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9/18/74

THE WHITE HOUSE  
WASHINGTON

Phil/  
Very fine.  
Have Melba  
write thanks to Duncan's  
comments.

THE WHITE HOUSE  
WASHINGTON

Dear Jerry:

Here is unedited  
and uncorrected  
transcript of that  
portion of Duncan's  
service (omitting  
only the first 5 pages  
of Scriptural readings)  
which covers his sermon  
on the rightness of your  
pardon action.

I trust you would read  
it as a beautiful support  
of your decision. Phil

I want first of all to state the prejudicial position from which I speak to you this morning. I have been a citizen of this country now for almost 40 years and because I adopted the country and came with eager anticipation I have had a really very deep and abiding faith and satisfaction in the traditions -- the glory of our history. I am so deeply appreciative of what kind of place this is -- the freedom that it offers -- the hope that it offers to the world. I am as idealistic about that as I was as a child and as a youth.

In all those forty years I have had three persons that I thought violated the ideals and the traditions, the hopes, the quality of this country as I understood it. That's my personal judgment and I have stated it a number of times. I hold no opinions that I sooner or later do not discuss publicly. So many of you have been aware for many, many years that I have considered Richard Nixon as a basic enemy of the ideals and the hopes of America. I put him along with Senator McCarthy and Edgar Hoover. I know that this opinion was not shared by very many -- not until McCarthy had run his course did the evil and wickedness of his approach and destructiveness become apparent. I didn't have to wait for Watergate. It was nothing that I really found difficult to believe so I express my prejudice against the man Richard Nixon, longstanding, perhaps why I am not quite as angry as some of you are. Secondly, I want to say that I have been here in Grand Rapids all the years of Gerald Ford's public life. I have seldom ever agreed with

any of his positions or votes. That, too, is clear to you. I am not prejudicially disposed in his favor. I have had to fight him over and over again. But I do want to say that I am shocked and outraged by the terrible allegations and suspicions of motivation that have been raised in our own community this past week in description to his act in pardoning President Nixon.

You may agree or disagree with his decision, but I am horrified that we would attribute, ministers and other good people, in the name of our worry over, over idealism and over qualitative living attribute to him the very worst of motives, scandalously outrageous motives without any single bit of evidence. Now that may be all right, but what is it for persons in the country around to do. As decent religious people we ought to at least accept on the face a man's public declaration as to why he is doing something. Until you find out better, isn't that the decent thing to do?

Certainly it's the religious thing to do but I have read preachers this week denouncing him for inculcating immorality while they spread doubt and lack of faith and ugliness which share unadulterated gossip. And I say those people speak in behalf of morality and high idealisms for a better nation -- that kind of conversation and talk is destructive.

Gerald Ford lived in this community. We should know better. In all those years of my opposition to him I never once have had occasion to call into question his motivation, his integrity, his honor or his honesty. He moves in and out of our homes. He's no stranger to us. We've had him under our microscope for 30 years. We ought to know that man. However bad his judgment. We ought to know that he is a decent, honorable, honest person. As deeply devoted to the ideals of America and to the qualities of democracy as anyone you will ever have met. This is not just heresay, it's there on the record. No valid reason for imputing to President Ford a dishonest or dishonorable motivation. His whole life speaks against it. And we, we know, we ought to know. We picked so we may be.

I want to say that it is absurd to say that a pardon for President Nixon undermines our legal system or destroys our principles of equal treatment under the law. It is absurd to make such claims and I have heard lawyers making the claim this week and I would covet their participation in our discussion group on Tuesday.

President Ford did not advance the pardon. The privilege and responsibility of clemency and pardon is built into the system of our law on every level from the nearest local district up to the Federal. It is an important part of our law. It is a responsibility more often than it is a privilege. It is equivalent in effect to the veto which we attribute to the President.

Congress writes laws, but the President may veto them. Congress passes laws, many, many times, knowing that the President will veto them. And good men and women have voted for causes and issues and programs that they didn't want to support, but they did it for the public effect knowing that the President would veto it and it would not come through.

Juries have convicted persons knowing that there would be clemency and pardon for them -- that the penalty to be exacted was stiffened, but they knew there would be a pardon forthcoming -- many times. And juries have refused to convict persons obviously or seemingly obviously guilty because they knew the penalties for such crimes were too harsh in this particular instance. And they took justice into their own hands. Pardons are a responsibility. They are a necessary part of our whole system of justice. Without them our justice would be much less. Criticize his judgment, but it is not a violation of the law. He was assuming his responsibility and he felt in his own conscience that he had to do it and he had to do it in the way he did.

Second aspect of the fact. That this is not a violation of the law for him to do this -- for the President to do this -- it's not anti-system, it's not anti-legal. It is the fact that equal treatment in our system is one of the most important functions we have but the same offense does not always warrant the same treatment. Surely, no principle is more basic than this to our justice. Equal treatment of all offenders given

a moment's consideration must surely come through as a travesty of justice or other legal system. There has always been unequal treatment and always the provision for unequal treatment. For equal treatment would be a horror and a nightmare. Let me make some suggestions for consideration.

