

Pardon Them All

By William Safire

WASHINGTON—If he is to “wipe the slate clean” of a decade’s nightmare, the President should pardon them all: the draft-evading, and deserting lawbreakers of Vietnam, and the power-abusing lawbreakers of Watergate.

Strong arguments can be made against blanket amnesty or pardon for all those who committed political crimes in the Vietnam-Watergate era. Here are a few, with some answers:

1. *You cannot link the honorable civil disobedience of Vietnam resisters with dishonorable abuse of power of the Watergaters.*

Watergate’s worst crimes were directly rooted in Vietnam. The wiretapping was intended to discover leaks of the Cambodian bombing secrets. The plumbers’ break-in of Daniel Ellsberg’s psychiatrist’s office was to discredit the man who published the Pentagon Papers of the Vietnam War. The “coverup” was not just to conceal one burglary, but a range of illegal suppressions of Vietnam dissent. Watergate was Vietnam’s bitter fruit.

Just as many of the draft resisters saw themselves obeying a higher moral law in breaking the draft laws, many of the Watergaters believed they were obeying a higher law of protecting national security in breaking the burglary statutes. The reverse side of Daniel Ellsberg was Gordon Liddy.

2. *The draft resisters were morally right and the Watergaters were morally wrong.*

That’s the way most people see it now. But it was not the way many people saw it at the time. A war was raging, 300 Americans per week were dying, and the Watergaters knew of unchallenged precedents in other administrations of national-security breaches of the Constitution. They were wrong—“everybody did it” was no excuse—but a pardoner must consider motives, and some—like plumber Egil Krogh, were not ignobly motivated.

3. *Unlike the draft resisters and deserters, the Watergaters were driven by ambition and lust for power, and used national security as their excuse.*

In some cases, that was true. And in some cases, deserters ran away not from a desire to stop the killing, but from a desire to stop from getting killed. Just as there were resisters motivated by plain cowardice, there were White House aides motivated by plain power-craziness. A general pardon would let these low-lives go free,

along with the higher-law believers.

4. *The pardon of the Watergaters would encourage other abuses of government power in the future.*

And the pardon of deserters would undermine military discipline in some future war; the argument works both ways and has validity. The answer is that pardon implies some guilt—the Government gives pardon, and does not ask for it—and the years of disgrace have been punishment. Most major Watergaters have been broken financially, some only recouping through abject penance in print; the entire experience is surely a deterrent to future power-abusers.

5. *It would be unfair to let unjailed Mitchell and Haldeman off when other Watergaters have served time.*

True—and in the same way, it is unfair to let resisters who held out go

ESSAY

free when thousands of others worked off or served time for their lawbreaking. Unfairness? What of soldiers killed or maimed fighting in the place of those who ran away? Life—and in this case, death—is unfair.

I am not among those who, in the name of fairness, would delight in seeing the ruined John Mitchell (who signed the illegal order to tap my telephone) put in the slammer, within grabbing range of convicts whose indictments he approved. And equity loses its luster when applied to the scandalously savage sentence imposed upon Gordon Liddy: In effect, the key has been thrown away until he gives up his constitutional right to be silent. Fair?

6. *If all those, including Democrats, convicted by the Special Prosecutor have their records wiped clean by inclusion in the Vietgate pardon—justice would be denied, perverted and made a mockery of.*

Justice is not the issue here: Pardon, by its nature, is the suspension of justice and the interposition of mercy. The idea of amnesty is to set aside the requirements of justice in the overriding national interest. Rightly or wrongly, Judge Sirica put the revelation of truth above justice, and a pardon now would remove restraints from telling the whole truth.

The President would require much courage to let himself be the lightning rod for what would surely be one last great flash of resentment. But he has it in his power to do what he set out to do: to put the long national nightmare of Vietnam and Watergate behind us. He should pardon them all.

SEE LETTER, 17 JAN 77