



1975

Fragile Coalition Interviews - Corrected Transcripts - Railsback

M. Caldwell Butler

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Tape I, p4

TR - What day was July 18, we ~~we~~ had our informal conversation?

DS - That was a Thursday, because the Doar articles came out on the 19th, a Friday.

CB - That makes better sense. The 24th is the following Wednesday, when the TV debates started.

DS - And the coalition, as such, met for the first time on Tuesday the 23rd.

WF - I think that Monday night when you [JM] and I and Ray were together after the Democratic caucus meeting earlier, we talked for a couple of hours over in your office—which was really the first time that the three of us had ever talked together formally. We all had talked round about it. I had leaned over to you [RT] and Jim and I would walk back and forth together, but I think at that point the three of us were amazed how close together our thinking was on the whole thing. We excluded the same things and we included the same things.

TR - When was that now?

WF - Monday night before our Tuesday morning meeting in your office.

TR - Do you remember when you came over to me—I think it was on a Monday after our business—and you said, "Rails, why don't you get some guys together?" Or something like that....

WF - It was inevitable that we have a meeting soon because we didn't have any tapes to sit on.

LAUGHTER

HF - That was the first time, Tom, you talked? You were the one who talked to them in the committee room?

TR - Yeah, we had been meeting. It was that day that Walter came over and said, "Why don't you get some guys and I will get some guys and we'll meet and talk about it?"

RT - Walter, just before that meeting, we had our Democratic caucus. I know it was amazing how closely we were on track. And at that caucus, you remember there were still some strong discussion by some Democrats about Cambodia and about taxes and everything and I read from a draft I had before me of the areas of concern that worried me. George Danielson asked for a copy of it. He got it and made a Xerox. This was the first draft I had worked on sometime over that weekend and maybe on Monday morning it was actually being typed up. Now because of the dissatisfaction with the Doar work and then as a result of this you [JM] suggested, I believe, or Walter, we ought to sit down and discuss it. And that is as I recall the meeting: not my draft but a discussion of the areas of concern that we shared. This led to the meeting in your office.

Tape I, p6

WC - You were having an interview with Judy Flanders of the Washington Star.

TR - No, you are talking about a luncheon at the Capitol Hill Club.

WC - Yeah.

TR - I am talking about another one.

WF - You went out to lunch with all these chicks, didn't you?

TR - They took me.

LAUGHTER.

TR - No, this is another meeting at which you [WC] were not present and I think it was kind of a chance meeting. It wasn't planned in any way. The three of us got together, and this was before I had any inkling that Caldwell might consider voting for impeachment, and we just expressed our concerns. Now there was another meeting over at the Capitol Hill Club later.

HF - Bill Cohen, you, and I were having lunch with Caldwell and I joined you.

TR - Yes, and I came in late. Over at the Members' dining room.

HF - Could you tell us why you and Caldwell were having lunch that day?

LAUGHTER

HF - What was the genesis of going over there together?

WC - I rarely go to the Capitol Hill Club, not being a member of it, so I cannot imagine why I was going with Caldwell.

CB - That was in my palmy days when I could have afforded to be a member.

WC - I was filling you in on what had happened that morning. And you were pretty disturbed about Hutchinson's attitude—that he cannot imagine any Republican ever voting for impeachment.

WF - You know, there is something I don't think I ever know about at all—that you all had a blowup with Hutchinson.

TR - Incidentally, I ^{have} got the dates on that blowup. I have the whole meeting documented, too.

WC - What happened is that Hutchinson's remarks were initially directed to me, and you [TR] were sitting off to the right. "Let's find out, let's take a little show of hands to show how many are going to vote for impeachment." And then Tom jumped in at that point and said, "Well, I don't know how I am—I might very well vote for impachment."

Tape I, p7

TR - Hutchinson said, "I cannot see how any Republican could even consider voting for impeachment. Let's get it out in the open!" And he looked around the room.

HF - I think the exact words were, "How any Republican Congressmen can vote to impeach a Republican President?"

TR - Yes, that's right.

HF - That agitated me because the assumption was that therefore it would be perfectly right to vote to impeach a Democratic President.

LAUGHTER

TR - Exactly! And he said, "Let's get it out into the open...."

HF - Let it all hang out.

TR - Yes, that is what I was trying to tell him: I might vote to impeach ^{our} ~~your~~ Republican President.

HF - You [TR] were the only one who spoke out to answer him. I stayed absolutely quiet because....

WC - It got pretty shrill and then Wiggins is the one who broke it up.

TR - Yeah. ^{yes}

RT - Do any of you recall speculation in advance of our group getting together that we were likely to get together and that there might be a bi-partisan group emerging? I had it in my mind there was speculation.

WF - There was press speculation to that effect.

RT - In advance of my ever hearing about any group meeting, maybe a week in advance?

CB - I have some references here [notes]. Rails and Walter and I talking in the committee room. Rails walking out with me and said, "You know, you and I and Walter got this thing in our hands." That is just about the way he put it. And then we started speculating on which way everybody was going, and that was just before we met on Tuesday morning.

WF - I believe it was simply inevitable that the center coalesced, and we were forced to do it when we did by time. Like everything else here, we deal in deadlines. And it was gettin' so that there wasn't any time left. So we backed off a deadline and it happened that it was Tuesday morning that we got together.

HF - I don't recall the speculation that we would get together. But you recall that it was around this time—it must have been on the 16th, 17th, or 18th—that Time magazine saw fit to take a photograph on the Capitol steps which included Henry Smith....

Tape I, p8

TR - And McClory...five Republicans.

HF - These seemed to be the undecideds.

WF - How did they every put Henry into that category? I would never have dreamed that he would vote for impeachment.

TR - Because of Cambodia. He had expressed reservations about that. You know, Henry was playing it very close to the vest. I thought he was much more likely to be with us than Caldwell. Just for one reason: I thought Caldwell had such an impossible political position down there that he just couldn't afford under any circumstances. That's why when you [DS] interviewed me, I told you that I thought it was courageous of him.

JM - I feel just like Walter. I said in my initial interview that I knew that were going to meet. It was inevitable. Even though we hadn't heard it discussed, I knew we were going to meet. I guess it was the fact that the press was hounding so closely probably contributed to our meeting late, because had we gotten together to start talking a little bit earlier, we would have been....

TR - Right.

JM - So, as Walter says, when the time came, and the time had come, or we just weren't going to be able to.

