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Fragile Coalition Interviews - James R. Mann, June 19, 1975

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Congressman James R. Mann, South Carolina
June 19, 1975

DFS - This is the first interview with Congressman Mann on June the 19th, starting about 9:10 in the morning. One of the understandings is that it is totally confidential until you reread it, edit it and release it. Secondly, we can be as informal as you like; these questions are just to jog your memory so that we have a common basis of information.. Our role is totally negative. You're the historical actor, the historical primary source; we're just around.

JRM - I would in some cases ask that, Tom in particular, perhaps give me a memorandum answering some of the inquiries or fill in some of the gaps that I'm going to refer to, so that later I can reconstruct it a little bit better. Such as, for example, who the members ~~were on this Jack Brooks Democratic Caucus Steering Committee~~ that were kind of working on articles at the same time that we were. I know Brooks and Sarbanes and two or three others were on that little committee and I met with them a couple of times. Brooks could tell you --

DFS - Edwards -- ?

JRM - Yeah, Edwards. They played kind of a low-key role, you know, they were just in the background, working and kind of passing on what we were doing but they took strictly an attitude on what would be helpful rather than wanting to impose their thoughts but they were nevertheless working on their own.

TM? - Now who do you recall in this group?

JRM - The first place I recall meeting on them on at least one occasion was in a room which seemed to be a committee room, almost across the hall from Jack Brooks's office in Rayburn and it must have been some Government Operations Committee of his or something of the sort. But I remember meeting with Brooks and Conyers and Sarbanes and Edwards, those are the only ones I can recall at this moment.

DFS - Last week Mr. Thornton gave us his two drafts that he had with him, and of course you saw the collection here. Have you been able to locate -- ?

JRM - I asked my assistant down home to go through the boxes which I had shipped down there and he's gone on two weeks vacation. I went home for the first time in three weeks and I went down to the office. He said all of the impeachment stuff is in your downstairs office all laid out. Well, I didn't get down there until Sunday and it was laid out alright, all of my books and boxes were open and everything was lying there but nothing was identified. He hadn't actually read

JFM - a word, just tried to separate the type of stuff that I wanted him to pull out of it. There ought to be a pretty good little folder in that group because I was assisted during that time by a professor from Winthrop College by the name of Bill Blough and it is very interesting how I got his assistance. And we can kind of just enter the problem with that story -- Bill Blough appeared at an open meeting of the South Carolina Delegation in January, 1973. I could be wrong, it could be January, 1974, but we can establish that. The South Carolina Delegation started about two or three years ago having an open meeting in the Statehouse in the Senate chamber, in Columbia during January, to take care of the requests, complaints, of citizens, state government, and what not. And Bill was on the agenda; everybody was given 5 minutes or more, he had a written statement which I have somewhere in my file. I was impressed with this statement, it was a courageous statement in the first place, calling for the impeachment of President Nixon, at that early date. I thought January, 74 was an early date under the circumstances, and so later during the course of our hearings, or later during the summer, I guess, I learned that he was up here as an intern with Tom Gettys of South Carolina. He was taking a leave of absence from his job, he taught political science, and so I asked Tom Gettys to borrow him, so Tom gave him to me. Bill worked with me for a period of a month or two, while this business was going on. I asked for him primarily with the thought in mind, I think, of helping me with such writing as I might ultimately issue concerning my final judgment on the proceedings. And at the time I had my initial conversation with him, telling him how I wanted him to assist me, I indicated to him that it was very doubtful that I was going to vote for impeachment. That regardless of my own private feelings of Nixon's guilt, the evidence had to demonstrate to the public that the proceeding was being properly carried out.

DFS - Now may I ask about when was this that you indicate that judgment?

JFM - Yes, I will try to indicate that, I would say it was probably about the time that we started taking oral testimony, just a couple of weeks before we got to the debate stage, the latter part of July, I suspect that it was rather into July when I got him. He attended such of the hearings that were open and some of the closed ones I guess. I got him into the Committee room. He turned out not to be of any great assistance to me. But as a catalyst and somebody to bounce ideas off he was very helpful. Unfortunately I don't think either he or I kept any notes to speak of and he didn't really know what I was going to do until I did it, didn't help me with my talks or anything of that sort. Where I really threw the burden on him was when John Doar started coming to see me I guess during the course of the oral testimony, during the latter part of July. I kind of waited till that point to start jelling around the past. John Doar came to see me and brought me his set of articles, that notebook with the five articles. John Doar would drop over here at 8 o'clock in the

- JRM - morning pretty frequently during these two or three or four weeks of critical time. But his first calls on me were in connection with articles and he wanted me to study the articles that he had prepared and to in effect to produce, make any suggestions that I had. Well, on the Monday before we met in Railsback's office, I put Bill Blough, a member of John Doar's staff, John Lovotage or something (you can figure out what that name is somewhere along the line). John Doar thought he was a pretty good man for the purpose. Bill Blough and John worked all day on Monday in my office, trying to prepare articles along the lines that I had suggested to them, which were the obstruction of justice and the abuse of power. I might have mentioned subpoena power at that time, I don't know. They labored on that Monday with articles and I believe that they only came up with one during that whole day. Which I may have brought with me, which somebody may recall, to that Tuesday morning meeting, my possession of that or the fact that I had been working on articles, in our discussion that Tuesday morning, kind of led to the idea that I should continue with it and that you, Tom Mooney, should assist in that project. I think that we concluded to proceed independently and to get together that afternoon.
- TM - You probably did have the article which you read --
- JRM - It was an article on obstruction of justice --
- TM - Something like that, I'm not sure if it was typed or handwritten or whatever --
- JRM - I don't remember either, it was probably typed out, and had been produced the day before by Bill Elough and this John what-not from the impeachment staff. From then on as we know it was very hectic in the preparation of articles and I'll try to highlight the things I can remember right now about my particular activity with it. We started out, I guess, on Wednesday, didn't we?
- DFS - That's correct Wednesday evening, the 24th.
- JRM - So on Tuesday, I know we did some more work on the articles, and when did we meet again on Wednesday morning --
- DFS - Here is the -- (gives Mr. Mann the chronology).
- TM - We met Wednesday morning and Wednesday afternoon, I tried to put that together and frankly I didn't want to record the presence of different people, leaving that to you.
- JRM - Even though I'll be fairly inaccurate, let me tell it as I recall right now, then we can fill in the gaps. First we agreed in Democratic caucus, and when I use that term, I'll mean the whole Democratic caucus in

- JFM - Rodino's office behind the House Judiciary Room. We agreed in Democratic caucus that we had to have a set of articles to lay on the table at the time that the debate started. Those articles were of course the Donohue articles. You know frankly I don't recall whether the Donohue articles were one of our first drafts or whether that was one of the committee drafts. We knew whatever it was, it was just temporarily expedient, something on the table at the time. Do you recall?
- TM - Yeah, I believe I do from studying the different drafts that we had. We worked on Tuesday morning, Tuesday afternoon, Wednesday morning, and Wednesday afternoon. There was always some discussion as to whether we were going to give the chairman a draft to work from, to lay on the table. And I believe at one point, like Wednesday afternoon, you did suggest that ~~whatever~~ we had at that point which was not our final product, or your final product, you would give that to him and —
- JFM - I believe we did, because we knew it would be closer to the real thing than anything else that was in existence at that time in the Committee articles or the Brooks articles or what. I think you did put some preliminary drafts out as the Donohue articles. The record will, of course, show precisely what those were. And by looking and reading them I can identify whether they were the ones we used. During the course of the General Debate, as I call it, 15 minute speeches, I continued to work with Doar, and you and Frank Pope had gotten in the act at that time. We finally arrived at the language for Article I which we were satisfied with and which went in as we know as the Sarbanes substitute. But during the course of that two or three days, while we were doing our 15 minute thing, and as a matter of general interest, I did not have time to prepare my 15 minute presentation because I was involved in this other exercise and I ended up in just putting together a few quotes and things that I grabbed up that had accumulated and kind of had it laid out in front of me when I made my presentation. It was probably the least organized, the most impromptu of all the presentations and I'll have to confess that it came off fairly well. But it was that disorganized partly because I didn't have myself organized for that presentation. Then the time came and I guess it must have been the early morning on Friday that we had to proceed with the Sarbanes substitute. We had met that morning, as I recall, and approved the final language and maybe had to redo it one time, and meantime the Democrats were sitting in Rodino's office waiting on us, and we walked over there and walked in with it. I don't believe that we had enough copies at the time or the copies were grabbed up and being run off while we were walking over to Rodino's, but at that time, it not having been discussed before, the question was raised, well now, who is to put it in as a substitute, and I just looked around the room and picked out Paul Sarbanes and said Paul Sarbanes is the best man to do it.

