**Should Gerald Ford have pardoned Richard Nixon?**

**Background:** *Source: http://www.historyplace.com/speeches/ford.htm*

On September 8, 1974, one month after President Richard Nixon resigned the presidency amid the Watergate scandal, his successor, President Gerald R. Ford, announced his decision to grant Nixon a full pardon for any crimes he may have committed while in office. [**Page 1 of the Pardon**](http://www.historyplace.com/speeches/speechgfx/ford-pardon1.jpg)[**Page 2 of the Pardon**](http://www.historyplace.com/speeches/speechgfx/ford-pardon2.jpg)

The Watergate scandal stemmed from a break-in that occurred on the night of June 17, 1972, when five burglars entered the Democratic National Committee offices at the Watergate office complex in Washington, D.C.

Subsequent investigations revealed the burglars were actually agents hired by Nixon's Committee to Re-elect the President. A long chain of events then followed in which the President and top aides became involved in an extensive cover-up of White House-sanctioned illegal political activities. The cover-up snowballed as Nixon and White House aides attempted to use the prestige and power of the presidency to obstruct justice.

After a two-year battle against the news media, government agencies, the U.S. Senate and House of Representatives and the U.S. Supreme Court, Nixon wound up resigning amid the likelihood that he would not survive a full impeachment vote in the Congress.

President Ford's subsequent decision to pardon Nixon eliminated the possibility of a humiliated private citizen Nixon going on trial. The decision to pardon Nixon also likely ended Ford's chances for re-election to the presidency in 1976.

Both the decision and its timing came under severe criticism. The pardon was announced by Ford on a Sunday morning, taking advantage of an off-beat time for Washington newsmakers in an attempt to minimize the initial political fallout.

It was a vain attempt, however, as the decision caused a firestorm of anger in the press and indignation among those who wanted to see Nixon go on trial and possibly to jail.

But among others, the decision evoked sympathy for Nixon, the only President ever to resign. Many saw Nixon as a victim of political infighting in Washington and considered much of Nixon's behavior to be no worse than that of his predecessors in the Oval Office.

The result was a further polarization of a nation already traumatized by the events surrounding Watergate.

Years later, Nixon made somewhat of a comeback, writing books and granting TV interviews commenting on Watergate and international politics.

By contrast, Gerald Ford was destined to obscurity after losing the 1976 election to Jimmy Carter.

**Document # 1**

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| |  | | --- | | **Proclamation 4311 - Granting Pardon to Richard Nixon** *September 8, 1974 (Excerpt)* | |  | |

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…As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office of the United States.

*Now, Therefore, I, Gerald R. Ford,* President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, have granted and by these presents do grant a full, free, and absolute pardon unto Richard Nixon for all offenses against the United States which he, Richard Nixon, has committed or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974.

*In Witness Whereof,* I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

**Source:** *http://www.presidency.ucsb.edu/ws/?pid=4696*

**Document # 2**

***Gerald Ford’s Statement before Subcommittee on Criminal Justice regarding his pardon of Nixon, October 17, 1974*** *(Excerpt)*

My appearance at this hearing of your distinguished Subcommittee of the House Committee on the Judiciary has been looked upon as an unusual historic event - - one that has no firm precedent in the whole history of Presidential relations with the Congress. Yet, I am here not to make history, but to report on history.

The history you are interested in covers so recent a period that it is still not well understood. If, with your assistance, I can make for better understanding of the pardon of our former President, then we can help to achieve the purpose I had for granting the pardon when I did.

That purpose was to change our national focus. I wanted to do all I could to shift our attentions from the pursuit of a fallen President to the pursuit of the urgent needs of a rising nation. Our nation is under the severest of challenges now to employ its full energies and efforts in the pursuit of a sound and growing economy at home and a stable and peaceful world around us.

We would needlessly be diverted from meeting those challenges if we as a people were to remain sharply divided over whether to indict, bring to trial, and punish a former President, who already is condemned to suffer long and deeply in the shame and disgrace brought upon the office he held. Surely, we are not a revengeful people. We have often demonstrated a readiness to feel compassion and to act out of mercy. As a people we have a long record of forgiving even those who have been our country’s most destructive foes. Yet, to forgive is not to forget the lessons of evil in whatever ways evil has operated against us. And certainly the pardon granted the former President will not cause us to forget the evils of Watergate-type offenses or to forget the lessons we have learned that a government which deceives its supporters and treats its opponents as enemies must never, never be tolerated.