CB - You know it was just gratuitous that Larry Hogan made his statement when he did because it was about to blow our cover completely as far as the press was concerned. And it was relegated to a pretty small report in the paper, as a result of his statement—which I think was pretty good, because they could harass the heck out of you.

JM - Related to the thought you gave about having this thing in our hands. I remember Walter and I on numerous occasions discussing the burden that was on us, knowing that we...that it was in our hands.

WF - I know that Ray and Jim had it too—every time we would go over to vote or to a caucus, all the guys would get around us and say, "What is going on there? We are looking to you three to tell us. We don't want to hear these other Democrats, but you three." I think we all got our egos built up a lot in this period and it is perfectly natural. I figured there were at least 40 or 50 southern Democrats, that if we three voted together, would follow what we did and be able to cover themselves up in what the Southerners on the committee did.

JM - We expressed that view during that time when we discussed those numbers.

HF - I think one of the things that really gave me an extra burden was that you knew there were a certain number of people, maybe 10, maybe 15, who really could be somewhat influenced by your decision, and this could be critical.

Tape I, pl0

- TR - That morning we didn't make him [Nixon] a part of the break-in or anything else, but what we did is what we did later: we showed that he had lied. You know that was the case against him, he lied and we had the facts to document it.
- WF - You all had a lot more scheduled meetings than we did. I remember one, Jim, that just came to my mind then. Ray, I think you were there, too. Southern Democrats were organized thru that little research organization. Nobody was hardly there but there were 8 or 9 guys that were in a boxed up time frame with the votes going on. We were in some meeting room in Rayburn and they all wanted us to tell them what was going on, and we kind of put them on notice that there was a distinct possibility that the President of the U.S. was going to be impeached by our vote as well as by the Waldies and Drinans—and I think it started them just that quickly to think most seriously then.
- TR - Can I just add one thing that I think is very significant as far as the Republicans are concerned? I think it helped us, and certainly gave me some support, that I was meeting with George Bush, the Republican National chairman from the very inception and keeping him informed, and I think that helped to moderate his position. And I finally started meeting with my friend, Bob Michael, who is now the Whip, to tell him what I thought and where there were problems. I met twice with John Rhodes. ~~He had finally a case of laryngitis, because he didn't want to talk. All of a sudden, he was worrying. But I don't know if that helped us, because we had a communications problem.~~
- WC - Tom, I think the members on our side were always fearful that you might go for impeachment, and what that would mean on the floor. The whole strategy was to kind of hold you in line, isolate me, and kind of discredit me once that was done.
- TR - And Ham too. They were a little worried about him, too.
- WC - That's right.
- HF - But you must remember that none of the Members spoke to me about that. The closest I got to Rhodes was the series of leadership meetings we had starting back in April.
- RT - We sure had no pressure....
- TR - There was very little external pressure from any of our colleagues, even from the White House. I didn't get any from the White House.
- WC - The pressure was different, it was peer pressure, Tom. I disagree with you about the meetings—I didn't find them to be very beneficial at all, with the leadership sitting around a table and say, "OK, guys, what's happening? Then have Hutchinson burp his way thru the meeting—that was pretty gross. LAUGHTER. And sit around and have Sandman carrying on, and then say, "Well, gee, whose left here, no one is speaking up." No one would really raise their voices except one guy, Wiley Mayne, who said something in one meeting where Rhodes had said, "Let's not get into

Tape I, pl3

WF - There is a great deal of truth in that.

TR - I think so too.

WF - And I heard it from the other side of the House. I had serious questions whether Jerry Waldie and Don Edwards and Bob Drinan would be there if it had been a Democratic President.

WC - And that is exactly what the tension was on our side of the aisle; we never got away from the feeling that you are really sticking it to us because you have a Republican President to do it to.

CB - Do you remember when we had the subpoena? The clean-up amendment I had and Latta got all over me....

WF - Froelich, who is no longer with us, was really—I don't want to say the comedy of the whole thing—but he was the big, enormous, little question mark that just jumps in at the last minute. I can't figure out just how he ended up with us; I don't know.

TR - I respected what he did, and honestly I think it took a lot of guts because I know his district well, and I think Froelich was just finally convinced as a lawyer—I think he's a pretty good lawyer—that you better not rationalize too much. There's another thing: I met with ^{George} ~~Came~~ Heller [?] of Cox newspapers, who brought me a release that indicated that the 13 minute transcript from the tape on September 15th had been obtained, and that transcript was very, very condemning as far as presidential involvement—direct presidential involvement—was concerned. It was the 13 minute segment of the 17 minutes from 6:00 to 6:17. Somehow the Cox papers had gotten a hold of it and it actually indicated that the President had not called George Schulz a "candy ass" but he had said something to the effect of "Baby Blue Eyes," meaning George Schulz, thinks he can do that, he is going to have another think coming, and we are going to get rid of him, or something like that. That really showed presidential complicity in the whole thing. But at that point that was not the straw that broke their back; they just kinda were again using the rationale, "Well, that is not really serious evidence"—which it was not, and I agreed, but they just kinda discounted that. But they did not discount the June 23rd presidential statement. That was the straw that finally did it. ~~That was done using the IRS files. I had let them know that the September 15th transcript had been given me kind of clandestinely, but that I thought it was an accurate transcript which we did not have.~~

as John Dean had verified
It related to the attempt to remove files to IRS
McGovern supported

WC - The press leaking material to you?

LAUGHTER

TM - Getting back to Mr. Flowers' question about Republicans that would not come along regardless. With regard to the IRS Cox article, you [TR] did take two members, I believe, away from the podium into our office.

Tape I, pl4

TR - ^{Yes} Yeah, I took all of them—Mayne, Wiggins, Sandman; Hogan was there, Dennis, too.

WF - This was during TV time?

TR - Yes, but it was significant, I thought, that here was a purported statement that corroborated what John Dean had said, and was even worse in a way.

TM - The grand jury transcript?

TR - Yes.

CB - It also corroborated John Dean's testimony.

DS - Before we move on to any discussion of the articles and the outline, I would like to pursue one little area—that is that Monday evening meeting of yourself [JM], Ray, and Walter. Was that in any way connected with the Democratic leadership?

JM - I don't remember the precise Democratic caucus, but we kind of laid down the law to them, but it might have been the one earlier that evening.

WF - It was the one earlier that same evening.