JRM - And like a good soldier, he didn't flinch and he agreed to do it. I don't even know if he had a chance to read it before we walked out of Rodino's office and into the committee room and the first order of business was the introduction of the Sarbanes substitute and that's when Wiggins lit into him as we know. To justify his specific allegations Paul tried to get some assistance from me cause I sat beside him, he knowing that I had seen it -- (laughter) -- but there was no way to communicate to him and for him to respond to Wiggins in any reasonable way. I wasn't much help to him, I tried to help a little bit, but given the circumstances, he did a remarkable job. I'm sure that the Republicans gained a little. I'll say the Republicans; that's how we'll identify the movement for the moment. Now, with reference to Article I, I'm not certain to what extent I consulted with that Democratic Steering Committee, if that's what they called it. So I'll pass over that for the moment. I think very little cause that one was probably unanimously agreed just a matter of the wording. Of course, as soon as that article was on the table, we continued our work on Article II and Article III. I don't want to overlook John Doar's role in working on these articles. He and I worked together constantly. He would do drafts and bring them over here. About that time we started meeting in Jerry Ziefman's office. And discussing whether Article II and III should be separate or whether or not it should be specification and Article II, which is the way I originally had it drawn and which to this day I think would have been a better process as being additional specification of abuse of power. It was also adequate within itself although I voted against it. But, as you know, Pailsback and Flowers and maybe one or two others didn't like the idea of it being a specification and article too. They indicated that they would move to strike and I'm sure that this would have been fully developed, but that they would support the article. No matter how that motion to strike came up, for the prevailing influence in that decision as to whether or not include it, as a specification of Article II and Article II, was John Doar. He was somewhat adamant in his belief that it ought to be a separate article. I think he had some second thoughts about it post-hearings but maybe not. He'll have to answer that. In any event, he persuaded me to do it as a separate article. While Article II was under consideration, it came well known to the coalition that McClory was willing to support an Article II with emphasis on, what's the language?

TM - to faithfully execute the --

JPM - That was McClory's emphasis as I recall. So McClory met with a group of us at one time as I recall but he kind of let Frank Pope do most of the negotiating with me and others in that connection. Well, between me and Frank Pope and John Doar, and others, we put together an Article II which we thought would be acceptable. We had voted on Article I on Saturday night as I recall. On Sunday morning we met at 10

JRM - o'clock in my office, Pete Rodino, McClory, Pope and myself and I probably had my man, Bill Blough, here. I don't recall if anyone else was there, well, probably John Doar. I don't recall if anyone else was present. We just had a very brief discussion in which we agreed in principle to proceed with an article of the type that we've generally discussed, abuse of power, leaving out the contempt business, and McClory only stayed about 10 or 15 minutes, and Podino only stayed about 10 or 15 minutes, we agreed that they would then leave the details and remaining drafting with the rest of us, rather me and Pope and Doar, I guess, were the principals involved. So we worked that day, I don't remember how long. Then on Monday morning I met with the Republican supporters in McClory's office and we took our product. I believe that before I went to McClory's office our group met on Monday morning. So, I think that I first met with some of people, but many didn't show up. I believe that I asked them to come to my office and many of them didn't come. One, two, three and then I took the product to McClory's office where I, Pailsback, Cohen, Brooks were there, and I think Railsback came in before it was over, he wasn't there long and they basically agreed with the language. In the meantime, however, on Sunday, knowing our Sarbanes substitute problems, John Doar and I discussed it. This is the first time I remember being in his office in the Congressional Hotel. In John Doar's office, sitting there with him and this fellow John, and myself after we had gotten the semi-final language, Frank Pope might have been there, we decided on Hungate and we called him on the telephone and told him that we wanted him to do it. I don't know whether I talked to him or not. But John Doar primarily talked to him and Hungate agreed and I think we agreed on having it at 8 o'clock Monday morning which would give him time to study it. I don't believe that we tried to get it to him Sunday night, but I'm not certain of that. So we got Hungate lined up. After I came from McClory's office, I came back to then Ziefman's office. And the Democrats were in Ziefman's office waiting and Frank Pope came in to the office with the Democrats and me and we weren't quite satisfied with one of the specifications. And I distinctly remember John Doar sitting on the sofa. He again took the position that the contempt should be the third article. But on that morning we weren't quite satisfied with the last specification and as we walked down the hall to go the Committee meeting, having adjourned the little Democratic session, Frank Polk and I stopped in Bill Shattuck's office and wrote it down, agreed on it. I think maybe Paul Sarbane stuck his nose in. There were the three of us at that point, yeah that's the right language. I forget those precise words, you don't have a copy of the article?

TM - Oh, yes

JPM - Something about in violation of the rule of law, was the language we used, it wasn't violation, but that was the language that was added at that point. Contrary to the rule of law, how does it go, but that language was added at that point.

- TM - The final draft was the next one, but this was the one Hingate introduced and laid on the table.
- JRM - There it is, Article II, in disregard of the rule of law, now how does that differ from this? That language was added in Bill Shattuck's office after we had already, everybody had agreed on the way in. So we had it; I thought we'd had it redone right fast. So we added in disregard of the rule of law, he knowing misused. I would suspect that the record will show that we made that change before it was put in there.
- TM - I'll check that out.
- JRM - I think the record will show that it was made --
- TM - Before it was laid on the table?
- JRM - Yeah, before it was laid on the table, but it was that last minute change and then Hingate introduced it and we can go on from there. So that in broad outline is the way these things came about. Now I referred earlier to the meeting, at least one occasion, in the Brooks' Committee Room with the Steering Committee, the committee as I say took a very, very low profile because as Walter Flowers may have covered in a fairly subtle way in the Democratic caucus of the committee in the Rodino room. I suspect that Rodino in the meantime of having more or less talked himself to some of the more active for lack of a better word -- Nixon group. Indicating to them how much they needed the moderate, undecided or non-persecuted crowd and so there was an atmosphere that they wanted to do what we would go along with -- Thornton, Flowers and me. And we indicated fairly firmly that's what we expected. So it was kind of mutuality of understanding. Rather somewhat unspoken but nevertheless it was there. Demonstrating perhaps more by John Conyers than by anybody else; John just really kept quiet during these final stages, and that is not his nature. Whenever there would be a difference of opinion among us and some of the others as there will, they would clearly be wanting to do what we wanted to do. It was right funny, almost -- the way that that prevailed. And the same type of atmosphere prevailed when I went to the Steering Committee with Brooks and the group. They had some suggestions, but it was clear that we were all on the same wave length as far as we were heading. And that we weren't going to overstate anything and that sort of thing. There is one little wrinkle that did develop, in connection with these additional amendments, Flowers and myself, perhaps Thornton, kind of let it be known that we preferred those amendments not be introduced and there was a good bit of discussion about it.
- TM - Are you talking about amendments to Articles I, II -- ?
- JRM - No, no, I am talking about the additional articles, you know Cambodia, taxes --