**Source:**  *https://www.gilderlehrman.org/history-by-era/seventies/resources/president-ford%E2%80%99s-statement-pardoning-richard-nixon-1974*

Document # 3: By: Timothy Noah, *Slate* .

December 29, 2006 *Slate* is a politically left leaning online magazine

**“Pardoning Nixon was Wrong”**

…No new information has emerged during the past 32 years that makes Ford's pardon to Nixon look any more justifiable; indeed, what facts have dribbled forth make it seem less so. (More on these later.) Nor can the pardon plausibly be considered an example of the bipartisan spirit for which Ford is justly, [if too extravagantly](http://www.slate.com/id/2156300/?nav/ais/), praised by Washington insiders. The pardon may have had the long-term *effect* of tamping down partisan warfare between Democrats and Republicans over a possible criminal trial (obstruction of justice would have been the likeliest charge), but when a Republican short-circuits prosecution of a fellow Republican, you can't call that bipartisanship. These logical obstacles help explain why people who defend the pardon today do so with vague language about how, in retrospect, it was better for the country to set rancor aside and move on. Roger Wilkins, who as an editorial writer for the *New York Times* condemned the pardon back in 1974, wrote Ford last month to tell him he has since changed his mind. (The *Times* itself, wisely, [has not](http://www.nytimes.com/2006/12/28/opinion/28thur1.html?_r=1&n=Top%2fOpinion%2fEditorials%20and%20Op%2dEd%2fEditorials&oref=slogin).) Here's what Wilkins [told the *Washington Post*](http://www.washingtonpost.com/wp-dyn/content/article/2006/12/27/AR2006122700727.html):

Ford was right. The country really needed to move on. The picture of a president in the dock with these motley Democrats hounding him, it would have made the country—we'd gone through some ugly times, but it would have been uglier. ... If Ford hadn't done a thing else in his presidency, that would have been a great service to the country.

Sen. Edward Kennedy, D-Mass., is another person who denounced the pardon in 1974 but [subsequently changed his mind](http://kennedy.senate.gov/newsroom/statement.cfm?id=60983101-E3EE-46BD-ADC6-283AB728B6BA):

Unlike many of us at the time, President Ford recognized that the nation had to move forward, and could not do so if there was a continuing effort to prosecute former President Nixon. His courage and dedication to our country made it possible for us to begin the process of healing and put the tragedy of Watergate behind us.

Why was Ford wrong to pardon Nixon? Mainly because it set a bad precedent. Nixon had not yet been indicted, let alone convicted, of any crime. It's never a good idea to pardon somebody without at least finding out first what you're pardoning him *for*. How can you possibly weigh the quality of mercy against considerations of justice? Yet it would happen again in December 1992, when departing President George H.W. Bush pardoned Caspar Weinberger, former defense secretary, 12 days before Weinberger was set to go to trial for [perjury](http://www.fas.org/news/iran/1992/920606-231623.htm).

As I've [noted before](http://www.slate.com/id/2154579/), this was almost certainly done to prevent evidence concerning Bush's own involvement in Iran-contra (when he was vice-president) from becoming public. The final report from Iran-contra special prosecutor Lawrence Walsh [called it](http://www.fas.org/irp/offdocs/walsh/chap_28.htm) "the first time a President ever pardoned someone in whose trial he might have been called as a witness," but in fact it was the second. Ford's motive was less self-protective, but, as ***Slate***'s Christopher Hitchens notes [here](http://www.slate.com/id/2156400/), it had the same effect of shutting down further investigation into illegal activities. Without the precedent of Ford's pre-emptive pardon, Bush *père* might have lacked the nerve to attempt one himself, and certainly would have created a much bigger ruckus if he went ahead and did it anyway.

If Ford *hadn't* issued the pardon, would Nixon have stood trial, or perhaps even been sent to jail? If so, his successors might have learned the valuable lesson that presidents are not above the law. But odds are that no prosecution would have taken place. In a Dec. 28 editorial, the *Wall Street Journal* stated that Watergate Special Prosecutor Leon Jaworski "seemed determined to pursue" a criminal trial. The precise opposite is true. By his own account, Jaworski was reluctant to pursue prosecutorial alternatives to impeachment. James Cannon's 1994 book [*Time and Chance: Gerald Ford's Appointment With History*](http://www.amazon.com/Time-Chance-Gerald-Appointment-History/dp/0472084828/sr=1-1/qid=1167435449/ref=sr_1_1/104-6819803-8751945?ie=UTF8&s=books)quotes Jaworski saying, "I knew in my own mind that if an indictment were returned and the court asked me if I believed Nixon could receive a prompt, fair trial as guaranteed by the Constitution, I would have replied in the negative."

