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Fragile Coalition Interviews - Thomas F. Railsback, June 11, 1975

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- DFS - This is the first interview with Congressman Railsback with the Coalition staff of Lynch, Mooney and Shea at 6:15 p.m. on Wednesday the 11th of June, 1975.
- SPL - Rayburn House Office Building, Washington, D. C., U.S.A.
- DFS - Congressman Railsback's office. We just thought we'd start out with a couple of ground rules for Congressman Railsback that we agree on. One, that it is totally confidential, subject to your editing or going over it, or whatever you want to do and two, we hope then that will make for as much informality as it can be. Whatever you say, whatever you want to add, fine. And the only reason we have these questions together is to have some kind of basis of comparison among seven of you. So, sooner or later we may try to cover all eleven questions. And, so, the third point, and I think it's kind of important from the viewpoint of history -- Tom and Steve and my function is totally negative. In other words, the only purpose for the questions were to just kind of jog your memory, if it needs jogging occasionally. But, you're the primary source and you are the primary actor, you're the primary recollection. So, we will be just kind of around. We kind of thought lastly that it would be appropriate to start with you, not only because you were obviously important that summer, but anyone who can put up with Mooney for four years --
- TR - No, seven years!
- LAUGHTER
- TR - That's worse than impeachment!
- MORE LAUGHTER
- TM - Excuse me, I'm leaving at this point.
- DFS - But, no matter what comes out of this I think we should say one final thing -- that we are going to be very factual, and that means complimentary, synonymous for you, of course, and therefore not like Nora Ephron.
- LAUGHTER
- TM - When we finish this interview, take it back and have it transcribed, make three copies of it -- one copy comes right back to you for your editing and cleaning up and whatnot and we'll also try to clean up the copy. We will then put the two clean copies together, making a good copy, and then one copy of the original we'll just keep in a file until we have finished the whole project.
- DFS - But none of it will be released until all business is done.

- TM - You can take that transcript and do with it what you want -- strike, add, you know, that type of thing.
- DFS - Now we thought we might start out with what were your initial ideas, natural predilictions about impeachment. Steve has been working on this, do you want to kind of give us a little background, Steve?
- SPL - I don't know whether you want to go back further, Mr. Railsback, but we picked the date of July 31 when Mr. Drinan put the first impeachment resolution in the House. I think I left a copy over, there for you. A couple weeks prior to that, Butterfield had first told the world about the tapes before the Senate Watergate Committee, and on the 25th, six days before Drinan put his resolution in, Mr. Nixon issued a statement and said that he would not surrender tapes to Archibald Cox or anyone because it would destroy the independence of the three branches. He then felt that issue was resolved, so, whether you want to go back further than that -- the Special Prosecutor's office -- I don't know --
- TR - No, no. All right, I remember Drinan's resolution and I thought that was a joke. That's to begin with, and then, I think that I felt up until the Saturday Night Massacre that there was not a chance that the President would be impeached, but with the storm of mail that arrived from the District after the firing of Cox and the concurrent resignations of Richardson and Ruckelshaus, all of a sudden it became rather apparent that there might very well have to be an inquiry anyway.
- TM - Time frame wise, what the time of this -- the firing of Cox.
- SPL - October 20th.
- DFS - October 20th, 1973. And, Doar was appointed the 20th of December.
- TR - I have an idea -- in conducting this, I think you're gonna be better off letting me maybe try to follow your format with suggestions from you. So, if you want a kind of an answer ^{from} me, you better get the answer and then if I've omitted or if you think I should elaborate -- I think otherwise you're gonna have a muddy stream.
- DFS - Okay.
- TR - But that is really my answer to number one.
- DFS - When you said it was a joke, in what sense a joke? Frankly because of who introduced it or --
- TR - I thought it was -- I was being very candid -- I thought it was another example of Father Drinan emoting and over emoting and over-reacting.
- DFS - All right. And with little evidence involved?

- TR - With little -- well, not only that but little basis of support and without any backing at all from the Democratic leadership, but it became very apparent that the storm caused by the Saturday Night Massacre gave some respectability to the thought of an inquiry that had not existed up until that point. Now, do you want to go on to number 2?
- DFS - Yes, go right ahead. I just listed several possible occasions--
- TR - Yes, right. Well, I thought impeachment became a possibility although even then perhaps a remote -- this is in my view -- a remote possibility with that happening, that is, the Saturday Night Massacre.
- SPL - Were you involved at all in any of the discussions of the Agnew case at that time?
- TR - The Agnew defense as far as I was concerned were irrelevant to President Nixon's case and my recollection is that they did not either add or detract to his case at that time.
- SPL - However, wasn't Agnew pushing for an impeachment investigation by the House which probably would have greatly affected --
- TR - Yes, yes, again, honestly the Agnew situation did not influence me one bit and it was just entirely a separate case and the fact that he pushed for the House to investigate did not influence me at all.
- DFS - Well, dropping down to about the fifth line from the bottom of question two, did the President's failure or seeming failure to comply with the Committee's various responses, did that further intensify your wonderance?
- TR - All right. The subpoena issue and the President's refusal to comply ultimately made it very difficult to vote against impeachment, but that by itself was not a sufficient offense on which to impeach, in my judgment. I say that for several reasons. Number one, I thought all along that before we used that as an independent or separate article that we should exhaust all of our remedies in that regard. In other words, I thought there were other alternatives that we could have pursued -- we could have followed the traditional right of the House to censure and we did not elect to do that. By not going that route, we did not give the President the right that a traditional individual about to be censured would have which would be to, and you correct me Tom if I'm wrong, the right to actually confront and actually make a statement, am I right before the House voted on it or am I wrong? I think there are certain rights that are given to an individual that is going to be perhaps held in contempt by action of the whole House of Representatives --

- TM - Actually being censured by the Congress — and being in contempt of Congress — they are two entirely separate and different procedures.
- TR - Yes, you're right, oh, I'm glad you said that. I'm not talking about censure, I'm talking about contempt of Congress. You're exactly right. To hold someone in contempt there were two routes that we could have taken. That would be to have the House vote and to actually hold him in contempt and to also have the Sargeant at Arms take him into custody and so forth, or to turn it over to the Attorney General for purposes of actually going through a criminal proceeding — indictment — and we did not see fit to do that. And the other important thing is that I felt that in itself failure to comply was not sufficient to impeach him because of the failure on our part to exhaust these other alternative remedies.
- DFS - But, did that failure to comply heighten your own — ?
- TR - Yes, right. I should get back to that. I'll tell you my own reasoning was at the very end that his failure to comply plus John Dean's testimony which said that Nixon had been an active participant in that September 15 conversation involving 13 minutes that had not been given to us but which Judge Sirica himself had heard and had caused him to reverse himself in saying that he did think that 13 minutes was relevant from 6 o'clock to 6:17. The first 13 minutes when Judge Sirica reviewed it he thought were relevant to the mandate of the Special Prosecutor in determining whether the President had committed an offense. Now, that coupled with Dean's testimony where Dean actually summarized what he felt was the Presidential participation where the President had actually called Shultz a candy ass, plus the summary of information given to us that seemed to me to make it pretty apparent that the President had indeed not told the truth to the American public — those three things in my case led me to believe that the President should be impeached and held to account.
- DFS - Now that leads us very obviously to the third question — your view of an impeachable offense because the whole thing in a certain sense revolves around that.
- TM - In other words, in early February and March the Committee seemed to talk about what is an impeachable offense. The Judiciary Committee staff issued a brief on what is an impeachable offense and the Department of Justice at the same time had their's and they kind of took the neutral positions — they said, in other words, a crime had to be committed, or a violation of the U.S. Code, in order to impeach.
- TR - Yes. As I recall, my view was this — I thought that it was not absolutely necessary that the President be found to have committed a statutory crime or that there be a probable cause or clear and convincing evidence that he had committed a criminal code violation. Historical precedent did not lead me to believe that you had to have that kind of a specific statutory violation.