TM - Impoundment --

JRM - Right, and there was some effort, I'm sure, on the part of Rodino and others to keep those from being introduced. And there was some vacillation by the ones who wanted to introduce them. Because of that consideration we didn't get real hard about it and as a matter of fact, I don't guess the final decision on the introduction of those was made until after we had finished the first two anyhow and perhaps the third one. They didn't have anything to lose by bucking traces a little bit at that point. There was pressure or influence used to try to keep them from introducing those but they thought they had to do it and nobody really said, "Hell, no, you can't do it." So they did it. So that was still indicating a desire on the part of all the Democrats rather to cooperate on what had been rather agreed and not be a radicalized type of approach to the whole matter from the beginning. In the course of the proceedings before Article III or in a little ~~rump session somewhere~~ around there was a rather strong feeling expressed by Railsback and one or two others that they thought to some degree the understanding that we'd had was violated. I'm a little fuzzy on it but it will come back to me as we go along. The Democrats, perhaps with the participation of Flowers and Thornton and myself, did a little something that two or three members of the coalition, Railsback in particular I think, thought was a little beyond what the expressed understanding was. And as a result of that, more than anything else, I voted against Article III. It was not, you know, just to be loyal to the understanding that we'd had, which was not all that expressed. And I of course, had had my doubts about Article III, too. I would have preferred that it had been a part of Article II. If it had been a part of Article II, the Thornton amendment really wouldn't have been necessary so much, because coupled with other abuses of power in the article, standing alone is very risky as an impeachable offense. And from the very beginning of the controversy on the subpoena power, I felt that it could rise to the level of an impeachable offense. That's the only way that Congress can enforce its power, really. The House, under the Constitution has impeachment power, but it should be accompanied, of course, by substantial evidence of other impeachable conduct. You can't conduct a frivolous investigation and impeach based on that. So, I've went for caution. Letting it be a separate impeachable offense, as a separate article, and out of the little reaction, some breach of understanding, felt by one or two members of the coalition, I voted against that article. We may put together just how that came about. The little incidents that occurred that led up to our coalition getting together I can call to mind. But there are two or three which I'll try to touch on. In the first place, I knew for two or three weeks, since the oral testimony by Kalmbach and others. This did more to jell the thinking of these undecideds when we realized the monstrosity that Richard Nixon had done to the lives of certain people with no remorse shown and that sort of thing. The

- JRM - statement from the telephone conversation between Kalmbach and Erlichman, for example when Kalmbach had already been notified to come and see the special prosecutor, and he called John and said John I didn't think that you and Bob and the President would do this to me and my family. And things like that. I think that during that period there were two or three or four of us who started moving to a decision. I really do think that up to that time there were several of us who had avoided making a decision consciously as well as by training. Early, very early in the game, I remember telling Barbara Jordan on the way back from one of the meetings we had in EF100 we had to be sure. Where Rodino came out and announced that the Democrats agreed to unanimously to proceed, we hadn't taken a vote and Flowers and I kind of resented that publicity at that point. Cause he and I, I don't know if he expressed it this way, but I did, I think that we are engaged in an exercise of futility. I remember Barbara Jordan was a little bit reluctant too, because she knew that we had not much to go on at that point. And I expressed that opinion to her. I didn't express it at that meeting but as the matter proceeded it was pretty slow coming to enough substance to think that there was enough there even though Rodino did a beautiful job in not trying to influence members, and being pretty objective in the way he handled the whole matter. It became apparent that towards the last that he felt that the evidence was just overwhelming when in my judgment it was far from overwhelming. But anyway that was said a couple of weeks before the oral testimony was began.
- DFS - But that was the 28th of June -- Rodino's statement and your caucus. For example, Kalmbach was the 16th and 17th of July --
- JRM - It was during that time, walking back and forth to the floor, Walter and I frequently walked together, we didn't talk about the case very much. He didn't know how I was leaning, I didn't know how he was leaning. Every now and then we would comment on the inadequacy of, the shortcomings of certain areas. But we really would not make an assessment of how the whole case looked. We would not give a personal opinion about it. We would talk about getting together and talking. This was during the last two or three weeks, and we would get around to it. I knew that it was going to happen but it hadn't happened but it was just a matter of taking care of the mechanics of it. And two or three little incidents occurred. During those latter days, I think that this was actually after the testimony had been concluded, and we were arguing procedure during a little private discussion in committee, (those committee discussions off-camera were not very effective, they should have been a lot more effective). I expressed our opposition to the televising of the hearings. I tried to arrange and the chairman agreed to put the tables in a quadrangle down on the floor of the committee and us sit around and discuss the evidence like a jury would do. He actually contacted the building superintendent for that purpose but found out that the time didn't permit it, that the microphone situation and all that business would be rather complicated and that it just couldn't do it. Well sitting up there in those two decks and try to have a discussion about evidence is not really the way to do it not if you are trying to be a

devil's advocate, and do a little soul searching and bounce a few opinions off of each other. It was my urging that caused us to meet twice that weekend before we went on the tube, and the meetings weren't well attended, particularly by the Republicans. But during that period of time Cohen had stopped over our side and Walter and I had a little chat with him about getting together and that is about all that was said. Then one day during that same period, I was walking with Butler, or I had mentioned getting together to somebody else, and we got seated at our desks in the committee room, Butler got up and came over to me and said what's this I hear about a meeting? I said, well, some of us have talked about getting together and he said that I'm interested. So, in the meantime, time was wasting and I've never really known but I assumed it was ~~Flowers~~ and Railstack or Pailstack on his own initiative decided that Tuesday morning it was time to do it. I believe that Walter called me on Monday but those are the details that I recall vaguely on how we finally got together.

- DFS - You would say then that the coalition was almost inevitable?
- JFM - No question about it. There just had to be a time when we were going to get together and talk —
- DFS - Now once you did, do you recall any conversation about this man maybe ought to be here or that one not?
- JFM - No, there was almost an instantaneous affinity and agreement between all of us about the two primary articles, obstruction of justice and abuse of power. Just very quick. At that point during that first meeting, we didn't set up any recruitment campaign or anything like that, I guess. I don't think McClory was mentioned that first day, maybe a day or two later. I guess each of us knew without any of us saying that seven was enough to make the difference. Though I guess the more company we had, the better.
- TM - Why do you think it took so long to gather in that context, the first meeting being a Tuesday before the Wednesday — ?
- JFM - Well I think it's a creature first of our own independence, and that we wanted to hear it all before we got in a position of having to pass any judgment. And hearing it all included even any open full committee discussions. So the decision point was still far enough away. I don't think it would have been right for us to have gotten together more than a couple of days earlier than we did, before we finished hearing all that there was to hear.
- TM - On Friday before the Tuesday, I believe was when Mr. Doar circulated the draft articles. Do you recall at that time your impression of the articles as you read them over?
- JFM - Yeah, yeah, frankly I didn't study them very well, I glanced over them and I just wasn't impressed. You know right now I don't know if I felt they were too extreme or too detailed or just what my specific objection was.

