



BILL PIERCE

## THE NATION

## THE ADMINISTRATION/COVER STORY

# The Fallout from Ford's Rush to Pardon

Throughout the most painful week of Gerald Ford's fledgling presidency, public protest continued to batter the White House. Far from easing after the first shock of Ford's precipitate pardon of Richard Nixon for any and all federal crimes committed during his presidency, the controversy grew. It was fed partly by Ford's refusal to explain further his mysterious reversal on his Executive intervention, partly by White House fumbling on whether all the other Watergate offenders might also be pardoned. Ford's inexperienced aides—almost all of whom had opposed the timing of the pardon—were left scrambling futilely to justify the President's action.

**Squandered Trust.** There was as yet no evidence that Ford's motives were other than high-minded and merciful. Indeed, some of the criticisms of his action were overwrought and hysterical. Suggestions that justice was dead in the U.S. or that Ford's Administration had been irrevocably compromised were exaggerations. Nevertheless, Ford's first major decision raised disturbing questions about his judgment and his leadership capabilities, and called into question his competence. He had apparently needlessly, even recklessly, squandered some of that precious public trust that is so vital to every President. By associating himself so personally with the

welfare of his discredited predecessor, he had allowed himself to be tainted by Watergate—a national scandal that the courts, prosecutors and Congress had labored so long and effectively to expose and resolve.

Thus, barely a month into his presidency, Gerald Ford found himself jeered by a crowd of pardon protesters outside a hotel in Pittsburgh, where he addressed a conference on urban transportation. They waved signs bearing such taunts as **THE COUNTRY WON'T STAND FOR IT**—a mockery of Ford's declaration about a pardon for Nixon, which Ford made during the Senate hearings to confirm him as Vice President. In an otherwise pleasant outing to help dedicate a World Golf Hall of Fame in Pinehurst, N.C., Ford faced more banners: **IS NIXON ABOVE THE LAW?** and **JAIL CROOKS, NOT RESISTERS**. Outside the White House, some 250 pickets from George Washington University lofted a bedsheet with the words **PROMISE ME PARDON AND I'LL MAKE YOU PRESIDENT**—a reference to a widespread cynical suspicion that Nixon as President had exacted a pledge of a pardon from Ford before naming him Vice President and putting him in the line of succession.

The protest was not of Nixonian or Johnsonian proportions or acidity, but it was in sharp contrast to the near-

universal era of good feeling that characterized Ford's first four weeks in office. A Gallup poll commissioned by the *New York Times* last week showed an alarming drop in Ford's popularity. From a rating of 71% approval three weeks before the pardon, he had skidded so that only 49% rated him as doing either a "fair" or "good" job. Unlike Nixon's White House aides, Ford's staff reported the extent of adverse telegrams and mail. More than 30,000 comments were received, and they ran about 6 to 1 against Ford's decision. Telephone callers were less critical; slightly more favored Ford's stand than opposed it.

**Premature and Unwise.** Of particular significance were the protests of judges, legal scholars, lawyers and political scientists who viewed the pardoning of Nixon as an arbitrary assault, however unintended, on basic principles of justice. By a vote of 347 to 169, the California State Bar Association denounced the pardon as violating the tenet "that all persons stand equal before the law" and claimed that it threatened to "undermine" the "American system of justice." Leaders of the City Bar Association of New York charged that Ford had acted "prematurely and unwisely" and bluntly urged him to "permit the administration of justice to proceed without further hindrance."

The pardon power, exercised by the





CHEVALIER—WASHINGTON POST

NIXON ATTORNEY MILLER

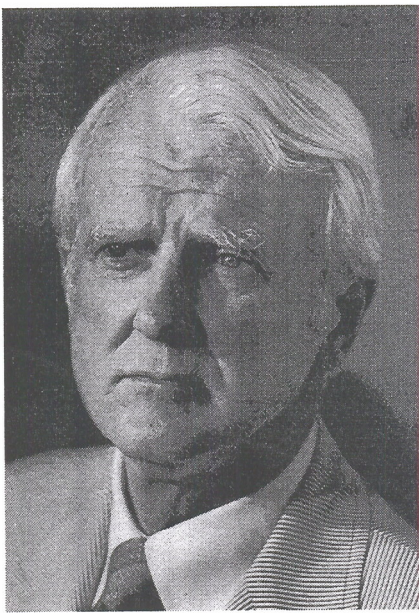
*Nixon had no leverage, but Ford yielded.*