- TR - The question itself became moot because Dobroner's Handbook on impeachment was able to actually document statutory violations for almost every allegation that we had under consideration. And, I want to add to that that I disagreed with the staff report insofar as it tried to establish a series of minor abuses which in the aggregate would constitute a serious offense, because even though I said that I didn't think that it had to be a statutory violation, I certainly thought that it had to be a very serious offense, in any event. So I resisted the notion that just certain minor abuses of the office could be lumped together to constitute an impeachable offense. I always thought it had to be a serious offense.
- DFS - Would you add to that or did you add to that in **your own mind** that not only did it have to be a serious offense but that in some sense the American People had to recognize that.
- TR - Yes, well, no I didn't as a matter of fact. I would say that I thought it was important that I sit in judgment and make that decision. Now, what I'm saying, in effect, is that I was convinced by Professor, what's his name, from Harvard?
- DFS - Burger?
- TR - Yes, Burger. I agreed with Burger's reasoning in his book, which was written in respect to the Douglas impeachment; but I probably would have disagreed with his later changes, but I think this is maybe off the record but I thought that Professor Burger became very pro-impeachment; I think he kind of altered his views.
- TM - I think that he (UNINTELLIGIBLE)
- TR - Yeah.
- LAUGHTER
- TM - I'm just going to point out that I recall with regard to Doar's activity in drafting the articles that he did exactly what you say -- he was trying to scrap together minor things but now in the report itself that was issued by the staff, it concludes that impeachment is a constitutional remedy that the Founders intended to reach grave misconduct, this was a conclusion, which is so injurious to constitutional institutions and the form of government to justify impeachment.
- TR - Yes. I agree with that. There is one other thing in their summary.
- TM - Yes. The White House report added one thing, they made a point that it had to be serious.
- TR - Well, of course, I know that, you're right. But, I mean that part in there where they talk about a gross abuse or where he violates it or a series of things can constitute --

- DFS - Did you accept the Ford standard, that an impeachable offense is what the House at a given time deems it to be?
- TR - I disagree with the Ford standard and I think that we are as legislators sitting in judgment -- that we are bound to consider precedents, the Constitution, to interpret the Constitution, to be bound by what we believe the confines of that document are. I think that Jerry Ford seemed to imply that we could do whatever we wanted to do. I don't quite buy that. I think we would be violating our oath of office.
- DFS - Did you ever in Spring 1974, think in terms of yourself in the old cliché as the "grand juror" regardless of what the trial jury might do?
- TR - Yes, I did. In other words, the fact of the President's failure to comply with the subpoena, that in itself was really preventing us not from determining his guilt but even from determining whether he should be held to account, that's the way I like to put it, and I was very much aware that if the Republicans, and the Republican party, appeared to obstruct or to prevent cooperation that the American people could argue or the Democrats could argue and make the case in the future that the Republicans were not even willing to hold him to account. We were not being asked to determine if there was guilt beyond a reasonable doubt. Our staff accepted the standard of clear and convincing evidence prepared by Mr. St. Clair.
- DFS - Did you at any time become turned off, so to speak, by the President being so obviously represented by a lawyer?
- TR - Not at all, not at all. In fact, I have to say that I think the President selected an outstanding lawyer. I was very impressed with him. I thought his cross examination was excellent and I thought he was superb.
- DFS - Are you talking about St. Clair?
- TR - Yes, I thought that St. Clair did a very top flight job.
- DFS - Now, what, in that same regard is your evaluation, being from Illinois as he was, of Albert Jenner?
- TR - Well, I was strictly involved in hiring him and actually I suppose more than anybody else I influenced that decision. I actually was the first one to call him. I was asking his advice as to whom we should get. Now that came before Wiley Mayne actually discussed his possible appointment. Bert Jenner, I thought, had the right

- TR - idea initially about what his job was to be, which was to be counsel for the minority in our search for the truth. I emphasize that's the most important point to remember. We were supposedly trying to seek the truth and whether it was bad or good or whatever. I think that Albert Jenner was initially treated unfairly by some Members of the Committee that began early to paint him as a rubber stamp for John Doar. But as the proceedings progressed, I think that Bert Jenner, perhaps, leaned over too far in not fulfilling his job to act as an advisor to the Republican Members, but rather to become almost an advocate for the prosecution. In other words, I as one of his staunchest supporters ended up feeling that he was being a little bit too arbitrary and not really helping some Republican Members that sought his unbiased help.
- TM - Before we move off of that topic of an impeachable offense -- it did not have to be a criminal violation of any kind necessarily, but it had to be serious.
- TR - Yes, that's right.
- TM - Now, whatever it was, then was it your position that you had to be clearly convinced of that although it may have been less then?
- TR - It became a clear and convincing standard once that was accepted by the committee. I think that I felt that it should be a standard more than a probable cause, but less than guilty beyond a reasonable doubt. Somewhere in between. Clear and convincing was very acceptable to me. Now, let me add one thing that I almost forgot. About Bert Jenner. His failure to openly support the rights of St. Clair to be able to call the witnesses that he wanted to call. Bert Jenner did not give us much support there. He did not give us a great deal of support in our unanimous desire to give St. Clair latitude to cross-examine. And we wanted to do that -- those two things bothered me a great deal about Bert Jenner's role. I think it was a mistake on Bert Jenner's part and I will go even further and say that the majority in my opinion, was guilty of some arbitrariness and partisanship on procedural questions and we finally backed down on those two issues and some of us that had credibility with the press helped to do that.
- DFS - What do you mean? LAUGHTER
- TR - I mean really, we shoved them back off.
- TM - It wasn't easy either.
- TR - Well, I got up at a press conference that Chairman Rodino had and I just laid it on the line about their desire to limit St. Clair to so many witnesses. St. Clair was very reasonable in the number of witnesses he wanted to call -- like ten.

