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## Fragile Coalition Interviews - Group - Tape 6, July 12, 1975

M. Caldwell Butler

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Tape VI, pl

A continuation of Tape V: persons present, site, and time - same.

RT - So it seems there would have been three more out of this group voting today for Article III.

CB - Rails, did you vote against III?

TR - Certainly.

CB - And you haven't changed your mind?

TR - No.

RT - I want to go ahead with that coalition thing, for I am afraid I left it dangling and it might be the wrong conclusion. I think that the function of the group was tremendously important; however, I think it might be more likened to a confederation, as the United States was before it became a federal group. There was really no effort, as I saw it, to bind any one.

CB - No loss of individual sovereignty.

TR - I was just taking some license to threaten with "fragile."

CB - I am not sure you did not head off a lot of other screwball ideas and groups.

TR - That is what I mean. I thought they would drag out everything and that really could hurt some of us in trying to sell articles I and II to other Republicans.

CB - Right.

TR - It was as simple as that.

WC - Tom, I found that reference in my notes: "I would like to point out initially that regardless whether this article passes or fails, I want to make it clear this member of that fragile coalition intends to remain firm in his adherence to articles I and II."

TR - Yeah.

WF - It is good that this dissociates yourself from Railsback at that point.

LAUGHTER.

WC - At any point usually.

TR - I thought it was in respect to article IV, but it wasn't, it was three.

DS - Do you think Article III as such would have passed the House?

WF - No.

Tape VI, p2

TR - I doubt it.

RT - After the later events, I think it might have. I believe after the 23rd tape, if that had not been followed by resignation.

CB - I thought about that since you asked me the other question the other day. I feel that it would not have passed the House, because the pride of the Judiciary Committee was at stake when we passed article III thru the committee, but the pride of the House would not have been there, and for that reason I don't think the House would have had the same feeling.

WF - Good point. It would have made a difference whether the three of us would have been on the same side of it, too. I think if Jim and I had changed at that point, the southern Democrats would have gone along with us. Don't you think so? If we hadn't, it would have been a divided thing.

HF - Aren't we still talking about the possibility in terms of the House, that it might amend I and II ourselves to insert the essence of III?

RT - Bill and I had agreed that if it came to the floor, we would make an effort to add article III to preferably I.

HF - There is another thing that I noted in my talk about that article. I actually put the question to McClory. That we were still hoping that the President was coming across with the documents, the Supreme Court decision had made it seem perhaps that we would get some more subpoenaed material, then I asked, if we did, prior to going to the floor, get the response from the President to our subpoenas, would we then withdraw article III? And he said "Yes."

WC - Ray, in my remarks to Article III, I said that even if the President stated reasons for his refusal to reply to our subpoenas, the evidence before the committee even before the release of the June 23, '72, transcripts, was more than sufficient to find the claim of executive privilege was illegitimately and improperly invoked, not to protect the office of the President, but to protect the particular President from the disclosure of his personal participation in the obstruction of justice, accordingly the President's non-compliance with the subpoenas formed an integral part of Article I and possibly Article II, and rests more soundly there.

TR - I agree.

RT - I agree.

WF - Don't you all think our colleagues in the House are due a great deal of credit — I am thinking provincially here, I admit, but even my Republican colleagues from Alabama specifically avoided saying anything critical of what I was doing, and they were very strong Nixon fans, and their constituencies were. Even a right-winger like Bill Dickenson never stated anything like that. You all undoubtedly had about the same experience. They were unusually kind in terms of the highly charged political atmosphere that we were operating in.

Tape V, p3

- TR - The Republicans in the House, with about two or three exceptions, who were loud-mouthed reactionaries, were excellent. They didn't pressure, they listened, they kept an open mind, most of them. I was very impressed with our colleagues. With the exception of maybe ten guys I would think.
- WC - Let us not be so gracious. Don't forget about the political pressure they were under.
- WF - They didn't know, they didn't have the facts we did, and they were going to wrap themselves up in the cloak we did.
- HF - Among the more conservative Republican House members, like John Ashbrook, who came out for impeachment a week or two before we voted. I remember the day of the Hogan press conference. Margery Hope told me very flatly on the House floor that the entire Maryland delegation is going to vote for impeachment.
- TR - Really!
- HF - We hadn't even voted. So you had these very conservative people who must have had some....
- CB - That's the first time I heard that thing about the Maryland delegation.
- HF - And altho she was speaking specifically about Maryland, I asked what is the difference between Maryland and anyplace else.
- WC - Would it be worthy to note what our reactions were to the Hogan announcement? You know this article of Ziefman about the shift from chickens to screaming eagles came about for a couple of members in a very short period of time. Hogan's participation during the entire impeachment investigation really was on the negative side in my opinion, and then suddenly a dramatic shift in one day, two days, into a strong advocate for impeachment. When I was being interviewed about my reaction to Hogan's statement, I said it had no impact whatsoever, and I said nothing publicly, but privately dismissed it as a pure political move.
- WF - That is exactly what I felt.
- TR - I have to differ with that. I think Larry Hogan was very, very much concerned about procedural safeguards as everyone else. I think that all along he was considering the possibility of voting for impeachment. I do in fairness to him.
- CB - I think his statements indicated a grasp of the evidence.
- TR - Yes, very good.
- WF - He's a smart cookie, no question about that.

Tape V, p4

TR - I think he is a good lawyer.

HF - But why did he have to go out front? What if the rest of us had done the same thing?

TR - It was a political decision, no doubt, but I wouldn't say he made up his mind to vote for impeachment just for a political reason.

WF - He piled it up over here and piled it up over there, and he'd say to run for the governor of Maryland to support Richard Nixon ain't going to be worth a dime's worth of ink; if I am going to run for governor and announce to impeach Richard Nixon, I am going to be an instantaneous household word.

TR - I don't think so.

HF - That may be the analysis, but it was apparently an incorrect political decision, because he was running in the REpublican primary, not in the final election.

WC - What impact did it have upon us as a group? Did it have any impact upon any of you then?

CB - The impact was, as Railsback said, it took the heat off of us from that exposure by the Cannon article.

WF - It momentarily diverted the press.