JM - Yes, it might have been, when we indicated to them that they knew or should realize that we held the key to this thing and we wanted a little understanding of that. We didn't express it precisely that way....

WF - It was pretty damn near precisely that way, because that is when the others started looking at us out of the corner of their eye.

JM - It was going to have to be done our way, with a moderate approach to it. I don't know that we named the charges that we would go along with, but we implied that we would not go along with Cambodia and ITT.

WF - Rodino then said, "Well, can you all get together with some of the Republicans and see what you can do?" He said that earlier in the evening. He was after the fact; we had already decided that we would get together the next morning, but then he put, not his stamp of approval on it, but his hope that we would.

HF - Then Theodore White's book is incorrect in saying that Rodino suggested to you that you get together as a group? He came in after the fact.

WF - I never felt that Peter was trying to twist my arm at all as to anything, towards anything. Did any of you all? I think that throughout the whole thing, he had a kind of sixth sense about that was really amazing. I think he knew he had to be patient; he knew that he had to bring it along; slowly because he knew he had to have us.

I don't think it was during TV time before the day before 7/16/72

- CB - Just to set this in the time frame, my notes indicate on Monday afternoon going back on the trolley with Jerry Waldie, he said he was working on a draft of an impeachment resolution, he and John Conyers. But I told him that was a sample of what we got when the committee was about it, and that was as poorly drawn as anything I had ever seen and they agreed. [?]. What they were searching for was the lowest common denominator. So I talked this over and we got separated, the press walked into our interview. Then when I got back to the committee room, I went back over to Waldie and told him we weren't going to have that kind of presentation. That I would like to be involved if they were not going to have that kind of presentation. I did not want to vote against impeachment because simply it was technically defective. And so after we kicked it around for a while, I had determined that Jim Mann and Walter Flowers were probably the ones that were working on it, so I went back to Mann and told him I would be interested in following that. Then I went to Railsback and discussed that with him further. As a result of that, we all agreed to get together at a definite time, 8:00 the next morning.
- JM - In reference to what you said a minute ago, Ham, about drafting articles. Tom [R] had apparently instructed Tom Mooney two or three days before that also to work on some articles because he showed up that morning with a draft, too.
- TR - Jim, I ^{have} got an idea to work out of all this. Wouldn't it be a good idea to let Mooney, with the benefit of your copious notes and mine, to kind of summarize his recollection about the articles and we can interrupt him at any point. Why don't you try that, Tom? I want you to set the stage, so then we can really fly.
- TM - OK. I personally had no idea that any meetings were going on, frankly. I think I remember that on Sunday, before the first meeting in Railsback's office, we first talked about a group. I called Bill Hermelin and asked if it wasn't getting down to the short strokes—you know, TV next Wednesday and we really don't have much if we are planning on the Doar articles. And I said, "Have you heard Railsback talking about anybody being together or any group?" He said no, he hadn't, and he said see if there is that in the works, because we have to get moving on this thing. Then Bill called Railsback in Illinois that Sunday afternoon or talked to him Monday morning when he got back from Illinois about getting together with some people about putting together some viable articles of impeachment if that is possible. The next thing I heard was Monday afternoon when Railsback came over to me and said, "Listen, we are having a meeting at 8:00 in my office." This is Tuesday morning. "Be there." That's all he said.
- JM - At what time did he say this?
- TM - This was about 2 or 3 in the afternoon.
- TR - I think it was later than that. I think it was after Walter came over and suggested we do that.
- TM - And we talked together in my office: 8:00, be there, that type of thing. He didn't say what it was about or who was going to be there.

Tape I, p20

- JM - I think you [TR] let off and said this is the way I see it or something like that.
- RT - Yes, you let off, I think, by getting into the question of censure.
- TR - Censure, yes. But I said there are two areas that bother me—the Watergate coverup and the abuse of the sensitive agencies. And we went around the room and we really had, as you say, a sharing of beliefs. We all seemed to share the same ones.
- WF - It didn't take long. We talked about it generally maybe an hour at the most.
- TR - Maybe an half hour?
- WF - Maybe not that long. You were talking about language, and when it came around to my time to say something, I said, "You know, we are talking all around the issue: we all are saying we are willing to vote for impeachment."
- TR - Yeah. *yes*
- WF - That's when I faced up to it: what the hell are we doing here? We are talking about voting to impeach the President!
- TR - Right.
- WF - And if we were talking about voting to impeach the President, in my judgment he was going to be impeached. That was when the hammer hit the nail—right there.
- RT - Yes, that's right, Walter.
- TM - Then after the general discussion, we moved into actually thinking about language and drafting.
- TR - Yeah. *yes*
- TM - And that was when Mr. Mann pulled out his piece of paper, and to this day I have not seen that, but I recall you had it.
- JM - I might be able to get it. I had Bill Blunt put together all that work and it is buried in my boxes of material and I just did not get a chance to get it out.
- TM - And he read his, and then Mr. RAILSBACK said, "Now you have something, Mooney, read it." And you [TR] hadn't seen it before, though, I think.
- TR - I don't think so.
- TM - And I could barely read it, as a matter of fact. Then we went on to Mr. Thornton and he read his.

CB - I will tell you: John Doar wasn't doing his job and we didn't realize it. Jim Mann was being reassured every day by John Doar that they were backing us up. I don't even think they knew what you meant.

TR - Right.

WF - I think that those guys had done a massive job of compiling and accumulating a bunch of crap, and they kept hoping that something was going to happen, and it did because we took charge. That is what happened. We took charge. And lost the ball game almost on that first day of the argument on specificity. We were in the losing bracket then.

TR - Sure we did.

WC - Why we were misled is that here, after all this compilation of all this information, and then the draft articles, we said, "Look we ought to clean up your mess and we will draft it the way the lawyer should draft a provable case as far as an indictment is concerned."

TR - ~~Yeah.~~

WC - We had assumed that since he had done the draft articles on his own, he would at least have the facts to support them. And that we would just take and put it in the right form, boiled down, throw out all the excessive language and notions, and get it down to the bare minimum. We assumed that he had the basic facts in order to prove his own case.

RT - That's right.

WC - That's why we were misled.

WF - Doar would have been in a hell of a shape going before a jury with his case prepared that way. It wasn't briefed out like any first year law school student would take a case to a jury.