In a Dec. 29 [op-ed](http://www.washingtonpost.com/wp-dyn/content/article/2006/12/28/AR2006122801054.html) in the *Washington Post*, Jaworski's former employee, Richard Ben-Veniste—yet *another* person who changed his mind and now thinks Ford was right to pardon Nixon—writes that Jaworski was "of the view that Nixon's precipitous fall from the highest office was punishment enough." Even if Jaworski had been talked into indicting Nixon, the prosecution's constitutionality—at best, uncertain—would have been a matter for the courts to decide, and the judiciary tends to err on the side of caution when considering separation of powers. That probably helps explain why President Bill Clinton was never indicted for perjury, even after congressional efforts to remove him from office failed.

Bob Woodward ([another member](http://www.umich.edu/~urecord/0506/Apr10_06/05.shtml) of the "I can't believe I'm a Nixon defender" club) wrote extensively about the Ford pardon in his 1999 book [*Shadow: Five Presidents and the Legacy of Watergate*](http://www.amazon.com/Shadow-Five-Presidents-Legacy-Watergate/dp/0684852632/sr=1-1/qid=1167431733/ref=sr_1_1/104-6819803-8751945?ie=UTF8&s=books), and after Ford's death, he recycled that reporting in the *Washington Post*. The gist of [Woodward's account](http://www.washingtonpost.com/wp-dyn/content/article/2006/12/27/AR2006122700982.html) is that immediately prior to Nixon's resignation, Nixon's chief of staff, Alexander Haig, offered what Ford interpreted to be a *quid pro quo*: Nixon will leave if you guarantee him a pardon. (Haig denies that he proposed one in exchange for the other.) Ford answered that he would have to think about it. After an aide pointed out to him that such a deal would be outrageously improper, Ford phoned Haig to say, "No deal." But the very next day, Ford told another aide that he would pardon Nixon. A month later, President Ford did so. We can argue about whether this sequence of events constituted an implicit deal, but at the very least, we must conclude that the pardon was Nixon's idea, not Ford's.

Woodward further reports that when Ford issued the pardon, he was very concerned about the state of Nixon's health. Nixon and Ford, Woodward [reported in a Dec. 29 *Washington Post* piece](http://www.washingtonpost.com/wp-dyn/content/article/2006/12/28/AR2006122801247.html) (the *Post* has given Ford's death the kind of extensive coverage usually reserved for the start of a major war), were much better friends than people ever realized. These details lend a human perspective to Ford's decision to pardon Nixon, and spotlight Ford's undeniable decency. But pardons aren't supposed to be granted on the basis of friendship. As for Nixon's health, I don't recall many tears being shed this past July when Kenneth Lay, then awaiting sentencing after his conspiracy and fraud convictions, [breathed his last](http://money.cnn.com/2006/07/05/news/newsmakers/lay_death/). Can anyone doubt that Lay's prosecution probably contributed to his death? Would anyone argue that Lay therefore should never have been prosecuted? (In the event, Nixon lived 20 years more after his resignation, remaining active to the last and dying at 81.)

I don't mean to overstate my opposition to Nixon's pardon. I didn't think it was a world-shattering calamity then, and I don't think it was a world-shattering calamity now. But it did not serve the interests of justice, it had an unfortunate consequence in the Weinberger pardon, and it carried a mild whiff of corruption. Ford placed great stock in the fact that, according to a 1915 Supreme Court decision in [*Burdick v. United States*](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=236&invol=79), acceptance of a pardon constitutes an admission of guilt. But in May 1977, Nixon the ex-president would [tell David Frost](http://www.landmarkcases.org/nixon/nixonview.html), "When the president does it, that means that it is not illegal." Which do you remember—that quotation, or *Burdick v. United States*, a copy of which Ford would carry around with him for the rest of his life? Pardoning Nixon was wrong, and the death of the very nice man who did it does not change that.