CB - Yeah, that's right, which I think was salutary because it gave us a chance to concentrate a little on our own problems.

WF - And we had us another vote that we quite frankly hadn't counted on. Hogan was representative of the conservative element, that gave us a little bit more clout. I think we were looking for votes then. Give Hogan credit. I didn't count on McClory until he didn't have a chance to change his vote.

LAUGHTER.

TR - On Article II, I still do not understand the sequence of the drafts. I think, Jim, maybe you and Tom can get together. That's too significant to pass by.

DS - I think it is important to do that, and perhaps they could get together in Washington.

JM - Yes, it's obvious that we did most of the coalition work on that Wednesday and kind of agreed on general parameters and then after McClory got involved, we changed a little language.



Tape VI, p5

TR - Of course we wanted him involved.

HF - Will Doar be able to help us out there?

TM - We intend to interview him in the next few weeks.

WF - Incidentally, on Doar — I arranged with him to go to make a lobbying speech in Birmingham, Alabama, to about 400 blue ribbon, fat cat lawyers, two-thirds of whom I am sure were card-carrying Republicans. And he made the damndest speech. Of course I was in the audience. He included everybody, and he gives the committee all the credit, and he, John Doar, was just there to help us develop the facts and he likened us almost to saving the Constitution, to the guys that wrote it. Now he may have gone a little bit too far, but I recommend him to any of you to make a good speech.

HF - Does he come across negatively at all?

WF - Not at all. He comes across as a decent guy who isn't very colorful.

TR - A decent guy.

DS - Could we get a copy of that speech, because here is a public statement about the coalition by Doar. I would like to get that before we see him.

WF - I think we surely could. You also ought to get Jenner's public statement about the committee. Tom, remind me to write to John Doar when we get back to Washington, and I am sure he'll send me a copy.

TM - Fine. We might also ask for an interview with him in New York.

WF - Good.

DS - Isn't it true, that quite apart from the merits of article III, or whether it should have been with I or II, once this group had in fact written and gotten accepted the first two articles, the pressure was off?

HF - Yes, the reason for that is that it goes back to the fact that this group had individually made up its mind on the basic, two-pronged approach that was embodied in I and II; that is what got us together in the first place.

WF - Yeah, and do you know something else — now let's talk a little politics — we all didn't mind having something to vote against. It wasn't very difficult to find a reason. It was easy to vote against IV and V, but, man, here's another chance. Three was a fairly good case either way, and to vote against it, I think, raised our credibility back home. Does anybody disagree with that?

Tape V, p6

All - No.

DS - Walter, the point you made last night or this morning as you were serving your special Flowers drink: you said something to the effect that it was not really article I or article II, but rather you were voting for....

TM - That was an incredible product.

HF - Referring to Flowers?

DS - I recommend him highly.

HF - Him or his drink? Would you repeat that?

LAUGHTER.

WF - I think that even aside from the specifics of article I and II, at least in my own process, I might not be as eloquent as early this morning, I think we had gotten down to an even more basic choice. When we throw it all up into the air and it comes down, I decided whether it was better for our system, for the future, to impeach Richard Nixon or not to. It was yes or no, not on this or that article or charge, it was yes or no for the continuation or improvement of our constitutional system: we help it or hurt it. It was just that simple.

RT - So really maybe what we did in a few moments at the end of our months of discussion was to put words down which allowed us to make that choice individually, without being concerned about having to accept some things we didn't really believe in or hadn't been proven. It was a tremendously valuable thing that this group did, in putting words together that allowed us to make that ultimate choice, without being hampered by having words that we couldn't have lived with.

TR - Let's don't leave it at words. I disagree a little bit, Walter, altho I must admit that I think what you are saying is certainly one of the factors in the whole equation, but I think that we had to be convinced that there was indeed clear and convincing evidence of some serious offenses.

RT - Absolutely.

TR - We had to think they were serious enough to cause us to depose Richard Nixon for the good of the country.

WF - What I mean is you would not have given a damn about the abuse of the IRS if you didn't think it would damage the system.

RT - I think your point is extremely well made, and I would like to join you, because by using "words" I did not mean simply mechanical things.

Tape V, p7

JM - Let me engage in a little blasphemy here. You are getting very close to saying that each of us, much earlier than we have admitted to ourselves, had a feeling that Richard Nixon had to go, that the country, that our system could not tolerate the growth of power, the abuse of power, the double-dealing, the misrepresentations of which we were aware in various areas of our government. It was not specifically these two items, and that it was somewhat fortuitous, poetic justice, or what not, that a set of circumstances presented themselves which permitted us to play a role in his deposition. Now, as lawyers, however, we had the ability to not make that move without the evidence to support it. Now I wonder if that doesn't express something that we can't admit even to ourselves?

HF - As lawyers we had the ability to make that move?

JM - No, as lawyers we had the ability to evaluate the evidence so that we would not effectuate our inner feelings.

WF - Cut the cloth to fit the pattern.

JM - But not unless the evidence was there. And it was there.

TR - I disagree.

WF - I don't think I had made that judgment until the evidence was there. That final judgment was a single decision that Richard Nixon had to go in order to preserve the system. That is the judgment I made, and then I cut the cloth.

JM - I wouldn't say that any of us made a conscious judgment until the evidence was there.

HF - My approach is a little bit different, and I think I took it more like Tom did, the evidence and then the judgment, and then I asked myself, what would be the effect of impeachment? Would the country be harmed by something that may be the right course of action?

WF - But would you have then turned around and voted "No" if you had decided the country would be harmed by it?

HF - I decided that the country would not be harmed.

WF - But had you decided the other way?

HF - I never reached that point.

RT - Yes, Tom, you expressed something that I feel also, and that I had worried about early, that is, within the last two or three weeks or so before our vote and had expressed a worry even earlier: what if this case should develop so that I should become convinced as a lawyer that the evidence was sufficient to require a trial in the Senate in order to dispose of these charges, and yet I was not sure in my own mind that the result of that trial would lead to a conviction? What would happen if we were torn with the idea that we got to have a trial to clear the charges, but may not be able to get a conviction in the Senate? I worried a lot about that, but then I didn't have to make that choice.