WC - But I think that was the assumption we had: we assumed that since he had drafted those articles, he had the back-up material there. We were going to clean up the articles so they were short and direct and really concise. The facts that he had for his own articles would fit the pattern we had established as far as the presentation was concerned.

TR - To be fair about it, altho I agree with exactly what you said, I think that John Doar at that point was haggard and overworked and sleepless. But I agree that they were not prepared the way they should have been.

TM - All that is true, but I think we may be overlooking something here — his purpose was not to give you a finished product anywhere. His purpose was to throw a lot of stuff on the table and let you shake it down.

TR - I don't think so.

TR - ~~Conrad~~

Tape II, pl

A continuation of Tape I: those present, site, and time - same.

HF - I sat right next to Dennis and Wiggins, and I had never seen two people, no matter what came up in that evidentiary presentation, who were less moved.

TR - It seemed that St.Clair by his demeanor kinda acted like Wiggins should cave in. [?]

WF - No, I think those guys and some other politicians had given him too much credit. I think we had virtue on our side. We had it. They knew it. They were on a losing team, and they found something they could grab hold of in St.Clair.

CB - That's what I thought.

WF - They got him where he [St.Clair] was the only one out there.

~~TR - Charles Manshead was another...~~

HF - St.Clair killed himself. All that talk about national security....

JM - I'd just sit and fume.

WC - I was fuming all along. Caldwell and I were talking most of the time in this entire proceeding, and yet I didn't know what you [CB] were going to do. You shocked me one time on Kalmbach.... I felt sorry for him. He was a pretty decent fellow, and he was on the rocks like everybody else. I heard your comments, Caldwell, you said, "Bullshit, he's stumped, even when they tell him what the facts are, he would still simply go out and do it." Your reaction was that the guy is not that dumb.

CB - That's right.

WF - You know I still can't believe that they haven't indicted Bittman.

TR - I don't get it either.

CB - and O'Brien, that poor fellow.

WF - It was the soldier with the commander-in-chief. Pat Gray was a political operative to start off with. He wasn't a career civil servant; I put them in a little different category. In fact, Gray was not one of our witnesses and I never did see him in the place, so I didn't feel the same way about him as I did about Peterson.

JM - Maybe not, but he was a career man, wasn't he?

WF - Gray did something and then they wack him in as an FBI man — that was something!

- TR - How did Donahue come to introduce it then?
- JM - All right, Tom can reconstruct that as well as I can. The best available drafts we had at the time of the Donahue introduction, which was even before we started the general session, came from us.
- WF - Donahue offered it to precipitate the general discussion. It was primarily our [coalition's] work.
- JM - That was the best draft we had up to that point.
- TM - The one he actually introduced was 7, 8.... It was taken from our draft 6. And this was another constant problem. There was a discussion earlier, "Can we give these articles to Rodino?" You [TR] would say, "Listen, I am under some pressure. Rodino wants these articles, because he has to have something to lay on the table."
- JM - That's right.
- TM - And Mr. Flowers would say, "Well, wait a minute." There was considerable discussion of that these early meetings, on a Wednesday afternoon.
- WC - Of course we weren't sure of Rodino's use of Bob McClory.
- TR - ~~Yes, sure he was.~~ But what were the mechanics of getting our draft to Donahue for introduction? Did it go to Doar or did it go to Rodino or who?
- JM - It went to Doar.
- WF - Donahue didn't even know where it was. Hell, he was just a warm body — and he wasn't even very warm. He just happened to be sitting next to the chairman; that was the only thing he ever did.

LAUGHTER.

- JM - We had our draft number 6, the best possible version of article two [sic?] to that point. And those were made available to John Doar to the committee, which was prepared for Donahue's introduction. I don't recall that there was ever any reluctance about making those drafts available to Rodino.
- TR - No, I don't think so, not at that point.
- JM - The idea was as a matter of fact quite the contrary. We did as close as we could to what we were going to propose on the table to begin with. That was the motivation I had — to get those drafts to the committee for that purpose. And so they were laid on the table as the Donahue resolution.
- TR - Did the Democrats caucus about that particular article, in other words did they have a meeting to see if they could all support it?

Tape II, pl3

WF - Rails, you impressed me very much Wednesday night, your rat-a-tat-tat, and I know for a fact that yours wasn't prepared about an hour earlier than that. You didn't have any idea what you were going to say. I think you just regurgitated, that is exactly what you did.

WC - I thought it was more like a bowel movement.

LAUGHTER.

WC - We got the other end.

WF - It was very, very impressive.

WC - It was. I have a note here, Caldwell, that you turned around and congratulated Tom after his statement.

CB - I felt that all our weak hitters had come up before Tom, as my wife told me later — that as far as the Republican party is concerned, we weren't looking so hot until RAILSBACK.

WF - Tom was the first guy who had to cut the mustard out of our entire group. You had pressure on you there.

TR - Sandman was damn good in his forceful way, and here I was unprepared!

HF - Tom, you had given virtually the same talk to the Wednesday group meeting that morning, and somebody in the audience suggested to you that be your opening statement be just that.

TR - But I wanted it typed. I didn't even have anything typed.

WC - You were pretty anxious over that. I think we got together shortly before, and the press was hounding us. We didn't want to go back to his room. We didn't have time.

TR - Yeah, we were meeting in our office. I didn't have time to do anything.

CB - We were meeting in your office and somebody kept bringing you drafts of it and you finally started to walk around and worked on it a little bit.

TM - We were at the table, and he'd get up and walk around and make some noise — I guess getting ready for his speech that night. The group met until 6:30 and we were scheduled to go on national TV at 7:30.

WC - And you[TR] were getting really anxious.

TR - And then I heard Sandman. I did not mind any of the rest of them, but then Sandman — I could just see the Republicans out there cheering. ~~McGlory was a marshmallow at that point.~~ He was going to vote for impeachment, but he didn't say that. ~~He didn't even really hint that then, on either one.~~

Tape II, pl7

WC - I think it was Walter who probably expressed the most reservation.

CB - I think he [Nixon] was also endeavoring to misuse the CIA, when he was trying to get them to talk about Mexico or something.

JM - That is really the main offence there.

TM - Moving on to F, "destroying and concealing relevant material" -- we were thinking about the 18½ minute gap but there was considerable discussion as to whether to put the word "destroy" in there.

TR - Well, what they were doing again is using imputation rather than direct evidence of his involvement. There was no evidence that he did anything about the destroying, but he certainly did conceal after knowing.

