to soothe the controversy by saying that a pardon is based on mercy and that mercy, unlike justice, is "uneven." He sought to lay to rest questions as to whether Mr. Ford and Mr. Nixon had an agreement for a pardon for Mr. Nixon before he left office on Aug. 9.

"I can assure you he [Mr. Ford] did not make a deal," Mr. Buchen said.

Earlier, several of Mr. Ford's

associates said that the question of a pardon for Mr. Nixon had not been discussed between the two men or, as far as they knew, between their aides.

The question of pardons for the Watergate defendants could involve corporations as well as individuals. Twelve corporations have pleaded guilty and paid fines for making illegal campaign contributions. Legal scholars have said corporations can be pardoned, too, but there would be no way to retrieve the fines they paid.

Among the many questions raised by the developments of this week was whether a pardon could be revoked. Several lawyers queried on this said it probably could not, once it was accepted by the person to whom it was granted.

In any event, the White House insisted that Mr. Ford was not having second thoughts about his action of Sunday.

"The President still thinks it is the right decision and he thinks he will be proven right in the long run," Mr. Hushen said.