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M. Caldwell Butler Audio Diary, May 1974 - Transcript

M. Caldwell Butler

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B Alright - now we are a little bit out of the time table but there are two things I want to be sure and remember these things cause there are two or three developments yesterday which were interesting to me and I'll just stick 'em in there for what they're worth.

Yesterday I went home about 5:30 on the evening of the President's speech - that was Monday evening cause I had to get dressed and go to a dinner that night and the office got a call from the White House after I left and so that was referred on me at home. The call ~~fr~~ was from Jean Answorth and he simply wanted to tell me what the President was doing - specifically I had already picked up enough rumors on the floor -

W Jean Answorth ^(ch. sp.) is who

B He's Max ^{FRIEDGERSDOORF'S} Weider's office assistant over there in the White House. Congressional liaison and I think he's probably assigned to our area, ~~I don't know~~ I'm not sure exactly how that works. But what he had to say was along the lines of - we are getting ready to do this and we wanted to fill you in on it and I was a little bit surprised because that's the first time ~~the~~ the White House has contacted me for some little time on this thing and I would have preferred that they not. He didn't tell me anything that I thought was inappropriate and he didn't tell me anything that I hadn't already picked up by rumor but it was interesting that - and this was a form of courtship, I guess - that the White House was concerned for the first time - in my judgement - as to how these things would sit with the Judiciary Committee. He tried to inquire of me about my reaction to it. I didn't take any notes on the conversation and declined to react at that time.

Immediately prior to that I had agreed to go to ~~the~~ CBS after the thing and give my reaction to it so I was grateful to get an opportunity to think about it a little bit. Now that's one conversation I want to be sure works into our chronology.

W You didn't feel you could go into detail...

B I didn't feel like I... Well, he went into a lot of detail but I didn't take notes on it. He gave me the full bit about exactly what he was turning over to 'em...

W When he tried to get some idea of your reaction...

B Yeah, I don't think he made any inappropriate thing - he just basically he was trying to find out my reaction to Rodino and Hutchinson going down there and I didn't comment - didn't discuss that on it - and I don't remember any discussion on any resolution but I think that was basically ~~what~~ what they had and I judge to make the same conversations to the rest of the committee.

^{Rodino} Now another conversation which is interesting to me - at 1 o'clock yesterday which would be Tuesday, I got a call from Peter Rodino himself. I called him back cause I wasn't here and we had quite a long conversation which surprised me and I didn't make any effort to take any notes and of course he was emphasizing that - his opening shot was - well what do you think of things? And I - after I figured out what he was talking about were the developments in the last 24 hours - and I pinned him down on that... he wanted to know what was going on - what my reaction to the last 24 hours was.

And we had a little chat about it along those lines. He emphasized that he was calling me on his own and this was between us and he wanted a pretty candid comment from me. What was interesting to me was he had read -

ABOUT

~~DEB~~

B he said I've read what you've said ^{about} the committee's deliberations. He says I know you are one of those that's troubled by the whole problem and he says I can talk to plenty of people - he didn't name them - who will give me - Democrats - who will give me ^{views - those} pretty inflamed response but I wanted your calm, sober and reasoned ~~issues~~ - were the words he used - and it was kinda of flattering that he would call on me. We discussed it pretty extensively.

One thing that impressed me during the course of the conversation - he waxed elegantly on the constitution and its meaning to him and other ethnics - ~~were~~ the words he used. I had the impression from him that he didn't want to discuss the tapes - (staff interruption)

Well, he did wax eloquent on the constitution. He said ethnics are more inclined - not Italians necessarily - but ethnics to have a high regard for the Constitution and he really kinda got all choked up on that which surprised me. It was surprising because it looked to me like he was a little bit emotionally unstable at the moment but of course he's under a lot of pressure. He was pretty critical of the President's conversations - he says the things he's listened to are indications to a good deal more to it than what the President's told us and there are certain items that are very, very critical in it. He thinks that we've got to varify further and I guess the basis for really what he wanted to do was to find out whether I would stand behind him if he was willing to go over to the White House and take the heat and - you know - accept the responsibility that the President had asked him to. And I told him I was but I thought he'd be crazy to go without the benefit of all the technical help you can get. I wasn't too strong on counsel until after I talked to him but, frankly he said, and I think he's right, that they know more about relevance than I do and so they ought to be there so we can determine whether things are relevant or not. So that's...

W You're a little stronger on that now.

B I feel a little bit differently about ~~it~~ that than I did before. Now he said we'd probably have a meeting Wednesday night so I - I mean Wednesday sometime, I would rather it be sometime tomorrow - that's when I tried to call you ~~sak~~ back and tell you I had told you earlier I didn't think we'd have one. And I told him I wanted the Committee staff to give us a report - to the committee and not come from any part of the report and that I want recommendations from counsel on what we needed and what we had and so forth. And he agreed with that. So I told him that ^{the} I felt like he'd done a good job and I wanted to cooperate with him to ~~any~~ extent that I could. And that's where we left that.

W You felt that he was

B He was doing a good job of trying to keep the thing on the track and I appreciate his problems with the lunatic fringe of his own party.

W You think he sounded as if he were expressing the emotion of the strain that he's been under and...

B Well, I think that - I would say that ~~he~~ he was feeling it and the President's action of Tuesday - of Monday evening - put some pressure on because the next decision is going to be a pretty hard one as to what the next move is going to be and so ~~forth~~ ^{yeah} ~~here~~ I don't think that he was feeling the pressure but I also think he was acting responsibly in polling the committee ~~and~~ in this fashion and I was pleased and somewhat flattered that he asked me about it but that's where we ~~left~~ left that.