CB - That was Peterson's stuff too, right? Withholding relevant material evidence.

HF - Did anything ever come of that very technical session we had about the tape and about Rosemary Woods and the opportunity to erase it and the conflict of testimony as to whether it had been erased five times? Did she ever get into trouble?

JM - I read last week she has an office across the street from the White House and is sorting out the President's papers.

WF - Who all do you think really erased that tape?

CB - Rosemary.

~~TR - I think Rosemary at the President's request.~~

RT - I think so, too.

WF - I would rather bet that Nixon did it and she was helping him.

CB - When would you say Nixon or Rosemary did it?

WF - Down in Florida.

RT - I think that the tape erasure was deliberate.

TR - Yeah.

CB - I would say the same, that Nixon himself did it, if he had the mechanical knowledge.

HF - That's the trouble, because the machine was so complicated.

Tape II, pl8

- WF - I bet he needed her help to run the machine. That is the only thing. He just decided that he couldn't trust anybody else to do it. Ya got to handle it yourself! You know, that's what blew the tapes wide open because you got to the point where he couldn't get control of the tapes himself, except this one time. Anywhere else he had to go thru somebody else to get the tapes.
- TR - That's right.
- TM - Looking at G, the clemency charge. I think, Railsback, you were most concerned about that.
- TR - I ~~didn't know~~ ^{thought} the edited transcripts themselves dealt with clemency, ~~and they were so ambiguous and so subject to different interpretations,~~ ^{just} that I was very bothered about charging him with really offering clemency. Altho he hinted about it, he discussed it, and....
- HF - I wasn't that concerned.
- RT - I was. I know you weren't; we discussed it.
- WC - I included in my statement about the code words that were used -- you know they didn't talk about "clemency."
- WF - That became sub-paragraph 9, didn't it?
- JM - That was included in "favorable treatment and consideration."
- TR - I agree, I like that.
- RT - I expect we spent quite a bit of time on that.
- HF - I wasn't happy with the final thing, we just weren't that sure.
- TR - That's what I mean.
- WF - I voted to strike that when I made my motion.
- TR - You did. We were both concerned about it.
- HF - The cases we had were an example of the other side when he [?] and the President and Ehrlichman in July were walking along the beach in California, and he said, "No, we can't offer clemency."
- TR - See, it was muddled up and it was very cloudy. There were some other instances where he appeared to be sanctioning it.

Tape II, p20

TR - Yes, it was a good, strong case.

WF - I thought we had him by the yingyang there.

TR - And you know from where? the edited transcripts!

CB - Right.

~~TR - They were stupid enough to leave that stuff in those edited transcripts.~~

WC - Do you recall Wiggins' arguments on this, though? That under existing law you could not support making false, misleading public statements that were impeachable unless you had a swearing on the Bible — that type of thing — and was before a magistrate. That is the only time a case had comedown that you couldn't be accused of making a false statement on the level of impeachable offenses unless he had actually taken an oath. [?] Do you recall that?

WF - I don't recall paying much attention to it, but I do recall the statement. But this H is strictly the Peterson meeting where he'd called Ehrlichman and Haldeman in from the ante-room. Isn't that what we are talking about?

TR - Yeah, but it was a series of meetings — at least two or three occasions he promised that he would preserve the confidence.

CB - "You can trust me, wait until I get Ehrlichman on the phone."

LAUGHTER.

WF - Ehrlichman was standing right outside the door.

TR - Henry Peterson, when he testified, tried to help in my judgment to kind of soften it.

WF - He did. When we pinned him down on "would you distinguish between simply sharing that information and suggesting that they take a course of action, which is what he did. He told Haldeman, "You had better get together with John and map your strategy about the money"— that was blatant. And also Kalmbach.

HF - Tom [R] mentioned briefly that it was all in the edited transcripts, and this has always amazed me. It took a careful reading, you had to read the edited transcripts of March and April of '73 back and forth, because matters came up and maybe a month later they were discussed again, and you had a series of meetings. But nevertheless, there it was, and it was given us and everything I had to conclude was that they never expected us to read it carefully.

Tape II, p24

- TM - Yes, those were concerns that we had wheter or not we were going to have to prove all the allegation or if any one of them stadning alone would be enough for impeachment.
- CB - I remember the discussion. We were very sure that if we failed to prove one of the charges, the article couldn't follow.
- TR - That's right.
- WC - The other thing we were concerned about was the actual proof for the Serate: — that we had locked ourselves into the specific allegations, and your comment that you may have 105% of the evidence but it may not all get in. That was the other concern, that much of the evidence that we had was not admisable.
- TM - One point that we finally looked at were the specific charges, on page 7, point 8. That was pretty important. We kind of ^{sumbled} across that under the pressure that the group had, and the speed[^] with which we were moving. We finally realized that was very, very important that we move to the disjunctive. There were no changes in draft 7 until we get to page 3 of it, and then strike "and" and insert "or."
- TR - ^{Yeah}, that was smart.
- TM - You know, we could have been nailed on that very easily. But we caught it.
- CB - Did the draft work on number 7 take place in Railsback's office? and also at the dinner at night?
- TM - Right — 7 and 8. We numbered them differently here, but frankly they were considered Wednesday afternoon and also Thursday evening. All day Thursday I believe you were in debate on TV and never got together until Thursday evening. That was the first time we went over to the Capitol Hill Club for dinner, and really I am not sure who exactly was there.
- RT - I know I wasn't, because I was going to have to make my talk that night, and I was panicky, because it was the same situation that you [TR] had been in the previous night.
- HF - I was not there.
- WF - Read your notes, Caldwell — what do you have on Thursday?
- CB - All right. "We had dinner at the Capitol Hill Club. Hogan, Thornton, Frank Polk, RAilsback, Butler, Mann, and Mooney. Completed draft of article one, pretty much like Donahue had submitted it. We changed burglary to illegal entry, altho this is probably what they were convicted of, we struck out 'up to the preseent time,' with Thornton — I guess he wasn't there. We inserted 'one or more.' We had some kind of hangup on the Ellsberg question but finally decided to leave Ellsberg out of it, and finally we had some on number nine, that the perjury one. We added that language, 'or rewarding individuals.'"
- TR - May I interrupt about Ellsberg? I think our concerns about him were two-fold: one, the national security problem, and two, the fact that he was an SOB for doing what he did in the first place, and some of us

