

Richardson Wary on Nixon Pardon, but

Would Oppose Jail Term

By ROBERT M. SMITH
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WASHINGTON, Jan. 28—Elliott L. Richardson, who resigned as Attorney General rather than obey President Nixon's order to discharge Special Prosecutor Archibald Cox, said today that he did not believe that Mr. Nixon should have been pardoned.

Mr. Richardson, who takes over the job of Commerce Secretary next Monday, told reporters at a breakfast meeting that "the end result that former President Richard M. Nixon did not go to jail was right," but that he would have favored a different process.

"The facts should have come out first," Mr. Richardson said. "The President should have been asked to say all he had to say," and then, with consultation between the executive branch and Congress, there could have been discussion as to the desirability of a trial that might have resulted in a jail sentence.

The result of all this, Mr. Richardson continued, could have been for the Attorney General, "with the concurrence" of the judiciary committees, to decline to prosecute.

Mr. Richardson was Attorney General when Vice President Agnew was allowed to plead no contest on Oct. 10, 1973, to a single charge of tax evasion. He was placed on three years' probation and fined \$10,000. He resigned as Vice President.

Discretion vs. Pardon

In the Nixon case, Mr. Richardson said today that he would have preferred the exercise of prosecutorial discretion to a pardon, because a pardon "conveys that a person is forgiven." It is usually granted, he said, "years later, normally after a person has been rehabilitated."

At a meeting with reporters in September, 1974, soon after

President Ford's announcement of a pardon for Mr. Nixon, Mr. Richardson said that he approved of the general idea of the pardon. Mr. Richardson did say then that he felt a harder bargain should have been struck for a full confession by Mr. Nixon or an outlining of the charges against him before the pardon was granted.

He was not asked at the breakfast about his earlier statement.

Asked what he thought had caused the Nixon Administration its problems, Mr. Richardson pointed to "a compound of at least three things."

"One," he said, "is traceable to flaws in Nixon's own character," particularly his inclination "to be suspicious of his opponents and to cast them as enemies," together with his "secretiveness and manipulativeness."

Mr. Richardson said that a second element was "the aggrandizement of the Presidency, a culmination of long-developing trends."

'Went Over the Edge'

"The strong Presidency requires manipulative trends in dealing with Congress and the press," he added. "The Nixon White House pushed it further and went over the edge."

He said that the third com-

ponent was the employment by the White House of "rootless, amoral individuals whose only loyalty is to the organization that employs them." He asserted that this personality trait — "a win-at-any-cost attitude" — is "a flaw in many American organizations."

Mr. Richardson said that the three factors "add up to an excess different in degree but not fundamentally different in kind" from that of Mr. Nixon's predecessors.

The Commerce post will be Mr. Richardson's fourth in the Cabinet. He served under Mr. Nixon as Secretary of Defense and Secretary of Health, Education and Welfare as well as Attorney General. He has just returned from being Ambassador to Britain.

Last week President Ford included Mr. Richardson among eight persons he considered "fully qualified" to be his running mate. Mr. Richardson said that he did not know what his response would be if he were asked to be the Vice-Presidential candidate. "In general," he said, "I don't try to anticipate what my decisions will be."

He did say that he would be making speeches in Massachusetts and New Hampshire in February and would probab-

ly make some other "incidental appearances," but added that he did not expect to do "any sustained campaigning."

Questioned about a proposal by Jimmy Carter, the former Georgia Governor who is a Democratic Presidential aspirant, that the Attorney General's post be made independent of the Administration, Mr. Richardson said that he thought that was unwise. The Attorney General's office "should be sub-

ject to the same policy processes as other departments," he said.

Asked why he had been attracted to the Commerce post, Mr. Richardson said, "It's a hell of a good job."

"I rather like the thought that I'll be a Secretary of Commerce for five years," he said. "By that time, nobody will be wondering why anybody would want to be Secretary of Commerce."