- DFS - I had one further question as to impeachable offense business -- would you say, looking back on it now, that the action somewhat preceeded the theory that or did you think out ahead of time what in fact was an impeachable offense?
- TR - I did a great deal of homework like I think all of us did. I read Burger's book, I read some other articles, I read the briefs, and I can tell you that my conclusions were reached before we really determined direct involvement of the President. Also, this is very important, I also thought that the President's involvement had to be direct, and not misconduct on the part of his subordinates, that could be imputed to him. I resisted that. I made it very clear to Mr. Doar, to Pete Rodino, and my colleagues that I felt it had to be direct involvement on his part.
- DFS - So, kind of his smoking gun, not just a smoke-filled room.
- TR - Yes, right.
- SPL - In general, did the Committee ever really utilize historians, political scientists, or Con Law experts, do you think that was correct procedure? They never really consulted historians or Burger for instance. Now, you say you read Burger's book and it was helpful, but the staff really was composed of just lawyers. No one really, for instance, had a history background, so if someone had a question about past offenses of various Presidents there was no one there who could readily give an answer.
- TR - I am inclined to think that that was probably handled all right as it turned out. But, I certainly think it might have been helpful to have the Kurlands, the Wrights and the Burgers testify and also Professor Bickel, who died. I personally talked to Bickel and I think you would have heard different viewpoints but would not have necessarily been bad either. I am saying that as it turned out, I don't think that it hurt.
- SPL - Did someone, from the Justice Department, call you to stress their point of view or to offer to come and explain it to you rather than just send you the report?
- TR - I don't think so.
- TM - Vince _____ was a good friend of mine in the Assistant Attorney General's office of legislation at that time and he brought the report into my office and just literally dumped them in my office. I had stacks and stacks of this report, I had to go out and talk to Hutchinson, and what Hutchinson thought I don't know, I said I think we got to give them to the Member's offices, don't hand them out here at the hearing. So, it was done very carefully but that was the most --

TR - May I just suggest one thing? I think it is very important in our book and some of my Democratic colleagues are not going to like it -- but I think in writing this story that it's very important that you hear our side of it about some disillusionment, frustration with some of the decisions that the Majority initially made. This is the story. I also want to say some very good things about Pete Rodino. Some of these things that happened in the impeachment were like pulling teeth -- getting St. Clair involved. The whole thing began on a very partisan note, the issue of one man subpoena power. The majority tried to get one man subpoena power. And Pete also tried to knock out the notice requirement for holding meetings. Now that could have started a stampede but he very wisely backed off of that when some of the press agreed with the Minority, which had voted unanimously against that one man subpoena power; they shoved it down our throat 21-17; but that was just one, and like I say, he kind of backed off of that. In other words, Pete Rodino was very pliable and Pete Rodino himself knew that there was going to have to be a Coalition. He knew there was going to have to be Republican support and this group of undecideds that we are talking about. This was just part of that whole theme. He wasn't the only one that knew about it. We knew about it. We knew there was not going to be an impeachment unless there were some Republicans supporting. We would never sell that to the American public without that kind of bipartisan support.

SPL - When the subpoena powers were actually first granted, wasn't it way back in October for the Ford investigation?

TR - I'll tell you it came up for the debate before the full Committee in November. It was the first order of business after the Democratic Leadership had met with Rodino and told him to go ahead.

DFS - This kind of ties in then to not only your concept of what is an impeachable offense and the people involved, but also the motives that weighed on you.

TR - But I can answer it really very simply. I felt that I was sitting as a grand juror. I felt that I had to look at the evidence, and make my decision based on the evidence that I saw. I should not be influenced by public opinion, I should not be influenced by anything except that evidence that I saw applying the legal standards that I felt were applicable.

DFS - Obviously, then, the statement of the Tribune on the 7th of July criticizing a "midwestern Republican..."

TR - Let me tell you about that real quick. Harry Kelly, the reporter, denied that I was the guy. Harry Kelly, great guy and very pro-impeachment. I had a great deal of respect for the Tribune editorial, which I thought was bound to influence a lot of conservatives, because it was conservative paper. I am convinced that Harry Kelly and Mary McGrory, who wrote a rather scathing article about me also being wishy-washy, were trying to pressure me. They thought that I was one of the key, swing votes

- TR - and when I was raising cane with Rodino and the Democrats over procedural safeguards that's when they gave me a little shove by those two articles -- ~~the~~ McGrory article which was very nasty and said I was trying to cop out by having a judicial determination of the subpoena question, but I was not.
- DFS - As a matter of fact, can you say that frankly they didn't influence you one way or the other, is that correct?
- TR - No, they did not. And ^{Harry denied} he denies that he was writing it about me. So, I probably cannot say that.
- DFS - To what extent would you say the letters, threats, you know this sort of thing, newspaper articles --
- TR - They didn't influence me at all. Not at all.
- TM - What about letters from constituents?
- TR - No, I really don't think so because my mail was running strongly against impeachment, I think, for the most part.
- SPL - Was there any newspaper or magazine that you were reading all the time that you thought was doing a really good job of reporting what was going on in the inquiry?
- TR - I was reading the Post, the Chicago Tribune, the New York Times.
- SPL - Did you think any of them was doing a fairly objective job of covering the inquiry?
- TR - I thought Time Magazine. I thought that all of the media was perhaps not really treating the President fairly. I thought the media was really almost striving to stress any little tid bit that would further kindle the fires of impeachment, and I understood, ~~I think~~, they were all working in very close quarters together and I doubt very much if any of them at this point had any regard for Nixon at all. I know they did not.
- DFS - Now, let's turn the thing around. For example on the 13th of July, which was a week after the Tribune covered that story, Evans and Novak said that you had become the whole Committee's single most influential member. Did that give you a kind of security, kind of independence, or what?
- TR - I thought it was a burden, more than any kind of help to me. To me the whole thing was kind of singling me out to, you know, be the determiner, which was a burden.
- DFS - How about going on to number 5 here. How about your own family or say closest personal friends, you know, people who you did not think of as political advisers?
- TR - My wife certainly was very helpful and constructive in making it very clear to me that she thought I ought to do whatever I thought was right, regardless of the consequences. The more reading she did I think the more convinced she became that there was a serious situation involved.

DFS - You were out in Western Springs the Sunday before and what was the general tenor of that?

TR - Yes. That Western Springs visit was very, very important in my decision. Cates actually briefed, I think, all of the undecided Republicans about the case that he was advocating, in other words, the case to impeach, and Cates kind of summarized in rapid fire fashion what he thought were the offenses, but when I was able to go back to Western Springs and when I was able to sit down and literally pour over the summary of information which had condensed the 36 volumes, I could see that the President had, in fact, not been telling the American public the truth and this was direct involvement on his part. There were statements that he made that had been reliably contradicted. And that all of the sudden gave me a sense of decision and conclusion and finality that I could vote for impeachment and have good evidence behind me. This was Sunday, July 21.

DFS - All right. Jumping back just a moment, would you say though that if a President demonstratively lies, is that itself grounds for impeachment? Or, is it what he lies about?

TR - I think when the lying in this particular case could constitute an actual obstruction of justice, that certainly is serious enough to impeach. Now, I am not going to say that in every case of the President telling a lie constitutes a serious offense.

SPL - When you were out there in Illinois your brother was quoted July 21st in the Boston Globe as saying that you would probably vote for impeachment and also that you were very happy the end is almost here?

TR - Yes, did he say that?

SPL - Yes, it was in the Boston Globe.

TR - My brother is an extraordinary guy. LAUGHTER. I should also tell you, because it's kind of significant in my own case, I decided -- once I had made up my mind -- that I had better go back to my district and meet with my Republican county chairman and I did have such a meeting and I told them that I might have to vote for impeachment. One right after the other all got up and said their people were against impeachment, except I think there were a couple that said it was up to me and that they would support me. None of them threatened. But, one other thing, during these proceedings, as you have documented in your book here, I was meeting with one of my best friends, George Bush, Republican National Chairman, who never attempted to influence me one iota, but simply wanted to know how I felt and during the end of impeachment, I was also meeting with John Rhodes two or three times, one meeting with Bob Michael, one with Jack Kemp, all of them were very close friends. I was telling them the problems that I saw and they were not pressuring me but they were listening. I think that's all of them.