sion was compounded. Ford authorized his acting press secretary, Jack Hushen, to inform reporters that the "entire matter" of pardoning all Watergate defendants, including those already convicted or imprisoned, was "under study." Incredulous, Chicago *Daily News* Reporter Peter Lisagor asked: "Is the White House aware of the impact of this statement?" Hushen assured him that it was.

**Trial Balloon.** For nearly 24 hours, the White House let be proclaimed the astounding possibility that all of the 26 months and millions of dollars spent in the painstaking investigation and prosecution of the Watergate crimes were about to be cast aside merely to spare Citizen Nixon further anguish. Most alarmed was Special Prosecutor Leon Jaworski's staff, which had already lost one of its stars, Counsel Philip Lacovara, 31, who quit because of the Nixon pardon. Hasty calls were placed to Ford's top counsel, Philip Buchen, who professed surprise that any such study was under way. Later he assured the Jaworski prosecutors that no blanket pardons were imminent.

President Ford finally authorized an official announcement that there would be no wholesale pardons. All that had been meant, it was explained, was that individual requests for pardons would be considered in the customary manner when and if they arose. If that was true, neither Ford nor his aides had tried to make it clear earlier, and the confusion naturally raised suspicions that the blanket-pardon idea might have been floated as a trial balloon. It was promptly shot down by a new wave of protest, including an overwhelming (55 to 24) sense-of-the-Senate resolution that no further presidential pardons be given in any Watergate case until trials have been completed.

The only justification cited by the



BILL PIERCE

FORD ATTORNEY BUCHEN

White House for raising the idea of more pardons was that Mrs. John Dean had suggested clemency for her imprisoned husband, Nixon's former counsel, who was one of the first Watergate conspirators to cooperate with investigators. But that too represented sloppy Ford staff work, since Mrs. Dean had not yet made any such official request. She had merely issued a statement protesting that all of the Watergate families had suffered along with the Nixons, and that Dean had been among those who had told the truth—"and that is something we have yet to hear from Mr. Nixon."

Later, the inside White House version was that Hushen had been hurriedly shoehorned in between other Ford appointments to ask how he should reply to any press questions about Mrs. Dean's statement. Believing that it involved a pardon request, Ford replied quickly: "Just say it's under consideration." Another aide suggested that this implied positive action, and Ford, again replying too quickly, added: "Okay, say 'under study,' and don't say any more." Hushen followed those instructions literally, and thus the initial misunderstanding arose. That does not, however, explain why it was not more quickly cleared up.

**Issues Linked.** Ford also appeared to be indecisive over the controversial question of a conditional amnesty for Viet Nam War service evaders. His staff first revealed last week that his announcement on the nature of his proposed leniency, which had been scheduled for Tuesday, had been postponed "indefinitely." The explanation was that Ford had not had time to complete his plans, which were turning out to be "more complex" than had been expected. The widespread assumption was that he did not want to create a new furor by applying stiff conditions to the war objectors' amnesty when he had just giv-

en Nixon a "full, free and absolute" pardon. Despite the vast differences between the two issues, they had become practically and politically linked. That fact of life was recognized by the White House in scheduling a Ford press conference for this week: Hushen suggested that questions on both the reasons for pardoning Nixon and Ford's amnesty plans would be welcomed.

That press conference can hardly occur too soon. It was Ford's failure to explain fully the timing of his pardon of Nixon that raised most doubts about Ford's candor and perceptiveness, as well as questions about the competence of his staff in handling a White House crisis. All last week, Ford had almost nothing to say publicly about his decision, beyond a stoic "I knew it would be controversial." His aides concede, however, that the magnitude of the uproar had not been anticipated. At first, Ford's longtime friend and adviser Buchen said that he simply had "nothing to add" to Ford's Sunday announcement of why he had acted before Nixon was even charged with a crime. At the least, it would seem, Ford should have waited until a jury in the impending trial of six Nixon associates had been sequestered and thus could not be influenced.