- TR - Now you are talking about knowledge, that's different. If he knew about it, then, as far as I am concerned, he had a duty.... I think what we did was just the opposite. When you are talking about a President, when you are talking about impeaching somebody, throwing him out, instead of being reelected, I don't think that you can hold a guy responsible who did not have any knowledge, did not condone. [?]
- HF - But it's still obstruction of justice.
- TR - Now wait a minute. There is a distinction where he has knowledge, or condones or approves.
- WF - I think we put an affirmative duty on him "to take care." If a guy is going to hold himself out and be President of the United States, he has got some obligations, some affirmative obligations.
- CB - You [TR] didn't state it that strongly.
- TR - I guess I didn't.
- RT - I think it is interesting that here there is a flow, just looking back thru the drafts. The words "course of conduct" that are used thru draft 5, and with draft 6, the word is "policy."
- TR - That's Doar. We wouldn't accept that.
- RT - But the interesting thing is that since the Railsback amendment was introduced, it did contain a "plan" in the disjunctive.
- TR - That "plan" was throwing out a bone, to be quite honest, as far as I was concerned. I didn't even want "plan" in there. We agreed with "plan" in the disjunctive "or plan." It was strictly throwing them a bone.
- RT - Their position was that it would be important to be able to prove bad, malicious motive — a malum — on the part of the President, and that there had to be more than just a course of action theory. That had to be premeditation. That is what they wanted and that is why "plan" more satisfied their position and yet did not offend your position.
- TR - Yeah, with the disjunctive.
- WC - As I recall, when you introduced that and Wiggins and Dennis jumped on it, you actually yielded to me to explain how come you used the word "plan." As I recall I tried to bail you out on that and said, "You used the word 'plan' because that is the word the President used in the edited transcripts."
- TR - Sure, a very, very good job. ~~I just read that last night.~~ You did a good job tying that language into the edited transcripts.

Tape IV, p5

WC - And he said, "If you say that, Bill, if you take that action, then this will amount to a coverup of a coverup." And I said, "Peter, if you say that publically, it is all over for this whole procedure." And he went back to his office, and I don't know who he talked to at that point, but St.Clair was thereafter allowed.

WF - That is exactly what I mean by some of his doings were really a reaction from your pressure, like our pressure on the witnesses: we're going to stick with four witnesses, and by God, nothing else. That was it. I called him, "To hell with that!" I was going to scream to high heaven about it.

TR - That's right, and I went up to a press conference with McClory. It was a very placid, tranquil conference until Peter called on me and I just raised hell. He was going to let ~~him~~ call four witnesses. I just jumped all over him. ~~It was a one-man subpoena. It was letting our guy go along and they take depositions~~ — that was another one. *whether a university staff was could go along on depositions*

WC - Not calling Colson.

WF - Not calling Colson — that got to be the issue. I just heard on the radio a minute ago that Alexander Butterfield was a CIA plant in the White House.

HF - Could not have been a better located fellow.

LAUGHTER.

WF - I never got to where I really understood, though, what was his motivation was, because he had stooled — there is no question about it — he stooled on 'em. I am not saying that he didn't tell the truth, but he's a stoolie.

CB - I don't think that's fair. I think the guy was a messenger boy and he answered every question they asked him and didn't volunteer anything.

JM - Let me get something off my chest, because frankly I think the partisan-ship issue is of importance historically here.

TR - Yeah, I do too.

JM - Before getting back to it, which I will do very quickly, I want to say this about my dealings with Rodino. Rodino was involved during last two or three weeks with me in one private conversation, that was on a Sunday morning. McClory, Rodino, Doar, Frank Polk, and you, Tom?

TM - No, I wasn't there.

JM - OK, you weren't there. We tried to kick off the final polishing of article II.

Tape IV, p7

WF - You didn't have a vote on St.Clair's participation.

TR - Yeah, I know this.

WF - We were with you all the way.

TR - I know you were. We had plenty debate about it, and I had discussions with Peter Rodino.

WC - The questions of whether he could also go the depositions....

TR - That is another one.

CB - They abandoned depositions, so that wouldn't be....

TR - Probably one of the biggest mistakes was his adamant position on calling four witnesses, instead of ~~leaving~~ ^{giving} St.Clair leeway. ~~I voted with you, but St.Clair was,~~ in my opinion, just completely reasonable on everything he ~~did~~ ^{did}. He didn't want much time, he took two hours when they took, hell, I don't know how many hours presenting their thing. St.Clair was, I thought, ~~just~~ ^{very much reasonable}, and then when he did finally get his right to call witnesses, he called eight or something like that. We will go back and there were many, many points. I'll tell you, Peter Rodino, to his credit, and all of you guys, and Walter almost always, and the sensible Democrats backed off on procedural questions.

WC - It's true.

WF - That is why it was so dumb to get wrapped up in them.

TR - You were smart enough to see when it was gonna be a real dispute. It could have been a party thing.

RT - Quite the contrary.

WF - That's the worst thing in the world for my political position, and I know for Ray and Jim too.

JM - The more strongly partisan you were the less you wanted it to appear so.

TR - Yeah. The right to cross-examine was another one. I got into it with ^{Bob} Kastenmeier ~~whether we meant that~~ ^{what} when we questioned the right to ~~cross~~ examine [?]. I argued that we ~~did~~ ^{did}, because I'd asked Jenner, "Does that statement have anything in there that prevents a person from cross-examining?" He said, "Of course not."

WF - You all think that our staff did what they should have in the way of investigation?

TR - Not at all.

CB - They didn't have enough manpower.

LAUGHTER.

Tape IV, p9

WF - We could've gotten bogged down and fighting over Jaworski and it would have taken the steam out of the impeachment inquiry about the same time, because this was the fall of '73.

HF - On these procedural issues, and even the more substantive issues, for example in trying to respond to the edited White House transcripts and so forth, it was the Republicans who were meeting periodically, almost weekly, and except for the four of us, I think it should be noted, the pressure, the intensity of feeling, on the part of every other Republican there, including those like Hogan and Froelich, was very intense to the point when you just don't want to participate in the discussion, but I remember Bill and I as late as May 1st felt so.

JM - Correct me if I'm wrong, but we didn't have caucuses on these procedural issues.

RT - That's correct.

JM - They were spontaneous on our part. The only one was the time we recessed, as I've said.

TR - No, I'll bet you on that.

JM - All right.