- DFS - Of all the Judiciary Committee members, frankly why would you say Doar, so often, uniquely singled you out, came over to your office, converse with you and so on?
- JRM - There had been one or two previous little sessions of one sort or another, and one that I think is worthy of note and I'll have to try to remember if I can remember precisely what it was. I vaguely remember there were five of us who were concerned about opening the oral testimony to the public, I think that is one place where it got started, Barbara Jordan, myself, probably Ray Thornton, maybe Ed Mezvinsky and maybe one other. The Chairman and Don Edwards met with us, to try to persuade us that this ought to be done and John Doar was there and I made a fairly persuasive argument but it didn't prevail, but in various ways it had. I had somebody mention to me as late as yesterday -- Harry McPherson, who is a lobbyist lawyer in town, who said he is a good friend of John Doar's. And I sat at a banquet with a lawyer by the name of Douglas from downtown who just said that John Doar has high regard for your judgment and that sort of thing. I think that he did and he recognized that I was a low-key sort person but that when I made a decision, I was rather persuasive. So I don't know what he recognized in me as the one who might bring some cohesiveness to the group.
- DFS - Does the same answer apply to why it was you who was the emissary or whatever word you would like to use, between the coalition and the steering committee and so on -- ?
- JRM - Well I think it might have been, cause I went to the first meeting Tuesday morning equipped, having given some preliminary thought to the problem. That probably is a very simple, simplistic reason but probably is the reason. You know volunteers are usually taken up. Obviously the other members of the coalition were willing for me to assume that role cause of other considerations, plus the fact that I had already made some move in that direction.
- DFS - Did that role at all come from a request from Rodino to you?
- JRM - Nope.
- DFS - You mentioned before that kind of almost off-the-cuff choice of Sarbanes and then perhaps a little less off-the-cuff Hungate -- why since in both cases you were involved, why wasn't it the Mann substitute?
- JRM - Well they had a moderate image and I just didn't care to be that far out front. One would have to say that I still had a one per cent reservation on how I would vote.
- DFS - And what was your reaction to the Kastermeier resolution, specifying voting article by article?
- JRM - I don't recall --

DFS - Did that seem to violate an understanding especially among some of the coalition members that there would be one vote at the end of all the articles?

JRM -- Yeah, there were some real procedural dilemmas but much ado about nothing, really. I don't have a detailed enough recollection about how I reacted to that situation. Did we vote on the Kastermeier?

DFS - Yes.

JRM - How did I vote?

DFS - You voted against it.

JRM - I voted against the article by article.

DFS - That's right.

JRM - I was going to suggest that I would have, for the same reason, reserving my judgment until all the specific language was in, all of it. It would have been illogical for me to say all of it includes an article on Cambodia, and an article on taxes, and an article on impoundment and I voted against the whole darn thing, that wouldn't have made sense either. But at least the threat of that would tend to keep these extraneous articles out.

DFS - It's been said by one of the other members that he felt that there was more partisanship or division on party lines on procedure than on substance.

JRM - No question about that. And I had a lot of bitter things to say about that. And I use the term minority partisanship, cause a minority given the great old American under-dog spirit of the fixation on the Presidency which was a good scenario for them to use at that time and the lack of proof at that stage of the matter. They could play that to the hilt and they did. And there was no way to cast a reasonable vote and not be accused of partisanship in those procedural matters, and I got some terrible letters and telegrams from home because I cast a reasonable vote in those procedural matters but the minority was casting partisan votes in those procedural matters. I'm sure that if they went back and looked at the votes they would change them but I accuse them of partisanship in that case, unquestionably.

DFS - Would you comment on the adjective "fragile" simply for the record? You know it's been called a fragile coalition.

JRM - I don't think it was all that fragile. I think we each acted with a strong personal decision. It was nice to have some mutual people whom you respect in judgment and honesty and to be in agreement with you, to reinforce your own decision. Well, fragile in the sense that none of us was committed to any coalition agreement. We didn't have an

- JRM - agreement; we merely had an understanding. We had a mutuality of conviction is the way to describe it. We tried to bring some order to that sour conclusion. We gave up very little, each of us, in the articles we agreed on, I don't think that any of us gave up much in the way of an opinion on the contents of Article I or Article II.
- DFS - You see what's happened this morning and I think it's excellent. You zeroed in on the key week, key issue. When we have another hour with you we would like to perhaps go back for a bit prior and then some of the aftermath of that week, but this has been the key feature. Thank you very much, Congressman Mann.

Second and final tape with Congressman James R. Mann of South Carolina on June 24, 1975

- DFS - In our first session you zeroed in exclusively on that one crucial week and so we thought if you're willing we might back-track and get a little background, in the first place, and then in the second place, see what were some of the aftermaths of the thing. Is that satisfactory to you?
- JRM - Hopefully for the benefit of this project I will be able to look at my notes down here during next week. The transcripts will give me an opportunity to refresh my main record. Then it will be a final product.
- DFS - We will get any transcripts to you ahead of time and of course, if your assistant down in Greenville could rout out your own drafts before Hilton Jead, that would be fine.
- JRM - I'll end up doing it myself, but that's all right. Well let me see if I can give a very sketchy background of my early thoughts on the subject. I gave no real consideration of the issue of impeachment until the Saturday Night Massacre. At which time my great concern was not the firing of Cox by violation of the understanding with reference to the creation of the prosecutor, but the apparent intention to not comply with the spirit of the accord of evidence and I recall on Sunday I was at a TV station doing something else in Greenville and I made a statement to the press which was printed and from which I got some flak, to the effect that I felt an impeachment investigation was in order to get with the President's intention on the court order. You can imagine how a lot of people responded to that statement; that meant impeachment and not just investigate the possibility of impeachment proceedings taking place because of that and that's really all I meant. So of course then on Monday when we got back up here many resolutions and speeches were made, then Tuesday at some hour the President announced that he was going to comply, at 2 o'clock on Tuesday -- along about when he made his announcement. And that took the steam out of my feeling about impeachment for the time being. Because he had complied substantially. I think that was the particular feeling. The firing of the prosecutor never did rise to the level of impeachable conduct in my mind whether it did in some. I remember specifically reading a statement that Chesterfield Smith made about that, during that weekend period which he expressed my thoughts and as a matter of fact was a little strong. But I think, frankly, that without the impetus given to the movement by the court by the apparent intention to not comply with the court order had more to do with the on-going process, gave it more momentum than anything else by far. That really got it started. Had the President said that I'm complying with the subpoena but I'm getting a new prosecutor because I think you're on the wrong track, I don't really believe it would have gained as much momentum to result in an ultimate Congressional resolution on the subject. Anyhow those are my initial reactions to the idea of impeachment.

DFS - That pretty much answers I suppose, what was your reaction back on the 31st of July when Drinan introduced his first resolution?

4-5 frivolous
JRM - It was nil. It was just a frivolous act in my judgment at that time.

TM - During the early stages of the impeachment proceedings, the full Committee discussed what was an impeachable offense, the Department of Justice came up with a memorandum, the White House staff had a memorandum, Mr. Doar's staff had a memorandum on the same thing and we are trying to get your feelings on what you think are the impeachable---

JRM - I'm sure I could phrase it a little precisely, if I had given it any recent thought but basically I agreed with the staff memorandum, the Doar staff memorandum. And certainly disagreed with the contention that an indictable offense was required. Any conduct which was substantially contrary to the national interests or the description given in, on page 4, (it's an early page of the staff quoting some Member of Congress perhaps connected with the Johnson impeachment.) It rather fit my description, we can pick that out very readily. That really fit my description but I reject for all time that it has to be an indictable offense.

DFS - Now how about this situation, there is an offense in itself that objectively is serious but that seriousness was not at the time recognized as being serious by at least some consensus of the American people. Would that still remain an impeachable offense?

JRM - First I made the statement more or less privately several times during the various stages while that argument, concerning an impeachable offense was going on, was that I didn't think murder was an impeachable offense, that's overstating it a little bit but the point is that the mere fact that a crime was indictable unless it directly effected his duties, or was of such strong public moral stigma or something of that sort, that it did not constitute in my judgment an impeachable offense. I'd take an example, like negligent homicide for example, I wouldn't impeach a President for that. But going further, I do think there's implied by your question that the public perception of what is appropriate conduct for the President of the United States does have something to do with how you arrive at that level of misconduct absent in any concrete indictable or other basically a very objective criteria that what is the proper level of conduct which I would think would vary with the times and with the morality of the people and the degree of the status of the office at the time. But so I think that that does have an ingredient, but it certainly doesn't go as far as the political definition that is attributed to Jerry Ford.