Ford's explanation of the pardon on that Sunday, while strong on sentiment, simply did not sound well-reasoned. He said that he had learned that it might take a year or more for Nixon to be brought to trial and all appeals exhausted, and that even then the courts might rule that Nixon had not had a fair trial. Meanwhile "ugly passions would again be aroused, our people would again be polarized in their opinions, and the credibility of our free institutions of Government would again be challenged at home and abroad." It was time, Ford said, to "firmly shut and seal this book" to achieve "domestic tranquillity."

**Cooled Passions.** Thus Ford rationalized that a Nixon pardon would contribute to "the greatest good of all the people of the United States," his overriding aim. Yet the Nixon pardon raised far graver questions about "the credibility of our free institutions" than would a proper and probably illuminating trial. One of the few consolations in the entire Watergate affair had been that those institutions had persevered against the most calculated cover-up efforts of the highest official in the land; now the judicial process was being aborted in Nixon's favor.

In all probability, public passions would have cooled in that long period before Nixon came to trial, rather than have been heightened by the suspense. The Watergate specifics readily become garbled as time passes, and an open-minded jury could probably have been selected by then. No trial has ever been precluded in the U.S. because of prejudicial publicity and the consequent inability to select a jury. Nixon would surely have receded somewhat in public



consciousness. The trial of a former President, while sensational for a time, would be far less traumatic than the impeachment of a sitting President. Nor did the pardon really "shut the book." In fact, it has inspired new proposals for pursuing the full truth of Watergate (see box page 12).

Ford might well have waited at least until indictments against Nixon were drawn, and detailed charges were on the public record, and then granted the pardon. While that would undoubtedly have drawn a heavy protest too, supporting the contention of Ford's aides that acting later might have been even more dif-

cult, it would have spared Nixon the agony of a trial. The former President's surviving admirers would have resented his being grilled under oath in a court of law.

Ford's concern for Nixon's welfare was a more credible reason for the timing of the pardon. Accusations were hanging over Nixon's head "like a sword," Ford said, "and threaten his health as he tries to reshape his life." If he was prosecuted, he "would be cruelly and excessively penalized" and "Richard Nixon and his loved ones have suffered enough," concluded the President. Nixon has certainly suffered in

being forced out of office, of course, but election to that office is a public trust, not a position to which any man or woman can claim entitlement. Nor does the pardon really end Nixon's suffering. He must still testify in the conspiracy trial and can be prosecuted if he fails to testify truthfully.

Nonetheless, Nixon did gain a great deal in having the burden of prosecution lifted. As many Watergate defendants can testify, the astonishing costs of high-level legal defense are themselves a punishment. Sources close to Jaworski's office report that the conspiracy case against Nixon was virtually "iron-

clad" and conviction was almost a certainty. Being pronounced guilty by a jury would clearly have been an additional, if justifiable humiliation for Nixon. So Nixon does benefit greatly from Ford's generosity. But the absence of any admission of criminal guilt by Nixon and the granting to him of practical control over all his tapes and presidential papers leaves serious, unanswered questions about precisely how, if at all, the nation benefits.

Gradually, and chiefly through Buchen, there emerged some additional but still unsatisfactory explanations of the Ford decision. When Ford contended at his Aug. 28 press conference that it would be "unwise and untimely" for him to pardon Nixon before any charges had been brought against him, aides said that he was simply unaware he had the power to pardon before indictment, trial and conviction. Just two days later, on Aug. 30, he asked Buchen to study that question. Buchen quickly discovered, as any reader of informed legal speculation in newspaper accounts at the time had also learned, that Presidents had exerted such power in the past. According to this explanation, Ford had also been informed that Jaworski was about to indict Nixon for a whole series of crimes. Since there was doubt that the ex-President could get a fair trial, and since Ford had decided in any case to pardon Nixon at some point, there was no reason to wait. "Mercy is never untimely," said Buchen.