***Source;***Timothy Noah is a senior writer at ***Slate****. http://www.slate.com/articles/news\_and\_politics/chatterbox/2006/12/why\_pardoning\_nixon\_was\_wrong.html*

**Document # 4** *From the Wall Street Journal – a politically right leaning newspaper*

**The Nixon Pardon at 40: Ford Looks Better Than Ever**

Two essential benefits were the president's admission of guilt and the preservation of White House records. By **KEN GORMLEY** And **DAVID SHRIBMAN 9/4/2014**

When President Gerald Ford pardoned his disgraced predecessor, Richard Nixon, 40 years ago Monday, on Sept. 8, the nation was stunned. Now there's almost universal agreement that Ford was right.

Four decades later, the historical evidence is overwhelming that the pardon was not part of a deal relating to Nixon's resignation, as was alleged at the time—and that Ford was correct when he said from the Oval Office on Sept. 8, 1974, that the pardon would "not cause us to forget the evils of Watergate-type offenses or to forget the lessons we have learned."

Yet in the four decades since Ford's decision—"the right thing for the country," he steadfastly maintained until his death—several important elements of the pardon have been forgotten.

One is that by accepting the pardon, Nixon acknowledged his guilt in Watergate-related offenses, particularly obstruction of justice. During administration deliberations over the pardon, Ford's lawyers found precedent in the form of a 1915 case, *Burdick v. U.S*., which established that a presidential pardon carried what the *Burdick*ruling called "an imputation of guilt," and that the acceptance of such a pardon constitutes an admission of guilt.

President Ford dispatched a young lawyer, Benton Becker, to California to make sure Nixon knew this. He did. As Nixon lawyerHerbert "Jack" Miller disclosed at a Duquesne University program in 1999, Nixon initially tried to reject the pardon in an effort to avoid acknowledging his guilt in the Watergate affair.

When a frail, still-combative Nixon finally accepted the pardon at his compound in San Clemente, Calif., on Sept. 6, 1974, Ford was satisfied that he had extracted from Nixon what the nation wanted—and needed—most: a legal admission of wrongdoing. For years afterward, Ford, frustrated that the American public had never digested and given him credit for this accomplishment, carried around a scrap of paper in his wallet with the citation to the *Burdick*case.

Another forgotten effect of the pardon is its role in helping preserve American history. Some Americans believed at the time that historians would excoriate Gerald Ford for an act of perfidy. In fact historians may be the principal beneficiaries of the pardon, which was inextricably tied to Ford's efforts to keep Nixon's White House papers and tapes in government custody. Without Ford's insistence, at least some of these historical documents likely would have gone up in a smoky bonfire in California. Ford made sure that White House records of official business and renderings of executive-branch conversations would be accessible too.

As Nixon left office in August of 1974, thousands of boxes of presidential records and tapes were stacked up in the Executive Office Building, ready for shipment to him in California. Attorney General William Saxbe, a Nixon appointee, issued an opinion that the records and tapes were the personal property of the former president. White House chief of staff [Alexander Haig](http://topics.wsj.com/person/H/Alexander-Haig/5934), who had held the same position under Nixon, ordered that they be shipped to California.

Ford refused to allow the documents to leave the White House, fearing their destruction. He instructed Mr. Becker to secure a deed of gift from Nixon to keep these materials under the control of the government, while allowing Nixon free access to them. Ford's gambit succeeded. At the same time the pardon was negotiated, Nixon surrendered custody of the records and tapes. Congress later passed the Presidential Recordings and Materials Preservation Act of 1974 to keep Nixon's records and tapes in government custody, followed by the Presidential Records Act in 1978, safeguarding presidential papers for public use.

When Mr. Becker completed his work in San Clemente, the former president wanted to give him a gift—a presidential tie pin, perhaps, or a set of presidential cuff links. "But I don't have anything anymore," Nixon said, according to a written recollection Mr. Becker prepared the day after the pardon. "They took it all away from me. Everything I had is gone."

In the short term, Ford paid dearly for his courage. In early September 1974, with memories still fresh of Nixon flying away in a green helicopter to vanish into seclusion, Gallup found that 54% of the public opposed a pardon while just 38% supported one. The pardon may have been a factor—among many others, especially the economy—in Ford's loss to [Jimmy Carter](http://topics.wsj.com/person/C/Jimmy-Carter/5399) in the 1976 election.

But the Nixon pardon also prompted one of the swiftest and most decisive swings in public opinion in our national life. By the spring of 1986 the result was almost exactly the reverse, with Ford supported by 54%, with only 39% against. With the benefit of four decades' hindsight, it is now clear that Richard Nixon is not the only president to have been pardoned. In a gesture that is one part generosity and one part perspective, Americans seem to have pardoned Gerald Ford as well.