CB - But Jim, you don't need to have a caucus when your invading army is overrunning the continent. Everybody knows you are going to follow it. To say it wasn't part of the motivation I'd have to doubt.

JM - No, that's not true. I'm saying that I don't think that Walter and Ray and I were partisan motivated on the procedural votes.

TR - No, I am not saying that.

JM - I would bet I could take and win, before an impartial jury, on the issue of the subpoena power.

TR - I don't know.

JM - I do.

CB - What the question there was, do you want to give the minority the right, Ed Hutchinson, to subpoena anybody he wanted to, unlimited. It might make a good trial out of the power of investigation. That was the alternative.

WC - No, it wasn't.

TR - No. The majority overruled.

JM - What difference does that make — or the entire committee doing the subpoenaing, what's the difference?

TR - We will have Mooney go over these procedural points and list them and I'll tell you, it wasn't all the Republicans who were wrong. I ~~thought~~ *do* we were wrong on open meetings. Weren't we for opening it all up? *Then*

Tape IV, p10

WC - Yes, but for a different reason.

TR - We were demagogues. ^{on that} I was wrong in the letter ^{matter} [?]. You [CB] were the only one who supported that.

CB - Don't get into that. That was the dumbest thing I ever heard of; who ever heard of writing a letter to a judge? You ain't doing right.

TR - No, no, then we wrote a letter to Nixon.

CB - I know. Who ever heard of a court writing a letter to a litigant. There ain't no such animal. Who ever heard of it?

TR - Well, I will tell you the reason: we wanted to bend over backwards to be fair.

CB - No, the reason was we did not have enough evidence to charge him with any official failure to measure up to our requirements, so had to do it informally.

TR - Oh, no.

JM - I had one basic hangup about the matter. I was looking for an objective investigation, and you were all looking for a trial, that was the difference.

TR - No.

WF - What could have done and might have done at the point when we wrote the letter is cite for contempt.

CB - Yeah, you do or you don't.

WF - But it would never have had to come to that.

TR - Conyers wanted to do that.

JM - It would have had the effect of straightening out the problem with the executive branch as it was then. And it would have been on the basis of the facts as opposed to some procedural basis like the contempt of Congress.

TR - But, Jim, you do not start out that way. ^{power} It is not whether Hutchinson has the power, it is whether Rodino ~~show~~ have it unilaterally.

HF - Solely.

TR - Sure, you're trying to convince the American public this guy should be given a legitimate, fair inquiry. So you give a Democratic chairman who's met with Albert and Tip O'Neil, the power to start an impeachment inquiry. And you ~~don't~~ abolish the notice requirement for holding meetings. That ~~seems~~ is terrible.

Tape IV, p10

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Tape IV, pl2

HF - We might just contemplate what difference it is now from a year ago: two to one plus one — there is a lot of difference between that and 21 to 17.

JM - There sure is.

TR - Peter was trying to control the ~~exercise~~.

CB - I don't think the matter would have been referred to the present committee, do you?

HF - It might have been. But the Republicans would not have been shown all these considerations.

CB - Well, I feel that now it is not that representative of even the whole body.

SL - What if Cellar had still been chairman?

WF -
WC - What if Jack Brooks had been chairman? /If Cellar had been chairman, it don't think he would have brought it along. He would have stifled it somehow or another. I don't think he ever thought that Nixon should have been impeached. What do you all think?

TR - I just saw him the other night. He is looking ~~amazing~~ ^{good}. Good guy.

LAUGHTER.

WC - A Railsback remark.

DS - On that autobiographical remark [TR - That was great, thank you.], I would like to make one more comment. Do you recall that in most of your interviews, I told that little analogy of Lincoln saying that if you want to stop religion or a church — well, this is the time to give the credit to the real author, Ray Thornton. Tell 'em right.

APPLAUSE.

RT - If you want to stop the construction of a church, don't start an argument with the religion, but over the location of the building.

DS - We showed that again tonight. Shall we adjourn? You know the agenda for tomorrow.

END OF TAPE IV AND OF SESSION II.

Tape V, p3

JM - That's why I finally gave in frankly, because I knew that even tho you all were going to vote on the article, you were unhappy.

RT - The indication was that you would vote for article II whether or not that addition was included.

TR - Exactly. I could have supported it, with it or not.

JM - Your position on that finally caused me to make a separate article.

WC - It really belonged as part of I rather than of II.

RT - You're correct — the obstruction of justice. But the discussion was whether to add it to article II.

TR - That's right. But I think that at one point, we did discuss making it part of the Watergate coverup.

WC - That's right. When it came up for debate during McClory's article III, I believe, Ray, you said something and I said something at that time that we were supporting an amendment on the floor or something to that effect — to have it included in article I or II, and not as a separate article.

RT - That's right, but I would have still supported it as a separate article.

WC - That's right, you did say that during the debate.

TR - I just felt that we had not exhausted our proper remedies to enforce the power that we had, there were also other measures.

HF - Do you still feel that way?

TR - Yes, I do.

[?]- I am not sure that I do anymore.

[Mr. Mann takes telephone call].

TR - For the record, let me just state that I felt there were certain customary, traditional procedures that the House had available to it to enforce subpoenas, and also to enforce compliance with subpoenas, and they involved letting a ~~guy~~^{person} come before the House with an attorney to confront the body.

CB - What you call due process.

TR - ^{yes} Yeah, due process. And the other part of it was executive privilege. I thought that we had a right probably to go into court and I thought that it would have sustained the House in its attempt to get that material against the argument of executive privilege, but I thought the President had a right to assert that.

WF - Well, I didn't support anything to do with it, but I initially felt that we did not elevate it to that status because we should have even cited him for contempt for failure to comply or we should have gone to the

Tape V, p5

TR - Ray, if you'll yield. I want to congratulate and compliment your statement, which I thought was excellent, and this is very, very important, I think, in our meeting this morning. I don't agree with you, but I thought your statement was just excellent. As far as going to court, I was voted down, you know; I think we got six votes to go to court.

RT - Reasonable men can disagree.

TR - But I just wanted to add a postscript: that Alex Bickel, who I think knows more about it than Bill Cohen — he was a hell of a great constitutional expert —

CB - I hope so.

WC - He does.

TR - about ten days after that vote was taken, came out with an article that said that we should have gone to court. Very strongly arguing from a constitutional standpoint and then shortly thereafter he died. But there was a very important part of the precedent-setting....

