



4-1974

## M. Caldwell Butler Audio Diary, April 1974 - Transcript

M. Caldwell Butler

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H = Press Club Host

1. 3/74 Butler tape. Washington, D.C. Press Club

(C)

B That's the hell of it. I don't know whether I want them reporting my absence or not

H Congressman Butler has very graciously agreed to stay on and answer some questions and make it so the evening isn't a complete bust. As I say, we will try to reschedule the other broader panel later. The other panelists said they would very much like to come and speak to the club.

The history of impeachment in the U.S. is that the House has only voted out impeachment 13 times in the history of the country. There's been one senator, cabinet officer, 10 judges - which doesn't speak well for judges - and one president. And out of that 13, have only resulted 4 convictions. All of them were judges. The last one was in 1936 when Judge Halstead Ritter, ~~of~~ U.S. District Court Judge in Fla. was impeached and removed from the bench and since then no one has had any experience with impeachment. So the issue now before the House Judiciary Committee except for those of those in Congress who have been around since 1936, is brand new for everybody. You've noted by the debate that the rules are pretty loose. It depends upon who you want to talk to as to what kind of interpretation you want to get.

G.S.   
 Congressman ~~Ritter~~ Butler is one of 37 members of the House who will decide if we are going to have our 14th impeachment this year - this Spring. Where it stands. He's one who will be privy to the contents of that ~~bulging~~ brief case you've all seen in the newspaper. And what I would like to do maybe now, is let Congressman Butler speak to you just on his views on impeachment and anything he wants to talk about it and then just open it up to questions from the floor. Congressman Butler replaced Congressman Poff in 1972. Congressman Poff as you recall was involved in the hassle over Supreme Court nominations and ~~backed out~~ so there would be no controversy. He's from Roanoke, Virginia. He's ~~the~~ on the panel tonight, he was third ranking in seniority and I don't know the rest cause I haven't figured that out - I'm not a mathematician. But on that note, I'll let Congressman Butler talk.

B Well, I thank you very much. In my line of work as you know, we never turn down an opportunity to make a speech or speak to an audience and so I really didn't have a real difficult choice tonight when I had told you that I would be here. I'm pleased to be here ~~and xxxxx~~ in an opportunity to participate in this panel. I was told that - to be prepared for a one or two minute opening statement and then we'd get some questions and we would have a spectrum of view on the panel that would give us some broad approach to the whole problem and of course, I will tell you a little bit maybe perhaps about the spectrum that you would be presented with - Bob McCortory from Ill. is my good friend, is a Republican and I think he's of the school of thought that the circumstances have got to be extreme indeed - ~~in fact~~ I'm just not quite sure that there is an impeachment situation that we would find him voting for it. On the other hand we would have Don Edwards from Calif. who I would believe was totally committed to impeachment but and then Barbara Jordan from Texas and myself and we are somewhere in between.

✓   
 ✓   
 So here we are, we've got, I think, the truth in me and we will dwell on that. When I first started practicing law I had an extremely cantakerous senior partner in ~~the~~ <sup>our</sup> law firm and I was extremely young and the same modest, unassuming fellow then that I am now and I remember he called ~~me~~ us into his office - the younger lawyers - and he said, "We're just not getting any work done here. There are too many of you who are like our partner here - George Jackman - he's gonna work on one thing until he finishes it and so he lets the work ~~on~~ pile up and then there's John over here and he takes on everything that comes in and never gets

Jackman

B to any of it and he ~~says~~ says the best way to be is to take on what you can do but keep everything working and then be perfect just like me. I'm the one in the middle. I feel like ~~the Newsweek has presented me in our spectrum as a persuadable.~~ I ~~feel like~~ like maybe ~~I have that~~ I'm in a position to give you a fair view of the situation as it's presented on the committee at this moment and so I'll do the best I can to provide you with a panel.

The Judiciary Committee in my view has two responsibilities at the moment. First - it must make recommendations with reference to impeachment. Secondly, and perhaps of equal importance, it must so conduct itself, that the Congress and the American People, will be persuaded as to the reasonableness and the fairness of its recommendations. I'm satisfied that if the Judiciary Committee does the job assigned to it in such a manner as to affirm its expressed determination to be fair and thorough, its recommendations will be quickly accepted by the American people and the approval of the House of Representatives will be almost perfunctory.

A Judiciary Committee which allows itself to engage in a course of conduct beneath the dignity of its high responsibility, however, jeopardizes the prestigious recommendations it might otherwise have and prolongs the national agony unnecessarily. Therefore I think it important that we avoid partisan wrangles, unnecessary commentary and responses to criticism from our procedures. We have available to us all the resources to find the truth. Possibly the largest investigative staff ever assembled in this country. The greatest wealth of accumulated data and unlimited financial resources. There is no reason why we should not be able to collect the relevant information and determine all the relevant facts. [The only possible doubt would be in those areas where the President himself declines to comment or withholds requested but relevant data in which case the committee might indulge - and I emphasize the option here - the presumption of adverse information which when coupled with other circumstances, could provide the basis for an impeachable misconduct and that course I think would be most unfortunate ~~for many reasons.~~ But bear in mind, any charges against the President of the United States made by our Judiciary Committee which has preceded in a responsible manner will be accepted by the people of the United States as determinations of fact. We cannot persuade ourselves or anyone else that without unlimited resources ~~or~~ and our passionate dedication to truth, we would make allegations the accuracy of which we would question. Therefore, in as much as the President of the United States will be stuck with a heavy if not insurmountable presumption of the truth, of any charges made against him, the Judiciary Committee in fairness should extend to him the right to participate in its deliberations to the extent that the accused would be allowed to participate in any trial. Also in our pursuit of truth, we should make available to ourselves the greatest device yet discovered for finding the truth, the skillful cross-examination of adverse witnesses by counsel for the accused. I'm confident the Committee will ultimately come to this conclusion. Should the Judiciary Committee - on the other hand - fail to proceed in a manner consistent with traditional ideas of fair play or allow the questions presented to it to be resolved too often along party lines, then it will have fallen short of its responsibility and the effect will be to divide the country and prolong the debate for no real useful purpose. The responsibilities which circumstances have suddenly imposed upon an unsuspecting Judiciary Committee are also the responsibilities of each individual member of the committee. I, for one, recognize the responsibility this imposes upon me to proceed cautiously, to listen carefully, to probe deeply and to reserve final judgement until the appropriate time. It's a hard job. I'm trying my best, as we all are but I need all the help that I can get. And for that reason I appreciate the opportunity to be with you

Good ✓

Adverse Inference ✓

*wife*

B and share with you some of your thoughts about the impeachment process and maybe - ~~when the~~ course of our discussion we will come to conclusions which will be helpful to us both. So with that preliminary statement, I'm prepared for what questions may be asked.

