

8 Sep 74 ①

Nixon is pardoned by Ford. AMP - I, P, V, W, X

"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 Jan. 20, 1969 through Aug. 9, 1974." AMP - U

Arrangements for Ford's announcement were made in the strictest secrecy, and this being a Sunday morning, he reads his statement and proclamation before only a few reporters and apparently only one television camera; he looks grim. AMP - L

Evans and Novak (WXP 11 Sep 74) say that when Ford granted the pardon, "selected lawyers on and off the government payroll" were still in the process of "quietly preparing [by inference, had not yet completed] a study he had requested on legal and political ramifications of a Nixon pardon."

In his statement, giving his reasons for the pardon, Ford says, "It is common knowledge that serious allegations and accusations hang like a sword over our former President's head, threatening his health, as he tries to reshape his life" WXP (SFC 9 Sep): "The phrase 'threatening his health' was not included in the President's formal statement and was added as Mr. Ford read it" AMP - J, D

- Agreement on tapes and documents. (See WXP 9 Sep, Barbash.)

White House announces that an agreement has been negotiated between Nixon and the Ford administration which gives Nixon virtually complete control over access to Nixon's Presidential papers and tapes, which will be stored by the government near Nixon's San Clemente house for three years, for possible use in court cases. NYT (9 Sep) says the material "will be kept at a Government facility at Laguna Niguel, Calif., not far from Mr. Nixon's oceanside villa."

"The White House tapes are covered by special provisions. Mr. Nixon promises to leave them on deposit, intact, until Sept. 1, 1979. After that date, the administrator of the G.S.A. agrees to destroy any tapes that Mr. Nixon asks him to. All remaining tapes, the agreement specifies, 'shall be destroyed at the time of my death or on Sept. 1, 1984, whichever event shall first occur.'" (NYT 9 Sep, Apple.)

AMP - Q AMP - T, E

Cont'd

②

8 Sep 74 (2)

[from preceding page]

"The files will be maintained under a joint custody system, with two keys required to gain access to them. One key will be in Mr. Nixon's possession; officials of the [GSA] will have the other and duplicates of it. But the former President retains title to the materials." (NYT 9 Sep 74, Apple.) ^{AMP-A}

For analysis of the "extraordinary provisions" of this "astonishing legal document" see NYT 16 Sep 74, column by Anthony Lewis, who says, "By such provisions Mr. Nixon could achieve in disgrace what he could not in office - the frustration of the special prosecution force." Lewis discusses this angle and other ramifications of the agreement. "In sum, that agreement ... is about as even-handed as one negotiated between victor and vanquished - with the United States in the posture of vanquished." ^{-E}

- Nixon's response to pardon.

"Within 10 minutes after the Presidential pardon was announced in Washington" (NYT, 9 Sep, Holles) a statement by Nixon is released at San Clemente by Ziegler. Time magazine (16 Sep, filed 9 Sep) says the statement was read by a secretary, not even by Ziegler. The Nixons had left more than an hour earlier for the Palm Desert estate of Walter Annenberg, where Nixon "planned to play golf."

Nixon's statement contains no admission of guilt or expression of contrition, beyond his "regret and pain" over the "anguish" his "mistakes over Watergate have caused the nation and the presidency." Statement says Nixon now sees he was "wrong in not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the stage of judicial proceedings and grew from a political scandal into a national tragedy." ^{AMP-B, K}

"I know that many fair-minded people believe that my motivation and actions in the Watergate affair were intentionally self-serving and illegal. I now understand how my own mistakes and misjudgments have contributed to that belief and seemed to support it. This burden is the heaviest one of all to bear."

See clippings for details, texts, reaction etc.

See in particular columns by Anthony Lewis, ^{AMP-A} "The Damage Ford's Done" (NYT in SFC 9 Sep), and "Now You See It . . ." (NYT 16 Sep 74), which is on the tapes agreement.