- SPL - Before that, the same article in the Globe said that you had been under attack in your district from the Democratic candidate because he said that you wished that the impeachment issue would dry up and blow away.
- TR - Well, of course I didn't like it. But that didn't mean I ducked it. I just didn't like it -- I still wouldn't like it.
- DFS - What was to you the single most helpful item of evidence or information?
- SPL - How about the Walter Pinkus article in the Washington Post?
- TR - This was contrary to what some articles said but when I read carefully, which I did, the edited transcripts I discovered myself that the President had made a statement to Henry Petersen that Petersen should not be afraid to confide in him. And then also saw where the President then had gone ahead and given confidential information to Ehrlichman and Haldeman and specifically had asked about Kalmbach and had told them to get in touch with Kalmbach to tell Kalmbach that so-and-so was spilling the beans. Now, that bothered me. When the Walter Pinkus article came out, which I thought was right on target -- that just kind of fortified my concerns. I had, incidentally, talked to Bill Cohen before the Pinkus article about it -- but I'm not sure Bill would remember that. But, in any event, the Pinkus article did this -- it just reaffirmed and really gave some strength to my real concern.
- SPL - Besides the Dean testimony, you were widely quoted concerning Mitchell's testimony that he personified the stonewall.
- TR - Well, he did. He was a very clever witness who did not tell us much of anything.
- SPL - What about the Nixon tapes -- what was your reaction when you actually first heard the tapes?
- TR - All right, that is the period before the decision period in my case. The decision period came later for me. Those tapes, the March 21 morning tape certainly caused me concern, grave concern. I remember specifically Charlie Sandman thinking that that was the ball game. It was that bad, but then, as so often happened, the afternoon tape kind of ~~steadied~~ ~~the~~ stream and seemed to again resurrect the same issue, leaving it unresolved. So, my feeling after going through the 36 volumes was a little bit confused. I wasn't sure there was enough direct tangible evidence, but that's why that summary of information was so helpful in putting it all together. I thought the tapes were rather muddy in quality, but I was very much concerned that some of the tapes had not been produced and also some of them had been altered and also there were certain serious omissions, particularly in the September 22nd tape. I believe it was September 22nd when there was something like 10 minutes of serious conversation where John Mitchell said they should stonewall it and all of that stuff. That was left out, mysteriously.
- SPL - Just an ironic footnote to history we might add, you know we are using a 5000 UHER tape recorder --
- TR - Oh really?

SPL - The same type that Rosemary Woods used.

LAUGHTER

DFS - Well, Congressman, why don't you look at number 7, it kind of blends into that and it's something you have already discussed. How about the White House, for example?

TR - I had an early conversation before. I think it was in December with Bryce Harlow, for whom I have a high regard, and also Bill Timmons. They wanted to know what was going on. There was no pressure or anything like that -- no coercion, but from that point on I elected, because I think maybe some others did have direct conversation with the White House, I did not have any further conversations with White House people about the inquiry, although I played golf once with Dean Burch and George Schultz, before George Schultz left.

DFS - When was the last time that you talked to the President? Do you recall?

TR - I do not. Oh, I remember when I was at a meeting at the White House, it was a Republican meeting, and the President gave us some kind of report and I remember Bill Timmons -- I had my hand raised to ask him a question and Bill Timmons was urging me to get his attention. I think that might have been after the inquiry had begun, but I'm not sure -- it was a large meeting. And, I never got to ask the question. Oh, who influenced me, you want to know.

DFS - Well, any personal background ties with Nixon, for example, the fact that he campaigned for you.

TR - Well, it's been well documented. I liked him, he was very helpful to me. He campaigned twice for me. He always remembered me when I saw him -- he called me Tom. When my daughter was lost we felt she might have been kidnapped, about five minutes after I learned that they had found her, I got a call from him directly inquiring if we had found her and how she was and what had happened. I was very touched and he told me that he had heard it from Pat Grey, who was then at the FBI, but as I said in my prepared statement, he has always been kind to me. Julie Eisenhower Nixon had dedicated the Franciscian Hospital in my district with me and I still have only the highest regard for his family.

DFS - How about, for example, your conversation with Julie coming back on the plane?

TR - Yes. I think that we have to check the time of the Franciscian Hospital dedication -- I think that was before the election. Impeachment was not even an issue. Tell you what, it was before the second convention at which he was selected, as we talked about delegate selection reform. I told her how important I thought it was to broaden the base of the party to have more minorities, women, youth. Anyway, she was a friend. I don't know if she still is.

DFS - How about Hutchinson or anyone else in the party leadership or in the Senate. Were there any --?

- TR - I was influenced by Chuck Wiggins, for whom I have the highest regard. I was also influenced to a great extent by Bill Cohen and his conviction that the President was guilty.
- DFS - Now, may I ask you, could you kind of pin-point that in time. It's hard I know, but, when did it come to you -- ?
- TR - I think that Cohen came to his conclusion after he heard the tape. Cohen just seemed to me convinced. He was very, very, skeptical because of his study, but I'll tell you truthfully that that was not what really made up my mind. What made up my mind was that I finally heard direct testimony through John Dean, which I was convinced was accurate, and I say that again, I want to stress this. I think John Dean's testimony was convincing because Dean knew that that 13 minute segment of tape was eventually going to come out, so his recollection of that conversation had a certain authenticity because he knew that it was going to come out. I thought, also, the summary of information was helpful to me.
- TM - That's the segment that concerned the IRS political enemies list, Nixon talking to Dean about getting tough, get it over there and get the IRS on these people, wasn't it?
- TR - Yes, sure. But, Sirica did not require the President to produce it. He didn't think it was within the charter of the Special Prosecutor. The Special Prosecutor went back to him, he said, look, won't you reconsider the rest of that September 15 conversation. The Judge listened to it again and became convinced that under that broadened mandate which did not involve just the Watergate break-in but other alleged violations, that it would be appropriate. So John Dean's testimony had a certain authenticity to it. There are three things that when we get to them you are going to want to inquire about that are not part of any record or things. Number one, I went to Larry Hogan the day that he was expected to announce at his press conference and tried to dissuade him for I was convinced he was going to vote against impeachment. That was that morning, and he was very non-committal and wouldn't give me any clue as to what he was going to do. Secondly, Gene Heller of the Cox newspapers gave me a release that was run in their paper. They somehow got ahold of the 13 minute segment and in that report, contrary to John Dean's testimony, the President had not called George Schultz a candy ass, but he had said something very derogatory and also threatened to get rid of him. So it was equally bad. That was probably more accurate, but I could not use that. But, what I did with it was this. I hurriedly went to the other Republicans, the ones that were not part of our group, but Wiggins, Mayne, Dennis, and I took them into Mooney's office and said, "Look, men, here's what I've got. -- I wonder if this will make a difference to you." I'll never forget that because I thought it was incriminating. The almost acted like it was too late and that it wasn't important enough to change their decision. Nobody knows about that; it's a very important point.
- Then the other one, Cohen and I and Fish addressed the Wednesday group which was a group of liberal and moderate Republicans to outline to them our concern about impeachment. I had just spoken to the very prestigious writer for the Christian Science Monitor, Godfrey