Tape VI, p8

HF - We all thought that through. That wasn't our job, was it?

RT - That's right.

HF - It was always a possibility.

TR - What we are showing right here now is that we each reached our individual decisions differently, and there is nothing wrong with that. I made up my mind, as I told Father Shea, after hearing John Dean give direct evidence of presidential involvement in what I thought was a very heinous offense as far as abuse of power. That influenced me, plus listening to Cates, and then taking that summary of information which for the first time, as far as I was personally concerned, put everything together so that I could form a judgment that the President had indeed lied to the American people, and that he had done certain other things that I thought were so serious at that point that he should be impeached, at least held to account by the Senate. That is what really motivated me.

JM - My decision arrived 90% of the way during the time of the oral testimony of Dean, Kalmbach, and others, and then the summary helped bolster what was then a kind of an emotional feeling, but up until that time I had just absolutely refused to let myself consider the possibility.

WF - I refused myself the luxury of forming an opinion until all of it was in. And I way I thought about it, we travelled a long road in which there was a stop here and a stop there, and after the oral testimony, that was it. You know, that was all of our evidence, but the summary was coming later, but in my own mind I looked back down the road and there were just too many bodies laying around. I didn't necessarily think about one thing or none of it; there was just so damn much there. There was so much smoke, there had to be that big, roaring inferno that we knew was there.

HF - Did any of you think during this process differentially between our task and the responsibility of the Senate? And of what would result in a failure of the Senate to convict? Did any of you think of the possibility of being a manager on the part of the House?

WC - Ham, let me go back to something. I came across in my notes something you probably won't recall. One time you and I were walking out of the Rayburn Building, and we were told, I think by Mike Waldman, that the Republicans had had a meeting, and I will get the date — we were not present at the caucus — where it was suggested that those Republicans should not support impeachment because it was not going to carry in the Senate and there would be two years of unmitigated hell for all those who voted for impeachment to pay, and then you quipped back to Mike at that point something to the effect, "Well, hell, you are looking at two of the prosecutors in the Senate right now." And Waldman said, "Can I quote you on that?" And you broke out in a big laugh.

HF - We were standing in the horseshoe drive outside, getting into the car, and there was Sam Donaldson of ABC there also. I remember his expression when he said, "Can I quote you?"

LAUGHTER.

Tape VI, p9

DS - Here is one the things that you disagreed on when we talked with you individually. Could there have been a case without the tapes? Now Mr. Mann just got thru saying the thing that was most convincing to him was the oral testimony and so on. Would you direct yourselves to that?

WC - Without the transcripts, all you had was John Dean versus Richard Nixon.

TR - Yeah. I can speak to that. If we did not have the tapes, here is waht I think would have happened: the question of giving immunity to Ehrlichman and Haldeman and other witnesses would have been raised.

WF - Where did you get the evidence even for that?

TR - I think we had Dean.

WF - Oh, God! Evidence warranting immunity for Ehrlichman and Haldeman came from the tapes.

WC - They lied in the Senate. Does it make any difference if they would now lie to us?

TR - No, what I am saying is, I think it would have been a very difficult case frankly, but I think in asking that question, you have to assume that we would have conducted our inquiry much differently. You would have had the question whether to call other witnesses.

WC - That is so removed from reality, in terms of what that committee would have done.

TR - Well, it is a difficult question.

WC - We did not do any investigation on our part.

TR - I know that, we already had it.

WC - But the point is, we were operating under time pressure. You may recall, we took the vote -- we had to get this thing over by April or May: "Come on, fellows, hurry up. You are dragging your heels on this." We were under tremendous pressure to conclude this, quote, as expeditiously as possible, and so if we had to conduct our own investigation....

TR - I agree with you.

WF - If you hadn't had the tapes, you would never have had any inquiry.

JM - That's right.

WF - There would never have been any Saturday Night Massacre. With no tapes, no one would have gotten off the ground. You would have had Drinan's reolution flying around, that would have been it.

HF - I hadn't thought of the question that way. I thought you meant, if we hadn't the tapes, did we have enough evidence otherwise? But I see we might never have gotten to the initiation of the inquiries.

Tape VI, pl0

- JM - I said in my initial statemtn and I make it again: if it hadn't been for the President's refusal to honor the Cox subpoena, he could have fired Cox and we still wouldn't have had impeachment, but the 48 hours of the fear that he was going to defy a court order, that had a hell of an effect upon me. And on the American people and on the press. That Monday morning was when all the resolutions were introduced and all the speeches were made up until 2:30 on Tuesday when he said he was releasing the tapes. It appeared that a President of the United States had so damn much power that he was going to defy the courts of this country.
- WF - And he had so much to hide.
- JM - That is what gave the impetus to impeachment in my judgment. Had he not done that, we wouldn't have impeached him, and I certainly feel if it hadn't been for the tapes, we wouldn't have even come close.
- DS - It is true that this is a two-pronged question, and really not a fair one. One is, would there even have been reason to have the case without the kickoff of the tapes; and two, once there is a case, were the tapes essential? So there are really two questions.
- CB - You got to assume that when you ask that question that our process is such that we couldn't ferret out wrong doing without the benefit of evesdropping by tapes and we do that all the time in criminal procedures.
- TR - I am not sure we could have here.
- WF - It would have been hard to prove a conspiracy.
- CB - The only problem is triggering the investigation, as you say, but if you set out to prove a case with this kind of information floating around, we were clever enough to put it all together.
- WC - It is not a question of putting it all together. You had people in the White House who did not give a damn about that oath. They would go into the Senate and say, "Gee, I don't have any recollection of what." That is the old stonewall that they went thru. And what do you do at that point? You had to have something with which to penetrate that stonewall and all those "I don't have any recollections."
- HF - We had 38 volumes of evidentiary presentation, and only 19 tapes. There were so many documents from the White House. Just take the period of June 17, when independent of the tapes, what would you have? I assume that tapes do not include dictaphones. We had one dictaphone of the President's conversation on the second floor of the White House with Mitchell, but you had the testimony and the statements made by the people of the Beverly Hills Hotel at breakfast the next morning and the phone call came and showed that they knew what had happened the night before, and they were aware it was going to happen. [?] You had a lot of documentation as to the whole involvement of the CIA and the coverup was just starting. There were memoranda in the files of the CIA and Ehrlichman's Files of the CIA that were given to the grand jury.