8 Sep 74 (3)

TerHorst resigns in protest - Half an hour before Ford reads his statement on the pardon, terHorst tells him he intends to resign. TerHorst says later that he does not doubt Ford's motives, but "I still have my conscience to live with."

SFC 9 Sep 74 [AP]

AMP-C

"Jaworski Won't Challenge Pardon, Spokesman Says." The spokesman, John Barker, says in telephone interview that Jaworski accepts Ford's decision as being within his legal power. See entry under Misc Notes on Pardon, special prosecutor.

WXP quotes Jaworski as saying, "This is a matter that was decided upon by the President on his authority under the Constitution. It was something I didn't participate in."

NYT 9 Sep 74, John M. Crewdson

WXP 9 Sep 74, George Lardner Jr.

Unbiased jury - From Ford's statement: "I have been advised and am compelled to conclude that many months and perhaps years will have to pass before Richard Nixon could hope to obtain a fair trial by jury in any jurisdiction of the United States under governing decisions of the Supreme Court."

Anthony Lewis: "The Supreme Court has said that jurors trying a notable case need not be 'ignorant of the facts and issues involved.' Indeed, the court said, to exclude jurors as prejudiced merely because they had 'any preconceived notion as to guilt or innocence of an accused would be to establish an impossible standard. It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence.'"

SFC 9 Sep 74, Anthony Lewis [NYT]

Nixon-Ford, pardon - "Sources who agree on the reasons for Mr. Ford's decision (see entry, Nixon, emotional health) disagree about what was expected of Mr. Nixon in the way of acknowledgment. One source said that the Ford action was 'very unilateral' and would have been done even if Mr. Nixon had decided to remain silent. Another source said he understood that Mr. Nixon had agreed, through Ziegler, to issue a statement showing 'contrition' for what he had done. This source said also that Mr. Nixon had indicated he would

8 Sep 74 (E)

[from previous page]
not issue future statements protesting his innocence."
WXP 9 Sep 74, Lou Cannon

Nixon (emotional health) - "At least two friends of Mr. Nixon had communicated to President Ford [no date] their belief that the former President was so emotionally depressed that he would have been unable to withstand prolonged indecision. ^{AMP-} 'Thank God, if he was going to give him a pardon, he didn't _{S.7} wait,' one former aide of Mr. Nixon said [today]. Another person who had seen Mr. Nixon at San Clemente reportedly told the President that the situation was 'very bad and getting worse.' Cannon does not name these two Nixon friends, but elsewhere in his story the only names he uses in quotation are those of Robert H. Finch and Herbert G. Klein.

"After reaching [his decision to pardon Nixon] and receiving another report on Mr. Nixon's emotional state, President Ford decided to waste no more time." Cannon says Ford was influenced by his awareness "that political reaction was building in favor of prosecution of Mr. Nixon, a point dramatically confirmed by a Gallup Poll last week that showed 56 per cent of the American people thought Mr. Nixon should be tried, while only 37 per cent opposed such action."

WXP 9 Sep 74, Lou Cannon

Robert H. Finch }
Herbert G. Klein } See entry, Nixon (emotional health).

Pardon (discussion) - "According to Philip W. Buchen ... the information that Mr. Ford intended to issue the pardon had been communicated either to Mr. Nixon or to his staff last Thursday [5 Sep] when Benton Becker ... visited the San Clemente residence The prospective pardon also had been discussed with various Nixon aides and legal representatives. Reportedly, participants in one or more of these discussions included Buchen ... Ziegler ..., Buzhardt ..., Miller and ... Haig." (See entry 6 Sep, Tapes and papers - penult. para.)

WXP 9 Sep 74, Lou Cannon

Benton L. Becker - Background stories on Becker say he is under investigation by U.S. attorney's office "for what was described as tax evasion charges." Was at one time

8 Sep 74 (57)

[from previous page]

an Assistant Attorney General; in private practice represented Joel Kline and Eric Baer, defendants in a recent stock manipulation case (see story); he and Ford became acquainted when they worked on Ford's abortive impeachment case against Justice Douglas. "It turns out that Mr. Becker is also well connected to Mr. Nixon's lawyer, Herbert J. Miller. Both represented defendants in a case involving a Washington company that was found guilty of defrauding impoverished slum dwellers." - NYT.