- TR - Sperling. He had a group of top flight press people and they had me down that morning. When I came back I went right before that group to outline what I thought were the possible offenses -- and Fish and Cohen did the same thing.
- SPL - First of all, with Julie Eisenhower, you took her aside -- ?
- TR - Yes. Now, the Mary McGrory article followed a meeting of the Chowder and Marching Society at which meeting Julie Eisenhower was our guest. The Chowder and Marching Society is a kind of a fraternity. I cannot divulge what went on at that meeting, because that is all confidential, but what I can relate to you is that after that meeting I took Julie aside and said that at that point I thought her father still had a chance to not be impeached if he cooperated and if he produced the subpoenaed material and the requested material, and I urged her to tell him that message. I thought he still had a fighting chance. And he did in my judgment.
- SPL - Weren't you called back my Mrs. Nixon's press assistant?
- TR - No, not then, a little bit later. But what happened immediately after that is I stopped off at the National Committee and suggested to my friend George Bush that he tell the President the same thing. George Bush told me he was meeting with the President later that day and would relay that to him. I eventually got a message that he had relayed that to the President when he met with him. And, Pat Nixon's secretary called me to again get information I had given Julie. So, I never heard from that again, but I did hear from George that it had been conveyed.
- SPL - Didn't you one time write your own letter as an individual to Mr. Nixon?
- TR - Yes, I did.
- SPL - I have in your notes that on May 16 there was a White House press photographer's dinner and you were invited by Dave Kennerly, and that it had in your notes you cancelled but it didn't say who cancelled or why.
- TR - Dave could not make that dinner. Dave Kennerly is now the President's photographer. That's kind of an interesting point. Dave Kennerly is a friend of mine. I met him socially, somehow, and we hit it off very well. He has since invited me to his house. But he invited me to that dinner, and he could not make it for some reason, so I cancelled.
- SPL - On June 12th at 5:00 p.m. there was a Chowder and Marching Society meeting scheduled with Vice President Ford in the EOB and there was a note, again, that it was cancelled. Do you recall that?
- TR - Yeah, sure. I think I cancelled, I'm sure.
- DFS - This is still connected with number 8. Mr. Railsback, about the 4th line, had anything happened, for example, during June and July changing your relationship to Ed Hutchinson, for example?

- TR - My relationship with Hutchinson was always excellent and continues to be. Except, I resented a remark that he made at a closed Republican meeting that he couldn't believe that anybody would vote for impeachment and if they were going to, they better say so now. Something like that. The notes in my book in respect to that are probably more accurate than anything else that has been reported.
- DFS - Was that the occasion where you felt that he was trying to isolate Cohen and in a certain sense came to Cohen's defense?
- TR - I think he was.
- DFS - That Hutchinson was trying to single out Cohen.
- TR - I defended Cohen because Cohen was the only Republican dissenter. The Republicans opposed sending a strong letter to the President and then when I was at lunch at the Republican round table, some of the guys were raising hell with Cohen. I said, look, he's doing what he thinks is right and don't ever hold that against him. He is following his conscience. But, when Hutchinson made that remark, I didn't think he was just singling out Cohen, I think he was singling out all of us.
- DFS - How about Garrison? You talked about Jenner, for example,--
- TR - Well, just as I've been a little critical of Bert Jenner, I also interestingly recommended Sam Garrison for a job on the minority staff. I wrote a strong letter for him, but I think Sam to a certain extent got a little bit carried away the other way. I think he kind of assumed a role almost as an advocate against impeachment rather than being very factual in all cases. But, well, I'll leave it at that.
- DFS - Was there something a little unusual in that a Democratic counsel would have such meetings with all the Republicans and had influence. Was it a little unusual?
- TR - Ham Fish and Bill Cohen had met with Cates and were impressed with the briefing that he gave them. I think that we felt that we would not be influenced unreasonably by at least just listening to them. I think that his briefing in itself was perhaps necessarily so brief that it did not have the impact in my case that the Summary of Information had, which I could cross-check to see if it was accurate. Which I did. In other words, I was in a position to go back and actually check to kind of cross-reference and to see if it was accurate.
- SPL - What about the Times article in question 8? The Times article appeared quoting Rodino when he predicted a unanimous Democratic vote.
- TR - I thought that was a terrible mistake on Chairman Rodino's part, but it did not really involve the Republicans. Let me just tell you that this whole proceeding or inquiry was not as I think some people believed all roses and sweet smelling scents. It was very, very antagonistic at times, hostile at times, disputatious at times, impassionate at times.

- TR - ~~articles.~~ We resented some of the things that happened, and one of the things that I thought was outrageous was the leaks which were being made and some of those leaks were obviously coming from certain people that made almost no pretext at covering them up. When you talk to Walter Flowers about that, he'll go through the ceiling.
- DFS - Would you say then really that there was more unanimity of the Republicans and the Democrats on the substance or procedure?
- TR - Procedural, yes. There was more unanimity on procedure. In other words, there was much more unity on trying to give the President every single procedural safeguard. There was virtual unanimity among the Republicans on any kind of procedural safeguard. We believed in it. And, we Republicans knew that we could not possibly vote for impeachment if the President had been treated unfairly in the deliberations.
- DFS - Shall we go on to number 9 -- the mechanics of the emerging Coalition?
- TR - All right. Walter Flowers was my good friend and I had on several occasions discussed getting together to determine what we thought we should do. It became very apparent to me that Walter and I shared many of the same feelings. He had been very strong in wanting to see that the President received fair treatment. Walter, more than anybody else, had a degree of credibility and respect ~~from me~~ that no one else had. One time we had been out on a boat with Charlie Sandman. I think it was maybe three weeks before the vote. We discussed it then. But, that arrangement was kind of cemented that Monday before the opening statements when after a meeting Walter came over and Walter said, "Rails, why don't you get your guys together and I'll get mine and let's sit down and visit about this." It was Monday, because the actual first meeting of the Coalition occurred Tuesday morning at 8:00 a.m. So, we agreed to meet the next morning.
- TM - Had you talked about this prior to that scene on the boat?
- TR - Not much, not much. And I'll tell you something, I don't think really that we had made a final decision, any of us, up until the very end with the possible exceptions of Mann and Thornton, but you'll have to ask them.
- TM - Were there any meetings or dinners or breakfasts that, say, you and Fish and Butler and Cohen may have gotten together at?
- TR - I think there were perhaps some dinners when even Sandman and Dennis and some of the other Republicans went out to eat, I remember one time in particular we went with Dennis during the evening session to a place where we got chicken on Alabama Avenue. We did not really discuss the guilt or innocence of the President as far as specific instances or any articles. Up until this time, we did not really get down to brass tacks.
- TM - Did you even talk about a possible Coalition? Getting together as a group?
- TR - I think we had but again I think it was mostly Flowers and I talking about getting together.