Tape VI, p11

WF - You ain't got the President tho. You got everybody else. You got the pay-off, you got Hunt, you got Liddy, you got Bittman, O'Brien, you got all those birds, but you ain't got Richard Nixon.

CB - Going back to what basically Bill said, those guys were tough enough to make up their minds that they were not going to tell the truth, and stick it out. But they are also tough enough that when they make up their minds that the ship is sinking and I had better get off — unload the whole way. And I just think in time this thing would have developed and come out.

TR - You need<sup>a</sup>/credible, corroborated informer.

WF - Another stoolie.

WC - But we did not have the time.

CB - What do you think you could get out of John Ehrlichman today if you promised him immunity? You could get the whole God damned world. I don't know about Haldeman.

WC - That is because he knows you got the stuff.

HF - Listen to him today — everything is peaches and cream — lovely people in the White House.

WF - Ehrlichman is working for the Indians in New Mexico or Arizona.

CB - He figured out we hadn't fleeced the Indians a 100% yet, but there must be some way.

LAUGHER.

DS - Under new areas for discussion, does anyone have a comment on the kind of report that came from the Committee?

WC - I had some complaints about it. I think my initial reaction was that it was handled like everything else — we got it at the last moment with about 24 or 48 hours to make our comments. And it was a document which couldn't even be read in that period of time. We had a very legitimate complaint on our part that we were always getting things at the last moment, and without any real opportunity to have any input. You either take it or leave it. "Here it is, fellows, and you got to go with it."

WF - When was the final report filed?

SL - August 20.

WF - I don't think it matters.

Tape VI, pl2

WC - No, but we either had to subscribe to it or put some kind of statement, so we put a two or three line statement, saying that we agree with the thrust of it but don't agree with everything in it, because Doar overreached in his report, in my opinion. He made statements that we could not subscribe to.

TR - Sure he did.

HF - "We agree in substance with this report, as it relates to those two articles; however, lest anyone infer that we agree without reservation with every point made, and given the lack of adequate time to prepare a detailed response to such points, we state that we do not necessarily agree that there is clear and convincing evidence to support every conclusion in the report." That was signed by Railsback, Fish, Butler, and ....[?]

TM - Yeah, I remember running around drafting that and consulting with the people who did sign it. They were changing it all around and having fits trying to get that thing organized in time to file the report.

TR - And again it involved I think imputation.

WC - Even on article III, I remember I wrote my own views on three in about 45 minutes before they said, it is going to the press.

TM - Mr. Railsback, you had some input on that report. Weren't you meeting with Rodino and others to talk about it?

WC - Yeah, but we never saw the results of it.

TR - I don't think so. I think I was insisting that they have allegations that could be proved.

TM - In the beginning you were saying, now I seem to recall, looking at the articles Doar drafted, that it was done in the same fashion — overstating, overreaching, and you [TR] were going to try to make some effort to have some input in cutting back on that.

DS - Were there any other qualifications or specifics about your reaction to the final report?

SL - How many people have read the report? Mr. Fish brought up an important point before, that he voted against article III, yet filed views in favor of it, and yet no one has ever approached him about that. Isn't that right?

WF - I don't think the report mattered very much.

HF - I think anyone who read the first hundred pages of that found it reads like a detective story, and it reads very well — an absolutely convincing case on article I. But I don't think many people read it.



Tape VI, pl3

RT - If you want to justify the charges of history and get worrying about your individual opportunities, I think you are flattering yourself when you think anybody would pay any attention to it. I am just glad that John Dear took the time to set out the facts, and I am sorry that he did overshoot in many instances, but I think his greatest value is in terms of history. It was a compilation of a record here that it was not an impeachment that was politically motivated, but justified by the facts. And if the facts are a little bit fictitious, that strengthens it in value rather than hurts it.

WC - But those opinions expressed are more important when you get the ten who voted against it, saying let's make it clear for history. We did not drive Richard Nixon out of office.

CB - Would you modify the use of the word "fictitious" and say "overdrawn"?

RT - Overdrawn, overstated.

DS - In your absence, Mr. Mann, there just for a moment, I asked the question, what were your reactions to the final report of the Committee, and Mooney says that you had some at the time.

TM - He had a lot of input. I think he may have drafted it!

RT- I had an input on the portion on article III.

JM - I'm looking for the conclusion of the report.

RT - The original report language did not seem to me to sufficiently establish the theory that I tried to articulate, so it was necessary to correct it.

TR - I'll tell you truthfully that I don't think that the final report had much to do with this coalition. By then it was all over.

CB - My view is the same. As far as I was concerned, I was sated with the whole business.

WF - I was on the banquet circuit trying to explain what I done.

LAUGHTER.

WF - I hadn't thought about my next election until about June 27, late in the evening, and then I really did.

DS - The second item here is — I have only two very poor copies unfortunately — the June 28th letter of David Dennis, concerning the five minute allowance to all members to question witnesses. Did that play any part in your thinking or procedure then?

RT - Not much.

CB - I doubt if anybody paid any attention to it.

DS - Rails had said just then he thought it affected none of your tactics or votes.



Tape VI, p14

WC - It did me, Tom. I did a hell of a lot more preparation knowing that I was going to have a chance to get at those witnesses for five minutes.

HF - As a coalition, it had no effect.

WF - There was no coalition until way after this was an accomplished fact. On June 28 we weren't even together.

WC - So not to our group, right, but as individuals, it did.

TR - Oh, sure.

DS - On either D or C, does anyone -- again this is after the fact -- have a comment on the effect of your work on the system?

WF - I don't think you could legislate that the Judiciary Committee be made up solely of lawyers; there is no constitutional requirement there. And I don't think that's necessary that you be a lawyer to do that. I think that it's helpful to have the kind of analytical mind that you develop in studying law.

TR - That's the way I feel.

CB - Law is a discipline.

