

DRAFT 12/18/75

MEMORANDUM FOR: WILLIAM GREENER
(with copies to Jack Marsh and Dick Cheney)

FROM: PHIL BUCHEN

A Woodward and Bernstein article on events preceding the Nixon pardon appeared in the Washington Post December 18, 1975.

To give you ^{additional} ~~some~~ background and comments on this article, ~~for purposes of enabling you to handle any further press inquiries,~~

I point out the following:

1. Woodward came to see me on Tuesday, December 9, ostensibly to check out the veracity of a story he had acquired which ~~dealt with~~ involved material he and Bernstein were developing for the book they ^{were nearly finished} ~~are~~ writing on the first 100 days of the Ford Administration to be published in April. He had much earlier interviewed me for purposes of gathering material for the book and now had some new information that at least partly involved my role in the events.

2. The story he claimed to have was that Len Garment and Ray Price had, early in the morning of August 28, prepared a document addressed to me advocating that the President act promptly to announce his intention to pardon the former President. According to ^{Woodward's} ~~his~~ informants,

WOODWARD
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the documents involved were a memorandum from Garment pointing out the merits of prompt action and attached to it a draft statement by Price for the President to make such announcement at his upcoming press conference that afternoon. He also stated that Al Haig was given a duplicate of these documents at the same time, that he had presented them to the President early the morning of August 28, ^{that he} and then telephoned Garment that the President wanted to go ^{ahead} with the suggestion. This development, according to Woodward was followed an hour and a quarter later by a call from Haig to Garment that, contrary to his previous advice, the President had put a "hold" on doing anything along this line.

3. My response to Woodward was as follows:

(a) I did recall that Len Garment, ~~had~~, after the staff meeting on the morning of August 28, ^{had} handed me a memo addressed to me which presented the case for the President to respond at his press conference that he intended to pardon the former President but I did not recall that there was any statement by Price or anyone else attached to this memorandum.

(b) I had on August 27 prepared a draft question and answer for the President which in effect called for his stating that he was not ready to make any decision on the matter.



(c) I learned during the course of the morning from the President that he was planning to answer ~~any~~ questions about a possible pardon in much the manner I had suggested by my proposed question and answer, and therefore I returned the Garment memo to him either just before the press conference ^{right} or afterwards.

(d) I was not aware that anyone else received a copy of the Garment memo or that he had given one to Al Haig if that was the case.

(e) I found incredible the story Woodward gave about the President's having led Al Haig to believe he was going to state at the press conference his intention to grant a pardon, because such story was entirely inconsistent with what I understood from the President was his intention at the press conference and which, as the answers to the questions given, ^{he enunciated.} ~~proved was his decision.~~ Woodward then asked whether ^{Ben Nesson} ~~he~~ could determine from the President whether he in fact did see the Garment memo on the morning of August 28, and I said I would get back to him on ^{the matter.} ~~that point.~~

4. I discussed the matter with Jack Marsh who had been closely involved at the same time ^{when} I was in the developments concerning the matter of the Nixon pardon and Jack and I talked to the President on December 11.

5. The President advised Jack and me that he had no recollection of seeing any such memo but suggested that I talk to Al Haig.



6. I reached Al Haig in Brussels on

He acknowledged that he knew of the Garment memo and thought he might have shown it to the President either before or after the press conference but he ^{it could well have been} ~~thought~~ afterwards. He said he would check whatever files he had with him but also suggested I check files here to see if there was any indication that the President might have received a copy of the memo and the date and the time when he did receive it.

7. Through Jim Connor, both the President's files and Al Haig's files were checked, and I was advised that no copy of the memorandum ^{could be} ~~was~~ found. I also checked my own files and found that I had no copy, which was consistent with my recollection that I had returned the Garment memo to him.

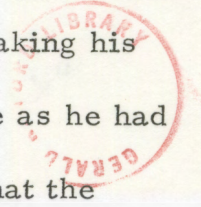
8. Al Haig called me back on (Tues.) and said he could tell nothing from his records which would indicate whether or when he might have shown the Garment memo to the President. He did say, however, that he was sure he had some discussions with the President ^{on the subject of} ~~about~~ a possible pardon ^{he} but again was unsure whether it was before or after the press conference.

9. I promised Woodward to get back to him within a few days of our original conference, and I talked to him next on Tuesday, December 16, to advise him that the President had no recollection of having seen the

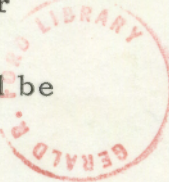


Garment memo and that a preliminary check of the files indicated no record of the Garment memo having gone to the President. In fact, we could not even find a copy. I held off being more decisive until I had heard again from Al Haig.

10. Al Haig then called me the same day, but after I had talked with Woodward. On that call Al said he could not verify anything from his files but that he did recall discussing the pardon with the President and might have done so before the press conference. The next day Woodward called me again to ascertain whether I had found out anything more and I said that we still had not found anything in the files about the Garment memo, but, in the course of the conversation, I ~~did~~ ^{said} ~~reaffirm that the President did not recall seeing the memo although~~ there could have been some discussions that I didn't know about which preceded my first learning on Friday, August 30, that the President had pretty much decided to go ahead with the pardon if I was able to advise him that it was legally possible and provided I obtained certain information from the Special Prosecutor. The portion of the Washington Post article which says that "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" is not accurate in that I merely stated that the President may have talked to Haig on the subject of the pardon before making his decision but that the decision was made by the President alone as he had publicly stated. The other quotes were also not accurate in that the



President had not asked me to check the files, ^{and I did not say so,} ~~but that I had done~~
^{caused the search} ~~so~~ as a result of Haig's uncertainty as to what the files might show. ^{Actually,}
I also ^{with Woodward} ~~had~~ raised the possibility that the pardon could have been
^{after} discussed ~~at~~ the press conference and before I was involved only because
it was customary for the President to conduct a post mortem of his
press conferences to review what questions ~~had~~ been given and how
they had been answered, ^{although} ~~but that~~ I was not involved in such a post mortem.
I also mentioned that the first indication of the President's desire to
~~even~~ consider a pardon came to me as a surprise when we met, along
with Hartmann, Marsh and Haig, on August 30 as an indication that he
~~had~~ ^{addressed} ~~did not really address~~ the matter until after his press conference when
he had had time to reflect on the effect of his answers to three or four
different questions on the same subject at the press conference. My point
was that the statement of the President that it was only after the press
conference ^{when} ~~that~~ he had considered the matter was ^{supported by these} ~~indicated by the cir-~~
cumstances and made the story about the Garment memo and its effect
~~before the press conference incredible.~~ I also made no statement about
Haig's involvement except to say that, so far as I was concerned, he ~~had~~
withdrew ^{from} ~~himself entirely in participating in~~ any follow-up to the
President's tentative plan to go ahead with any pardon ^{I could advise that} if he was legally
permitted to do so ^{if} and the information from the Special Prosecutor
was obtained concerning the length of time before a fair trial could be



held and the matters under investigation by the Special Prosecutor's office.

11. The Post story says that the question by the House Judiciary Subcommittee about Al Haig's discussing a pardon was rephrased in answering the question. Such is not the case because the question did involve only Haig's discussions "with Richard M. Nixon or representatives of Mr. Nixon" (see question 2 in the attached resolution).

