

Ford Disputed on Events

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President Ford, in apparent contradiction of his public statements, granted a pardon to Richard M. Nixon after hearing urgent pleas from the former President's top aides that he be spared the threat of criminal prosecution, according to reliable sources.

Although Mr. Ford said yesterday through his counsel, Philip W. Buchen, that the pleas did not figure in his decision, there are several facts which he has not disclosed in his statements about the pardon.

One, according to the sources, is a private assurance that President Ford gave Gen. Alexander M. Haig Jr., Nixon's chief of staff, that a pardon would be granted.

This was given to Mr. Haig on Aug. 28, 1974 — the day of Mr. Ford's first press conference as President and 10 days before the pardon was announced.

A second fact is an impassioned three-page memo written by former Nixon counsel Leonard Garment that same day, urging that Mr. Ford grant a pardon to his predecessor. 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.

The sources said they were unsure if President Ford saw the memo, but they said Haig used its arguments in making the case for the pardon to Mr. Ford.

In addition, former Nixon speechwriter Raymond K. Price Jr. drafted a 2 1/2-page statement the same day for President Ford to read announcing the pardon at his first press conference. It was not used, however.

This information about the events leading up to the pardon appears to con-

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tradict President Ford's public statements, including his testimony to a House Judiciary subcommittee on Oct. 17, 1974, when he said:

"At no time after I became President on Aug. 9, 1974, was the subject of a pardon for Richard M. Nixon raised by the former President or by anyone representing him."

During that same appearance, President Ford also said, "Nobody made any recommendation to me for the pardon of the former President."

Buchen acknowledged yesterday that the President now "recalls that he talked

with Haig about the pardon from time to time" — possibly on the day of his first press conference as President.

Haig acknowledged yesterday that he had discussions with Mr. Ford about the matter, but refused to discuss exactly what was said. "I don't think I should talk about these things or conversations with a President, especially an incumbent one, and I won't," he said in response to a reporter's questions.

Previously, both the President and Haig implied there were no such conversations.

According to several sources familiar with events leading up to the pardon, President Ford's interest in the matter

began seriously on Wednesday, Aug. 28.

Garment drafted his memo in longhand the evening before at home. Using some of the same arguments that Mr. Ford was to cite in announcing the pardon, Garment wrote that an immediate pardon would spare the country the turmoil of possible indictment, trial and conviction of a former President.

There was a need for immediate action, Garment wrote, because granting a pardon would become politically more difficult as Nixon increasingly became the target of federal investigators.

See PARDON, A6, Col.1

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PARDON, From A1

On the same evening that he drafted the memo, Garment discussed the matter with Price, who like Garment was still a member of the White House staff.

Price, the sources said, agreed with the points in the memo. Arriving at the White House at 6 a.m. the next day, Wednesday, he drafted a pardon announcement intended for Mr. Ford's use.

Copies of the Garment memo were placed in two separate brown envelopes. Garment gave one to Haig and the other to Buchen immediately after a meeting of the White House senior staff on Aug. 28.

Buchen did not present the memo to Mr. Ford, but later that day returned it to Garment because he thought it was premature to consider a pardon, sources said.

According to one reliable source, Haig met with Mr. Ford after the staff meeting and made the case for the pardon.

About 10 a.m. that day Haig told Garment that he personally agreed with the pardon recommendation, the source said. Haig also said that Mr. Ford had agreed and was planning to go ahead and make the pardon announcement at his 2:30 p.m. press conference. Accordingly, Haig instructed Garment to stand by for a meeting with other White House staff members to go over the details.

Later, according to the same source, Haig called Garment back to say the pardon was going to be delayed because of legal questions.

Other sources place this Ford-Haig meeting after the 2:30 p.m. press conference and maintain that Mr. Ford had no intention of announcing the pardon that day. However, they do not dispute that Mr. Ford made a commitment to Haig that a pardon would be forthcoming.

A day or two after his meeting with Mr. Ford, Haig also told another Nixon speechwriter, Patrick J. Buchanan, that the President had agreed to a pardon for Nixon, sources said.

Buchanan confirmed yesterday that he, too, had urged Haig to bring up the matter of a pardon with Mr. Ford and that af-



ALEXANDER M. HAIG JR.
...acknowledges discussions

terward Haig indicated that a pardon was assured. Haig "implied strongly" that it was his personal intervention with the President that had secured the pardon, Buchanan said yesterday.