TR - It is an understanding of the prerequisites necessary to return an indictment, in other words, the standards. It helps with legalisms.

WC - It helps with the restraint also. You may recall that your opponents back home are all saying, let's get this thing over to the Senate to a quick trial, and we are all holding back. We are always saying, "Now wait a minute, before we ever get this there, we have a lot of restraints on this whole system." I think that came about as a result of our legal training.

CB - You say lawyers <sup>move</sup> naturally slow.

WF - Drinan is a lawyer.

LAUGHTER.

HF - Did anybody think perhaps we were unwieldy with 37 members of the Committee? That this could have been handled better by maybe an odd group of say 13 lawyers?

TR - Sure, I did. I thought it would have been better to have a small committee.

WC - I didn't.

TR - I was wrong.

Tape VI, pl5

CB - It was another one of those damn things that Peter Rodino slopped into that made him look great, but it was, looking back on it, good that we had a full committee.

TR - Sure, I think I was wrong. I was for having a leadership group -- senior members only.

WF - In other words, you [TR] were one up on us.

WC - You know who complained against it? Liz Holtzman.

WF - Because she wasn't one of the seniors.

WC - She was the one who originally raised the question, "I wanted to have the chance of an input here, and otherwise you would have had that super committee."

HF - I don't mean of the Judiciary Committee, but senior lawyers taken from the whole House.

DS - A select committee.

HF - Yes.

TR - I think Jimmy Breslin is right in his book, that it was better to leave it to a committee that was already selected, and would not be selected for any biases they may have.

CB- Should be a standing committee.

TR - An existing committee was likely to be packed.

WF - That was the beautiful thing about our committee.

TR - Breslin said that if you had a special ad hoc committee you would not have the Butlers and the Railsbacks.

CB - I knew there was a redeeming feature of that book.

LAUGHTER.

WC - Take a look at the structure of the CIA committee in terms of how they packed it to relect the philosophies. The truth of the matter is that the Judiciary Committee had never been a really prestigious committee to be serving on traditionally.

TR - I disagree with that.

WC - OK. I spoke with John Mitchell one time and he said, how come you ended up on Judiciary? I said I wanted to serve on it.

Tape VI, pl6

TR - Well sure, he's in jail.

WC - He said when he was in the A.G.'s office, he had to twist arms to get members coming in to serve on that committee, because under the leadership of Manny Cellars it really wasn't all that interesting to serve on.

TR - I disagree. I certainly wouldn't switch.

HF - That is because Manny Cellars kept the good stuff for his subcommittee, you can bet on that. He packed a lot of power.

WC - I wouldn't change either.

TM - There are periods and trends in this. When the committee was working on the Civil Rights Act in 1964, it had the nation's focus, and it was developing a lot of controversy. It wasn't a prestigious committee, tho. However, it is a committee which has a lot of tough political issues, the death penalty, abortion, amnesty, gun control, and down the whole list.

WF - You get the nuts and bolts, you don't get to authorize any money. It is a whole lot of tough issues. They might not get you any votes.

RT - It was not at all my first choice, and I was frustrated in not getting my first choice of committee assignments, and after I failed to get on the appropriations committee, Wilbur Mills called me and said, "Well, Judiciary is a nice quiet committee. You get on there and serve and get some experience."

LAUGHTER.

WC - That's good! Ray, here's how I got on the Judiciary Committee. This is the Harvard influence. I went to that special course they had, an experimental one for freshman Congressmen in 1972. There were four of us, Barbara Jordan, Ivonne Burke and [?] and myself. And one of the people there told me that in selecting committees, what you really should do if you want to get on a committee of your choice is to put all the other ones first, and the one you really want last. Because they think if you want that one first, it is for some ulterior motive, and they will check you out too close, and you won't make it. I put appropriations, ways and means, armed services, and judiciary last, hoping the strategy would work.

CB - Same as in World War II — Mr. Roberts.

JM - Let me make one statement here for the group that I made privately. I was not satisfied that the drafting ability of the impeachment staff was enough to write an appropriate summary or conclusion to article II on the abuse of power. I thought it should be done philosophically and so forth, and when expressing that opinion to John Doar, we agreed to call Phil Kurland, the professor at the University of Chicago, one of the constitutional lawyers of national repute. John Doar seemed to think he was a better man for the job than Berger or Tom Bickel or Tom Atchinson [?] from Yale. So I called Phil Kurland, but he was just leaving for his home in the north woods up in Michigan, and he said he just couldn't do it. So then

Tape VI, pl7

JM - I called my son, who was finishing his Ph.D. in South Carolina in English, creative writing, and I had him fly up at my expense and he and I wroked very vigorously for several days, along with a girl by the name of Mary — some girl he [?] brought down from New York. We produced that conclusion to article II.

TR - Interesting.

DS - Was it significant that your son's degree was in creative writing?

LAUGHTER.

WF - Jim injected a little note of nepotism.

JM - Except that I paid all his expenses. He was very disappointed because when we sent it, it was a last minute deal, and it came back from the G.P.O. kind of chopped up. But now glancing over it, it may have been corrected, I couldn't tell just now whether the paragraphs were transposed.

DS - Is there a possibility that there are ~~two~~ editions of the final report?

JM - Probably more than one printing.

HF - The second printing, I think, is in two volumes.

DS - I have an idea that they're simply called the same edition but as a matter of fact the seconding printing differed in some respects from the first.

WF - Something we haven't talked about here was the flap we had over printing up this stuff in advance. We beat down a printing resolution, don't you remember that? What were they going to print?

CB - 50,000 copies of the testimony and — [?] copies of the evidence, something like that.

WF - That was in advance of our activities. You are talking about 50,000 sets, whereas normally under the House rules it would be 20,000 sets.

JM - H. R. Gross has to be given credit for defeating that.

WF - I think it was more us than Gross, wasn't it? We didn't want to be fanning the flames in the hinterlands.

TR - That's it exactly.