**Single Indictment.** The Ford aides said that they could not explain his insertion of a reference to Nixon's health in the pardon announcement. The advance text did not contain it. They were aware that Ford had been concerned about published reports of Nixon's moody emotional state, but they insisted that neither the physical nor mental health of the former President was the major influence on the timing of the pardon.

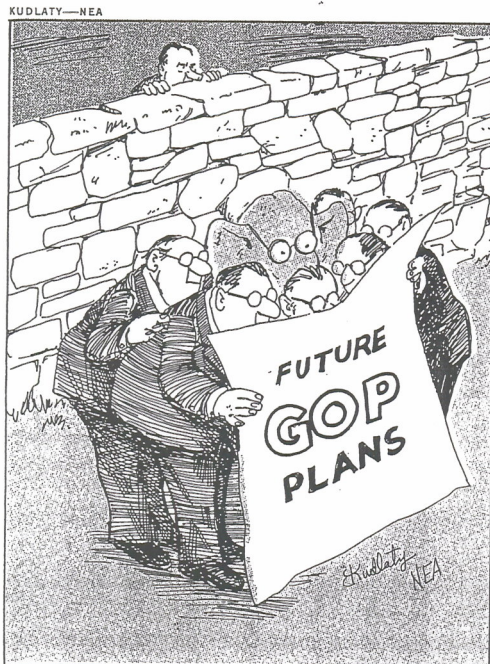
There were problems with these explanations. The presidential pardoning power, including Nixon's authority to pardon himself before leaving office, had been widely discussed, so it seemed unlikely that Ford was all that unaware of his authority. Jaworski, moreover, was not poised to throw the book at Nixon. He was prepared to seek a single indictment for conspiring to obstruct justice in the cover-up—but not until the conspiracy-trial jury had been selected and sequestered. To the contrary, Jaworski had submitted to the White House, at Buchen's request, a memo from his top deputy, Henry S. Ruth Jr., citing ten other areas of investigation of Nixon but stressing that "none of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by

Mr. Nixon." At no time did Ford or his aides ask Jaworski his view of a Nixon pardon.

As a full and persuasive explanation of the Ford decision remained elusive pending Ford's press conference this week, a number of theories evolved in Washington, none of them supported by convincing hard evidence. Among them:

#### THE FORD GAFFE THEORY

Motivated primarily by genuine compassion for Nixon, Ford took a superficial look at the other factors—the legal ramifications, the political impact, the public reaction—and failed to think them through. Buoyed by his honeymoon reception and seeking a Trumanesque reputation for decisiveness, he acted immediately and impulsively on his determination to pardon Nixon. If eventually he was going to pardon him, as he had in effect indicated he would in his Aug. 28 press conference, then why not now? A diehard defender of Nixon's innocence until the ample contrary evidence became unchallengeable, Ford by this theory appreciated neither the seriousness of Nixon's transgressions nor the prevailing public concern that justice should run its course at least until all the truth is out.



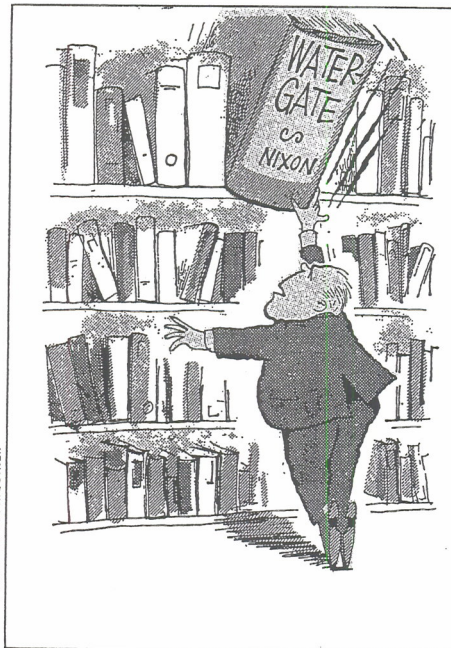
Stonewalled.