Q - Glazer: Would you project for us (questions not able to be picked up)

*Find number*

B She is saying - and I'm going to give it to you straight - (you know I feel like I've really been promoted here...I'm replacing three panels and a moderator - and now I'm going to take over the questioning.) The question was in view of the information this afternoon that the President owed so much in taxes, what affect will that have ~~xxxxxxx~~ on our deliberations?

The response to that is that this is a staff report and those people who presented it to us on the floor today being Chairman Mills and Mr. Snavely were specific in their statement that the panel itself - the committee has not reached any judgement on it. Certainly this is a factor that we've got to take into consideration as we go along. I haven't had a chance to review it. I've only seen it and found out how heavy it is - close to 500 pages - and knowing that I might be asked questions about it, I very deliberately avoided looking it over with any care this afternoon. I'm quite certain it becomes a fact that has to be analyzed and reviewed and those questions may very well ask further questions that we - our staff - should further probe but at the moment, I have no view of it.

follow-up questions not able to pick up...

I'm in the unfortunate position of not having that information long enough to have had to assimilate it. But now I think I've added one more - now I'm a newscaster - what is left?

The question was - in view of the fact that the proceedings of the Judiciary Committee are analogous to a Grand Jury proceeding, where counsel is not generally permitted, how would I defend my suggestion that the President ought to be entitled to have his counsel present here?

*Good on non-G.I. analogy - Dept. of Justice*

I would like - my statement was - that in fairness, we should give him the same right to participate in our deliberations that we would give anyone else the right to participate in any trial. There's a distinction I think between a grand jury and what we are doing. Since I'm the moderator I'm going to explain it to you that my opinions are involved in what I'm saying here and you'll just have to separate the wheat from the chaff there but basically, the analogy between a Grand Jury and a proceeding of the Judiciary Committee falls down once you get beyond the first step which is that the Grand Jury presents the charges and the Judiciary Committee or the House of Representatives presents the charges in an impeachment because the Grand Jury proceedings are in secret - they are presented with only one side of the case and they are based on the limited information before them. If they have the feeling that there is probable cause from the limited information before them, that a crime has been committed then they present an indictment and of course, not infrequently, the prosecuting attorney will dismiss the indictment himself when he investigates further. We're not in that analogous position. We have ~~xxxxxx~~ before the Judiciary Committee as I have mentioned - the largest investigative staff ever assembled. There shouldn't be any question in our minds about what the facts are. The only way we could have any questions in our mind is the facts which we have requested from the White House that have not been forthcoming. That would be another question. But basically, we have all the facts available to us and we can't hide behind the questions of is this a probable cause or not - we ought to know whether a fact is a fact or not and therefore - and I think also the American people - are saying you've spent all these millions of dollars - you've got all the staff - when you come up with a conclusion, we think its a conclusion of fact.

B Therefore whatever happens - as far as the American people is concerned and as far as we on the Committee are concerned, we will have found the facts. Well under those circumstances, I think it is only fair that the accused have an opportunity to be present if he wants to and we have been requested - now the judgement of whether he made a wise judgement or not ~~is~~ asking us to permit his counsel to be present is another question but having asked us for that - I think in fairness to him, that we ought to allow his counsel to proceed as anybody else would participate in a hearing.

last part of question - what will be left for the senate to do?

The question was - you have used the word "trial" twice - which means that he's going to be tried by the House of Representatives, what are you leaving for the Senate to do?

*GWS*

Well, as a philosophical matter, I view that with total indifference. As a practical matter, I think that my use of "trial" was not intended to indicate that I thought that we were conducting a trial in the traditional sense but as far as the American people as concerned, we are determining facts and to that extent that is what we are doing. Now we may very well be in the situation where the accused has two chances to disprove the charges against him and I don't see anything wrong with that but it seems to me if we are going to undertake ~~to~~ find the facts then the majority of our ~~our~~ group - The House of Representatives - believes the facts as we determine them and believes the facts as we find them constitute ~~impeachment~~ impeachable misconduct, then it - the question goes to the Senate - well a majority of the House believes this conclusion of fact and this conclusion of law - 2/3rd of the Senate must also do so and that is simply the way the Constitution is written. It's a big hurdle to remove somebody from office for misconduct. I think the Constitution was written that way.

*QUESTION:*

This is fun repeating questions - gives me time to think of an answer. The question was - have we ever had instances in the past where the accused has been privileged to be represented by counsel and the answer is yes. It's a matter of substantial ~~president~~ <sup>precedent</sup> and the more recent presidents are in that direction. It is however, a matter of grace with the committee and not a matter of right. And I do not think that if we decline to let the President or his counsel be present, that we would have ~~prespassed~~ upon his rights at all. I think it's entirely a matter of grace. Whether the President of the United States ~~is~~ in person should be present or not, if he requests it, I think we should permit it but I would be very much surprised if he would make such a request. I have no reluctance to answer these questions but

All of a sudden it occurs to me that I am speaking with an awful lot of authority for a lot of people and I'm still in my first term in the Congress so I hope you'll recognize that you're not getting the big guns here but we're just going to do the best we can. To respond to your question, my feeling about that from the first has been very clear. That if we are not going to let the President be present, then or by counsel, and cross examine that we should not throw this sort of thing open to the public because it becomes truly a Grand Jury proceeding. But if we make that decision then to the extent that we can consistently with our deliberations, I would say that we have to open it to everyone and I think that's the way it ought to be if that's the way we are going to proceed. Now I have no objection to the presence of tv as long as it does not interfere with the deliberations and so if it gets a little hot and a little uncomfortable and its strange - with all due respect to your profession - there are those among us who do not have good manners and it sometimes interferes with the proceedings and if that develops then I think we would have to make appropriate allowances but I think that in principle, now you are talking about Committee deliberations, I won't

*open hearing TV*

B presume to speak for the House or the Senate.

Q But would you expect if the evidence to 38 elected members of Congress in secrecy - would you expect it to remain secret?

B Oh, no! No!

Q Well wouldn't you expect recorded versions to come out of it? to the public You'd have 38 different congressmen besieged by reporters wouldn't you?

B So you want to add 38 congressmen and 50 newspaper reporters and then we'd get 78 versions of it - is that what you are suggesting?