CB - I would like to speak to part C for a while — our reaction at the dinner on Friday night, following the debate on the first article. We went down there and were eating dinner, and I think we were on the verge of panicking there, and I am glad we held the line. I think stonewalling was the expression. I think that Walter resolved

Tape VI, pl8

CB - on holding, on debating each one of those subparagraphs, and it turned out to be the best strategy — the best thing that we did, and it is another of those things that you just slop into as you come along. It surely worked out well.

WF - We were being routed that day, I think.

CB - What I wanted to know, who had a different view?

DS - The substantial difference, as I recall, was that there were several of you who felt that, no, the morale problem of the specificity issue was not as bad as all that, you were not on the verge of coming apart that much, that it was a much calmer situation than others of you indicated.

WF - Well, I think that my morale problem was that we knew the minds and hearts of the people were being lost for our side, that we were losing the battle in the public forum, and you know it's going to be a long time before it got elevated again to the 100% Nielson rating.

DS - One or the other of you went so far as to really wonder if the thing was going to hold together at all.

WC - My reaction to it was that after nine months....

TR - Bill Cohen is kind of flaky. He was scared to death.

WC - It wasn't flaky so much, but just disappointed at what was going on. You had nine months of pregnancy and then you had the birth on television, in which Sandman, who said nothing during the entire nine months, now was tearing us apart. Give me an example, give me a specific example, and not one word was coming out from us. I thought we looked like hell.

WF - We were letting those other birds handle it, though, and I resolved there that the hell with that, let's take charge, we're the ones that had the political exposure, we were the ones that the American people were going to have confidence in, we were the guys that made the objective decision, and we might as well go on to take charge. What the hell, it's just politics.

WC - I do recall saying that night, "Look, I'll stay up all night if I have to, but I'll write the specifics for article I." And I went on to say how we were going to handle that whole thing. But I recall being just totally disgusted. Yeah, then you came up with the specifics! [?] I recall that my reaction was one of anger that we got let down by the staff.

CB - My reaction was one of terror, that we were going to collapse and were going to strangle ourselves over specification.

DS - Right at the outset of that dinner, Tom [R], wasn't your first reaction to give in and say, in a certain sense, yes, we will list with the articles the various specifics?

Tape VI, pl9

TR - I don't know.

CB - That was Cohen.

TM - Yes, I think Railsback and Cohen both kind of favored that. I don't think Mann had showed up there yet, or Flowers. There was a little panic there, because you [TR] were saying "get these down," and Cohen was always rattling off facts, and Railsback rattling off facts, and they looked at me, "Mooney, you got that down?"

LAUGHTER.

TM - I thought, what the hell is going on?

WF - Froelich was there too.

TM - Then you [?] said, "Damn it, we'll stay here all night if we have to, and we'll rewrite these articles and we'll put in the specifics, to wit, and you kept it up — to wit this and to wit that, and write it down. People were running around, milling around.

WC - We had actually debated that night what we were going to do. We had to go back and face those cameras again.

WF - That's right. That was a terrifying proposition.

WC - It sure was.

TR - We didn't give it up though. We just hung in there and we just decided that we knew enough about it to hang in there.

TM - But there was some discussion about going to Rodino and say since it is 8:00 on Friday, let it stay until Monday — give us a weekend to put it together.

TR - I do remember that.

CB - He made us come back Saturday, didn't he?

RT - I wasn't there for that dinner, but as I listened, it seems to me that a very significant metamorphosis was taking place right here, that the group that had come into being in order to establish a focus on the issue was metamorphosing into an advocacy.

WF - Exactly.

RT - This was what must have been lying the minds of those people who were there. I was working on some specifics myself at that time and I think I didn't hear about the dinner, or I would have been there. But all of us were undergoing a transformation from deciding our views and working as a group to get them down.



Tape VI, p20

WF - But we could no longer stay in the background.

WC - Look at our opening statements, even then they were conditional; it was wide open.

CB - That's right.

HF - Yes.

WC - Whereas only a couple of days later, we were saying....[?]  
It was more than just troubling us now.

WF - But at that point we said, "Hell, man, let's us take charge. We can't let this thing go."

TR - We didn't just keep it within the group. We made the mistake in my judgment of doling them out to people outside this group, and I was very upset with Jerry Waldie's litany of events, allegations, which again I thought went much too far.

WF - But at the same time, though, Rails, Jim and Ray and I would meet with the Democrats and they would say, "Hell, you guys are taking charge -- you all are occupying all the prime time. You know, let us talk a little bit."

TR - That's true.

WF - They got very jealous of us doing all the talking.

CB - Yeah.

RT - We had come to be managers in a sense.

WC - Well, the fact of the matter is, we knew it better than they did.

HF - That's right.

WC - Those that had made up their minds before didn't have the kind of intensive factual knowledge that we did.

HF - They hadn't had to focus on specific sections of the articles.

JM - I made the remark yesterday that I had been chairman of the committee, this is when we were talking about Rodino's apparent objectivity, that I would have orchestrated that TV and planned and thought ahead the way that Wiggins planned, and had a presentation ready of laying out all the evidence.

TR - You mean contrived?

LAUGHTER.

Tape VI, p21

WC - Rails had a smile on his face.

TR - I did?

JM - That's exactly what I mean. But we all proceeded as individuals, thinking that we were engaging in some sort of debate, as we were calling it, and so when the issue arose, I reacted by resenting the fact that here we were after ten weeks of analysis of the evidence, and now I have to answer our colleagues and tell them what the evidence is, and that was done as a political ploy, which of course it was, to mislead the American people. And that surely could be counteracted merely by pointing that out, which I did in one of my little chats with —— [?]. In spite of that, tho, it was obvious that we had to answer, so you recall we put the impeachment staff to work furiously on compiling mainly from the summary photocopy and putting them together as they applied to each one of the specifications and distributing them. But I never did get the idea or share Caldwell's thought that we were in panic. Sure, we realized that we were losing ground, but not that we had to make any major change in our articles or our specifications or anything. That never crossed my mind.

TR - Well, we had a couple of beers and the more cool we got....

WF - Hell, we play this game all the time. We knew that we were losing the play, it was going badly for our team.

WC - You had a jury out there, the people were trying the case. The D.A. or the defense counsel had you that time.