Once he opened negotiations with Nixon, Ford's emissary, Washington Attorney Benton Becker, proved no match for Nixon's wily attorney, Herbert J. ("Jack") Miller Jr., or for the hard-nosed Nixon aide Ronald Ziegler. The Nixon protectors spurned all suggestions that Nixon confess or surrender control of his tapes. Although Nixon had no practical bargaining leverage, Ford meekly yielded. Columnist Mary McGrory wrote last week that "Ford is still Vice President where Nixon is concerned." Ford does indeed have a rep-

utation for speaking before an issue is thought through, and the fact that he apparently consulted very few people on the pardon makes this theory more believable.

#### THE NIXON HEALTH THEORY

Ford had been advised that Nixon simply could not stand the suspense of worrying about a potential indictment or the strain of a trial if one were eventually held. Both current Ford Aide Alexander Haig and former Nixon Counsel J. Fred Buzhardt had expressed their concern to Ford about Nixon's emotional problems, which were beginning to manifest themselves in physical ailments. Ford, whether accurately or not, came to believe that Nixon was seriously ill, deeply depressed and might even die unless he was soon relieved of some of his legal worries. Nixon's doctors did confirm a new blood clot last week (see box page 17), but part of Nix-



AUTH—PHILADELPHIA INQUIRER

"Now to shut the book on Watergate."

on's pain and discomfort is clearly the self-inflicted result of his reluctance to obey his doctor's advice for treating his thrombophlebitis. Ford's interjection of Nixon's health into his speech is the best evidence in support of the Nixon health theory.

#### THE PREVENTIVE POLITICS THEORY

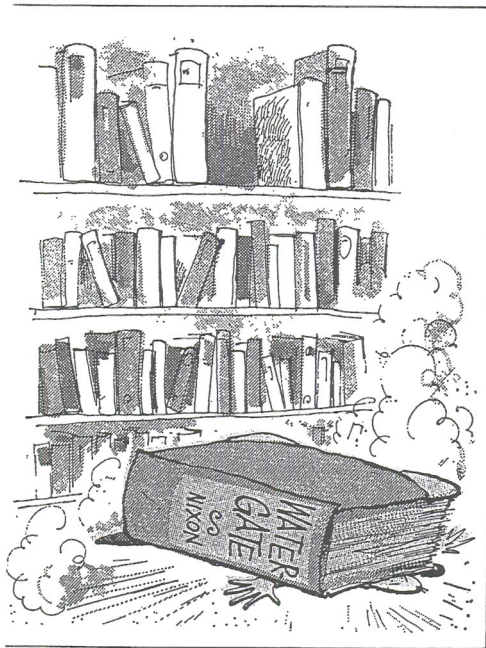
Once Ford learned that a Nixon trial would probably not begin until late in 1975 and that appeals might take even longer to resolve, he knew that he might face the pardon issue uncomfortably close to his own campaign for election to the presidency in 1976. Rather than raise all of the old Watergate divisions through a pardon then, he decided to act now, clearing his personal political decks of the Nixon issue well in advance, freeing himself from having questions on Nixon raised at every press conference. There is no evidence for this the-



ory at all, other than Ford's manifest desire to win election in his own right and the fact that he is a highly political animal.

#### THE ATOMIC BOMBHELL THEORY

This lurid theory postulates the existence of some as yet unimagined crime or act of Nixon's, documented somewhere in the mass of tapes and papers of his presidency—a veritable atomic bombshell compared with the various shocking concussions set off at intervals in the Watergate investigation. Both Ford and some newsmen have been reliably informed that there are no further startling revelations in the 55 tapes that Nixon was required by Judge John Sirica and the Supreme Court to yield to Jaworski. But conceivably there might be some "White House horror" in the thousands of feet of tape not yet heard by investigators but known to Nixon and his aides. In the vivid imag-



inations of the proponents of this theory, such an atomic bombshell could be anything from Nixon's salting large amounts of campaign funds into a private Swiss bank account to some foreign act that might destroy U.S. relations with another country for years or inflame an enemy. This theory is pure speculation; yet the possibility that Ford acted to prevent other disclosures of a broader national interest has been enhanced by some tantalizing Ford remarks. He told a meeting of Republican congressional leaders last week that "I hope this can become clear later," adding mysteriously that Jaworski was under court order not to discuss the situation. "Perhaps some day we may know," Ford mused. At week's end he told a group of G.O.P. gubernatorial candidates that he "might be able to explain in the not too distant future a number of things" involved in his decision.