I think we take our chances when we select our committee and it is a big committee but if we have the theory of it that we are proceeding in an executive session then we ought to. I'm not concerned about that the distortion in the view that would come out of it because ultimately we would have to have a report and a commentary from the other side. From time to time during the proceedings there isn't any question about it that the leaks would abound but as far as the opportunity to get one man to stand up and make accusations, which would be immediately televised and immediately broadcast, without the opportunity to cross examine, or to examine on behalf of his advisory, offends my sense of fair play but I'm open to persuasion on it. But that's my immediate reaction. And it's an immediate reaction that's been with me for several weeks.

Q I really want to ask you if you think Nixon ought to resign.

B Well you can ask me that - the answer is no. Do you have another question?

Q Well let me put it in ~~another way~~ a different way.

B Alright.

Q You have to run for reelection in November (B- if I want to come back, that's for sure.) And you're from a rural district and I wonder whether you would rather have Ford or President Nixon as the guy whose running

B Well, the question is - he's not going to ask me if I want the President to resign or not - he's going to ask me whether I would rather have Ford or Nixon as my president. And I would say this - that I would think that we would not want to be in a situation where we had forced the resignation of the United States for political advantage. There isn't any question about it that a honeymoon situation would arise as far as Republican candidates develop but I do not think that would alter the result in my district - or for me - and if it did and that was the basis on which I proceeded to impeach the President, I would be so ashamed of myself that I probably wouldn't run again anyway

PRESIDENT

Good

Q In your statement in the beginning you mentioned partisanship and I just wondered at this point in time whether you still think that the charges against Nixon are based on partisanship or whether the disclosures that have come out about the people he hired, people who worked with him in the White House, his taxes, his general conduct, are partisan or whether maybe they are downright immoral.

B Well, I don't think I will try to repeat that question. Basically, I can't find any useful purpose to be gained by me at this time in my position on the Judiciary Committee on speculating on the motives of the people who have brought the charges. It seems to me serious charges have been made by intelligent people who have strong feelings about the situation and its been referred to our committee for deliberation and determination. I think our responsibility is to rise as far as we can above the partisan issues and as far as we can above the petty charges that pass in the political

B arena and do the best we can to make a judicial determination in fairness  
of the facts and move on so the country can get started on something else  
if that's the case.

Xfwr:

I would have - you know I'm - that question really doesn't bother me a bit  
from this point of view - anybody that has the president of the United  
States come to his district and campaign for him is going to have a definite  
plus out of it under any circumstance. I have no reservations whatsoever  
about saying that it would improve my position in my district to have  
the President of the United States come into my district and grace us with  
his presence. Now, having said that, I do think it would be inappropriate  
under the circumstances because - for a member of the Judiciary Committee  
to have that circumstance develop but that's the only reason why I would  
not personally invite him.

Q Some observers are convinced that a recent poll showed that only 21% of the  
American people give real popularity to Congress and this would prevent the  
Congress from getting together over an unpopular confrontation such as  
impeachment. Would you agree ~~that politicians~~ as a politician that 435  
Congressman would not be able to impeach a president?

B You know I'm a lawyer - and we never ask questions like that and it always  
kind of shakes me up when we start off with one and all of a sudden we've  
got another question. But I think if I understand your question, Congress  
is in disrepute - do I believe that we are such bad people and how could  
they possibly get together and make a decision? You mean do we have the  
courage to do it if the facts indicate that its necessary? And I have  
no reservations about my own problem with that and as far as my cohorts  
are concerned, each one of them is going to have to face that decision,  
hopefully we won't have to face it - but each one ~~will have to face that~~  
if he has to face that decision will have to face it. But it is difficult  
to all of a sudden to find yourself in an elective office as a political  
animal suddenly called upon to exercise an entirely different approach  
to a set of facts and it calls for a lot of resources that you may not  
have but I have only been here 18 months and I don't think the job is  
so good that I am willing to sacrifice my integrity for that and I suspect  
that most of the Congressmen would feel the same way in the long run.

We have as I suggested - we've got a staff of well over a 100 and over half  
of those are lawyers so you can see how fast we're moving. We have made  
- our staff has devised this persuit of fact into six different categories.  
Some of them are less - no only one is watergate, personal finance is another,  
where tax questions arise. I would think that shortly - and this is a  
prediction without being preceded by a poll, that I would think shortly  
that we ~~would~~ will start limiting the areas of further pursuit that we  
would be in effect be defining impeachable misconduct by excluding areas  
of inquiry that they've undertaken before and for example, I suspect  
impoundment we will decide very shortly we have no business pursuing that  
as a basis for an impeachable offense and the like. As we exclude then  
we will hone in - the staff I think would hone in on the various areas.  
And so Watergate is not the only area but I suspect that when the final  
showdown is it that that is the big area where questions are going to arise.

Garrison

The question is - the deputy counsel for the minority is Sam Garrison and  
he has been - I don't know that he has been quoted as saying this - but  
something has been attributed to him, somewhere, in effect that his  
responsibility is to make sure that the President is not impeached. I feel  
like the respoinsibility of the staff is the same as that of the committee  
and that is to make sure that all of the facts are brought out and the  
responsibility of the minority staff is to react to any facts that come  
to them to make sure that they ~~adversely~~ view of a particular factual developent  
is developed to the point that all of the information is brought to us.

de. h. p.

B I would like to think that the staff is not going to presume to recommend to us what to do. The staff is a fact finding operation. The Judiciary Committee has the ultimate responsibility to make the decision based on the facts that are developed for us.

Q If you voted one way in committee and between that time and the time for the vote in the House that your constituents were overwhelming against impeachment, would you change your vote? (essence of questions)

B No. I think basically the question you are asking me - are we here to carry messages for our constituents or are we here to bring our best judgement to bear on the situation?

Q Are you responsible to your constituents or to your conscience, that's the question -

*Fodor  
human*

B ~~Ya~~ Well, I'll put it this way. There are damned few people that don't try to make both of them come together and in my own situation, I am hopeful that this situation would never arise but I really personally have no real problem with that at all. As I've tried to say before, I just don't think the job is all that good that - we certainly are going to have access to more information than our constituents do and I have tried to keep them advised of what's going on and I've tried to keep them advised of my feelings - that's it's mighty important for me to reserve judgement and I hope that if I've done the job I'm supposed to do representing them, I've convinced them that regardless of the way it comes out, that I have made a conscientious determination of the situation. And that's why it doesn't disturb me so much about having the President come into the district one way or the other, I think the Congress is going to be judged not by Watergate but how we reacted to Watergate and if we bring out best judgement to bear upon it I think we will receive help from our constituents. But to further answer your question - fortunately, the filing date for my opposition will pass before the votes are taken and so...

ya'll who asked the question  
I want ~~you folks~~ to help my ~~friend~~ friend Jack Betts over here/because he's got to explain to the Roanoke newspaper how I can be here and not on the floor and not neglecting my duties so if you have any ideas on those subjects, I wish you'd drop by and talk to him before you leave.