*Source: Mr. Gormley is dean of Duquesne University Law School and author of " Archibald Cox: Conscience of a Nation" (Addison-Wesley 1997). Mr. Shribman is executive editor of the Pittsburgh Post-Gazette. They are moderating a retrospective on the Ford pardon Monday afternoon at Duquesne University in Pittsburgh.*

*http://www.wsj.com/articles/ken-gormley-and-david-shribman-the-nixon-pardon-at-40-ford-looks-better-than-ever-1409955912*

**Document # 5 *NY TIMES* EDITORIAL - December 28, 2006**

Gerald R. Ford was an accidental president, his tenure brief, his legacy limited. Yet he was the right man summoned at the right time to begin the necessary process of healing a country exhausted by war abroad and scandal at home. Elevated to the nation’s top job when Richard Nixon was forced by threat of impeachment to resign, he was everything his predecessor was not — transparent and largely content with life as he found it. His many friends saw him as plain old “Jerry,” a get-along, go-along product of the House of Representatives whose self-assurance and modest ambitions perfectly suited a country that wanted little more than a few months’ rest.

Mr. Ford’s unplanned and largely unsought rise up the American political ladder was assisted not once but twice by scandal. In 1973, when Spiro Agnew resigned the vice presidency after a scandal unrelated to Watergate, Mr. Nixon sought advice from senior Congressional leaders about a replacement. The advice was unanimous. “We gave Nixon no choice but Ford,” House Speaker Carl Albert recalled later.

Which was fitting, because Mr. Ford was in essence a creature of Congress — more precisely, of the House of Representatives, a place of perpetual compromise that encourages neither the vision that sometimes attaches to the Senate nor the managerial skills that come with being a governor. Michigan voters elected Mr. Ford 13 times, and of his 25 years in the House, he served eight as minority leader. He saw himself as a negotiator and a reconciler, and the record shows it: he did not write a single piece of major legislation in his entire career.

As president, Mr. Ford would have had little room in which to pursue lofty ambitions even if he had them. Domestically, he was bedeviled by inflation and then recession, and his effort to cure both embroiled him in constant combat with his old friends in Congress. Abroad, he had his hands full maintaining American power and sustaining détente with the Soviet Union, in the aftermath of the collapse of Vietnam and Cambodia.

But he judged, correctly, that his primary mission was to quiet national passions inflamed by war and Watergate — to end, as he put it, “our long national nightmare” — and in so doing to restore a measure of respect to the presidency itself. To that end he made several small gestures largely forgotten now but symbolically important at the time. He announced that he would be lenient to draft resisters, he opened the White House to people on Mr. Nixon’s “enemies list,” and he crisscrossed the country endlessly, speaking to groups large and small in an effort to open up an office that Mr. Nixon had all but closed to public inspection.

Yet his wish to heal led him to do something that reopened the very wounds he was trying hard to close. On Sept. 8, 1974, barely 30 days into his presidency, Mr. Ford announced his decision to give Mr. Nixon a “full, free and absolute pardon.” The reaction was immediate, intense and largely negative. Mr. Ford had expected criticism, but not the outrage that erupted in Congress, in many newspapers and among the public at large.

This page (*NY Times*), for example, condemned the pardon as “a profoundly unwise, divisive and unjust act” that in a stroke had destroyed the new president’s “credibility as a man of judgment, candor and competence.” The critics’ fundamental point was that a nation in which the law applies equally to rich and poor, the meek and the powerful, cannot exempt anyone, least of all a president, from the requirements of justice.

History has been more sympathetic to Mr. Ford’s argument that to allow Mr. Nixon’s prosecution to go forward, perhaps all the way to a trial, would have been profoundly destabilizing to a nation that was already in shaky health. In 2001, the trustees of the John F. Kennedy Library honored Mr. Ford with its Profile in Courage Award for the decision, which Senator Edward Kennedy, a onetime critic, described as essential to the restoration of national unity. When Senate and House leaders bestowed on Mr. Ford and his wife, Betty, a Congressional Gold Medal in 1999, President Clinton — who had his own experiences with prosecutors — said the critics had been “caught up in the moment,” and that Mr. Ford’s decision had helped “keep the country together.”

Our own bottom line continues to be the same: that the nation is strong enough to endure almost anything but burying the truth. Still, Mr. Ford deserves to be remembered for more than the pardon. Marking the end of a national nightmare is no small thing.