



THE WHITE HOUSE
HISTORICAL ASSOCIATION

CLASSROOM | 9-12 Lessons :

WATERGATE, GERALD FORD AND THE NIXON PARDON



The Watergate Hotel, site of the burglary that would lead to the resignation of Richard Nixon. National Archives

He seemed a contented man. House Minority Leader Gerald R. Ford, had his niche. He had served twelve terms as a congressman, never receiving less than 60 percent of the vote from his constituents back in Grand Rapids, Michigan. Ford did not hunger to be president of the United States. As he once said, “When I first ran for the Congress I had an ambition to be a good legislator, and when I got to Washington as a member of the House . . . to be a very good legislator.”¹ One last ambition, a chance to be Speaker of the House toward the end of his career, was thwarted when the Republicans didn’t win a majority in the House. Nevertheless, he believed he had served his home district well, and, as he told his wife Betty, he would retire from a very satisfying public career by January 1977. Yet a chain of political events was about to take his life in a direction he could never have imagined.

Unbeknownst to Ford, the first link in the chain was the infamous Watergate break-in. Early on the morning of June 17, 1972, five Cubans were caught in a burglary at the Democratic National Committee headquarters at the Watergate office complex in Washington; two others had been arrested not long afterwards and charged with supervising the break-in. At first it seemed “penny-ante,” but when two reporters from the Washington Post began to investigate they discovered that among those involved in the burglary were former employees of the Committee to Re-Elect the President (soon popularly called CREEP). At least one of them worked in the White House itself. In addition, they had been paid for the break-in from a secret fund of the reelection committee, controlled by staff members at the White House.

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Public interest in the disclosures was not great in the beginning, and few questioned President Richard M. Nixon when he said that neither he nor his staff had anything to do with “this very bizarre incident.”² Nixon sailed through his bid for re-election. His opponent, Democrat George McGovern, won the electoral votes of only Massachusetts and the District of Columbia.

The White House Connection

Early in 1973, however, the Watergate burglars went on trial, and under unyielding prodding from federal judge John Sirica, one of the defendants, James W. McCord, agreed to cooperate with both the grand jury and a special Senate investigating committee.³ McCord’s testimony resulted in a torrent of admissions, and for months a procession of White House and campaign officials exposed questionable or illegal actions. One of those was a member of the president’s inner circle, White House counsel John Dean. Dean leveled charges against President Nixon himself. It seemed clear that there had been abuses of power involving both the White House staff and the Nixon campaign committee. There were the White House “plumbers,” under the direction of John Ehrlichman, whose mission had been to investigate and harass political opponents through illegal wiretaps, intercepted mail, and burglaries.⁴ Illegal campaign contributions had been “laundered” in Mexico and used to support a variety of “dirty tricks” against Democratic presidential candidates and to pay for other activities aimed at sabotaging the campaigns of Nixon’s opponents. Then there was the Watergate break-in itself. Part of a million dollar security and intelligence-gathering plan called Operation Gemstone, some claimed it had been initiated by Dean, while others placed the blame on Attorney General John Mitchell.⁵ Though it seemed clear that Nixon neither planned nor approved the burglary in advance, there was more and more evidence that he had been involved to some degree in a cover-up, although after the fact.

“No Contest”

Meanwhile, Nixon’s vice president, Spiro Agnew, had his own problems. He was accused of having accepted bribes and kickbacks while governor of Maryland. In exchange for an agreement on the part of the Justice Department not to further prosecute the case, he plea-bargained, admitting “nolo contendere” (no contest) to a lesser charge. Shortly thereafter, he resigned.⁶ Gerald Ford explained how he heard about the decision that would change his life. About two days before the Agnew story broke, Nixon invited him to come down to the Executive Office Building for a talk. He had known Nixon since January 1949, when Nixon, then a congressman, had welcomed him as a “freshman” representative from Grand Rapids to the House. Now, during a ninety-minute conversation, they reminisced about their long friendship, mutual friends, and goals they’d shared within their party over the years. Ford got a phone call telling him to get back to the House floor for a roll-call vote. As he arrived, two of his House colleagues grabbed him by the arm and said, “Agnew’s resigning!” Then Ford understood the timeliness of his visit to the president. Nixon was considering him as the next vice president.⁷ With an overflow crowd of cabinet members, the leaders and committee powers of Congress, White House staff, and prime-time television networks, Nixon nominated Gerald R. Ford as vice president of the United States at the White House on October 12, 1973. Ford was the first person to be nominated under the Twenty-Fifth Amendment, ratified in 1967, which, among other things, provided for filling vacancies in the vice presidency. After a reception at the White House, the Fords left for their home across the Potomac River in Alexandria, Virginia—under guard by the Secret Service for the first time.



