

Biden pardons his son, Trump will absolve his criminal allies.

America shouldn't stand for this

Simon Jenkins, *The Guardian*, December 2024.

The hypocrisy is breathtaking. Yes, any father might do the same for a son. Yes, the boy is reformed, forgiven, on the mend. Yet there is something monumental in the pardon granted by the outgoing US president, Joe Biden. Six months ago, he scored political points by denying he would pardon his son Hunter Biden. Now, with the election over, he has done so.

The easy response is: what is new? President Gerald Ford pardoned his predecessor, Richard Nixon; Bill Clinton pardoned his half-brother and other figures whose families had donated to the Democrats; Donald Trump pardoned his son-in-law's father. No one doubts that, as president, Trump will pardon a number of outrageous figures – perhaps even the Capitol Hill rioters of 2021. We wait to see if this includes trying to pardon himself from various pending prosecutions (though he cannot extend these powers to cases brought at state level).

Biden can plead a measure of justice in that Hunter Biden's relatively minor convictions – for tax evasion and lying about his drug use when buying a gun – were frantically pursued by his political foes. But then there was a similar grain of politics in the equally frantic prosecution of Trump's business misdeeds by the Democratic authorities in New York.

Cynics – or as they might say, realists – will reassure themselves that all this will be soon forgotten, as it was in the past. More important issues beckon from a new Trump presidency. But justice is a universal liberty, one that the US purports to champion around the world. That a nation's executive claims the right – even constitutionally – to override justice must be wrong. The US constitution is built on explicit rights and freedoms, protected by a separation of powers. The ostensive purpose of article two, section two was not to condone crime. It has been grossly abused. During the election, the Democrats presented themselves as the guardians of morality, with Biden praising Kamala Harris for having the “moral compass of a saint”. In reneging on his promise, Biden has undermined this.

The US constitution is a thing of wonder. It has held the union together – sometimes only just – for two and a half centuries, while global nations and empires have been upheaved and disintegrated. Its survival is rooted in two underlying principles. The first is respect for the rights of often very different states to order their local laws, such as on abortion and gun control. The second is a balanced separation of federal powers between the judiciary, executive and legislature. This separation, in what is today a deeply polarised American society, clearly needs strengthening.

But how? The constitution's final task was to make its own reform near impossible.

Sometimes, just sometimes, such reforms have been achieved. Presidential pardon looks like a case for change.