Buchen says Becker is serving as a volunteer without pay in his work for Ford (as Ford-Nixon intermediary?), and will not be joining WH staff. Becker is 36 years old.

WXP 9 Sep 74, Richard M. Cohen

NYT 9 Sep 74, Philip Shabecoff

Miller-Becker - See entry, Benton L. Becker.

Nixon-Ford tape? - See AMP-L.

Watergate grand jury (reaction to pardon) - See CBS special report on pardon, which says some members of the grand jury "hit the ceiling."

CBS (TV) special report, 8 Sep 74, transcript

Nixon (subpoenas) - See entry 28 Aug 74, same heading, last sentence. See also entry 15 Aug 74, Ehrlichman subpoenas Nixon to testify, 9 Sep

Nixon (book) - Irving Lazar, literary agent, says in New York he has been authorized to negotiate sale of Nixon's book.

SFC 9 Sep 74 [AP]; also WXP [AP]

Haldeman legal defense fund - See entry 8 Aug 74, Haldeman defense fund

8 Sep 74 (6)

Pardon - legal definition.

New Columbia Encyclopedia, 1975:

pardon, in law, exemption from punishment for a criminal conviction granted by the grace of the executive of a government. A general pardon to a class of persons guilty of the same offense (e.g., insurrection) is an AMNESTY. A pardon (at least in the United States) absolutely terminates criminal liability, including any restrictions that result from a criminal conviction (though the pardoned person is not exonerated from the civil liability that his action may have incurred). A pardon is thus to be distinguished from alleviation of punishment (such as COMMUTATION OF SENTENCE, REPRIEVE, and PAROLE), which does not nullify the conviction and all of its effects. The Constitution of the United States gives the President power to grant reprieves and pardons for all Federal crimes, but he may not release a person from the effects of impeachment. In most of the states the governor has nearly the same power in respect to state crimes. Usually, the governor may not pardon those convicted of treason or criminal contempt of court.

[Complete, except for omission of definition in canon law.]

amnesty, in law, exemption from prosecution for criminal action. It signifies forgiveness and the forgetting of past actions. Amnesties are usually extended to a group of persons during a period of prolonged disorder or insurrection. The criminals are offered a promise of immunity from prosecution if they will abandon their unlawful activities. After a revolution or civil war the victorious side will often extend amnesty to the losers; e.g., the United States granted a qualified amnesty to the Confederate forces after the Civil War. An amnesty is distinguished from a PARDON, which is an act of forgiveness after the criminal has already been convicted.

[Complete.]

American Heritage Dictionary, 1969, 1970:

pardon. 2. Law. a. The exemption of a convicted person from the penalties of an offense or crime by the power of the executor of the laws. b. The official document or warrant declaring such an exemption.

8 Sep 74 (A) Misc. notes on pardon

Special prosecutor - Buchen, assigned by Ford to look into precedents for Presidential pardons, worked through the Labor Day weekend (Labor Day, 2 Sep) and then (no date) asked Jaworski how long a potential Nixon prosecution might take. "Jaworski replied that he felt it would be nine months to a year before the courts would feel that Nixon could get a fair trial. In fact, Jaworski's men had already decided to recommend a separate indictment for Nixon, perhaps keeping it under court seal to avoid prejudicial publicity Nixon's new attorney, Herbert J. Miller, had been consulting with Jaworski and his top aides and reached an alarming conclusion from their talks: that while Jaworski was assuming that Nixon would not spend any actual time behind bars, he was not prepared to make any Agnew-style deal of his own....