Q Really appreciate what you have done tonight.... I would like to ask you a question in another area... How do you feel about Motherhood?

B Well, I'll tell you this. I have four children and you can overdo anything. I thank you very much for the opportunity to be here staying and

H Again, I want to thank Congressman Butlet/for helping us out of ~~an ugly~~ ~~situation~~ very sticky situation. I had visions of an ugly mob advancing on me - the longer the cocktail hour got. We will try - and the other panelists said they would really like to come and try to do the full panel - and we will get Congressman Butler back to defend himself from a narrower position and we'd love to have him back.



(C)

B Well on Tuesday of last week which would be April 2nd I guess, there was another meeting of the Republicans which I didn't attend but Gena was there - far as I can tell, the principal purpose of the meeting was to the principal thing which came out of it was the instruction to Gena to prepare minority views in response to the question about counsel and so forth which were subsequently filed with us on - at Thursday mornings committee meeting we got the thing from Sam Garrison.

JENNER

the  
The big news I think that I wanted was to/appearance on the panel Wednesday night - you've got all that. But it was an interesting experience for me because I learned some of the questions that people would be asking and was also a little bit surprised to find not much sympathy with the President in that group at all. It was just an open hostility.

Wash. Press Club

B. Well, not exactly, just a negative reaction to anything that would elicit sympathy for the president. I had to go out of town on Tuesday afternoon and got back the first thing Wed. morning. The news of the President's taxes came up this week. My immediate reaction to that was that he shouldn't have paid them but that he had said that he would abide by the ruling of the Committee and he did it. I think that was something he had to do but I think he did it in a manner which would probably get the quickest acceptance. My personal view of it is that he got taken in several regards. I think his lawyers ought to be disbarred for what they did - his tax lawyers - and I think this stuff about transportation ~~for~~ his family - ~~that stuff~~ - throw that back at him. It was a shock to me. And that's about the substance of it - I felt like he asked the wrong people to give him an opinion and got stuck with it and that's too bad. But the fact that he's paid it up and - here again - and I haven't read it - but the implication that there is no fraud on the President it keeps coming back to us.

Tax Reception  
Vignette  
don

check this

The Thursday morning briefing -

W Before you get away from the tax thing - you felt that he should not have paid - that he should have contested it or - you felt that he should have paid since he said he would.

B No I felt like his obligation was to pay it as the question was ultimately ~~resolved~~ resolved that his committee. He's asked for an opportunity to argue his case and I think they should have gone and argued it and had a chance to protest it and the IRS got involved in it and I think he could have been perfectly consistent with his representations and raised some questions. After all this is not a committee verdict but a staff report. But the fact that he promptly paid it indicates to me that he's getting advice as a politician, awareness that hasn't always been there. Maybe his own political awareness is improving and the second thing is that he paid it ~~as~~ as promptly as he did on this flimsy - on this recommendation that had very little force - here again - indicates to me that it was a sound judgement and it should set well with people in the United States. You can't get around the fact that he has voluntarily surrendering one half his net worth. And if I had any net worth, I sure would hate to see it go.

Send report -  
page

the fact

The committee  
to Gena  
deposition  
this  
panel

Thursday morning's briefing was a disappointment to me because it's become apparent now that what we've done - and I pushed this - I felt like its very important and I think depositions are a great aid. I think the way to gather information was for the staff to go out and interview people and depositions. And if anybody on the committee had energy enough to

interpret - for later quote - But it probably is the great character in this man  
it would be better to be asked to him not heard?

(counsel)

B go along and take the depositions, they would. And that the President had the right to be present and cross examine and they would just pursue it and that would have brought us to the truth pretty quickly and we wouldn't have had that big circus with everybody present. Well the staff just arbitrarily said that they aren't going to take any more depositions.

Personal  
preparation

Now the specific question I asked Mr. Doar at that briefing was - dealt with - was what investigative aids do you have if you've given up depositions - how do you get the dope out of a reluctant witness. His response was that there are no reluctant witnesses. Now I didn't pursue that any further because they always get to me when we are running out of time.

Yes, this was in the public briefing. And I think that's wrong. If there are no reluctant witnesses then he's only getting one side of the case and he's not - so what they want to do is have a preliminary determination of fact by the committee. What concerns me is that we are going to make a preliminary determination of fact but as far as the public is concerned is a final determination of fact. Just like the staff report of the tax committee.

Good  
mid-point  
study

So for this reason, I was disturbed at this. They had abandoned the deposition and I was disturbed at the manner in which they had done it and I think the Republicans were too. But now this is really off the record - but afterwards I had a chat with Ed Hutchinson about just what they are ~~now~~ accomplishing on those tapes and he declined to be specific and I didn't cross examine him of course. I just had to let him talk. But I get the view - from my chat with him - that they are not turning up anything we haven't read about before. And ultimately we are going to come down to a - as I view it now - as a qualitative judgement of just how much circumstantial evidence will be used to implicate the President of the United States in a conspiracy to obstruct justice. It's going to be a pretty thin reed and it's disturbing because that will mean that there's no black and white decision and its going to disintegrate into a partisan discussion and I'm <sup>not</sup> excited about that.

Appropos of that that I rode back on the train after - now that could have been this morning - that was this probably this morning - so I'll get to that in a minute.

I did run into Del Latta - the new member of the committee - at dinner that night and both he and I have a definite feeling that the staff is disappointed in what they have been able to turn up against the President. And I have that view of it.

The other thing that came up on Thursday morning's taping was the question of subpoena. It's ~~the~~ only collateral even now. But Rodino wrote a letter saying I'm gonna subpoena Mr. President, if you don't come up. And I thought this was a little bit advanced because I don't see how we can subpoena before we have evidence and I'm not sure that we've thought through exactly how we are going to force that subpoena. And if the majority of those who would impeach are building their case around impeachment for failure to honor a subpoena of Congress that seems to me that's a awfully thin reed and if they are moving in that direction, it's a mistake and I don't want to be a ~~part~~ party to it. My view of it has shifted around to - at the moment - when you start thinking about how to force a subpoena then I think you ought to make it perfectly clear when you issue the subpoena that if it's not honored that its going to create a presumption in the minds of the committee and the Congress and the House of Representatives that

Their  
view  
is  
shifted  
to  
a  
presumption  
in  
them

adverse information is being withheld. And then I think the baby ought to get to be the senate's baby. I don't think we ought to make any further efforts to get any information unless - get any information by subpoena if there's a - if the purpose of the subpoena is the get information that will clarify doubt then the clarification should be resolved against the person who denied the information and it becomes the burden of the Senate. But I do think we ought to make a determination in the Committee as to how we are gonna enforce the subpoena before we issue one.