- DFS - In your opening statement that Thursday evening on TV you said that -- "I'm persuaded that the search for truth is paramount in each of us and that truth like beauty is in the eyes and heart and conscience of the seeker." Does that imply that it is pretty much in the judgment of the House and in the individual members of the House?
- JRM - It does. But it also implies a standard other than a political standard. It implies a standard of judgment and morality that the House must determine. In making that determination it would use the current level of public morality, the attainable level of public morality, one's own level of morality, and propriety, and the permanent implications of that conduct on the system of government itself. All those things go into it, but it ends up being subject to determination as to the truth about what.
- DFS - Again in the opening statement you said, "Are we so morally bankrupt that we will accept a past cause of wrongdoing as an excuse?"
- JRM - That of course was a reference to the public outcry that everybody's doing it and that it's just politics or because somebody else did it once before. We could have no system of justice if we required that in order to enforce the law against one person we had to catch all the offenders and punish everybody from the beginning of time for that wrongdoing. There are many ways it can be put. But the real problem what somebody else did at some other time at some other place really has so little and wasn't punished for has nothing to do with it. Our system of justice is not perfect, you know. It's like applying the Biblical admonition, "Thee who is without sin, let him cast the first stone." We can't accept that as an argument against an effort to administer justice whether in the courtroom or government.
- DFS - Would you say that the fact preceeded the theory of impeachment or did you have in your own mind pretty much the theory of what is an impeachable offense before it, in fact, evolved for those three months?
- JRM - Yes, I had I think from the very beginning been considering what the effects and causes of impeachment might be. I had a triggering device definition in mind. I didn't attempt to apply it to any hypothetical set of facts. I didn't speculate and say, "well, if he did this and so it would be or if he did that it would be." I didn't carry it to that point. You know I would not have impeached the President for complicity in the Watergate break-in alone. I don't think I would have. Cause we didn't prove complicity in the Watergate break-in at all, but had we proven it, I'm not sure that I would have impeached the President. The other offenses, particularly the abuse of power and obstruction of justice, so much more damaging and threatening to the system than a mere political trick although it goes to the level of a violation of a crime, the law.

- JRM - So I think that there's a very good chance that I would not have voted for impeachment based on the fact of a break-in, even if Richard Nixon had been one of the burglars.
- DFS - Were there any particular sources, books, whatever, that you can recall that you depended on or read, influenced by --?
- JRM - Well, I don't remember any that I was particularly influenced by. I read Ronald Verges' book on impeachment. I just had an interesting weekend by the way; I participated in the Earl Warren conference of the Roscoe Pound American Trial Lawyers Foundation at Cambridge, Friday and Saturday. Raoul Berger, Phil Kurland, Tom Innocent of Yale, and Halpen, or something, I think probably the Dean of Constitutional Law at Columbia University. We were divided into three groups and discussed the Presidential Powers. We didn't discuss impeachment, we discussed Presidential Powers, but Vergie and I enjoyed meeting each other. So I can't say that I was particularly influenced by his book, as a matter of fact I disagreed with some of his implications. As I recall he implied that impeachment might be subject to judicial review. I didn't agree with that at all. Other than that, I read a few other books but none of them of any real significance. I remember just a slight reading because I think that I got in in the mail, the little book, Nixon: A Psychiatric Profile. I think that was during the course of the propriety hearings that I read that.
- SPL - Did you read much of the Johnson Impeachment?
- JRM - No, I was snowed under with books about that time and found that I had no real time to do that kind of background research. I did not do substantial background research on the law of impeachment, I relied on the judgmental level that I've already tried to describe to you. As I practiced in the criminal courts, I prosecuted for ten years, and I found that in most cases I could apply my common sense and judgment and justice would result. And as prosecutor, I didn't hesitate to not process a case if I didn't think it would make that test, regardless of its technical perfection nor did I fail to prosecute a very, very weak case if I really thought the guilt was there and the level of moral culpability was there.
- TM - Congressman, before we move away from what is an impeachable offense, just touch briefly on this: Once you've determined that something is very serious and need not necessarily be an indictable offense, is there a degree of belief that you might be able to attribute to the offense?
- JRM - Well, there certainly is a degree of belief, but how to describe it in the usual terms that we know, clear and convincing or whatnot is difficult because no matter what words any man might use to describe the level of proof, it's his level of proof that determines what his vote is, what his verdict is and its whatever reaches that level of conscience, violation or

JRM - whatever. In a case like this one, where you have multiple offenses involved, of course, the whole pattern kind of works together and furnishes a level of proof where each separate item standing alone might not meet the test. So it turns out to be a subjective but a well-founded belief, not frivolous. That's about all I can say. And for each of us that can be different depending on the level of impartiality, which is a loose word to describe the situation, that one brought to the task in the first place. In spite of your effort to try to be a machine at this point -- which I tried to be -- it is very difficult. All it can be is that I made a supreme effort to remain objective in the matter. But I can't avoid confessing that I had entertained doubts for a period of years, and I would say at least 1969, my first year here, based upon the President's handling of the Vietnam War and his explanation of it to the American people, based upon his handling of the fiscal messages and his explanation of them to the American people, which in my judgment were calculated to mislead, or at least were not candid, caused me to have a judgment of Richard Nixon that he was so political, and that almost means so partisan, as to engage in any type of manipulation of power of government to further the ends of himself and his party. Not having been here during Lyndon Johnson's time, I was not prepared to say that Johnson didn't do the same thing. From all that I could determine, as a matter of degree, however, Johnson did not do it to the degree that Richard Nixon did. I came up here with a certain political naivety and a lack of partisanship that caused me to deplore that handling of the office. That was far from any feeling that he deserved to be impeached. But I think that I would perhaps confessed to having had the notion from time to time that justice would eventually triumph, even if it was in heaven. It came in an unexpected way, without my consciously contributing to it.

SPL - Did you and your family receive any threats during the end portion?

JRM - The mail was sparked somewhat by the biased handling of the procedural issues in the early beginning, by both the minority and the press, caused the mail to be rather bitter and accusing me of partisanship and some instances and certainly demonstrating the lack of understanding by the American people of how the system worked, and what the duty of the House of Representatives might be towards the Constitution. And the great preponderance among the media against any proceedings and they would use the typical far-fetched frightened approaches. A large part of the mail was bitter, it wasn't threatening, it was bitter. It was threatening politically, in that many letters said that I'll never vote for you again. Many people quoted "He who is without sin." Many people called upon Chappaquidik, many people said "It's just politics." Some people unfortunately said "Impeach the Congress," and demonstrated a deplorable lack of appreciation for the existence of this system, for this procedure of impeachment.