#### THE SECRET DEAL THEORY

There is no shred of evidence to support this theory: that Nixon made Ford's elevation to Vice President last December conditional upon a promise to pardon Nixon if he were ever forced to resign. Yet such have been the ravages of the Watergate era that this is one of the most pervasive speculations wherever political skeptics gather, whether on campuses, in barrooms or in board rooms. Revelations that Nixon and his aides had discussed presidential pardon both early and late in the Watergate chronology have reinforced, no doubt unfairly, the notion that Ford too might



"You're right . . . a Lincoln you ain't."

crassly have fallen into the same way of thinking in order to assure his own promotion. David Eisenhower, for example, reported last week that unspecified Nixon associates had urged Nixon to pardon himself before resigning. "Think of yourself; pardon yourself; you can do it," Eisenhower said Nixon was urged. "Mr. Nixon wouldn't hear of it," Eisenhower added. "He was offended." Quite convincingly, Eisenhower also argued that "the presidency came to President Ford with no strings attached."

Wholly apart from Nixon's pardon and the theories of why Ford may have offered it so soon, TIME has learned that, at one time, the former President did indeed promise pardons to others. On April 29, 1973, in a tense conference at Camp David, just hours before he persuaded his two most trusted aides, H.R. Haldeman and John Ehrlichman, to resign, the then President assured them: "You don't have anything to worry about—I'll take care of you."

Some 16 months later, as Nixon was about to resign, the two aides tried to exact the fulfillment of that promise, but Nixon reneged. Haldeman and Nixon talked on the telephone on Wednesday, Aug. 7, and Haldeman asked for a meet-

ing at which he and Ehrlichman would make a last-minute appeal for their pardons. "I just can't see you," replied Nixon. "Please don't come over here. Handle it through Haig."

Soon thereafter, Haig got a call from Haldeman. The general asked Haldeman to hold the line, rushed into Nixon's office and asked him what to do. Nixon told Haig to hear Haldeman out but that he would not talk to Haldeman. Haig hurried to the office of James St. Clair, at the time Nixon's chief Watergate defense attorney. St. Clair advised that any citizen had the right to appeal for clemency. Haig asked St.

Clair to monitor the conversation. Haldeman's pitch was brief, citing the difficulty of getting a fair trial. There was no threat of blackmail, although given the circumstances, the approach could have seemed ominous to Nixon.

On St. Clair's instructions, Haig advised Haldeman to put his appeal in writing. Haldeman and Ehrlichman's attorneys promptly submitted a memo. But Nixon was irritated by the whole incident, thought it was a bad time to pressure him, considering his own difficulties, and rejected any pardon. Ehrlichman tried a different tactic, telephoning Friend Julie Eisenhower, but he made no better progress. Sourly, and with no supporting evidence, one associate of the two aides concluded: "It's possible that Nixon turned his back on Haldeman and Ehrlichman because his own pardon deal was set and he didn't want to queer it by pardoning them at the last minute."

Whatever the damage done to Ford's standing by his clemency for Nixon—and much of it seems ultimately repairable—the controversy also hurt members of Ford's staff. As the only member of the Ford inner circle known to have supported the President's decision before it was announced, former Nixon Hand Alexander Haig was sullied. While Haig belittled his own role in that decision, other staffers resented the Nixon holdover and suspected his influence. Haig has been in frequent telephone contact with Nixon and Ziegler, talking to San Clemente at least three or four times weekly. He has also been constantly at Ford's elbow. "We've got to get him out of there; he's got to go," declared one Ford associate.