- DFS - Whether you use the word Coalition or not, was the group kind of a natural sort of thing that is inevitable, so to speak?
- TR - Yes, it was. It was very apparent that at least 18 Democrats had made up their minds or we thought they had a long time ago. We resented that in a way. I did, personally. And it also was apparent that there were some Republicans that were not about to vote for impeachment, so that put an onus on those of us that were still undecided. So, the answer is it was inevitable. I don't think the circulation of the Doar articles were of any great influence except to give us a starting point to start formulating our own articles.
- TM - I believe the Doar articles were passed out prior to the Monday, so you had those that weekend. Did you recall reading them some place?
- TR - Yes, we did have them. But they were simply a base from which to work. Now, let me say this about those Doar articles. I have a great deal of admiration for John Doar, but again running through those articles were allegations that in my judgement, and I think in the judgment of the other members, were not supported by evidence. I want to make that very clear. I thought that there were allegations in there that involved imputing misconduct on the part of subordinates to the President and holding him impeachable for those reasons, and, also, I thought there were allegations that were not supported by the evidence and that's why, before we voted for articles, we felt it was imperative to write our own articles.
- TM - Did this prompt you to start thinking seriously about writing an article?
- TR - Yes, it did, in that respect the Doar articles were the prod.
- DFS - Were the looseness or the broadness of the Doar articles a factor?
- TR - Yes, yes.
- DFS - Why did the other 6 come to your office?
- TR - I think it was simply a happenstance, really. I think I suggested coming over. The next morning we had coffee and donuts. We had it set up as a matter of fact, for a meeting room. We had a table brought in, put up against the desk that everybody could sit around.
- TM - I recall Monday afternoon your saying to me there is going to be a meeting in your office Tuesday morning at 8 o'clock and to be there. You never said anything more.
- DFS - Did you and Mr. Flowers kind of figure that I would ask this man or not ask that man?
- TR - Yes, that's right. Walter wanted to invite Mann and Thorton and I knew that Butler should be invited, although I don't think I knew how Butler felt at that time -- until after that first meeting. And, I certainly did not know how Mann felt, I did not know how Thornton felt. What I'm saying is I really had not come to any conclusion about any of these people -- how they felt.

- TR - ~~and I are close friends and I knew that he was going to support the articles.~~
- DFS - For example, was there any consensus that frankly we need an Eastern establishment Republican, therefore, we need Fish?
- TR - No, not at all, not at all. We were not in a position to do that.
- TM - Why, you said earlier that this was a natural gathering, so why so late?
- TR - Because we had not made up our minds. First of all the proceedings had not been completed and I honestly think that we had not made up our minds. We had not had a chance to evaluate all this information and really dissect it to determine in our own minds what we wanted to do. ~~So, I think that was natural, also.~~ When we shared our views, it became very apparent that there were two areas of concern -- Watergate cover-up and the abuse of the agencies.
- TM - I had a great deal of difficulty trying to reconstruct the meetings, Tuesday, Wednesday, Thursday, Friday, Saturday -- not so much in that they occurred but, even in that case I had some problems, but who was there, who was present at these meetings.
- TR - Yeah, well, you're right about that. I have gone over this.
- TM - Maybe if we go down that and try to expand on it if you could. I couldn't recall even if that meeting on Tuesday afternoon took place. My best recollection was that it did not.
- TR - I think it did. I think it did take place.
- TM - The two o'clock meeting?
- TR - Yeah. You know what I think happened? I think it was scheduled -- I think Cohen wanted to meet over on the Floor. We did not meet on the Floor. We scheduled it either for 2 or 3:00 p.m. and not everybody showed up but some of us did show up.
- TM - In the first meeting that morning I was instructed to go and try to put together something on the cover-up. To get some language and draft it. And, Mr. Mann was going to work on the abuse of power article.
- TR - I think it did take place. I think it was 3 o'clock instead of 2 -- and there weren't very many -- not everybody showed up.
- TM - But do you recall, I was down in my office drafting the article and you called and told me about the Lou Cannon story.
- TR - I think Froehlich did not attend the first meetings, that is, either the Tuesday or Wednesday. I think that maybe Hogan began attending as you suggest here about on Thursday and I think maybe we invited Froehlich too. Better call Froehlich and ask him.
- DFS - What do you think, Mr. Railsback, of my writing or calling him, and perhaps even yourself, and possibly interviewing him?

- TR - Oh, I definitely think you should do that. Absolutely. Also Hogan. They're not really a part of the original Coalition, but you almost have to include them because they became part of it.
- TM - I recall your calling I think Froehlich on a Wednesday afternoon.
- TR - And asking him, didn't I?
- TM - Yeah, you kind of suggested. That was the same Wednesday afternoon we also got a call from McClory. Frank Polk called, and said that he had heard that there was a group drafting the articles.
- TR - Let me just mention one other thing. Another source of great concern for the Minority was on the taking of depositions or statements. We wanted St. Clair to be able to have somebody present if that deposition was going to be used as evidence for part of the record. That was a very divisive thing. We resented that Bert Jenner sided with John Doar in saying that the Minority should not necessarily or St. Clair should not have somebody there. What they did was instead of taking depositions they would take a statement to avoid having to have anybody there. That was another source of concern. They went and found out what a guy was going to say but would not tell us, they would have it all jumbled.
- DFS - Was there any particular reason why McClory with Article III was not a part of this group as it originated?
- TR - I did not know that Bob McClory was going to vote for impeachment. I simply did not. I think you're going to get a different answer from Walter Flowers. Walter might tell you as he apparently said in the Nora Ephron article that I don't like or that we didn't trust McClory. But we didn't know where he was. But you get that from Walter. Oh, let me address myself to "g", it's very important. I personally thought that Sarbanes and Hungate were solidly for impeachment, and I did not at that point want them to be a member of our group. I thought they were also partisan, much more partisan than Walt Flowers.
- SPL - I don't know whether you've read Jerry Zeifman's speech he gave at Santa Clara about a month ago on impeachment, where he classified various members as eagles or chickens. He classified Mr. McClory as an eagle and said he was instrumental in the drafting of Article II. And then contributed his own article of impeachment.
- TR - That's crazy, that's crazy. I don't know why he's doing that -- that's ludicrous.
- TM - What specifics do you recall of the intensity or the pressures, the time, the running around, from meeting to meeting?

- TR - After we got into the hearings in executive session and even before we were literally besieged by the news media. I would have calls from the Illinois media, from the networks, from all of the wire services. I would have Danish television, I would have BBC, ITB, and this even goes back to when I first went home for the Christmas vacation, right after the inquiry began. I had two networks follow me everywhere I went. ABC and CBS and interestingly I very consistently told them that there were already two crews there. Once the hearings began, it took on a different complexion, a different modus operandi. We would leave the executive session and they would swarm upon us -- a hundred of them or two hundred. Bill Cohen said that somebody grabbed something away from him. And they persisted, I'll tell you, but I want to be fair. I am very impressed with the absolute dedication and diligence and industry and perseverance of the news media. I'm critical of them, but I'm not critical saying that they were not doing their job. They were doing their job as professionally as anybody could possibly do it. They were, I thought, over zealous and enthusiastic. Our lives were not our own.
- DFS - Right in the middle of this is Wednesday night, after the Coalition meeting since Tuesday morning. How much time were you able to give to your own opening statement on TV?
- TR - Very, very little. Because my office was being used and frankly whereas other people were taking time to dictate, I had meetings going on when some of the members weren't there. So, some of the criticisms that have been leveled that my opening statement was rambling were justified but it was because I didn't have anything in writing except my own notes. A lot has been said about my agonizing and the obvious sincerity and so forth. I think I was agonizing -- but I think that there were a couple of times when my voice was weak. In truth, that was after the paddle ball accident, and I think that's when it began to get weaker.
- DFS - Did you also have dinner that Wednesday night, and did you get any immediate reaction walking into a public area?
- TR - Yes, I did. You mean after my statement?
- DFS - That's right.
- TR - I went to The Hawk and The Dove, and we sat down, Bill Hermelin was there, and I don't know if you were there or not?
- TM - Yeah.

TR - I remember this, I drank some wine, I was really uptight. After that statement the networks came up to me and they said, Mr. Railsback, can we have you and I said honestly, I am so exhausted and drained, that I would rather pass tonight. And, they said, oh come on, in a very nice way. We've got just a couple of questions. So I did go out. I remember I was literally drained after that statement.