We do not object to plea bargaining, although the latest officially sanctioned commission to investigate criminal justice is suggesting that plea bargaining be dispensed with. Plea bargaining has always been a part of our system. We have used it from the lowest local prosecuting attorney up to and including the special attorney appointed by the President that if a person would plead guilty to a small offense we will forgive him for the major offenses so that we can use him in the prosecution of further justice. This is not equal treatment, but it is a part of our system. We have traditionally and continued to give freedom and clemency and forgiveness, pardon to informers to those who will help us reach further to get more grievous law breakers. Justice has always been based on the principle of motivation. We give three different formulas for punishment for murder based on the nature of motivation. There is a first degree and a third degree -- we always want to inquire into what caused the person to do what he did. You wouldn't take the offense without investigating his frame of mind or his attitude. Would you treat a first offender the same way you would treat a habitual offender? Is that equal treatment? to take a person who has done something for the first time and to give them the



same punishment as someone else whose been doing the same thing over and over again.

Or a fifth place, do we not always consider when we consider justice the problem of the capacity for rehabilitation of the offender? Do we not at least take into consideration his age, his social status, his history and tradition up to that time, his social record, his standing in the community, his honor, and would we not assume that a person who had lived for 30-40 years in a community with honor and status should be treated somewhat differently than someone who paid no attention to the community and chose only to ravage it? Surely there is a value for our previous life and our previous standards and for our relationships in the community.

Or sixth, I ask you to raise in your mind the fact that in any kind of justice we must always consider the value of any punishment. Punishment is not the purpose of justice and punishment may not always serve justice. We are obviously aware of that on every possible level. If it is true as one friend of mine said for poor people wouldn't the same principle apply to rich? If it is true and valid for the unpowerful wouldn't it apply equally well to the powerful that we stop to consider if punishment would really be of any value.

And I hope, and there is a committee working in this county, to secure special privilege for the good citizens here who fall into trouble and to help them avoid the bad record of a prison confinement or even a day in court. On the basis that these

people if we investigate them turn out to be good people. And are capable of rehabilitation and we don't want to punish them unnecessarily for punishment may only push them down, degrade and hurt both them and our society.

There are hundreds of demonstrations that any one of you can pull up to your minds, but consider the neighbor that you have known who has had trouble and your understanding and knowledge and conviction that punishing that person would do no good and you've worked, haven't you, I have over and over again to get such people off. Not so that they could avoid the justice system but so that justice could be served so that they could grow in their qualities so that they could be strengthened in the weaknesses to go on making contribution to society that they have been making or are potentially able to make.

One little illustration. Senator McCormack -- Congressman McCormack, Speaker of the House, left the House in disgrace. An old man, everyone knew, would it have served justice and decency and honor and welfare of Congress, Massachusetts, America to have put McCormack in jail at his age? Second major point -- and I have already said that it is absurd to say that the law is mocked, or that equal treatment has been violated. Secondly, due process of law for a president is not -- repeat, is not -- the same as for an ordinary citizen. Our Constitution set it up that way. President Ford was not initiating some new procedure. He was following the Constitution.

We have been following the constitutional process. President could not be tried in an ordinary court, that's why we set it up to have him impeached. He was tried according to the law. He was tried according to our standards, to our precedents, tradition. He had to be duly charged in the House and then tried in the Senate. And it was perfectly clear and the record is there in print and there will be more of it that he stood guilty and that's the reason for his resignation. He did not escape. He did not escape our law. He was not above the law. His resignation expressed that guilt. The penalty under the law for a president's wrong-doing was exacted. The President did not escape.

Three, President of the United States is not just another person. There is some remarkable political wisdom involved in this. We do like to remember that President Ford is just Jerry. And we know him, and we have drunk with him, eaten with him and played with him. He's just another guy, but not when he is President. He could say to all his friends that I will not be Mr. VicePresident, I'll still be Jerry, but when he assumed the rank of Vice President, he was something more. That's a minor office compared to the Presidency. That Presidency carries with it so much dignity, so much power, so much history, so much tradition that the man who occupies it is not just another citizen. He is king as well as ordinary citizen. And there is some talk about something to change this. But in a figurehead that will represent that mass of tradition so that the President

can be an executive. But it is doubtful that we will get around to that. This President carries the burden of acting like royalty, even while we must remember that he is just another ordinary citizen, but he's both. And when you see that President moving -- he's the President. And when you address him, it's Mr. President. And even the simplest person stands in awe, and sophisticated as well before that picture. The President is not to be treated as just an ordinary citizen. He's the office as well as the executive. He's the Nation as well as a political and party leader. He is a symbol of our Nation, our tradition, our history. Do you think that we have not been humiliated enough? Do you think that the only real value in humiliating the Presidency any more, I know the horror and I share it. You want more? Back in the early days of Watergate I remember particularly a cultured, academic, witness and lecturer being called in by the networks/<sup>from Australia</sup>to discuss the case. And he said why is that the Americans like to flagulate themselves? Why do they like to bring out all this and hang it in front of the world. I have moved around enough to know that's the way good Canadians speak. And the British that have read about it, the British, the French, the Scandanavians, and most all of West Europe. They want to know why we do this. They say to America: Why do you do this to yourselves? Couldn't you meet the problem and handle it and get on about your business do you have to lay it out for the world to see? Beat your breasts in shame, degradation -- well, we're digging it out.