"Jaworski, who had not been consulted on the decision beyond Buchen's first question, wasn't told about it until two hours before the ... announcement. Through a spokesman, he said only that he 'accepts' Ford's decision. He had been known to want at least a delay in the announcement. 'All he asked,' said one source, 'was that a pardon be withheld until a jury in the Watergate cover-up trial could be sequestered. How could he go to trial with a jury aware that a possible principal in the conspiracy had already been pardoned?'"

....
"Nixon's pardon is not necessarily fatal to the prosecution, says one close observer, but the chance of convictions has faded - not least because of the near revolt the pardon touched off in Jaworski's shop. 'There may be no trial at all,' says one top hand. 'The only thing that can save it is for Leon to convince all of us that it is worthwhile to continue' " Earlier in the story Newsweek says, "Members of the special prosecutor's staff were threatening to resign - just as they had after the Saturday Night Massacre of last Oct. 20."

Newsweek 16 Sep 74 - filed 9 Sep 74

Grand jury - "The foreman of the Watergate grand jury that had named Nixon an unindicted co-conspirator broke the jury's secrecy to register a public protest. The reaction of his fellow jurors to the pardon, Vladimir Pregelj told Newsweek, 'ranged from idssatisfaction to outrage.'"

Newsweek 16 Sep 74, p. 20 - Filed 9 Sep 74
CBS-TV, special report, 8 Sep 74

(B)

8 Sep 74 (8) Misc. notes on pardon

"Wide Criminal Probe of Nixon Was Under Way Before Pardon." See story for list of other areas (tax fraud, bribery and extortion, etc.) in which Nixon could have faced federal prosecution, from which he is now protected by the pardon.

WXP 9 Sep 74, Timothy S. Robinson and John Hanrahan

"Sweeping Power to Pardon Has Firm Historical Basis" - On various aspects of the pardoning power, with use of other cases as examples.

WXP 9 Sep 74, John P. MacKenzie

- "The breadth of the [pardoning] power, in the opinion of legal scholars who favor [the view that it is almost without limitation], is based in large part on an 1866 decision by the Supreme Court, which held that the power 'extends to every offense known to the law,' and 'may be exercised at any time' after the commission of a criminal offense. Some constitutional authorities, such as Philip Kurland of the University of Chicago, expressed doubt today, however, about the constitutional 'sufficiency' of a pardon conferred in advance of conviction or even indictment. The language in the 1866 case, ex parte Garland, Mr. Kurland noted, was 'dicta' - opinions expressed by judges on points - not crucial to the issue at hand, and thus opinions that do not have the binding force of a formal adjudication." On the Garland case, see WXP 9 Sep 74, John P. MacKenzie.

NYT 9 Sep 74, John M. Crewdson

"Mr. Ford may, as he says, have 'the constitutional power to firmly shut and seal' the Watergate 'book.' But that does not mean that it was right for him to hastily slam the book shut before we could read it. That is what he did by rushing to prevent a judicial examination of Mr. Nixon's conduct, and by giving Mr. Nixon custody of the best evidence about Mr. Nixon's conduct. And whether or not it was Mr. Ford's intention, the effect of his precipitate action appears rather like the effect of what used to be called, in less polite times, a cover-up."

OVER

WXP 10 Sep 74, George F. Will

- See entry 16 Jun 75, Philip A. Lacovara - on Lacovara's opinion of the consequences of Ford's pardoning of Nixon.

(Misc notes on pardon) 3-3

future generations, when asked to believe that the system works, will be tempted to say that, yes, for the likes of Richard Nixon it works overtime."

NYT 10 Sep 74, Fred M. Hechinger

8 Sep 74 © Misc. notes on pardon

"American Presidents have such broad powers to grant pardons and reprieves that they may discriminate among citizens and are free to place conditions on clemency, the Supreme Court ruled [23 Dec 74]" The 6-to-3 ruling was in a military court-martial case involving Eisenhower.