DFS - That whole week, do you have any recollection of when you got to bed, for example? Was it a kind of 20-hour a day deal?

TR - Yes, yes. I didn't get a great deal of sleep, but as I recall I was taking vitamins and aspirin.

LAUGHTER

TM - I recall that picture in one of those magazines of your refrigerator. I wanted to get a copy of that.

TR - Yeah, that was in People Magazine. They had a picture of my refrigerator, it had a 6-pack of beer and prune juice.

LAUGHTER

TM - What role if any did the proposed article III play?

TR - We were virtually in agreement that articles I and II were our areas of concern. We weren't very gung-ho about McClory's article III, for the reasons that I gave earlier.

DFS - Now, is that adjective "fragile" a factual one? It has also been disputed I gather.

TR - Let me explain. I conceived it. I conceived it on the spur of the moment when it looked to me like the Democrats were going to try to extract the last pound of flesh by pushing the Cambodian article and I meant it as a threat. It was a threat. What I was saying was, "Look, if you guys want to get political, then this fragile Coalition just might split." And it was a threat. It was meant to be a threat. Here's what I meant by it. If they were going to try to hang Cambodia and Vietnam on Nixon in the light of all of our congressional approvals, in the light of what President Johnson had done, in the light of President Kennedy's involvement, then that fragile Coalition might split. Bill Cohen took issue and said, "Well, I don't know what Mr. Railsback, my friend, meant, but as far as I am concerned, it is not fragile, my support is not fragile for Article I," or something like that.

DFS - How about the question of specificity?

TM - The Wiggins/Sandman attack and the articles that were finally laid on the table Friday afternoon -- they talked about specificity and on national television the article was obviously taking a beating. And then you gathered that evening for dinner at the Capitol Hill Club --

- TR - Yes. What we did in the light of those allegations, which I think were perhaps well-founded, for I don't think our articles were perhaps specific enough, we decided to support them with names, dates, and facts. I am not sure it was my idea. I think maybe it was Jim Mann's. I am not sure. It might have been Walter Flowers.
- DFS - Were the articles general out of necessity or choice? I mean, did you intend them to be that way?
- TR - No, no, no we did not. I don't think we gave enough thought to specifics and we did not have enough time.
- DFS - Do you think that Doar's preparation fell down at that point -- should he have equipped you with more of that material in the useable sense?
- TR - Perhaps, yes. I think it did a little bit.
- TM - What was your own personal reaction to that meeting?
- TR - Here it is. The group could agree on only one point. It had been a good day for the President's men -- beyond that, no one was sure of anything. Some felt the specifics should be put into the article. Some felt satisfied with the commitment from Rodino to append the factual information to the article.
- DFS - Now where did you stand on that? In what group were you?
- TR - I think I was satisfied with appending it to the article as a kind of a bill of particulars. I suggested redrafting the article then and there including the specifics. But because of time, I retreated and suggested instead the tactic that was ultimately put into effect -- go with the motions to strike as a means of pouring information into the record -- Cohen agreed, and I guess that's what happened.
- TM - How would you describe the meeting -- cool, calm, collected?

- TR - No, no. The meeting was one of concern and apprehension and suspected vulnerability on our part. But I think we finally decided at the end not to get shook -- we had the horses to weather the storm. So we finally made a decision and that decision was borne out of expediency because of the time.
- DFS - Was it a fragile group in the sense of basic convictions and basic philosophies?
- TR - No, no, let me say that the fragility was honestly a threat on my part -- the Coalition was not fragile on conviction on Articles I and II.
- DFS - On the 10th of July already, which was two weeks before this, you were quoted as saying to Mr. Flowers -- "We have this thing in our hands."
- TR - I don't think that is exactly right. I think what I really said on that boat trip was "when are we gonna get together and decide what to do?" Oh, I may have repeated that other thing, but I think at one time I said to Walter, when are we gonna get together and decide what to do? Somethin like that. We knew that we had the power. Caldwell Butler, to me, was a tremendous source of confidence and support and more than anybody else I was impressed that a Republican conservative from a Southern state would have enough guts to adhere to his convictions and have enough guts to do what he did. He was a source of confidence to me. That is also what Larr Hogan did and what Froehlich did. Those two people were also an eventual source of confidence to me. Harold Froehlich, coming from a conservative district, a freshman, also had enough guts to vote as he did. He took us all by surprise -- maybe more than Hogan.
- DFS - The main work of the Coalition obviously is the evolving drafts -- you have copies of those, of course.
- TR - Mooney is kind of my "alter ego" on this because Tom has much better recall than I. About the articles, I remember that we seemed to share a very common concern about Watergate and the abuse of the agencies and the fact that there had to be direct involvement. We believed that Doar's articles were much too ambiguous and vague and arbitrary -- I remember that. Jim Mann played a very important role in acting as a liaison between us and the Sarbanes and Rodino factions. I personally would have resented it if any of them had started trying to shove things down my throat and at that particular point in time if those articles weren't drawn to our specification I probably was prepared to try to substitute our articles and if they fail I don't know whether I could have supported their articles. The Coalition without a doubt was the decider. I think that it's significant that we seemed to have absolute trust and confidence in one another -- it is a real key thing to it. I trusted Ray Thornton -- I trusted Jim Mann -- and I had absolute trust in Walter Flowers and that's so important.

- DFS - Did you consider Articles I and II defensible in the Senate?
- TR - I thought that they were defensible.
- SPL - You were quoted as saying that a "bell was tolling."
- TR - Well, this gal Nora Ephron pinned me down and she said, what was your recollection. I remember looking down and seeing Jim Cline sitting at the table checking off each name. After each vote, I saw flashbulbs pccping -- and that impressed me. I will never forget that -- it was high drama. I thought some of the members were kind of faking it. Some of them hung their heads as they voted for all the articles of impeachment.
- DFS - Now "c" and "d", of course, are iffy questions, and "e" too. So, you might want to omit those.
- TR - The answer is I don't know. I think that would have been a very bad idea to return after the elections. I think it would have been a terrible mistake and perhaps there would have been new people and there would have been people that had been defeated and there might have been very bad pressures. I think the Senate probably would have convicted.
- TM - Would you have been a manager in the Senate trial?
- TR - I would not have wanted to. But, after the vote, Rodino started having a couple of us meet with him and Sarbanes and counsel, I think that those of us that were meeting with him probably would have been asked to manage.
- DFS - Were there other Republicans among the group?
- TR - McClory and I think maybe Cohen. I am not certain about Fish.
- DFS - Did you think the inquiry staff did enough original work?
- TR - No. The criticisms in my opinion are justified. I think that part of it was that it was such a difficult job to assimilate but frankly I certainly thought there should have been more original initiative.
- DFS - The time is now 8:20 p.m.