- JRM - The threats received were not too direct, a couple of phone calls to my wife about I'm going to blow his head off, the completely atrocious action of the state Republican Chairman whose name should not go down in history who said that, after our vote on the first article, that the House Judiciary Committee should be put in jail, enough threats to cause my Greenville office and her to collaborate on arranging police protection. For her to post by her telephone numbers of the appropriate people to call, FBI and local police, and perhaps a little stepped up surveillance at my house. It perhaps resulted in my not going home on weekends when I might otherwise have done. And yet, when I did go home, I guess the weekend after the voting and before the Monday revelations, I went to a few public places, a wedding reception, I guess, and was very well received. Of course, a lot of people didn't have much to say, but they were cordial nevertheless.
- DFS - During this time, what other factors -- you talked about books and so forth, you mentioned your wife, for example. We asked several members what they would think at Hilton Head of having an informal gathering of the members wives because in so many cases there seemed to be a very close give and take there.
- JRM - My wife and I don't operate that way and she understands it. I would say that I insulated myself from opinions, including my mail, I didn't read it except accidental situations here in this period. I started out reading it a good bit, but then I abandoned that. I didn't read it in depth but tried to answer it currently. And I discussed it with absolutely no one. Absolutely no one. Not even my wife. Of course when I would go home on weekends, as I did during most of this period, there would inevitably be two or three sentences passed during the course of the weekend, maybe in the kitchen who had called, who had done this, what they were saying or whatnot, but I received that information just like I would have walking down the hall. I know that there was no effort on the part of my wife to influence me. She never really has tried to do that.
- DFS - Do you think the media, even unconsciously, influenced you, for example, that story in the New York Times on you as a key figure, that type of thing?
- JRM - I don't recall having been targeted by anybody as a key figure until it was all over.
- DFS - It was on the 27th of July.
- JRM - Oh, that was after the die had been cast.
- DFS - Yes.

- JRM - No, I was not aware of any outside identification of any particular role that I was playing. Although I was aware, because I maintained it so constantly and was bombarded just as constantly, I was aware that I was being identified as one of those who would not reveal how I was thinking and would not discuss it.
- DFS - Did you read the Times, for example, or Newsweek, constantly?
- JRM - No.
- SPL - What information or evidence did you consider most helpful or most convincing during the inquiry?
- JRM - { The oral testimony was the most convincing and that's John Dean and Kalmbach, and one or two others who were convincing in their obvious lack of candidness.
- SPL - Since we're putting the record together for the members the only real source, I guess you might say, is Theodore White so far so I'd just like to quote what he said about you, he said, "Mann considers that the issue had become constitutional for him when the Committee in early July had called live witnesses to put flesh and voice to the documentary evidence. The testimony of Butterfield had moved into the thought of overall Presidential responsibility." Then he quotes you, "This question of accountability, to what extent can a President stay behind closed doors, run this country, and wash his hands of the responsibility for the action of his men?"
- JRM - He quotes me from a statement at the hearing, because I never was interviewed by him with connection with the book. This is true. Of course, none of us had really stood off and looked at the forest, we saw all these little trees as testimony was presented. The presentation of John Doar tended to pull it together later, but it was the oral testimony that kind of emphasized the monstrosity of the whole thing. And the lives that had been ruined or damaged without any apparent remorse. The testimony tended to complete the picture and fill in the gaps, just kind of all made it hang together. Then when John Doar made his presentation, it really did hand together. It was during that period that I began to say that the solution was inescapable.
- SPL - Do you think a clear and convincing case could have been made without the tapes?
- JRM - No.
- SPL - That the tapes were essential?
- JRM - I do.
- SPL - What was your feeling when you actually sat in the hearing room and first heard one of the White House tapes?

- JRM - My recollection at this moment is that I wasn't overly impressed with the revelations that I got from the tapes. I had overheard Rodino maybe, or someone else, who had previewed some of the tapes, talking about how revealing, the word shocking might have been used, or revealing was used in such a manner to indicate how convincing it was of culpability. I didn't form that impression, except very slowly as the tapes were presented. I don't recall what the first two or three tapes were but I don't remember being impressed by the first tapes that I heard. The expression, the tone, the things that were unsaid and whatnot didn't come as any real eye-opener to me, I don't think.
- DFS - Do you recall what your relationship with the more, perhaps liberal members of the Democratic group in the Judiciary Committee was? Did that change noticeably during the Spring and Summer with your silence about impeachment or vice versa?
- JRM - No, a great tolerance, I thought, existed during that time. Nobody was trying to convince anybody else on a personal basis of anything. Even though I, in my own mind, knew that there was several of them that no matter what they looked at and were showed, were going to vote for impeachment. None of them tried to impose their ideas on me. Nor was there any moving apart because they knew that I was unconvinced, that I might very well end up being a defender of the President. There was not any indication that anybody resented my failure to take a hard stand. If anything, there was an increased fellowship and respect based upon the fact that we were confronted with this difficult task and we were thrown closer together, more than usual, so it was a coming closer together in that respect without moving apart because of ideological differences.
- DFS - How did you at the moment explain on the 28th of June when Rodino was quoted in the Los Angeles Times as saying there is going to be a unanimous Democratic vote?
- JRM - That's when somebody who visited his office was quoted as saying that he made that statement. It turned out that one of the people who visited the office was a reporter or else they made a report to a reporter. Well, it came as a very great surprise to me because he knew he had no basis to make any such statement, that's why he protested so loudly about it, because he, I guess, was afraid that those of us whom he knew that he couldn't quote that way might resent it irreparably. As far as assuming his interest was in orchestrating a successful impeachment, I don't say that was his interest and I don't say that it wasn't. The denial that he issued carried some credibility to me, so I didn't resent it substantially. I didn't like it but I didn't resent it substantially. I didn't belabor the point with anyone. I guess he made an explanation to the Committee, but I don't recall the event.

DFS - Yes, and on the Floor, too. How did you evaluate the work of the defense counsels, St. Clair, Garrison, Jenner?

JRM - Of course, I was a great admirer of Jenner, because I saw in him the objectivity of a great lawyer. Now, I view John Doar the same way. I viewed him, not as an advocate, but as a great lawyer who was seeking the truth. So I thought Jenner, because of his obvious agreement with Doar on certain procedural matters, matters more legal than factual, I saw a willingness to concede to the logical answer rather than knit-pick or quibble for partisan reasons or just to be difficult, and I appreciated that trait in him as I'm sure several of the Republicans appreciated it, even though they were hard put to stem the tide that eventually swept him out. I did not know Garrison and had no dealings with him and didn't have any dealings with him throughout the entire proceedings and never even heard him, had no measure of his ability until his final argument. Then I was impressed by the way he made the best of what he had on rather short notice. But throughout the course of the hearings as the opinions were asked on procedural matters and whatnot, Garrison was called upon to give an opinion, he was usually to present some technical or tenuous reason in support of the opposite position, very adroitly even when as I indicated it was very tenuous, he seemed to find the only one that could have been made in most cases. It was not a good argument, but it was a technical argument and that doesn't endear me to a lot of it particularly. If that's all he's got, I guess it was his job to present it. So, he did it to satisfy the requirements of those of the minority who were willing to allow any technicality to defeat the impeachment process, and there were several.

There were several who believed rightly or wrongly that the Democrats were acting conspiratorily and it was their duty to do the same thing on behalf of the President. It was distressing to me from both standpoints. That anybody can be that partisan from either side. But it was there. That's that. So he was responding to that motivation in the various opinions that he gave as we went along. In the final analysis he had to present the best argument that he could, I guess, and I thought he did a creditable job in marshalling the facts in a technically good matter. So, now as far as St. Clair is concerned, St. Clair again in his questioning was the supreme advocate only interested in trying to identify some weak link or contradiction and willing to let stand what he knew was the wrong impression. Now, that's all right in an advocate in the courtroom; but in my judgment it doesn't do credit to a lawyer in this proceeding. It does credit to him as a lawyer as far as his technical qualifications are concerned, but not to that higher duty which a lawyer holds out in a matter of his credentials.