The majority opinion, written by Chief Justice Burger, says, "This court has long read the Constitution as authorizing the President to deal with individual cases by granting conditional pardons "

WXP 24 Dec 74, John P. MacKenzie

SFC 24 Dec 74, [LATimes]

See Lloyd Shearer's article, "How Richard Nixon Chose Gerald Ford" - speculation by various named and unnamed legislators, correspondents, etc., most of whom stress Ford's loyalty to Nixon. Samples: "In my opinion Nixon fixed on Ford because he knew ... his loyalty was complete, and his gratitude would be endless." "Nixon knew well that Ford would show his gratitude when the time came. And Nixon was right."

Shearer: "None of the correspondents, legislators or government officials interviewed believe that [Nixon] exacted a promise of pardon from Gerald Ford in exchange for the Vice Presidency. ~~[The early]~~ Some suggested that Nixon judged Ford's loyalty correctly, that he knew 'in his bones' that Ford would come across with a pardon. Some veteran politicians and newsmen suggest that Nixon may have erred in choosing Gerald Ford as his successor - that is, as regards the nation's need for leadership in a time of economic crisis - but all agree to a man that Nixon was right on the mark in choosing Gerald Ford as his personal saviour."

WXP 12 Jan 75, Lloyd Shearer

William T. Coleman - See entry 7 Aug 74, same heading, on suggestions by Coleman to induce Nixon to resign; these resemble provisions of pardon given today.

Public reaction to pardon, as indicated by White House mail - see entry 29 Mar 75, Nixon (pardon).

- See also WXP 18 Aug 75, article by George Gallup, who says the public disapproved of the pardon by a 2-to-1 margin, causing Ford's approval rating to drop to 50 per cent, from a high vote of confidence when he took office of 71 per cent. (D)
Filed Ford Ad. AMP - R

8 Sep 74 (D) Misc. notes on pardon

U.S. District Judge Noel Fox, Grand Rapids, rules that Nixon pardon is constitutional, basing this in part on his opinion that Nixon was a "putative rebel leader" whose administration apparently was engaged in "an insurrection and rebellion against constitutional government itself." See entry 30 Mar 75 for his reasoning.

"Ford is preparing himself little by little for his bid for a full term in the White House. His aides now are saying he decided to pardon his predecessor Richard M. Nixon only one month after he took office himself so that he would not have to run against the Nixon legacy in 1976."

SFEx 22 Jun 75 [UPI]

Consequences of pardon - For comment by Anthony Lewis, written for 1975 anniversary, see entry 8 Sep 75, "The Pardoner's Tale."

Alger Hiss - See entry 10 Sep 75, Alger Hiss, third paragraph.

Ford, during Senate confirmation hearings into his nomination as Vice President, was asked, "If a President resigns his office before his term expired, would his successor have the power to prevent or to terminate any investigation or criminal prosecution against the former President?" In answer, Ford said, "I do not think the public would stand for it." As this was reported by NYT, the word "pardon" was not used, but the meaning seems clear. ^{AMP-H} AMP-F

NYT 10 Aug 74, p. 1, Lesley Oelsner

"The President always has the absolute last word by virtue of his constitutional power to grant reprieves, which reduce sentences, and pardons. The only exception to this is in cases of impeachment." ^{AMP-P}

WXP 6 May 73, Rufus King (WX lawyer and writer on criminal law)

Resolutions of Inquiry - See entries, same heading, 16 Sep 74, on Abzug resolution, and 17 Sep 74, on Conyers resolution.

8 Sep 74 (E) Misc. notes on pardon

The report of the Watergate Special Prosecution Force is made public 15 Oct 75.

"The report disclosed that the Nixon pardon 'generated extensive discussion and legal research' by the prosecutor's office to examine the possibility that it was invalid, having preceded a formal indictment, or amounted to illegal interference with the special prosecutor's mandate to decide for himself whom to prosecute. Mr. Jaworski decided, however, not to challenge the legality of the pardon on the ground that the Presidential pardoning power was probably not subordinate to the prosecutor's mandate, and that to test that issue in [court] 'would constitute a spurious proceeding.'"