**Scar Tissue.** Haig fully expects to be out of the White House within a week or two and en route to his new post as Supreme Commander of NATO. He recognizes the hostility within the Ford staff. "I feel like a Martian mutation—I've got so much scar tissue," he says wryly. While Haig performed heroically in holding Nixon's White House together in the last days and helped persuade Nixon to resign, suspicions of the general's pro-Nixon sentiments are not



THE NATION

groundless. He had, after all, helped push the first special prosecutor, Archibald Cox, out of office after playing a devious role in the phony Stennis compromise on the Nixon tapes. He had also managed to disregard much of the evidence against Nixon until it was too devastating to ignore. In returning to the Army, Haig now faces considerable Pentagon resentment from officers who feel that he has been too politicized for the Army's good.

Also injured during the hectic week was the silver-haired, mild-mannered Buchen, who tried to brief reporters on the pardon decision, but seemed uncertain and unaware of the full implications (see THE PRESS). When asked how the pardon would affect the trial of the Watergate cover-up defendants, Buchen replied: "That is the problem of Mr. Jaworski and the judges." It apparently was Buchen who also proposed the dubious choice of Becker as the intermediary with Nixon's aides. Becker, 36, who had worked in the Justice Department in 1966 and 1967 and was later an Assistant U.S. Attorney in Washington, is under federal investigation for income tax evasion. He had previously helped then-Congressman Ford in his ill-advised attempt to impeach Supreme Court Justice William O. Douglas in 1969. Perhaps the only reputation that was enhanced during the whole episode was that of the man who left Ford's staff, Press Secretary J.F. terHorst. His resignation on principle was in the refreshing style of two of Nixon's Saturday Night Massacre victims, Attorney General Elliot Richardson and his deputy, William Ruckelshaus.

If the political crisis raised troubling questions about Ford and his hastily assembled staff, it may also have performed a costly but positive function in warning of those weaknesses. In a sense Jerry Ford had now experienced his own Bay of Pigs and may have discovered, at considerable cost, the wisdom of consulting more widely and assessing his future major moves more carefully. In dealing with Nixon, Ford could perhaps have tried harder to get a greater concession of wrongdoing. But there is little likelihood that Nixon could ever bring himself to admit full guilt, though that guilt has been adequately documented by the House Judiciary Committee. Even if indicted, he probably would have fought fiercely to seek an acquittal rather than plea-bargain, Agnew-style. Indeed, Illinois Republican Congressman John Anderson offered a cutting observation last week. "Why were we ever stupid enough to think that this awful man would fade away like one of MacArthur's old sol-

diers?" he asked. "He was always going to be dragged kicking and screaming into oblivion."

Ford's deal with Nixon on custody of the former President's tapes and papers was more arguable. A ruling by Attorney General William Saxbe that Nixon could claim them as personal possessions can still be challenged. While past Presidents dating back to Washington have laid claim to such documents, the practice is based on custom, not law. Why official papers produced at public expense ought to be considered private property has never been persuasively argued. Nixon's position, moreover, is unique. "I don't recall any criminal investigation being in progress

and Key Biscayne properties, ran into a flurry of objections as he sought to justify that request before subcommittees of both the House and Senate.

Sampson was unable to make a persuasive case on why Nixon is seeking some \$300,000 more for eleven months of support than was given Lyndon Johnson for 18 months after he left the presidency. The total request includes the \$450,000 allowed under the Presidential Transition Act of 1963 for travel, office, staff and other costs to help a former President adjust to private life. It also includes another \$400,000 under the Former Presidents Act of 1958, which provides overlapping outlays for some of the same expenses. The presidential pension of \$60,000 a year is included in this and is mandatory, as is \$96,000 for staff salaries, but Nixon has submitted a budget for some \$250,000 that would have to be approved by Congress. Originally this broke down as follows: office furniture and equipment, \$65,000; travel, \$40,000; communications, \$21,000; printing, \$10,000; office supplies, \$5,000; personal benefits, \$8,000; miscellaneous, \$100,000.

**Snow Job.** Sampson had altered that proposed budget to curtail the unsupportable \$100,000 allocation for miscellaneous expenses. In seeming exchange, however, he added a \$110,000 item for a special vault to house Nixon's tapes and papers at Laguna Niguel, within 20 miles of San Clemente.