- DFS - Another member of the Coalition phrased it this way; would you as a lawyer say that this is an overstatement: That whereas Ford had brought his life to the Judiciary Committee the preceeding fall, Nixon brought his lawyers, and that alone was enough to jaundice the case.
- JRM - That's too much of an overstatement. I find no criticism of either Nixon or the procedure by the fact that he chose to send a lawyer rather than coming himself. Given the mental attitude that he had, he chose not to be more candid. I would hope that the system would not operate to the degree that it did to conceal or to fail to account to the degree that happened with Nixon. We have to understand the nature of the man and the way he had been operating for those years to realize why he thought everybody was his enemy.
- SPL - What was your reaction to the leaks?
- JRM - Well, I didn't like the fact that leaks occurred but I don't subscribe to the idea that they were in most cases deliberate or calculated. I caught myself on one occasion saying something or nodding my head when a reporter asked me a question. That, I was afraid, was a leak. And, yet, I was just feeling sorry for the reporter, trying to give him a little something to go on and not thinking of what I had revealed was of any real secret nature anyhow. And the fact that we were considering these public facts behind closed doors didn't make it a great sin to let it be known that we were considering these already known facts behind closed doors. So, I think it was overplayed from the partisan standpoint and that more deliberate wrongdoing occurred in retaliation of non-deliberate leaking. As far as the culpability is concerned, that's where I would put it rather than give some credence to the idea that some of these leaks could have been good faith, sort of, accidental things. I just educated guesses in some cases.
- DFS - Now that we've considered a week ago, the week itself and the last hour of the preceeding months, let's switch now to the 29th of July and you recapitulate your own feelings after that first vote on the first impeachment article?
- JRM - Well, I don't rightly know since I guess all that I did was come back to the office and call my wife and then go to bed because I was meeting the next morning to work with some people on article two. I don't think that I'm without emotion but I can be rather calm and hard and cool, when I need to be and once I made that decision and, of course, even though I've indicated that my process of decision really occurred during the two weeks or so before the vote, I reserved until the very last, until I voted what I might do. I had made no commitments to anybody, including myself, nor in my opening talk that would have prevented me from voting either way. And there could have been developments, I don't know what kind, that might have caused me to vote the other way, but the compelling weight of

- JRM - the impeachability of the conduct was such to drive me into that vote. Well, after the vote, I don't remember specifically what I did or how I felt. I'm sure I felt the continuing grimness that I felt when I voted. I didn't go partying and I certainly didn't go and get drunk; I merely faded back to my office alone and guess that I called my wife; I'm not even sure of that. So I'm afraid that I don't really recall any outstanding features on it. If I had any difficulty sleeping, I don't recall because I do recall that I was fir the next morning and able to proceed with the work.
- DFS - You have already, I'm sure, have answered this in substance, but just for the record -- in anticipation of a Senate trial, were you as a lawyer satisfied with articles one and two as defensible?
- JRM - Yes, indeed. I thought they were quite adequate based upon my experience with criminal indictments, as I have prepared them. I think any more detail would have been inappropriate and I thought that the detail that was there was certainly enough to put the defendant on notice as to what he was charged with, particularly given the facts that his lawyer was present for the presentation of the testimony upon which they were based. Plus the arguments on the facts made by the Judiciary Committee itself. So, I had no question in my mind at all that the articles were appropriate. I thought they were well-balanced. That's pretty strong. That you move in either direction, simplification or more detailed, would have been wrong.
- TM - Did you give any thought to possibly being a manager in the Senate?
- JRM - I gave substantial thought to it because my name started being mentioned. It was mentioned in the press. I'll say the leading Republican in my district communicated with me, I don't remember precisely how, indicating that what I had done to that point was defensible or understandable, but that to proceed further and be a prosecutor would probably not be tolerable in my district. I guess I got similar advice from others to be the cutting edge or to take a leading role in that trial in the matter with only one person in that way, my brother who is a lawyer in Greenville. His comment was that the historical opportunity, from the legal and governmental and -- let's use the word statesman--my contribution would make. He knows my low-key manner as far as prosecution is concerned, as seeking after the truth and not too much advocacy. It was just an opportunity that could not be passed up -- that was his opinion. I, if I had accepted, it would have been solely because I thought it was an inescapable duty. I'll go further and be completely candid and say that when one looks around the House Judiciary Committee and picks the people who portray the moderate nonpersecutorial, non-prejudiced image, you get down to very few. From that standpoint, it perhaps would have been my conclusion that I had to do it

JRM - because I did have that image. There weren't many that did. You know just as a kind of ridiculous example, but you put Father Drinan and Liz Holtzman and Don Edwards over there in that job and it wouldn't come out the same as if you put Sarbanes, Mann, Hungate, Flowers, and Railsback, let's say. So that is the kind of situation that we would have been confronted with.

DFS - A broader question -- Do you think that there are some beneficial results for our system of government, you used that phrase several times, that did accrue from the whole impeachment procedure?

JRM - I don't think that there is any question about it -- that the pluses are so tremendous when compared to the minuses. I would have difficulty finding any minuses. The pluses are so great. But the pluses are so ephemeral they are dissipating fast. The concept of the American people of the system, by that I mean their understanding of what representative government is, remains unclear. I'll be a little bit selfish and prejudiced when I say the system I'm primarily talking about is the way the American people govern through representatives. I'm not talking quite so much about the struggle for power between the executive and Congress, but to a degree I am talking about that. The fixation that the American people have come to have on the Presidency, you know I hate to make an extreme statement like this, had gotten so bad and many things contributed to it. The electronic throne that he could mount at any time and tell the people what he wanted them to hear. The nonintended benefit that the media gave to the office by the way they handled the news. After all, the White House made it easy for them to get the news, they laid it out to them and spoke with one voice and it was more news that the President signed into law a bill that he opposed while it was before the Congress, so he gets all the credit. And when the bureaucracy does something, the President gets the credit. Actually, the Congress should get credit for what the bureaucracy does in many cases because it is pursuant to programs that we've authorized. So the editorial writer or the columnist says write your Congressman, they've appropriated money that went for love in Michigan. And low and behold, we appropriated money for research and education or something and because of the way the Executive branch handles that money we get the flak. So unintentionally the press, in spite of their dislike allegedly of Richard Nixon, furthered the cause of this wrong overriding Presidential power. The fact that that fixation still persists is demonstrated by the fact that Jerry Ford felt free to get on the tube to make statements after presenting his energy program on which we'd been a 100 years getting around to and the solutions are many and his solutions are only one and a partial one as anybody would admit. And, yet, it was so important that he felt he could issue a public statement 10 days later, having taken of course six months lacking six days after taking office to make that proposal.

JRM - And accuse the Congress of being a do-nothing Congress as if, and of course he knew better, that he was taking advantage of the public perception of what the Congress is that monolithic conspiratorial institution that is going to keep our President from doing something, when it so happens he agrees with or that they agree with him.

The second lesson is that our system is strong enough to withstand these kinds of things. And that no man is indispensable is a lesson that will last but it's not so important if the man that is in there can exercise such great power that the people's representatives are in essence deprived of their function. So I perceive a need for continuing citizenship education in this country by some organization or some mechanism, the bar association or the League of Women's Voters or whoever. So, I think the lessons of Watergate are not going to be as practically effective as they should be and I think that the leadership in Congress bears some of the blame, a large part of the blame, because instead of responding with some new innovative 20th century capability changes in the Congress, they merely made political statements and asserted that because we overrode a couple of vetos there during that early period after the impeachment that the Congress had reasserted itself. That, of course, if poppycock. The Congress is not reasserting itself. It probably wouldn't have reacted any differently if Richard Nixon had still been in but we are allowing ourselves to continue in the old traditional methods of legislating when the complexity of this government has gotten to be so great that we are legislating in the dark so far as information and facts of a verifiable nature are concerned. With the withholding of information by the Executive branch and the lack of developing of information by the Legislative branch. The knee-jerk reaction to the budget which we have done something about was before Watergate, and will be helpful. Although it is a self-policing mechanism, one of the helpful features of it is that at least the Congress is going to take a look at income estimates now. They never used to do that; they would accept the Executive's income estimates, and merely nit-pick the expenditure estimates. So, if we take a look at the income estimates, and then if we develop a capability to take a look at the programs and then we can exercise the power of purse. As I indicated it's just a lack of bold moves. I don't believe the strong leadership of Rayburn or anyone else could substantially change the handicaps under which Congress is now operating. I think if it could be summed up, it could be said that Congress has not equipped itself with information to do its job. That means institutionalizing and regularizing its procedures with reference to that information so that the proper use is made of it. When I use the terms institutionalizing and regularizing I mean that we have a system to make use of that information and not leave it to the whim of some individual in the system, committee chairman, subcommittee chairman or whatnot to determine whether or not that information is to be used. When we do that, then we can handle our job.