- DFS - This is the second interview with Congressman Railsback on Thursday, the 12th of June at 6:15 p.m. I believe we left off with question 12 (h) on page 4. What we have in mind there, that is your assessment of the offenses in this case presented of past presidents. Was it a cumulative thing, was Nixon unique, and so on?
- TR - I don't think that the offenses of past presidents played any sort of role except perhaps to cause some Republicans to think that it was unfair to single out Nixon. They thought LBJ also had been guilty of some serious offenses.
- DFS - How about the parallel to the ethics required of the Members of Congress, for example, the Wiley Mayne milk resolution.
- TR - I think that Wiley was one of those that felt very strongly particularly in reference to the milk case, that it was very unfair to go on unless we also made it very clear that legislation perhaps was also influenced by Members of Congress who had also received substantial contributions.
- TM - Do you think that over the years there has been a centralization of power — power at the White House that cumulated?
- TR - Yes. I think that there is truth to the fact that the office of President became increasingly important and powerful and I think particularly from the time of FDR. Arthur Slessinger would agree with that.
- DFS - The imperial presidency.
- TR - The imperial presidency.
- DFS - How about the remark that the White House, not the presidency, but his staff particularly have become a fourth branch of government responsible not to the people directly, not to law but to the President. Is that legitimate generalization?
- TR - I think that there was a danger of that. I'm not sure that it ever reached that proportion but I think that if they had been able to do what they threatened to do on September 15th, that is get back at their enemies, I think it could have been a very serious problem. They almost regarded themselves as some kind of paternal beneficent protectors of the American people. They regarded themselves as being very very powerful and also very beneficent.
- DFS - In going back to last summer, did you ever think that it was a reflection of American society being sick or that the general moral standards had become loose?
- TR - I think that perhaps there had been a moral climate set by previous administrations particularly the Johnson Administration that would lead those people perhaps to think that they could do that and get away with it. I even think that President Jack Kennedy's Administration also lent some credence to that kind of thinking,

- TR - when they tried to exercise some clout against U.S. Steel. That's somewhat analogous.
- DFS - This "j" is an "iffy" one, but it is talked about so widely that had Nixon handled his presentation differently, would it have been a different ball game?
- TR - I don't think so at all. I think that in order to help Nixon he would had to have handled the Watergate case itself differently. In other words, if he had acted decisively shortly after June 16th that might have saved it. In other words, if he had come out with a kind of Kennedy-type reaction to the Bay of Pigs, then I think he might have saved himself. But I think that his case was very ably presented by St. Clair.
- DFS - Let me read you something that one of your fellow members of the Coalition said without telling you who it is, then ask if you agree with this. "The hearings today remind me the advise of Abraham Lincoln when he said, 'If you want to stop a church from being built, don't attack the religion but start an argument over where the best location would be.' It appears to me that the strategy of the White House is to start an argument about the procedural methods used by the Committee in an effort to divide the Committee and make it appear that it is being unfair procedurally."
- TR - I think that oftentimes the White House overreacted to what we, being the Members of the Republican Minority, raised cane about. I don't think it was St. Clair suggesting this or that as much as it was the White House leaping on procedural questions that we had raised earlier and initially. So I disagree with that.
- DFS - Do you think we would have a clearer definition of an impeachable offense?
- TR - Not necessarily at all. But I think that the work that was done by staff; by Justice and by the White House, all will be working tools. But we did not adopt an official definition of what would constitute an impeachable offense. We will help future generations in that the clear and convincing standard will probably be an accepted standard in the future. I think that St. Clair's acceptance made that an acceptable definition for posterity.
- DFS - A slightly allied question is the defects, if any in your judgment, of the 25th Amendment. That has to play a part in this because the man who was to succeed in the office obviously was not an elected man.
- TR - Let me just say that the 25th Amendment worked fairly well and I take issue with the people that think that it did not. I think that Jerry Ford went through the most searching inquiry — much more thorough than probably would have been the case if he had been campaigning for reelection. I also was very impressed with how open and candid he was with us.

- DFS - Now how about "1"? There was a great deal of talk of our system of government. For example, Howard K. Smith, just a couple days after Nixon's resignation, said that generally people have been saying that the system has proved that it works and Smith said, No, I don't think that it does. Rather, we are simply the beneficiaries of the chance disclosure of tapes but it is not the system. The system simply benefitted from it.
- TR - I would disagree with that. I think that the tapes were certainly important evidence as far as our determination. If Howard Smith is saying that the system would not have worked were it not for the tapes, then I would suggest to him that in any kind of a lawsuit you have to prove your case and there has to be evidence and I kind of resent what he seems to be implying — that the tapes were the evidence and in the absence of that there was no evidence. If there wasn't any then the President should not be impeached. In other words, what I'm saying is that you don't impeach on innuendo or suspicion. I would say to him that we had other things going for us. We had John Dean's testimony. But without the tapes, I think that perhaps it would have been necessary for us to call Ehrlichman and Haldeman and perhaps even try to call the President to get to the bottom of it. And I think that perhaps what would have happened, we would have had to get into the area of presumption if they failed to cooperate. We also would have considered giving immunity to Ehrlichman and Haldeman. In other words, it would have been more difficult to make a case but not impossible.
- DFS - I interrupted you, were you going to say something generally about our system of government, do you think it benefitted?
- TR - Yes. It showed that a bipartisan legislative committee could operate in a rather bipartisan way in arriving at a determination.
- TM - What about the impact on your own reelection?
- TR - In my case, probably I received more Democratic support than I normally would have. It also caused many Republicans to stay at home.
- TM - On that election day, were you confident that you had won before the votes started to come in?
- TR - Yes, I will tell you why. We had done some polling and so had one of the radio stations. It showed Stevenson just burying George Burdit but it also showed me winning big. So I thought there was a good chance.
- TM - But even the night of the election at the Capitol Hill Club, we were getting kind of anxious to see your name go on and we were waiting for it.
- DFS - Yesterday you asked us to remind you of a couple of things. One, the role of Hogan...

- TR - I'll recap very quickly for you my rather futile attempt to discern what Hogan was going to do. And also my attempt to influence him not to come out against impeachment. I met with him in Mooney's office the morning of the day that he did, in fact, come out for impeachment and it was very interesting. I tried to capsulize the evidence that I thought was incriminating and he just listened. He had kind of a funny smile on his face, but did not give me any clue as to how he was going to vote.
- DFS - Was that before or after you thought of inviting him to the Coalition?
- TR - It was before, we decided after he made his statement to invite him.
- DFS - That will bring us to number 13. What we have in mind is this -- here we are in June or May, 1975. Now, what made you come to the decision to tape your recollections in a rather formal way now -- say nine months later?
- TR - It was your idea, suggesting that it would be good from an historical perspective.
- DFS - Was there any part that frankly during the fall and even around Christmas that it was not yet physically safe, but now was it frankly safe to talk about this and think in terms of publication, whereas you thought "let the damn thing to " last fall?
- TR - I think there is some truth to that; I think as time has passed and feelings subsided and also the awareness that history would be served by doing this, we decided to do it.
- DFS - Now let's say that Tom and I showed up here last October, would you have been equally receptive and enthusiastic?
- TR - I don't know, don't know if I would have or not. It's hard to say.
- TM - No more questions. Before we run off, there is something that we have been talking about in regard to Hilton Head. Down there how about some kind of informal, relaxed, casual interview with the different wives of the seven members? It appears that all seven of them are going to be down there. The wives played a very important part. And especially, maybe down the road, if you were to decide to go the book route.
- DFS - It's a natural human interest part, plus I think a legitimate part of history.
- TR - You know if I were going to write this book I think it would be an interesting format to have a separate chapter on each of us answering these questions, putting it together and to show the different views. It would be very interesting. In other words, have a chapter on Thornton, a chapter on Railsback, and I think it would be interesting to see how each of these members differ. Well it's nice to have a format that covers almost everything.
- DFS - Thank you, Congressman.