The Saturday Night Massacre

Meanwhile, the White House scandal became even more heated. Alexander Butterfield, a White House staffer, offered Senate Watergate Committee investigators an important piece of information. There was a tape-recording device in all four offices the president used, including the White House Oval Office. Almost every conversation between the president and his staff that had taken place during the time after the Watergate break-in had been recorded! ⁸ All those investigating the scandals wanted to listen to the tapes, but Nixon refused, saying that action would compromise his right to the confidentiality of conversations in his office, a claim known as “executive privilege.” When the Justice Department’s special prosecutor, Archibald Cox, went to court to force the evidence, Nixon ordered his attorney general, Elliot Richardson, to fire Cox. Richardson refused to do so, and resigned in protest; the deputy attorney general refused as well, and was dismissed before he could resign. Finally, another official in the Justice Department, Robert Bork, agreed to carry out the firing. The so-called Saturday Night Massacre released a fire storm of protest, with nearly a half million telegrams bombarding the White House in one week. Furthermore, when Speaker Carl Albert called the House of Representatives to order on the Tuesday morning after the firings, a score of them were waiting in line to introduce resolutions of impeachment of the president of the United States. Under the hail of public protest, Nixon yielded nine tapes.⁹

Setting New Precedents

As the House and Senate prepared the confirmation hearings that would make Gerald Ford vice president, they understood that they had an awesome responsibility in front of them. According to the Twenty-Fifth Amendment, the appointment had to be confirmed by a majority of both Houses. Members of confirmation committees on both sides of the Congress knew they were establishing precedents. For the first time in the history of the republic, a vice president of the United States would be confirmed by the 535 members of the U.S. Congress, not the vote of the Electoral College, whose decisions reflected the popular election. In a sense, Congress had been asked to act as the Electoral College. In letting his committee know the import of the task, the chairman of the Senate Committee on Rules and Administration, Howard Cannon said, “It is for the members of this committee to establish a precedent—a solid, Constitutional precedent—by pursuing an orderly, logical, thorough, and honest inquiry into the nominee’s qualifications.”¹⁰

In the politically charged environment of Watergate and the Agnew scandal, Gerald Ford, too, wanted Congress to have no doubts about his qualifications. He told his advisors, “Hold nothing back,” and, according to historian James Cannon, “directed his lawyer, his accountant, his banker, his doctor, his peers in the House, his personal friends, and his brothers to put everything on the record.”¹¹ At the end of the investigation, the FBI had interviewed more than a thousand people, producing a report of 1,700 single-spaced pages. In accepting their responsibility for choosing someone for the vice presidency, the congressional committee members collected more information about a public official than had ever been known about any person in or out of American public office.¹² Ford was confirmed. Even then, many on Capitol Hill understood that they had chosen not only the vice president, but perhaps the future president as well. On December 6, 1973, Ford took the oath of office in the House chamber, using a Bible given to him by his oldest son, while his wife looked on.



An Accelerating Crisis

By early 1974, the Watergate crisis had come to a full boil. In April, a federal grand jury indicted Nixon's former attorney general, John Mitchell, along with the president's top aides, John Ehrlichman, and H. R. Haldeman, plus others in high positions in the Nixon administration. Nixon himself was named as a "co-conspirator." Then both the House Judiciary Committee and the new federal prosecutor, Leon Jaworski, subpoenaed more tapes. In an effort to head off still more subpoenas, the president released a 1,308-page transcript of certain edited tapes, saying these tapes proved his innocence. The reaction seemed worse than had come after the Saturday Night Massacre. Even with many expletives deleted, the public was stunned at the "insider" view the tapes revealed. The writers of *The National Experience* declared that the tapes displayed Nixon as a profane man, seemingly "mean-spirited, and amoral."¹³ The furor over the release of the tapes nearly eclipsed an announcement by the president's senior defense lawyer, James D. St. Clair, that Nixon would not hand over the tapes and documents that Judge Sirica had subpoenaed.¹⁴ The president appealed this subpoena, eventually to the Supreme Court, saying it was within his power as president to withhold the tapes. The demand for Nixon's impeachment rose to a new level.