NYT 16 Oct 75, John M. Crewdson

See entry 19 Oct 75 for special prosecutor Henry Ruth's opinion of the pardon.

For Ford's own account of the circumstances ~~of~~ involved in the Nixon pardon, see

Transcript, Ford's testimony 17 Oct 74 before House/^{Judiciary} subcommittee (NYT 18 Oct 74, p. 18-20)

NYT 18 Oct 74, David E. Rosenbaum
Congressional Quarterly (Watergate) p. 807-808

SFC editorial points out that "a 1915 Supreme Court decision [holds] that a pardon 'carries an imputation of guilt' and acceptance of a pardon constitutes 'a confession.'"

SFC 10 Sep 75, Editorial

"Ford Disputed on Events Preceding Nixon Pardon," by Bob Woodward and Carl Bernstein.

WXP 18 Dec 75

"The Man Who Pardoned Nixon," by Clark Mollenhoff; St. Martin's Press, New York, Mar [?] 76. Reviewed by John Barkham, SFC 9 Jul 76.

Reviewed (SFC 1 Aug 76) by Michael Harris, ~~whosays~~
~~Mollenhoff's~~ ~~and~~ ~~himself~~ ~~expressing~~ ~~the~~ ~~new~~ ~~President's~~

See entry 13 Aug 74, Nixon pardon.

This book is in the file.

(F)

8 Sep ~~76~~⁷⁴ (F) Misc. notes on pardon

Article defending Ford's pardon of Nixon by Roger W. Hooker Jr. (Assistant Secretary of Transportation for Congressional and Intergovernmental Affairs) - See entry 19 Aug 76, Pardon.

Sen. Walter Mondale, Democratic vice presidential candidate, in a speech 5 Oct 76 to University of Missouri's law school, says of the Nixon pardon that "No act more perpetuated Nixon's own dangerous doctrine that a president is somehow above the law."

SFC 6 Oct 76 [UPI] See also WXP 6 Oct 76

Patman Committee - See article by Jules Witcover, on denial by Ford at his confirmation hearings that he acted at Nixon White House direction when he helped to end investigation by Patman committee. See entry 3 Oct 72, Patman committee. AMP-2

WXP 5 Oct 76, Jules Witcover

Pardon before conviction - "A pardon before conviction, while accepted in law, is also unusual. In a Sept. 8 press conference, White House counsel Philip W. Buchen cited 21 such instances in American history" Item lists many of these.

Congressional Quarterly, Watergate, p. 793

"Pardons: A Glossary" - Definition of pardon, clemency, etc.

Congressional Quarterly, Watergate, p. 793

Nixon and Ford meet six times during week ending Saturday, 13 Jul 74. See entry 13 Jul 74, Ford (Nixon).

(8 Sep 74) AMP (1)

(A) - "Two keys will be necessary to open the building in which the materials will be stored, according to the agreement. Nixon stipulated that he alone shall possess both of them. The Archivist of the United States will hold only one key, which will not be sufficient for access." ^{AMP-D}
This is from a story by Fred Barbash on provisions of the agreement, as given in a letter from Nixon, 6 Sep 74, to Arthur F. Sampson, administrator of the GSA. Barbash gives quotations from the letter in several places in his story but not in this particular passage. Story says the letter of agreement was released today but WXP does not carry the text, nor does ~~WXP~~ (in available editions of each). Have not seen text in papers following today's. ^{AMP-E}
See story for other conditions specified by Nixon.
WXP 9 Sep 74, Fred Barbash, p. 18

(B) - "Mr. Buchen did not extract from Mr. Nixon as terms of the pardon any serious acknowledgement of wrongdoing. On the contrary, the statement issued by Mr. Nixon in San Clemente merely gives the impression that he may have been a shade underzealous in running down the Watergate burglary - not that he was part and parcel of the conspiracy."
WXP 10 Sep 74, Joseph Kraft

(C) - See story on terHorst and his resignation by Mike Blackman, ⁱⁿ The Quill, Oct 74.
of agreement

(D) - From text: "... all of the Materials shall be placed within secure storage ~~agreas~~ to which access can be gained only by use of two keys. One key, essential for access, shall be given to me [Nixon] alone as Gustodian of the Materials. The other key may be duplicated and entrusted by you [Sampson] to the Archivist of the United States or to members of his staff." This seems to mean a set of two keys, A (essential for access) and B, both necessary for access, which will be retained by Nixon; another key, B, to be given to Sampson.