Send it on to the Senate ✓

agree to  
That's why you asked today to see detailed notes -- in advance

That's right I wanted...that's exactly right why I asked them that question today.

As a side light Bill Cohen were sitting there and we noticed that Teddy White was there. Bill Cohen is in a pretty marginal district and apparently thinks he's got trouble, I don't know, we agreed that maybe Teddy White was there to interview him on the subject of the undoing of a Congressman. We laughed but it hurt.

Humor ✓

But anyway it's getting to be big time when it can bring that guy in  
What is it the Breaking of the President

The Breaking of the President - that's right, yeah. That's the thing that took place. I was home this weekend and we had a cocktail party. Lot of people there. And the strange thing is ~~finds~~ I'm finding that my friends are getting to the point where they are not - ~~mostly they will say~~ ~~expressions~~ ~~the president~~ the most that they'll say is I support the President. I guess the general expression almost now is tell them to get off my friend the President and then the other view is impeach him. But very few people have undertaken to examine me on what we are doing - they kinda respect the position I'm in which I think is right. ~~of acknowledged my sort of~~ ~~judicial role~~ They are acknowledging my sort of Judicial role and I'm apparently been able to put that over in the district so I'll ride with that as long as I can.

The friends at home ✓

The article in the Richmond Times Dispatch - did you see that - the boy wrote on this thing - actually Stephen spent a day or two with me - Stephen ~~Clemens~~ - it's in Sunday's TD but he also attended that Washington Press Club and he wrote a not unsympathetic article but the point of view is I did not realize that my audience was such a anti-Nixon audience ~~that~~ as he led me to believe from his article.

Opening ✓

Oh, you didn't - although you ~~said~~ <sup>felt</sup> it was hostile.

I felt it was - the word I should have said ~~was~~ <sup>is</sup> - they did not greet with warmth any discussion or sympathy the problems of the President. He was sitting out in the audience and he seemed to think they were out to get him and so they were unsympathetic to what I said. I thought they had fallen under the spell of my logic but that was just my view of it. The other interesting thing is the New York Times man came through here and he putting an article together. He's a good, good,...I read some of his stuff every now and then. He is pretty good. But he had a column on

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B Rodino - did you see it? And he had some comment about me in it and something kind I had said about Rodino - well that was a good idea because Rodino made a very good point of thanking me for it this morning and he also recognized me - he recognized me ahead of a couple of other people - even though I had been recognized the last time.

-Naughton -

W So you did yourself some good, is that why he/was interviewing you - for the column?

B Not for this column - he's going to do something next week on the whole Judiciary Committee but I judge that Rodino is going to get the profile this week and the whole committee gets it next week. That's about the way I see it.

W Was that in the Sunday Times

B The Sunday Times - The New York Times - if I could afford it I would buy it.

And - this morning's briefin - well I hate to see Sam Garrison - sidelight in there, I think he is the Jack Anderson view is closer to accurate than what were told this morning but we've just got to recognize that this guy, Albert Gena, is a prima donna. You don't get to be one of the great trial lawyers of the country by - you know - waiting to be called - you can see he's been president of enough societies to have a full time public relations staff or its equivalent going and I just think that he has - he looks with embarrassment on his minority employers and that we have made a serious mistake in hiring him because - simply because, not because I would reflect on his intellectual integrity or anything of that nature - but simply because (I think he feels like he can put on an advocates hat one moment and be judicious the next and it doesn't work that way.) That isn't the way he was employed. He spoke to a point of personal privilege this morning and his professional integrity was involved and it wasn't a god damned bit. He was taking that time to spout off and cut down a memorandum he had been directed to file. But he's too big for us to fire right now and so we can't speculate that we are going to do it but it's a real disappointment for me but not surprising. He's not capable of subordinating himself to his job and I think John Doar deserves a lot of credit. He's taken a lot of abuse and we don't let him respond and yet I think he's maintained a pretty good view of it. I don't think he's honestly setting out to screw the President. but some of the circumstances may develop that way. I get more regard for him as I see him in action. He may be opinionated and hard to shake but I think he's trying hard and I don't get that same feeling about Gena. I think Gena is all for Gena and it's going to hurt the Republican people because we don't have somebody speaking for us and we are limited by Ed Hutchinson trying to do that although I thought he did a beautiful job in defending Sam Garrison this morning and everything that Ed says just makes plenty of sense but he's not inclined to say it very often so I'm afraid Gena is going to hurt us and I'm sorry it's working out that way.

W I had missed the Anderson column - was that over the weekend. I saw the original one

B It was Saturday - Jack Anderson's column.

W He said in essence that there were some people on the committee out to get Gena out of the way

Get this info

Senior  
The prima donna  
too big for his employers  
Gonna "mistake" hiring him  
set the date  
on this  
but coffee  
too big for us to fire

✓✓

Ⓟ

B In effect that they were goigg around and that Sam Garrison was the hatchet man - you might want to read it. ~~It~~ I turned my copy over to Larry Hogan. I went down and got right up in back of Hogan and asked the questions cause I felt I was too close to Sam - looked like his lawyer. I also asked Mr. Rodino and Ed Hutchinson if they thought we should give Sam Garrison time to respond and Rodino's answer was - I thought - pretty good - he said you have guide by your own conscios but then they both went on to say that when you get into a contest of this nature with Jack Anderson you are not doing anything to help it you are promoting it and so they pretty well persuaded me that I didn't want to get Sam too far out on a limb. So, fortunately this Pollack, <sup>Mazur</sup> Linzinsky, raised the question and Ed Hutchinson answered it and I thought it was answered...I was pleased with the answer. Then Gena had to get into his personal privilege and so forth and that<sup>is</sup> not the role counsel should take.

I can tell you I am privately critical in my own mind but I am not participating in any ~~more~~ more Republican conferences where's he gonna - I just don't think I'll go to anymore of those things if he's gonna - not going to follow through on the directions. Maybe I'll go next time and see but that'a a real disappointment.

If Gena is not going to do what we tell him, gracefully, then I think he ought to quit but he's too big a man for us to fire at the moment, his position.