WC - Being punished, probably.

CB - The whole question that you are directing us to is really that we didn't just go far enough down the road.

TR - No, two things, altho that was part of it. We didn't exhaust our traditional remedies. In not exhausting them, we in effect, took away some of the rights of our due process that I think are guaranteed to other ~~possible~~ persons ~~to be held in contempt~~, in other words, witnesses. We didn't protect ~~them~~ by ~~us~~ seeing that ~~they~~ had the traditional rights. And the second part is executive privilege. All during these proceedings, the Presidnet was arguing executive privilege. That is where you get into the court tests. Is it proper to test that argument by going to court? I think we would have won and settled it. I think the Supreme Court would have held that we did have a right, and executive privilege would give way in that case. We did not see fit to do so.

CB - And summarily so.

WC - I think your position was best expressed on page 16 in the report where it reads, "Before the President's refusal to comply with committee subpoenas can be raised to the level of an impeachable offense, the committee at a minimum should wait until the House of Representatives has found that non-compliance to be wilful, contemptuous, and illegitimate. Since the committee did not pursue this course of action, it should not now seek to raise non-compliance to the level of a separate and independent act."

Tape V, p8

TR - Who is going to decide that?

RT - The Congress.

HF - The House.

TR - Who normally interprets the Constitution?

RT - The court does, but the court doesn't in cases of impeachment, because impeachment may include the court itself. What if you are impeaching the Chief Justice of the United States, instead of the President? Would you refer the exercise of the power of subpoena to this court? to the White House?

WF - To the executive branch? I agree with Ray there.

CB - Even in this instance we hadn't gone that far. We hadn't gone to all the processes.

RT - That is literally the legal argument: whether we had exhausted all the processes.

TR - We had not, clearly.

CB - That's right.

WC - Doesn't the person, before he can be cited for contempt, have an opportunity to go before the House?

TR - Yes, to make a statement.

HF - The time, you remember, when we talked about contempt, we figured it would delay proceedings a year, a year and a half.

TR - All the safeguards normally accorded to a criminal defendant do the same thing.

HF - But as a practical matter, we were reluctant to put it off.

TR - As a practical matter, we should knock ourselves out to assure that he is given all, if not more, of the safeguards that the ordinary witness who has to appear, ~~enjoys~~. The important thing to remember is this was a separate article and must stand on its own feet. Forget the Watergate coverup, forget the abuse of power of the sensitive agencies. Are you going to impeach a ~~guy~~ ^{man} when he asserts executive privilege and fails to produce? Here he is asserting executive privilege, he fails to produce, so instead of going thru your traditional contempt processes, you impeach him. That would never stand up.

Tape V, p11

RT - You know that we didn't go into this depth at the time we were doing the drafting.

WC - No, we sure didn't.

RT - It might be that we are overdoing it now, but I do think that the court decisions themselves have indicated that they should not be involved in the determinations which by nature are political or assigned to another department of government, and clearly the impeachment process is assigned to the Congress. Baker vs. Carr, and the other cases seem to support that, but whether they did or not, I still go back to the very practical point, that impeachment cuts across the departments of government. It addresses both the executive branch of government and the judicial branch. Most impeachments have occurred in the judicial branch, and if you are going to relate questions back to the judiciary when you are dealing with a process which goes to the judiciary itself, that logically just doesn't follow.

DS - May I interrupt just a moment? Ray just said, "We did not go into this depth at the time." This is a significant thing. Do you all agree that this is hindsight now?

WF - Yeah.

DS - In other words, you didn't do this kind of thing a year ago?

HF - Not this way. We expressed how we felt at that time, but we didn't as a group discuss at this depth whether or not....

TR - No, but we were dealing with it, and Cohen had a statement and I had a statement, I argued it. I think everybody was involved.

CB - WE had a substantial discussion of it when article III came before the committee. But as far as our drafting problem, as I remember, we really weren't concerned whether we were going to slip it into article II or not. We had been resolving it on a whole less esoteric level than that.

TR - No, ^{it was} my argument and Bill's argument against article III. But I think this discussion today is perhaps the most important as far as the future. In other words, it gives an inkling to any future House members who might have an impeachment problem, how to go about it.

WF - I think that is the value of Article III having been voted on. It is important for the future, and that is the rationale of my basic turnabout on it, is that in retrospect I think to maintain the viability of a potential investigation under circumstances where you did not have the aid and comfort that we did — you know, hell, we had more help than you can possibly imagine thru other fortuitous circumstances.

Tape V, p20

HF - Why was it that Sarbanes and Hungate were chosen, and that you yourself weren't interested in presenting the substitute?

TR - Yes, that's a good question.

WF - He's smart, but he ain't dumb.

LAUGHTER.

JM - I think that says it as well as anything. In the first place, politically, I did not want to be out front. I think that is the most obvious answer I can give. Secondly, I knew that these were both people of ability and moderation and the image would be just the right one to present.

WF - That's the way I view it too.

JM - That's the only real answer.

CB - I think it was a pretty good choice, all things considered. It would have been hard for Kastenmeier or Edwards to put that over with the same conviction that Hungate did, the same standard.

WF - It would have been hard for you all to go along with it.

CB - Yeah, that's what I meant.

WC - Let me say this about Hungate: my opinion changed. I wasn't terribly impressed with his opening statement because it was too light, flippant for the gravity of the proceedings.

TR - Yeah, sure.

WC - And so he would not have been my choice because of his Missouri humor, his Mark Twain quotes, and so forth. I would not have picked him, but I would have picked Sarbanes as opposed to Hungate, but then during the course of the debate, my opinion changed on Hungate, because he did a serious and good job.

CB - I have a note that Bob McClory came over to me and asked me if I would be interested in introducing one of those things. I can't figure out which one it was, but you know I thought it was a little bit presumptuous and I didn't give that a whole lot of thought.

LAUGHTER.

CB - But where in the world did he get that from?

TR - ~~There is one other thing about McClory.~~ *Bob McClory* I had heard that ~~he~~ was really going to come out strong against article I. So I called him and in effect said, "~~McClory~~, if you come out too strong against article I, I think we are going to make a monkey out of you. Here is what we have." And I listed the chain of events where we could prove that the President had not told the truth about the *Watergate Coverup*.

WF - He's got to be schizophrenic to come out strong against article I and support article II. You got to be kidding.

LAUGHTER.

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 authentic and 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.

Why include any of this?