Text of Nixon-Sampson agreement, released by WH
8 Sep 74 - paragraph numbered 6.

(E) - Text of agreement, and legal opinion by Saxbe, filed under today's date.

AMP-(2)

(8 Sep 74) AMP ②

Ⓕ - Ford nomination hearings: entry 1 Nov 73.

Ⓖ - See entry 9 Sep 74, Pardon.

Ⓕ - Clifton Daniel points out that Ford's answer refers to the power to prevent a criminal investigation or prosecution.

NYT 29 Aug 74

Ⓖ - 11:04 a.m. EDT .
SFC 9 Sep 74 [WXP]

Ⓖ - See entry 9 Sep 74, Nixon (physical and emotional state), on Rebozo and Abplanalp.

Ⓖ - "Mr. Nixon pointedly confessed only that he made 'mistakes and misjudgments.' Thus, Mr. Nixon admits nothing. 'Mistakes and misjudgments' are, after all, not impeachable offenses. Moreover his actions, in his view, were not even real mistakes and misjudgments. They merely contributed, Mr. Nixon took pains to stress, to the 'belief' on the part of 'many fair-minded people' - note the adherence to the Nixon tactic of implying a slur but wrapping it in magnanimity - that 'my motivation - and actions in the Watergate affair were intentionally self-serving and illegal.'

"It was President Ford who said that he was trying to do the right thing on behalf of his predecessor 'and his loyal wife and family.' Mr. Nixon, by contrast, said that he was accepting the pardon in the hope that President Ford's compassionate act will contribute to lifting the burden of Watergate from our country.' The words are clearly intended to sound as if an innocent bystander applauded a kindness done, not to him, but to the American people."

NYT 10 Sep 74, Fred M. Hechinger

Ⓖ - See entry 9 Sep 74, Nixon (suicide?).

(8 Sep 74) AMP ③

①- From two columns by Charles McCabe, on the subject of the pardon:

"How did all this square with Mr. Ford's first press conference on August 28? Here he did not rule out the possibility of a pardon but added:

"There have been no charges made, there has been no action by the courts, there has been no action by any jury, and until any legal process has been undertaken, I think it unwise and untimely for me to make any commitment.'

"What could have happened to effect this hasty, foolish and irrevocable action? This was the final Watergate outrage, the ultimate cover-up....

"When I heard Mr. Ford's pardon speech ..., and watched his grim stance before the television cameras, he looked to me like a man with a gun pointed to his back....

"What happened between Mr. Ford's measured statement at his first press conference and his act of folly on September 8? My theory, for what it is worth, is that Mr. Nixon left office with a taped conversation in which Mr. Ford agreed to pardon him fully. AMP - M

"When Mr. Ford indicated that he favored a measured approach to the pardon issue, there was panic in San Clemente. One way or another, word of the incriminating tape was gotten to Mr. Ford with some form of heavy threat from Mr. Nixon. Hence, the frenzied action which swept Mr. Nixon's guilt under the rug for all time.

"If Mr. Nixon elicited a promise of total pardon from Mr. Ford before he resigned, there was only one real way he could enforce that promise. He would have to confront Mr. Ford, after Mr. Ford had taken office as President, with a tape which would unmistakably show that the promise had been made. Such knowledge would have been catastrophic to the Ford presidency....

"It is possible, of course, that Mr. Ford never made that promise of an unconditional, predated pardon. It is possible that he is merely the party hack he seemed to be for so many years in the House... Maybe Mr. Ford pardoned Mr. Nixon simply because he was a crony and a Republican.