W What was it he failed - did he fail to come through on

B No, the instruction was to prepare a minority view which he did but then he got up this morning - and you were there - and he said but I don't really subscribe to it - this is an advocate brief. Well, that's a lot of crap. He's our mouthpiece.\* He's not paid to think.

W It tended to undercut the whole thing.

B That's right, it did more than that. It just embarrassed...it made us look like a bunch of damned fools and I thought that was unnecessary. I would have fired him if it were not for the power of the press. And you can quote me on that - alright - you can't ~~now~~ quote me - but that's the way I think.

*Five times but for the press*

W Not yet - but maybe later on.

B Let's see I'm trying to think what else took place this morning. The line of questioning I followed and the one I do think is important is laying the ground work for the subpoena. I also felt like the staff and the Chairman are both going to be so greatly relieved that we are going on recess so they can go forward and do things their own way that it's frightening. So I also wanted to make it clear that I was available during the recess. I think the committee is being taken on that deal. *(x for of whether Rodino + HATCH OUGHT TO SUBPOENA DURING THE RECESS?)*

*Importance of groundwork*

W During recess you want all members...

B I ~~guess~~ just - you're damned right. Not only that but I don't think you ought to relax and say - after recess - after a while - I think it should be followed through as soon as its available and get it out so they have a chance to study it. \* You see at the briefing last Wednesday he read us the letter that he was going to send to St. Clair. We never saw a copy or anything - he didn't have a copy for us when we got there. And one of the things it said was at the direction of the Committee, I'm making this request. We hadn't made any direction at all. We'd just been listening. And he did it. So that - I just feel like he can get these things to us

*Some irritation at Rodino over procedure*

*heels bells*

*Butler's  
secret  
role*

B on time with a million dollars and a staff of a hundred. One other interesting thing is I find myself in another - I'm going to be in another difficult position - the funding resolution for the Judiciary Committee is going to come up for review and I'm on House Administration now and so I'm going to have to be in a position of defending what I didn't have much enthusiasm for to begin with

W Is that additional funding for the

B Yeah. And that's where we are.

W You didn't have much enthusiasm for funding?

*original  
looking on  
funding  
The Inquiry*

B I ~~f~~ voted for <sup>? - due to it</sup> the million dollar funding before simply because I didn't want any Republicans to say we are blocking investigation and the representations were made that we needed the money and now it's coming back, we've spent the million dollars. We haven't had a business meeting and I think we ought to use that opportunity to get some conditions out of the staff as to when they are going to move and what they are going to cut us in on.

W There were quite a few people who were saying today - quite a few, there were Mann and Hogan was saying that staff seems to be running the show do you have some feelings along those lines?

it's almost...

*Members  
need to  
invest  
in more  
from the staff*

B Well - yes, that's a fair accusation but how else would you do it. I don't think it's fair to criticize the staff for running the show. They gonna get away with what they can. In fact that's the undoing of President Nixon. It's the responsibility of the Committee to stay on top of what the staff is doing and we are not insisting upon the staff giving us anything except crumbs and I think that's a legitimate criticism and that's why Rodino has got to have a ~~gus~~ business meeting and we have got to go ahead no holes barred.

W Let me ask you a little bit on the record in terms on the story I'm going to be doing tomorrow on Sam Garrison and his reply to Jack Anderson's column - do you want me to turn this off now.

mentioned

B Well, I just don't want my name to be linked with Sam Garrisons because I'm - you know I like Sam - he's not my protege at all but he is from my district and he was elected in my city and so I've been <sup>close to</sup> ~~making~~ him since he was 15 years old and so I don't want anything to be attributed to me because ~~it sounds like~~ it would sound a little bit like he was my puppet and he's not. He's got a whole lot of stand with the Committee that doesn't have a thing to do with his prior association with me.

W You say you don't want to comment on the Anderson column...

B No except that (for the record) for the record the only thing I would say is what I said that - ugh - Sam Garrison understands that he's employed to work at the direction of the minority on the Committee and that he's doing that job and working also closely with Mr. Gena. And if Mr. Gena has any lack of confidence I'm not aware of it. And he certainly hasn't expressed it to me or the Republicans on the committee.

W Gena has not expressed any.

B No. Of course I've known ... no body questions Sam's ability - even Jack Anderson.

W Do you want to add that in..

B Yeah. why don't you add that in.

W Well to get back to the off the record part

B Is the record running now - okay fine.

W What is really happening - ~~me~~ is Sam - apparently is inheriting this burden to be something of ~~an~~ an advocate for what may or may not be a Republican position on the committee.

B That's right, I think Gena has - Gena views his role as he said this morning to brief him. ~~I took out some of the more inflammatory parts of the statement. Now that I certainly think he should have control over style and judgement should be there and how it should be written but if he's editing the work of the minority staff to weaken the thrust of the argument, then he's lost sight of why he has this job. And that's what worries me. Because the President of the United States needs an advocate on his behalf in the Committee. I think we owe ~~it to~~ him ~~on~~ the staff. That's the minority has got to insist on the customary thing because the majority is not going to do it. And I think Gena ought to recognize it.~~

The special order today - I should comment on that. Bob McClory just called me this morning - well, he called me Friday afternoon after I had left and I called him back this morning and he said he would have a special order so he put out a new release ~~without participating~~ and I said yes not realizing that he had put out this ~~dead~~ dear colleague letter which had questions in it and not realizing that he was going to do these things, I thought we would just kick it around a little bit. Then he put out the press release and having made love to Mr. Rodino the day before it kinda of inhibited me in the participation this afternoon. But I do think it served a useful purpose and that's too bad. You will recall we had an earlier special order in which we finally got some action out of them and so this is rapidly becoming the only way the Republicans can needle the committee into action and although Rodino is a little bit resentful of it I suspect that he is using these - using this as a needle to control the lunatic fringe of his own party. And I suspect that the business meeting will come up this week and we will have some meaningful discussion.

W There was some indication from ~~some~~ <sup>REP SANDMAN, ET</sup> this morning that he feels that the use of affidavits rather than depositions isn't it an attempt by some ~~these~~ of the staff - maybe the majority to keep St. Clair's role limited - do you have any feeling on that.

B Yeah, I think they're scared of him. I think he's competent and able and they're scared into a court with him.

W The staff is scared...

B Yeah the staff is frightened of him. Now of course - yes - you see Gena wouldn't want to be in the same court room because he's supposed to be on the same side and yet he isn't. But I think John Doar and those people are afraid to turn him loose because he's obviously quite resourceful and quite able and so that's the reason they've abandoned the deposition. You know I mentioned that earlier. Basically we were talking about depositions and rules for depositions and then I got a commitment from them not to take any depositions until we resolved this question so they resolved it by issuing an order that they wouldn't take any more depositions.