WF - They were making the salient points. Here we were, we thought we were just going to be talking to each other and having to convince each other, but that wasn't what we were doing, we were playing to a national audience, the damndest national audience that had ever, ever been brought together.

HF - 105 million people.

WF - We weren't ready for that aspect of it.

CB - Let me mention a little history before we forget. We came back the next morning and had these amendments about policy and plan and things like that, and by the afternoon we had the information together for us, and then you [?] made your decision. We had a Republican caucus sometime along in the day. This was Saturday morning, and Ed Hutchinson and Wiggins were there, and I remember now they were sitting around and talking, "It will never hold up," "They haven't enough, but let's go in and vote." That was their attitude, you know: no substance to it, will never get thru the Senate. But let's vote. They were ready to vote. I took that message back and by that time Walter really got his back up and the decision was made to go forward. But it was interesting that I think they felt like they had it right then.

Tape VI, p22

- WF - They wanted to vote so bad that I think they knew what was going on too; they were losing at that point.
- DS - On that Friday night, how long did it take to come to what was ultimately the Flowers' procedure?
- JM - We didn't.
- WC - We didn't have a Flowers' procedure that night.
- JM - All we had was an understanding that we would compile the specific evidence.
- CB - That night we expected that to be the Sandman procedure.
- WC - And we went back saying, "Let's minimize as much as possible the amount of shelling we are getting from the other side" with the notion that overnight the committee staff would come forward with the material we would take on the attack the next day. But the best thing we could do was just try to hold the fort the rest of the night. That was the attitude.
- WF - But the rest of that night we did talk to the specifics of that subparagraph 8.
- JM - We had already received a little information from the staff.
- WF - That's right, and on Saturday we got into subparagraph B, and I think we turned the tide Friday night. It was too long, we talked too long to it, and we overdid. They did too, but by Saturday, the first thing off the bat, Sandman said, "I withdraw all my amendments." That's when we moved forward into the breach there.
- RT - Walter, did you just take the initiative, did you just go ahead?
- WF - We had talked about it, and it was, I guess, my individual decision that it needed to be done, and you all supported me in it, and of course at that point that was the wildest move -- I was out front then. It wasn't any more holding back, and I am thinking about these things. At that point I became an advocate, and I had decided, that was the heart-rending decision there: "Flowers, if we want to impeach the President, let's do a good, clean job of it." That's when we jumped in and started chartering the thing, and it just turned around, I think, to where we were totally the aggressors, we had total control, we were in charge. It was just a matter when we were going to put the coup de grace on it.
- CB - That's the point I wanted to make. I think that was a fortuitous decision and it worked out very well.
- DS - Now I wonder if we could possibly shift gears right now, since Rails is going to have to leave soon for a golfing appointment with the governor?
- HF - So what's new?



DS - I think there is a kind of consensus among you that you might want to leave tomorrow morning free, so I wonder if we could address ourselves to the pragmatic question that we ought to ask each other: where do we go from here? Because this may be the last meeting of your historic group, and I think we ought to consider a few points and options. I'll begin by giving the two obvious options. One, that it be totally record, that it be transcribed, locked up, period. That is really the way I began. Or second, that in some fashion or other, you think of publishing. Then of course are the further subquestions of who, format, and so forth. Now let me assure all of you, as I have told a couple of you individually, and I very much mean it, that Tom and Steve and I have no axes to grind. We have nothing to sell you. So I am going to leave it open purposely, to use the inductive method, and what comes out of this, comes out. Now I know, Tom, you have something to say.

TR - Well, it seems to me that a proper thing to do would be consider having a book. And if we do that, I can see us having an introduction, having a chapter on each of us, using our first interview, really leading up to where we came together, and then having some of the book dedicated to where and after we came together. What do you do? Who writes it? Do we write it or do we get a professional? I had a chance, for instance, to talk to Tony Lucas, who is a good friend of mine and who interviewed me and Ham about impeachment, and who covered impeachment, who is a Pulitzer Prize winner, for the New York Times, and very, very well known and highly regarded. He expressed a real interest in helping us for a piece of the action. I just happened to see Mike Waldman, the Newsday guy, and I just mentioned to him that we were meeting, and he was very interested. In other words, I think that this thing perhaps could be so authentic and so historical that it could be really a very worthwhile thing. Whether it would ever sell is another thing. Father, I would be happy if you would be interested in doing it. But the night before we came down here I called an agent who is in charge of Woodward and Bernstein and many other people who were speaking. I happened to have him too, before I lost my damn voice. But a very savvy guy who mentioned to me one time that he is a friend of Dave Obst, the guy that negotiated for Woodward and Bernstein, and advanced and put it together. I told him who I was meeting with, and who they guys are, and he was very interested. But this guy said that he would call Obst and just discuss it with him and personally I think that we ought to at least consider carefully inquiring into all the potential alternatives, and even talking to some people about the possibilities. In other words, I don't have anything concrete, but a lot o expressions of interest.

CB - I don't understand — are you all going to pull all this together in some kind of sequence?

DS- Yes, I should have included that in my opening remarks. I would like all of you to correct the transcripts we gave you of your individual interviews, and give them back to us, so that they say what you meant. Then you will get, I hope in relatively short order, transcripts of these few days, and again I hope all of you will do the same thing and go thru them and return them to us — to Tom Mooney's office.

Tape VI, p24

WC - Do you think it would be beneficial if after we correct our versions of our tape that we share them with the other members?

DS - Perhaps not quite yet, so that not too many copies are floating around.

CB - After we get it back, then what are you going to do with it ultimately?

DS - When I came to this project in February, and then on the 7th of May when we met for lunch, my frank impression was that when we got thru with today, it would be locked up. So I would feel perfectly content and not at all disappointed if nothing else happened to the corrected transcripts. But I want to be frank that among the three of us, there is some disagreement. Steve feels differently, in other words, that this should go on, so we may take different views on this. My view is that I frankly don't care. I am an historian; I think the historical record is essential. I'll give myself a little compliment and say that I think what I've done so far has gone well, but I am not competent to write a best seller, a journalistic sort of thing, that just ain't my area. And I know this. Plus the fact of the time factor: in six weeks I am going to be teaching full time again at St. Joseph's College, and this is not going to be a half-time job for whoever puts it together. This is a major job. And I am just not going to have the time to devote to this project. I'll be most willing to help anyone to. Meanwhile, I am going to get the transcripts ready for you by the time you return next month.