"Maybe, but I don't buy it. The gap between what Mr. Ford said about pardons at his first press conference - that ~~there~~ they would be considered only after there had

(8 Sep 74) AMP (4)

[from preceding page]

been action against Mr. Nixon by courts and by juries - and his precipitate whitewash of his predecessor a scant two weeks later, is too much to take.

"Gerald Ford was made somehow to see the light. The gun was pointed to his back. And Watergate, which could have ended in the courts, albeit painfully for all concerned, will continue to trouble our minds forever."

SFC 25 Sep 74, Charles McCabe

SFC 26 Sep 74, Charles McCabe

- Nixon-Stone-Ford? See entries 2, 7 Sep, W. Clement Stone; entries under various headings between those dates.

Ford, in testimony 17 Oct 74 before House Subcommittee on Criminal Justice, says it was "shortly [after]" his press conference 28 Aug 74 that he asked his legal counsel for advice on his right of pardon. See entry 28 Aug 74, Nixon (pardon?)

(M) - See entry 15 Sep 74, Pardon.

(N) - Summarized today - see Misc. notes on pardon, B, page 2.
AMP-T

(O) - See entry 9 Sep 74, Nixon (suicide?).

(P) - U.S. Constitution, Sect. 2 - "The president ... shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment." AMP-U

Was the pardon made possible because there was no formal impeachment of Nixon by the House? The House had been scheduled to begin consideration of impeachment 19 Aug 74 (entry 1 Aug 74); on 20 Aug simply accepted HJC report and made it a part of its official record, "ending" the impeachment inquiry (entry 20 Aug 74). AMP-V

(Q) - "Arthur Sampson says [no date] he was called in to sign the [agreement] at the White House the night before it was made public."

The Quill, Jul/Aug 75, Lyle Denniston, p. 29

(R) - See entry 28 Aug 74, Nixon (subpoenas), last sentence.

8 Sep 74 AMP (5)

- (R) - See entry, Nixon (emotional health), last sentence.
- (S) - Description of memo drafted 27 Aug 74 by Leonard Garment:
"The memo according to sources, indicated that Nixon's mental and physical condition could not withstand the continued threat of criminal prosecution. It implied that, unless he was pardoned, Nixon might take his own life, the sources said."
WXP 18 Dec 75, Woodward and Bernstein
- (T) - For summary of agreement, see Congressional Quarterly, Watergate Chronology, p. 794 (box).
- (U) - See entry, Pardon - legal definition (this date, page (6)).
- (V) - UPI, 17 Dec 75 (NYT): "Although the objective of the impeachment inquiry was to determine whether there were grounds for the removal of Mr. Nixon from office, there was discussion even after he resigned of continuing the proceedings to establish the case against him. There was precedent for impeaching an official who had resigned." From entry 7 Aug 74, Impeachment (HJC-Nixon deal?).
No instance of such a precedent is given, but assuming it to be a fact, does Ford's pardon of Nixon foreclose the possibility that impeachment proceedings might be re-activated? Rodino said 14 Aug 74 that the final report of the House Judiciary Committee would be submitted to the House, and that it would then "lie dormant."
- (W) - See entry 28 Aug 74, Ford is asked
Entry includes text of Ford's answer to question on whether he would use his pardon authority.
- (X) - " ... the singlehanded decision of the unelected Gerald Ford to pardon the unprosecuted Mr. Nixon ... "
NYT 24 Aug 76, Tom Wicker
- (Y) - See entry 7 Sep 74, W. Clement Stone ...
- (Z) - On request by Reps. John Conyers and Elizabeth Holtzman that Watergate Special Prosecutor investigate

8 Sep 76 AMP (6)

[from previous page]
Ford's part in shutting off Patman Committee's investigation,
see clippings beginning 12 Oct 76. See Jack Anderson
21 Oct 76.