And that's part of our nobility. It will be forever a stirring part of our tradition, I think that we were strong and courageous enough and honest enough to bring it out and we laid it all out there. It isn't just Richard Nixon -- it's the Presidency that's been shamed. I think we all know it. And that that Presidency is going to be something, there's no need to drag it any further, it seems to me. We've taken our punishment. We are not escaping our guilt. We are not escaping our wrong-doing. Do you really want more? Do you really think that more shame would help us as a nation? Do you think that more shame would make the Presidency more just, more significant and more important? Do you really think that more punishment would make us better?

I entitled this "Pardon for President Nixon." I used the term President advisedly, not Richard Nixon. Remember the pardon is not for the President, it's for the office.

Fourth, the pardon was a symbolic act of mercy. Symbolic act of mercy should be seen as an expression of our desire to be forgiving. I advocated that we forgive them all. I tried to have it spoken that way. But if we cannot forgive everyone because we are not yet that good, and I wish we could and I wish we were. Surely we can forgive someone if for no other reason than to hold up the ideals of forgiveness. The Jews didn't rise to the level of Abraham and God didn't rise to that level in centuries and centuries. The ideal is there and will never be forgotten. The time to hold up the ideals when you

need it most. When you are most bitter, resentful, hateful, and hold up forgiveness -- that's when you need it most. If you can't forgive all your friends, forgive some, would you? If you can't forgive all the way, forgive part of the way. Help where you can if you can't everywhere. Show mercy where you can, wherever you can, even if you can't show it all the way. Remember the story of the owner who paid all his employees equally expressing an act of kindness. The others got what they bargained for and was he unjust or is the kindness the point of the story.

Five, whatever the world may say -- and I put world in quotes as I refer to those outside our own community earlier -- whatever the law may do and whatever your critical judgment of guilt or innocence may be, a religious person should not be found in vein against forgiveness. How many million times today Christians say forgive us our trespasses. Is it words only -- does it really express our desires? Is it really our belief then we better start exercising it. Forgive us our trespasses as we forgive those who trespass against us -- for we need it -- we will need it. The most solemn advance in Christianity is Jesus on the cross. Millions and millions who go to church no other time go to lament and wonder and marvel at that man on the cross and they refer invariably when they go to the fact that this man was able to forgive his enemies who were killing him -- an innocent man he was -- they were killing him. And on the cross he asked for forgiveness

for them. Was this only words -- do we really mean it. And will we struggle a little in our religion to rise to it sometime somewhere. And could we not then muster some little forgiveness for one who has wronged us, but one who has served us as well? For many, many years and according to millions served us well, whatever his thoughts character, whatever his later misdeeds, if we claim the glory of an innocent man forgiving those doesn't seem to be so much that we rise to that level, what a mockery of our religion if we cannot.

You remember the woman taken in adultery? Jesus forgave her. There were no extenuating circumstances for that woman -- it was a flagrant case. Hundreds and hundreds of Jewish women had been stoned to death for the same offense and would continue to be stoned for that offense. And this woman went free. Would you rather have had justice -- or did the mercy mean something. Jesus did not intend to abolish the law and its penalties when he made that act or when he succeeded in that act. It was a symbolic act of mercy and forgiveness that comes ringing down for centuries. Holding us to an ideal -- holding up an ideal for us. Forgive when you can. Mercy and forgiveness cannot be weighed, measured and balanced and counted -- it must always be free, unearned, and undeserved. It's the foolish nature of mercy.

In conclusion, I want to ask why such an outpouring of bitterness unequalled in my life of bitterness, resentment, outrage and hate. The reaction is too great to be justified by the occasion. Something more, something more. We've got to find an explanation and the wisdom of our race and of our religion gives us the explanation. We know. If you stop for a moment, I think you really know. We've been hurt, we've been shamed, we've been betrayed, we've been diminished, we've been frightened and we've been endangered, we've been exposed by what President Nixon and his people did to us. The emotions have been dammed up too long and swirling within us as a dark, muddy, unwholesome plot. We want to pour them out. Pour them out and some person something animal or anything so we can get rid of them. From before history there were scapegoats. Pour it out your guilt on some animal and then killed it and drove it out into the wilderness. It is a deep human, psychological understanding. Valid, words, but I am praying that we understand what we are doing. And I pray that there is a better way than this primitive way of scapegoating. If we can't rise to that better way at least understand what we are doing. The way out is through understanding and forgiveness.

Remember Jonah and the people of Ninevah and God said Jonah, doeth thou well to be angry that mercy, we must find it in our hearts for our own salvation and our children's and perhaps



the world, to forgive President Nixon and the people around him,  
President Ford and me and yourself and all of us cannot live  
without it.

(Applause)

THE WHITE HOUSE  
WASHINGTON

September 18, 1974

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: PHIL BUCHEN

FROM: JERRY H. JONES 

The attached was returned in the President's outbox and is forwarded for your handling.

Thank you.