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Judge rules Nixon led a 'rebellion'

Knight News Service

GRAND RAPIDS, Mich. — A federal judge here has ruled in a suit challenging the pardon of Richard Nixon that the former president was a "putative rebel leader" whose administration apparently was engaged in "an insurrection and rebellion against constitutional government itself."

Because Nixon and his aides were in rebellion and because Supreme Court decisions give the President vast leeway in handing out pardons, U.S. District Judge Noel Fox has ruled that President Ford's pardon of Nixon was constitutional.

The suit, filed by Marquette, Mich., attorney F. Gregory Murphy, asked that the pardon of the former president

be declared void and unconstitutional.

Judge Fox based his ruling, in part, on the Federalist No. 74, written by Alexander Hamilton in 1788 in support of the then-proposed Constitution.

Hamilton argued that a president's pardoning power should be unrestricted because "in seasons of insurrection or rebellion, there are often critical moments, when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth."

And, Fox ruled, the period from the Watergate burglary in June, 1972, until Nixon's resignation in August, 1974, was a "season of insurrection or rebellion by many actually in the government."