W They've done that. They are not going to take any more depositions.

*The Prez  
asked me  
what was  
in the  
committee  
question-  
ary  
- do this*

*See cont.  
in the  
special  
order*

*Good  
sample of  
legislative  
maneuvering*

*and would  
I partici-  
pate*

*(NOT?)*

*- no big  
session  
had been  
held at this  
point*

*DEL LATA*

B The staff made that decision. That's what ~~Dale Latta~~ was criticising today. That's the situation. That's a staff decision that ~~should~~ have been made ought to by the whole committee.

W Well, nobody on the committee today moved to reverse that.

B Well you see this was just a briefing session and not a business session.

W Oh, I see. He's not calling business sessions just these briefing sessions.

*Upset at W's session*

B That's what Rodino is doing to us. See we haven't had any business sessions. That's right. You don't have any vote - you don't have any quorums and you don't have any roll calls and you don't have anything accomplished so that's the situation he's put us in.

W Well somebody at the next business meeting - will be Wednesday or Thursday... possibly

B The next business meeting will be Thursday I think - ~~probably~~ Wednesday probably Thursday.

W Now is there likely to be someone who will try at that point to get this decision on depositions reversed

*See C of on Butler's Edwards colloquy*

B No. (W- why not) I think we're - well because that would be premature. The question to resolve is whether the President will be represented by counsel or not. And once we resolve that question then we'll move into something else. But I think that's a preliminary - that's my view of it, I think we're going to resolve it - I mean I think if ~~John Edwards~~ meant what he said then there isn't any problem about it. Yes, and the more I think about it the more I think we got an admission out of him that is going to embarrass him.

W It was an interesting comment and I led with it in the story in the Roanoke Times tomorrow

B Oh you put it in your story tomorrow - oh good.

W We've got about 10 more minutes. I'd like to ask you about - call this a sidebar but it's kinda involved here - did you know Carl Bernstein a reporter for the Post when he was covering the legislature a couple of years ago.

him now.

B No, I don't remember. I saw it in the paper and I didn't recognize him.

W He was working with Helen Dewar and was sort of a protege and was working on human interest feature stuff. This was 1971.

B I knew Helen Dewar down there but I didn't remember seeing him. He's come a long ways hasn't he? (W- He really has) He's going to write a better book than we are.

W Oh, he's got the book. And to have Al Pacino and Dustin Hoffman playing in the movie. All that stuff. But your first - was this Washington Press Club thing the other night your first contact with a whole bunch of the national press.

*at B Press assessment*

B Yes, and I wasn't impressed with them either. (W-you were not. Tell me about it) Well, it was largely women and ladies, by fortunate coincidence. No, they were very nice and they weren't hostile. Their questioning was not threatening. I didn't feel like they asked me anything that I couldn't answer. Lot of them were a little bit - it could have been embarrassing if I hadn't thought



B my answers through a little bit. Oh, I didn't think - I wasn't overly impressed with the intellectual depth of the crowd but ~~and~~ none of them were - well, you know it wasn't that occasion - I mean it wasn't that kind of an occasion. I also felt like they hadn't done much research on ~~ix~~ the subject of impeachment so I felt like they were ex-society girls, reporters. A few things like that.

W Where there any big name reporters there

B I didn't see any. Richard could tell you. The only ones I know are you and Don Hill.

W You expected a little more probing - more searching questions than you got.

*Get this tape*

B I don't know what I expected but I don't expect - I'm going to be on Agronsky - did Richard tell you - that Public broadcasting thing one night this week - Tuesday - and Ms. Holtzman - I don't know how that will do. I doubt if that has much of a viewing ~~audience~~ audience.

W I saw Cohen on that the other night with Flower.

B I think he's getting all of them.

W You'll have a tape of that I guess.

B Yes, I'll tape it. And that's about the extent of my experience with the national press.

Was Bernstein down there when I was there? (W- I'm sure he was) My last session in Richmond was in the Fall of 1970 - spring of 1970 - I might have been there in 1971. Let's see we were having elections in 71 - yes I was there in 11. That was the session ~~we were going to amend the constitution~~ when ~~we implemented the constitution~~ we implemented the constitution

W Well he was there - if that was the last session - 72 - there was no session.

✓ B I was there for two years of Holton sessions. (W-he was down there) Well, if you ever see him, tell him I remember him well.

W Apparently he didn't cut too much of a figure ~~them~~. What did you think of Hungates little analogy today on ~~obstetrician~~ obstetrician - ~~is~~ he the ice breaker on the committee

B Hungate, well he certainly means well. / I thought it was a little unnecessary. I think Jack Brooks was tired so somebody had to act like a fool so he chose to do it. But as far as contributing to what we are doing I thought that was - I didn't think it contributed anything. I think we're getting too many of those comments. But maybe we'll get it out of our system and get on. We've got people on our own side who have too much to say. I'm the only one who asks intelligent questions. Everybody feels the same way about himself - that's the problem we've got.

*see transcript of this session by Hungate why - if need it -*

W Do you have any hopes that this darned thing is going to get done any time soon?

B well, you know I really think we're gonna - come hell or high water, we're going to start having evidenciary hearings and I just think they are probably going to be premature for all our agitation to get something started we're going to be premature and

W there's that risk isn't there

B Yeah ~~and I'll tell you~~. That's right. And all of the bad news is going to come first and then it's going to be our obligation ~~to do~~

by our show,

I mean the Nixon side of the show. I think any evidence St. Clair wants to put on in response will come at the end and I think everybody will be worn out with it.

W Should they be open hearings

B Well, my view of it is if you have the right to cross examine they should - if you don't then they shouldn't.

W Will there be open hearings - one way or the other?

B Well you know my thought on this is you should send them out on depositions and gather all the information that way.

W Apparently that's not going to be done

B That's been abandoned simply because they don't want St. Clair there. And I guess before we get through I'm going to have to move - or somebody's going to have to move to at least get that approach before the committee.

W Yes, you mean to bring it up for a vote

B Right.

W If nobody else does it you will.

B ✓ Yeah, but I think I've got to give ~~it~~ a couple more favorable comments about Rodino before I can put it over. I'll have to start praising Jack Brooks next and that's going to be hard to do.