A Smoking Gun

In July the Supreme Court ruled unanimously, in the *United States v. Richard M. Nixon*, that the president had to relinquish all of the White House tapes—sixty-four in all—to the special prosecutor. Nixon's attorneys advised him that if he didn't give over the tapes, any support he had in Congress would be gone; impeachment would be assured. Nixon knew that impeachment most likely was assured anyway. For unlike his attorneys, the president knew exactly what the tapes would reveal, especially one from a June 23, 1972, meeting, only six days after the Watergate break-in. He knew that when the prosecutor heard that tape, the one in which he agreed to use the Central Intelligence Agency to stop the Federal Bureau of Investigation probe of the Watergate break-in, he would be clearly implicated in the cover up. Nixon asked his legal counsel to listen to that tape, and assess its legal implications. When Nixon's attorney, Fred Buzhardt, heard the tape, he called Alexander Haig, the president's chief of staff, and said, "Well, we've found the smoking pistol!"¹⁵ Still another of the president's defense attorneys, James St. Clair, read a transcript of the tape. When Haig called St. Clair and asked him how damaging it was to Nixon, he answered in one word, "Fatal."¹⁶

A few days after the Supreme Court decision, after weeks of hearings, the House Judiciary Committee voted three articles of impeachment, charging Nixon with obstruction of justice in the Watergate case, with violating the rights of certain citizens with regard to the administration of justice, and with unconstitutionally denying the Committee's subpoenas.

Get Ready for A Change

Since Gerald Ford had become vice president, he had walked a very uncomfortable line. In private he disagreed with some of the actions that he knew had been taken by the Nixon White House. Ford believed that Nixon had always been truthful with him, and Nixon had denied any wrongdoing in this matter. For a while Ford simply thought the president was getting some very bad advice. Though as time went by, he had more and more suspicions

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that Nixon was involved in the Watergate cover up, he still held onto the idea that legal and congressional processes would make the judgment. Furthermore, as he said, “It was a very narrow path for nine months. If I was critical of Nixon, the press and the public would have said, well, he was trying to undercut Nixon so he will get the job. On the other hand, if I stayed too loyal it might appear that I was supporting somebody who was involved in this very unwise action. . . . It was not a pleasant experience.”¹⁷

“Be ready for a change in your life.” That was Alexander Haig’s advice to Gerald Ford on August 1, when he talked with him the first time about the “smoking gun.” He outlined what White House lawyers saw as the president’s options in the wake of the damaging tapes, mentioning, for example, that Nixon could actually pardon himself and resign. Then, as Ford remembered it, “Finally, Haig said that according to some on Nixon’s White House staff, Nixon could agree to leave in return for an agreement that the new president—Gerald Ford—would pardon him.” Ford listened to all of the suggested options, including that one, but as he said, “I did not urge Haig to do anything to get Nixon to resign. That was his choice.”¹⁸ Perhaps it was, but Ford’s close personal advisor, Bryce Harlow, told the vice president that if he became president, “There must not be any cause for anyone to cry ‘deal’ if you have to make that decision [a pardon], or any mystery about your position now that you know what Haig . . . [has] told you.”¹⁹ Harlow’s reasoning weighed on Ford. Thinking back on his conversations with Haig, and the implications suggested by other advisors as well as Harlow, Ford decided he needed to clarify with Nixon’s chief of staff exactly what his position was. The next day, he called Haig at the White House. To be sure his message would be clear, he had written it out, and read it to the chief of staff over the phone: “I want you to understand that I have no intention of recommending what the president should do about resigning or not resigning, and that nothing we talked about yesterday afternoon should be given any consideration in whatever decision the president may wish to make.” Haig’s reply: “You’re absolutely right.”²⁰

At 4:00 p.m. on August 5, 1974, the White House released the transcript of the June 23 tape, along with a 1,000-word statement by Nixon attempting to justify his actions in the Watergate cover-up. Despite the explanation, Nixon understood that once the transcript became public, he could not escape the anger throughout the land. Moreover, an important Republican leader, Senator Barry Goldwater, had given him the count. In the Senate, Nixon had just six senators who would vote against an impeachment conviction. As Goldwater said, “It’s finished.” On the morning of August 6, Nixon met with his cabinet, and in an atmosphere that seemed surreal, tried to conduct business as usual. George Bush, in attendance as the chairman of the Republican National Committee, could not bear to hear a mundane discussion of inflation problems continue, as if it were a normal meeting. Raising his hand, he stated bluntly, “Mr. President, you have to resign.”²¹ It hit like a ton of bricks.