Somewhat reluctantly, Sampson revealed that no fewer than 21 people are now serving Nixon on their normal Government salaries, amounting to \$450,000 a year. They include his personal maid and valet, as well as such well-paid aides as Ziegler (\$42,500), Speechwriter Raymond K. Price Jr. (\$40,000) and Secretary Rose Mary Woods (\$36,000). In addition, all of the former Washington-based employees now assigned to Nixon draw \$40 a day for meals and lodging. Sampson estimated that Secret Service protection of the ex-President will cost an additional \$622,000 a year.

Commenting on the Nixon budget, New Mexico Senator Joseph Montoya observed that Sampson must have experienced "quite a snow job" when he drew up those figures in a conference with Nixon aides at San Clemente. "How do you put Nixon in the same category with those Presidents who have served this country with honor?" asked Ohio Congressman Louis Stokes. Sampson defended the expenditures as necessary so that the nation will secure "the full value of his records and the full benefit of his experience." The request is expected to be slashed sharply.

While negotiating effectively with



HAIG & FORD ON WHITE HOUSE GROUNDS LAST WEEK  
The scar tissue resembled a Martian mutation.

at the time Washington gathered up his papers and left office," observed a G.O.P. lawyer in Washington. Ford, however, was probably relieved to escape any further responsibility for those much sought-after tapes.

Although the tapes arrangement may yet be challenged, the pardon is now history. Ford, in fact, still insisted that his decision was right, despite the outcry. But there were strong signs last week that, partly as a result of the pardon, Congress will not meekly accede to Nixon's request for some \$850,000 in transition funds, as endorsed by Ford and urged by a compliant General Services Administration. GSA Administrator Arthur F. Sampson, a Nixon appointee who had never objected to any of the lavish Government-financed improvements to Nixon's San Clemente



## THE NATION

Ford, Nixon was rebuffed on another front as he struggled to get his personal affairs in order. His perfunctory resignation from the California Bar Association was opposed by that group on grounds that his letter did not even concede that he was under investigation in disbarment proceedings. The turndown keeps that investigation alive, unless it is overruled by the California Supreme Court. Nixon contends that he has no plans to practice law and intends also to resign from the New York Bar Association. It too has initiated a preliminary disbarment probe and is likely to echo the California action if Nixon attempts to resign in similar fashion.

If Nixon's troubles were still far from over last week, so were those of six of his former White House and political associates. As expected, their attorneys pleaded with Judge John J. Sirica to dismiss the charges or at least delay their trial because of all the adverse publicity generated by the furor over the Nixon pardon. Also as expected, Sirica denied the motions. There may be further appeals, but the trial is now scheduled to begin on Oct. 1.

**Day in Court.** The still-unresolved question is how Nixon will be treated in that trial. He has been summoned as a defense witness by Ehrlichman, but could conceivably plead the Fifth Amendment protection against self-incrimination in that role. His lawyers could argue that, while federal prosecution has been banned by the pardon, state prosecution is still possible. That is highly unlikely and such a Nixon plea would be shaky, since the trial questions need not delve into any Nixon activities other than the cover-up conspiracy. Nixon could also be summoned as a prosecution witness and be granted specific immunity against use of his testimony in other jurisdictions. As a prosecution witness, he could be asked questions going beyond topics that the defendants wish to introduce. Judge Sirica could subpoena Nixon as a court witness, further expanding the range of queries. Unless Nixon can satisfy Sirica that he is medically incapable of appearing, his day in court still looms ahead.

In the understandable concern shown by Gerald Ford over Nixon's personal fate, the larger national interest was submerged. Yet it is not too much to hope that Ford, jolted by the equally understandable objections to his high-handed action, now appreciates the larger perspective. If he does not now join in those efforts to see that the full truth of America's most devastating political scandal is preserved and published, he runs the high risk that his own historical record will be linked to that of the discredited President who selected him as his successor. It is a fate that the nation, for its own sake and his, does not wish upon the 38th President of the U.S., whose healing skills, because of his first mistake in office, are more than ever required to exorcise Watergate.