TR - Father, after we correct and edit, I personally think you ought to be able to do with it whatever you want. I think what we are discussing also is whether we want to take part in it. It could be a very, very worthwhile thing. Whether it would sell, I don't know, but I do know this, there is interest.

WC - I would like to direct myself to that, because, Tom, most of the members know that I had given strong consideration to writing a book myself, just about my own participation, how I got there, what I perceived to be the truth, and so forth. I had agreed to do a book with Jim Naughton who I think is one of the finest writers in Washington, and who had covered the Watergate thing from the Senate side and our side and is really a gifted writer. We had written five or six chapters actually, and I submitted it to a number of publications. I had a lot of reservations about this — the timing, and the market is so glutted right now with a lot of junk. Frankly, I had given strong consideration of not doing anything for several years, ten years, just waiting and going back and doing it from my own notes. And so we just kind of pursued this on an experimental basis, let us write something and see if there is any interest out there. We contacted most of the major outfits, and I talked to David Obst specifically myself, and he said, "Look, it's a great idea, but frankly there is no interest in it. The market is filled right now." Woodward and Bernstein coming out, Nixon's last hundred days, Sam Dash is trying to write a book. "It isn't going to make it." And I talked to Simon and Shuster, Ferrar Strauss, Little Brown, and all said the same things: great material, but we don't think it will sell, and we don't want to make any investment." Frankly, I think it is just as well it came out that way, I think this has all got to shake up and settle down, to use your phrase, Walter, and look back in some years. I think it will have more impact from an historical view then.



- TR - Would there be anything wrong with having a couple of us, maybe a Republican and a Democrat, working together as a kind of subcommittee, explore alternatives, and then report to the group without making any kind of judgment or decision? I would be willing and glad to do that — just see what is available.
- HF - Like Bill, I entertained the idea of a book, and I think, Father, you saw some chapters by the author. I think we need an author for a discipline, he is going to know a lot we don't know, he is going to have to decide on a focus, where you start the book, how do you make it interesting — the things that are part of his knowledge and not ours. Finally, I would like to say I do think the author should be somebody, if we go that route, like Naughton or Lucas or Waldman — someone very close to the proceedings. You cannot separate the evolution of our decision, personal decisions, from the context of the committee activities. You have to know what was newsworthy, what happened, what were the major events from October, '73 thru the summer of '74.
- DS - Have all of you seen the best seller by Merle Miller, Plain Speaking, about or really by Truman? That I think has real possibilities for a group like this. I think just another book, written by a secondary author, and he could be the best guy in the world, is just another book. But if it were done in a sense by you seven, largely a series of quotations from Thornton and Mann and so forth in whatever format you and a really good author-editor would agree, so the "author" would actually be the seven congressmen, with, of course, a sophisticated editor. Then you've got something distinctive. And it would be a primary historical source — not about but by the actors.
- WF - Right, not another chronology of the thing. I don't think it would be sexy enough to sell, as just another account.
- JM - I think it ought to be polished up as a historical document and it will take us a year to do it, based on what we have already. As Tom suggests, the individual chronology from the beginning to the 23rd of July, '74, and then a good narrative based on our interview, which might be an appendix, for that matter, and put it together as a historical document with no idea at all as to doing anything further with it. However, it will be the basis for a secondary author to do what Ham has suggested — intertwine it with the whole story in due course, whenever that might be. But to polish it up now as a historical document is important.
- CB - Now with all due respects, I don't think you have done everything that I would be led to think you will do. Now I had thought when you got thru here you were going to take your staff and put all of this together, into what you call a historical document.
- TM - We just can't do that.



Tape VI, p26

CB - Well, we are a long ways from that at this moment, that I would say.

DS - What do you consider should comprise our report, if you want to use that term? To what extent, at this stage, should we try to pull it all together? .

CB - Well, I should think that it could be, with all due respect to John Doar, something of the sort of report that he put together.

TR - All of us, I guess, have thought of doing something.

CB - Wayne Woodlief, who is a reporter for the Landmark Publications, and was not covering Watergate and our inquiry, sat down with me one or two nights a week beginning some time in March, and that is why my notes are a little bit more extensive than others. I would dictate him memoranda of my impressions. We didn't try to organize too well, just kind of get it off the top of your head before you forgot it. That is pretty extensive. He tried to put it together in a book, and looked around a little bit, and we decided it wouldn't sell. I mention that to you because he's interested in writing, and I think he's entitled to be consulted. My view of what we really ought to do is pretty much of a joint-idea. Is your suggestion to put it together factually, sterilized historical documents, with no worry about transitional devices, journalistic perfection, or anything, and then undertake to get somebody who would pull it together in the appropriate way? I think the only way we could do that is select from our group one or two people who would be our agents, or our spokesmen, and let them make the decisions, and we would just be burdened with them or abide with them, as the case might be.

TR - No, I don't think you have to go that far. I don't see where we lose having a couple of us just inquire, ask them what they think about it and if we think something sounds interesting or they sound interested, then have a meeting with the whole group and let a publisher or an agent meet with the whole group. That is all I'm saying.

CB - I think contrary to what some people here seem to be saying, this is an omitted portion of history. The second thing is that I think it would be very interesting to read. As a matter of fact I was thinking yesterday, all we need to do is take our transcript of this, clean it up a bit, and it would make a very interesting radio program, or anything else. I just think there would be interest in it and that it would sell. It wouldn't make millionaires out of anybody, but I think it would move on the publishing world, because that trash that Breslin has put out sells. So this sort of thing, which is a little more accurate, surely should.

DS - I think that the important thing is to keep it essentially a primary source, so that no one in the future can say it is anything other than your ideas and recollections and words. Once it is my words, it's screwed up.

CB - That is the purity of oral history that you are talking about. I suggest then that we at least start there.

END OF TAPE VI. END OF THE HILTON HEAD GROUP SESSION. Time: July 12, 1975,  
1:00pm.