B The first thing I want to talk about is in the course of our last briefing - and we've got the whole transcript of it here - you might want to take a look at it - on page 50 toward the end I had this conversation with Mr. Doar in which I asked him with his assurance that we would have a formal statement in advance of any request for a subpoena. And then I called him a 5 p.m. yesterday afternoon and asked him for it and he said that he had the stuff just about ready but the Chairman didn't want anything released until the next morning which kinda offended me but I certainly didn't want to take issue with him. I didn't get it until this morning. But I did get a chance to review it.

talk with Doar

Just as a side light - here's the time table of what took place this morning. You called me at 9:20 and then the Committee called me and then he called me and so forth and it's all there just the way it shapes up. But actually I had a chance to read it before I went to the floor so I had a fairly good view of it but not as good a one as I would have liked.

W He called you this morning or last night ?

B That's this morning - that conversation.

W He also talked to you last night.

B Yeah, when I asked for it last night. And he was most apologetic about it but he felt that was the way-it was. We had a meeting of the group at 10 yesterday morning - the Republicans in the House - that was the morning of the 10th - and at that time we had Gena's letter - excuse me St. Clair's letter before us - Gena was there.

W Was this the Republican members of the Committee?

B Yes, in Hutchinson's office. Hutchinson was pretty mad at Bob McClory having made some public statement about it so I didn't tell him too much about my television program tonight. So he opened the meeting by asking Gena to ~~comment~~ comment on a complaint to the various members by the staff that the majority had become a prosecutorial staff and the minority was being excluded from the investigation. You know we have been pretty insistant that when we went out to ~~interview~~ interview somebody that a minority man be present. Well, Gena doesn't appreciate the significance of them not being present.

Good side light  
more serious direction

he up  
Earlier I had breakfast with Dan Kirkendall - ~~it~~ showed/down there when I was in the cafeteria and he also mentioned that several members of the staff and he mentioned a boy named Sharp specifically - had come to see ~~me~~ him complaining that the staff was excluding the minority from its investigations so I'm afraid that this is shaping up into a feeling that there are going to be some differences on the staff and there might be an ~~exposure~~ <sup>exposure</sup> before we are through. Kirkendall - of course - overstates everything so you can't put too much reliance in him. Gena kinda side stepped the Hutchinson's question though and turned more to the ~~st~~ letter from St. Clair. It was the general feeling among the Republicans though that it was a dodge, an evasive tactic and they were all kinda irratated about it.

Staff mention

*Chapel*  
B Ed Wiggins came up with an alternate plan which we never even got around to deliberating on this morning. But its set forth in a letter which we had and this was the alternate Republican plan when we went in there. It's set forth in this letter from Wiggins. And then Wiggins went out of town and so it didn't get around to being presented this morning.

That's basically the three items I wanted to talk about. Just the exchange this morning with ~~Doar~~ Doar and the timing on that and his embarrassment at the thing.

*2/10/74*

And I feel that my reaction to Rodino was unnecessarily high handed in ramming that thing through this morning. And I think he had a change of heart - well you were there when I was discussing it with him

W You mean a change of heart - you mean the

B Yeah, actually, I think during the morning he realized when he told everybody we would come back I don't believe he expected to when it was obviously the will of the group. And it gave him an opportunity to clean up his subpena.

W You mean it might have been a change of heart on ramming it through?

B Right and I think that was good.

W Yeah, that would seem to me that limiting debate to what would work out to 60 seconds per member. First, it was pretty much a gag rule.

B That's totally what it was and it was absolutely unnecessary. I thought I made a real good statement on it and I'm sorry you didn't get it on tape.

W Got it all on paper though. It will be in the transcript later, won't it.

B Yeah it will be in the transcript. It sure will. Well, at least I separated myself from the pack once today.

W You really did.

B You can't do that <sup>but</sup> ~~but~~ more than once a lifetime.

W Did you have some notion you were going to be the Republican on that?

B I thought that ~~Coyne~~ <sup>COHEN</sup> would go with it.

W I thought he would too. Wonder why he didn't. Did you ask him later.

B No. he thought he should have too. I think he thought he was too - to tell you the truth.

W Did you get any ribbing about being a maverick.

B No, there were very nice. ~~They all could see what my problem was.~~ See basically

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B ✓ what they were saying ~~was~~ is they were limiting what we were going after and I didn't ~~it~~ limited. And that was it.

W You want to get after

B ✓ I want to get every god-damned bit of information I can get and there just isn't any excuse for withholding any longer.

W So, it was that phone call that was reported to you by Doar that

B ✓ That triggered me - you darn right. The more I thought about it the less open I thought it was being

W You felt St. Clair was playing games and stalling it more

*Good argmt St. Clair*

B Well, I felt like he may or may not have been playing games but he was trifflin' with us and I think - I don't know - I just thought it was beneath the dignity of the White House to get into that kind of exchange to tell you the truth. And I said the same thing. I feel like he's a good lawyer and he's certainly right in insisting that we specify what we ask for but when he has the things in his safe and just dribbles them out according to his - well, you know, feeling, well, you've been a good boy today, I'll give you ~~xxxx~~ another when he does that after a while it's just unprofessional. And I'm sorry he did it. But that's that.

W What about the bipartisanship breaking down. Is it breaking down any more so than you expected it to or...is it still hanging together pretty well.

*Respect to Rodino shown*

B I think you've got to give Rodino credit. He played it by ear this morning and I think he concluded that it was too hard nosed and obviously - now maybe Jack Brooks helped him make that decision but I think he felt like it was shaping up the wrong way and he ought to do it. And quite frankly, I think the fact that we just had one "no" vote helped to indicate that some concessions on ~~ix~~ our side and I wish that we'd had more. I'm sorry it shaped up that way.

W Why do you think he wanted to limit ~~debate~~ debate?

B ✓ I think he wanted to get home. He was ready to go. Everybody was ready to get out of there. But you can't let the recess run anything as important as this.

W One more thing and then I'll be through. On this possibility of some staff explosion - what more at this point can you say on that?

(W-no, off the record)

B On the record -/off the record. Oh, well, Sam Garrison sent around a memorandum, confidential memorandum, he sent it to Mr. Hutchinson and then he sent me a copy of it, which I tore up - saying that - it arose out of this exchange with Gena - and he felt like Gena admitted - like Gena deliberately misled everybody and on the basis of that, he felt like the situation had become intolerable in his relationship with Gena and Gena wasn't representing the minority and that he was going to get the blame for it and he's looking for more jobs - Sam - and that's what he told Hutchinson. Well, I think Sam is a little bit overly sensitive about the problem but something has got to be done on several people on the minority are going to quit and make a lot of hasty statements about it and that what concerns me.

W The explosion then would come from the minority side.

B Yeah.