Buchen acknowledged this week that he received a copy of Garment's memo on the day of President Ford's press conference. He said yesterday that he had discussed the events leading up to the pardon with President Ford in the past several days and that Mr. Ford was certain he did not see the Garment memo.

Buchen quoted Mr. Ford as telling him: "I don't remember ... I don't think it happened. Maybe you had better check my

files ... I don't remember seeing the memo."

Buchen said that he personally checked his own files, and had others check the President's files and those of Haig. "We have no copy of the memo," he said.

Buchen indicated that the President probably discussed the pardon with Haig after President Ford's Wednesday, Aug. 28, press conference.

According to Buchen, this discussion occurred because "Haig could have been upset at the answers at the press conference."

At the press conference, President Ford gave what Buchen yesterday called "inconsistent" answers to questions about a pardon.

On one hand, the President said "until any legal process has been undertaken, I think it is unwise and untimely for me to make any commitment" that a pardon be granted.

In response to another question, Mr. Ford said, "I make no commitment one way or another ... I am not ruling it out. It is an option and a proper option for any President."

Two days after the press conference at a meeting with Haig, Buchen, and two other top Ford aides — Robert T. Hartmann and John O. Marsh — the President said he had decided to grant Mr. Nixon a pardon.

In an interview last week, Buchen recalled that Aug. 30 meeting: "The President said if he could do it, he was going to do it ... if there were no legal obstacles. I was really quite surprised when he called me in. He had already decided."

After the Aug. 30 meeting, Buchen said that Haig "told me that he was dealing himself out of the question. He felt it was on track, going to happen, and I suspect he would have only had to jump back in if it got off track."

On Oct. 17, 1974, President Ford appeared before a House Judiciary subcommittee after two congressional resolutions were passed requesting that he answer specific questions about the pardon.

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PHILIP W. BUCHEN
...tells of checking files

One of the questions specified in the resolution was: "Did Alexander Haig refer to or discuss a pardon for Richard M. Nixon at any time during the week of Aug. 4, 1974, (the week of Nixon's resignation) or at any subsequent time."

In answering the question, however, Mr. Ford read from a prepared statement in which a word in the question had been changed altering its meaning.

He restated the question this way:

"Did Alexander Haig refer to or discuss a pardon with Richard M. Nixon at any time during the week ..., etc."

Apparently referring to possible

discussions between Haig and Nixon rather than himself and Haig, Mr. Ford answered, "Not to my knowledge."

Later, during questioning by subcommittee members, the following exchange occurred:

Rep. Robert W. Kastenmeier (D-Wis.) asked: "Which other persons, to you personally, made recommendations that the former President be pardoned from that time in early August to the day of Sept. 6, when you made your decision." (Mr. Ford had indicated previously his final decision to pardon Nixon was made Sept. 6.)

Mr. Ford: "No other person to my knowledge made any recommendation to me from that time until the time that I made a decision about Sept. 6. Nobody made any recommendation to me for the pardon of the former President."

In two press conferences after the pardon was granted on Sept. 8, 1974, Buchen was repeatedly asked what triggered the pardon.

These were some of the questions and Buchen's answers:

Question: "Was there something that happened just prior to his coming to you (on Aug. 30) that got his interest working in doing this thing just now?"

Buchen: "If there was, I don't know what it was."

Question: "And you can't suggest what precipitated the President's interest?"

Buchen: "I do not know."

At his Sept. 10 press conference, Buchen again was questioned about Mr. Ford's decision.

Question: "With whom was he in touch with at that point? Can you tell us who he consulted between Wednesday (Aug. 28) and Friday (Aug. 30), when he asked you to begin your research into (the legal) precedents?"

Buchen: "I have no notion: I really don't."

Until yesterday, Haig had never specifically said publicly whether he and President Ford discussed the question of a pardon for Nixon.



LEONARD GARMENT
...cites need for action

In an interview last September, Haig denied published suggestions that he might have played a key role in the President's decision, however. He said at the time:

"... It's a terrible disservice to President Ford to suppose that he could be manipulated by something like this ... It wasn't my doing ... No one was more sensitive than I to the reasons for not becoming involved in this. I couldn't have been a creditable advocate for a pardon anyway."

Haig is now stationed in Brussels as the commander of NATO forces.