The Nixons depart the White House, August 9, 1974 Gerald Ford sees them off. National Archives



Transitions

By mid-afternoon, Tuesday, August 6, 1974, President Nixon had made the decision that he would resign. At 3:30 p.m. he picked up a yellow legal pad and wrote “Resignation Speech” on top, then made several pages of notes to give his speechwriter, who would draft his final speech.²² That Thursday, August 8, Ford was summoned to the White House to see the president. When Ford was seated, he recalled that Nixon came right to the point, “I have made a decision to resign. It’s in the best interest of the country. I won’t go into the pros and cons of it, I’ve made my decision.” Ford related that he told the president he was ready to do the job, and Nixon agreed. After that, according to Ford, the president relaxed, and talked about the problems Ford would face in economic and foreign affairs, mentioning nothing about Watergate or the possibility of a pardon. Nixon made practical suggestions, including reminding Ford that he would be nominating a vice president. “It’s your choice,” he had told him, but mentioned Nelson Rockefeller as “a good man.”²³

Then Nixon switched the conversation to the protocol of transitions, even this one. He had a plan well in mind. He and his family would go to the East Room to say good-bye to the staff and the cabinet. After that, they would walk directly through the diplomatic entrance of the White House to the helicopter. From Andrews Air Force Base they would fly in Air Force One for San Clemente, their home. Nixon suggested that the Fords walk with them to the helicopter. The president wanted to know where Ford planned to be sworn in. Ford said he had decided not to go to Capitol Hill—it might seem too much like a celebration. Nixon told him he could be sworn in at the White House. “I’ll be gone before noon,” he said.²⁴

At 12:03 p.m. on August 9, 1974, in the East Room of the White House, Gerald R. Ford took the oath of office as president. His remarks reflected his understanding of how he came to be president: “I am acutely aware that you have not elected me as your President by your ballots, and so I ask you to confirm me as your President with your prayers.” Another memorable line from the speech expressed his hope for the country: “My fellow Americans, our long national nightmare is over.”²⁵ President Ford’s task was straightforward: he had to relieve the anger and anxiety in the country and to give Americans a sense that a decent, respectable person was in the White House. For almost a month he did just that. There was an almost palpable sigh of relief, with Ford’s approval rating reaching 70 percent. Complying with the Twenty-Fifth Amendment, Ford nominated New York governor, Nelson Rockefeller, for vice president. For the first time in history both the president and vice president had come to office and power not like all other predecessors, through election, but through appointment and confirmation. Most people seemed able to accept that unusual circumstance of the Ford administration. Yet when he made the decision to pardon Nixon, it would be a different matter.





THE WHITE HOUSE
WASHINGTON

August 9, 1974

Dear Mr. Secretary:

I hereby resign the Office of President of the
United States.

Sincerely,

The Honorable Henry A. Kissinger
The Secretary of State
Washington, D. C. 20520

11.35 A 17

Richard Nixon's resignation letter





*Gerald R. Ford is sworn in as president.
Gerald R. Ford Library*



*Gerald R. Ford pardons Richard Nixon. Ger-
ald R. Ford Library*

Fall-Out

Thirty days after President Ford took office, on Sunday, September 8, he gave Richard Nixon and “full, free, and absolute pardon for all Watergate crimes.” When Ford had broached the subject with his staff only a week or so before, he had described his rationale: “The degrading spectacle of a former President in a prisoner’s dock’; the near impossibility of finding an open-minded jury anywhere in the country; the press stories about every step in the process that would revive ‘the whole rotten mess of Watergate.’” Even if Nixon was tried, in the end, he might be found innocent; or even if not, perhaps a future president would pardon him after all the tumult.²⁶ Ford defended his pardon decision vigorously, especially accusations that he had made a “deal” for the presidency, even appearing before a congressional committee to explain it. Yet his action caused a decline in his initial popularity from which he never fully recovered. Ford made a bid for the presidency in his own right in 1976, but was defeated in a close election with Jimmy Carter. In the wake of the Watergate scandal, Carter presented himself as an outsider “who had not been involved in any way with Washington.” The republic dusted itself off, and took a new direction.