- SPL - I'd like to go back to one quick point on the vote on article one. Some members in the interviews so far have expressed the feeling as they were sitting there, several of the other members were acting for the cameras when they were voting, that they had been preparing themselves for quite a while. Did you get that impression?
- JRM - No, I'm not aware that anybody did that. Of course, I haven't seen a replay; I can't say that, I guess I did see a replay of the voting, in a haphazard manner over the next week or two. I never really studied a replay, so, that I could make a judgment, but of what I did see, I formed no such impression.
- SPL - Do you think future generations now have a clearer definition of an impeachable offense?
- JRM - Yes, I do. I think that the handling of it by constitutional scholars and by civics teachers and the like will be such that the old idea of an indictable offense will be substantially put to rest. There will be some who will still contend that it was a partisan or political matter and, therefore, the precedent is not binding, but I think in most cases it will come out that it is a meaningful precedent.
- SPL - It's been said that the inquiry staff did very little original work, do you accept this as just criticism?
- TM - As a matter of fact, Jerry Zeifman was interviewed just the other night on TV, and one of the things he said was that the Doar staff didn't do any original work.
- JRM - I heard that he engaged in some sour grapes subsequently. I didn't see it. To a degree he's right. It was a collating and gathering of existing information and the investigative effort was virtually nil from what I could determine and the developing of any new information. They did a lot of interviewing of witnesses and the record, however, did not reflect too many of those statements or quotes from those statements but the explanation for that is that the Ervin Committee had done such a marvelous investigative job, that they didn't leave much new ground to be plowed or that could be reached. They probably did spend a world of time in duplicating effort of the Ervin Committee and came up with very little that was new or different. So, it's not that they didn't try to develop independent information, but they were handicapped in that the Ervin Committee had already plowed the ground.
- DFS - Had you paid much attention or perhaps a great deal of attention to the Ervin Committee the previous summer?
- JRM - Very little. When I say very little, I didn't stay up and watch the replays on TV. I just caught snatches of it from time to time and glanced at the news stories. I won't say very little but no more than the typical citizen, even though I was up here.

- DFS - The pragmatic aftermath question: What effect do you think your role in the impeachment hearings had on your reelection?
- JRM - Well, I think it resulted in a slight slippage in my reelection margin. First, because of the proximity of the vote to the impeachment proceedings and the resignation and the emotion level that had not subsided in the minds of what otherwise may have been very reasonable people. It would be mainly a very wild guess to say to what extent I thought it affected it. One clue is I think a little poll I had taken by the Political Department of Furman University as a student project and I paid for the expenses. They found that my rating with the older people was poor and I certainly don't attribute that to my failure to support programs for the elderly, or my historical image in the community, on the contrary, that would have enabled me to be able to count on the old people and wonder about the young people. I consider that purely based upon the Nixon issue. You know that basically the communities of older people couldn't reconcile themselves to this radicalization of the procedure as they might have perceived it. So, I feel that I lost as much as 5 or 6% of the vote on account of that issue. I lost another small increment because of confusion of the governor's race in South Carolina, which caused some people to vote straight Republican and resulted in the election of a Republican Governor in South Carolina. In spite of that, I got a good vote, 62.9%. But I meant to add also that there were many, many people who might have otherwise been lukewarm or unimpressed, or routine supporters of mind who became very proud and very enthusiastic and convinced that they had good representation and so they voted with a little bit more vehemence but with normal numbers. (LAUGHTER)
- SPL - To go back to a point you made a little while ago, concerning Congress and information, didn't we almost have that case with the impeachment inquiry? In other words, the inquiry staff would assemble the information, it would go to John Doar and he then decided what went to the Committee and when it went to the Committee.
- JRM - I don't consider that the same situation; that's purely a situation of a lawyer organizing the evidence in what he thought was the most logical or perhaps even persuasive or convincing manner. That is or would be a part of any investigative effort to sort the wheat from the chaff and not as they might do in the bureau -- select the chaff. (LAUGHTER) There was no adversary atmosphere as between John Doar and the Committee or between John Doar and the truth or between John Doar and the President, per se. There is almost no adversary position between the Executive and the Congress, it shouldn't be that way. Our founding fathers didn't intend that when they devised the principle of separation of powers. They thought they were dividing up the duties, not creating confrontations. So the adversary approaches

- JRM - which of course the two party system is indicative to that adversary atmosphere. But it is not the same.
- DFS - Now, by May 1975, which is 10 months after the whole affair is over, you made the decision to tape your recollections of the Coalition. What were some of the factors that possibly would have made you be a little more reluctant last October, let's say, than your willingness now in May? Was there any difference in the time that affected your willingness?
- JRM - I don't think so. I have never failed to respond to inquiries or even detailed interviews with reference to the matter. I had one previous somewhat detailed oral interview a couple of months ago by somebody from Yale. I was clipping along pretty good there, and it's quite possible that I can get that tape and make it available for supplemental or comparison purposes of this interview. There were some people and I won't name the names who had done a good bit of background work on this -- on the impeachment procedure -- before the proceedings and all through the proceedings, and beyond the proceedings, who I knew were working on books and if I displayed any reluctance it was in giving them the fruits of their endeavors before some other version interferred.
- DFS - Is it practically politically safer now to do this than it would have been to do this in October or November of last year?
- JRM - No, I don't think so.
- TM - One of the questions and he may have already answered this and I missed it, to go back to the treatment of the press of the whole impeachment group, can you give just your assessment of that treatment?
- JRM - Yes, I was generally satisfied with the treatment of it, by the major newspapers, the New York Times, the Washington Post, Los Angeles Times, and the St. Louis Dispatch. But only in comparison of the absolutely deplorable treatment that was received among what I would describe generally as less sophisticated newspapers throughout the country. The local newspapers, the papers that didn't maintain an adequate Washington connection, and their picking up on the sensational parts and the partisan parts and the parts that would promote their political view which was basically I think certainly in my part of the country pro-Nixon. Now that's in the failure to report factual developments and failure to report objectively on some of the disputed procedural matters, for example. But in spite of that comparison, basically I was disillusioned, bitterly disappointed that all papers weren't devoting more space and attention, to an explanation on the process as it went along. And you know these reporters assumed that the reader knew as much as they did about the Constitution and the system and the House of Representatives

JRM - and an investigative committee proceeding and things of that sort. So that rather than having a strong constitutional and judicial objectivity to it, the proceedings were painted as a partisan political exercise. That was the way it came out. When all they had to do was in each story, temper it with a little information about how this fit in the overall picture and what this was based upon and how it was appropriate and how the Committee was seeking to do these things and what had happened on other cases and the like. But no paper did that; the bigger papers did it a whole lot better, but no paper did it adequately. They made bad news out of it. There was no good news about how the system was designed and about how it was functioning. So that caused me on at least one occasion, and it's printed in my local paper, to call upon the American Bar Association to conduct interview programs and to provide this sort of civics and constitutional education.

DFS - Mr. Mann we are very grateful for your patience and time.

JRM - Not at all and I'll try to restructure a little bit of my activity in two or three areas.

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