Rep. caucus not for fruitful
B We had a republican party caucus for the republican members of the committee I didn't get to but very little of it because I was in the House Administration meeting at the time and I don't find these things too fruitful - the caucuses. I think the substance of the thing yesterday was inconclusive. The decision made there that they would let Hutchinson and John Rhodes ask as spokesman for the people. As far as I could tell, that was the only decision they made. And I didn't miss much. The overall feeling of the republicans was the ball was now in their court and the less comments the republicans can make and the less we can get ourselves involved in it the better.

W This was the entire Republican membership

B The republican membership on the committee with the leadership. Now, my view of that is not quite that way but I didn't express it at the meeting.

W What's your view of it?

or his own view
B Well, my view is that the ball is in the committee's court and not the democrats' court and that we've got to respond and insist that the President's case be verified by an appropriate procedure and that's where I think we ought to go and we ought to get together on the fact that Rodino and Hurchinson are going down there.

secret
he's perfectly willing
Following that I talked to Ed Hutchinson on the Floor only briefly but here again, his purpose was to go down to the White House, he would like to have the staff with him but he keeps emphasizing that he can sit down and follow a tape ~~and~~ without a transcript and find things that are in the transcript that are not in the tpae, and he's totally unable to understand the tape in many instances without the benefit of the transcript. He feels like you've got to train your ear as well as your techniques and so forth into listening to those things. It's hard work and inconslusive... that was basically his theory about the tapes. It's going to be hard to varify them but he is willing to do it.

W Hutchinson also would prefer to have the staff there?

B Yeah, right! Yeah, he felt the staff backing was important.

Now - we've gotten a little bit out of our chronology here but I think I'll just go by what my notes reveal and depend on you to pull it back together.

Rep. leaders' impressions with Nixon - "He's making it hard for us."
On Thursday we also had a republican conference - April 25th - that was ~~in~~ John Rhodes' offices with the republican members of the Judiciary and Rhodes called the meeting on kinda short notice but I think the thrust of this meeting was to talk turkey to the - ~~you~~ talk turkey was the way he expressed it to Hague and St. Clair and possibly Ziegler. And we wanted to emphasize I think, the idea ~~to direct~~ *of the rest of* the committee emphasized there that the President's last message was not well received and that the republicans on the committee wanted to make sure that he was protected but he's making it hard for us. And I think we re-emphasized ~~that~~ the message at that point that the republican membership of the committee couldn't take much more delitory tactics. John Rhodes assured us that he'd carry this message to the White House and at that moment we were only speculating as to whether he would make a speech on Monday night or not. But I personally and others emphasized that if he was going to come out swinging at the Judiciary Committee, that it would do him irreparable harm. That he ought to ~~comply~~ *comply* to the extent that he could. I also wanted to emphasize that I didn't want it - since we had given him an extension of time to work on his report, he better come up with something and that was basically the message we left for him on that at that meeting.

B Earlier I think I talked to you about - on Wednesday, April 24th - that was - the republicans met in Rodino's office at that time with Mr. Jenner in the morning. Rhodes wasn't there. That was republicans on the committee.

W That was not any leadership...

B This was not leadership attended and Jenner was there. The big message we got out of that meeting as far as I was concerned was 1 - Jenner explaining to us how much more sophisticated the listening devices now assembled by the committee were than those available to the White House. And he said - he explained how the technicians could isolate a conversation - you know - and isolate one speaker, and they could isolate - they could cut out one speaker, they could several speakers and they take it off - go over to the White House and take off the tape ~~on it~~ onto their tapes and that's done in the presence of the Secret Service apparently and then the equipment that the committee has would come up with things that weren't - the White House staff hadn't found at all. So this emphasized to me that now - Looking back on it - I think it important for Rodino and Hutchison to have their staff with them when they go to the White House.

Committee
tape
device
now sophisticated
cut out

the Wiggins

Another thing that came up - basically we discussed ~~Williams~~ proposal and that was agreed to generally - to support the Wiggins proposal as was advanced at the Judiciary Committee meeting the following day - Thursday the 26th in the morning. In essence that is the procedure where the White House would screen it and it was released in writing and I have a copy of around here someplace. And that would be verified by Hutchison and Rodino Doar and Jenner and I think that influenced the President.

25th?

The newspaper had reported the letter of April 19th requesting additional information was dated April 11th and I was a little bit irritated about that. But I find that that's not...it was dated April 19th so I felt better about that.

(FROM WHITE HOUSE)

a copy of

Incidentally, we received that stuff this morning - that letter of April 19th was received in our office on May 1st with enclosures.

At this meeting also, Jenner advised us with reference to the narrowing of the issues that was going to take place at the next day and essentially he said it was going to be narrowed down in the ~~final~~ final analysis to the ~~three~~ areas that we'd talked about. Now you know - the ITT, Watergate and Milk and Taxes. And that was when we first devised that. Now - as a result of that meeting - some of the republicans went out and spilled the beans and the democrats got up on their high horse and so they resolved that when we came into the next meeting the next day, that instead of having a formal resolution narrowing the issues, that we would simply receive the staff report. Which we did the next morning. And so that I think - if it hadn't of been for the advance publicity of that - why we might gotten some of those things formally eliminated the next day and we didn't.

Narrowing
of the
issue
"spilling
beans"
more private
secret affairs
public
action

Jenner also gave us some information at that meeting about the size of the job of taking off the tapes. For example he told us that they already had tapes totally some 10.3 hours - that of conversation - that the subpoenaed tape added an additional 27.1 hours and that the letter of April 19th added an additional 46.1 hours including 32 hours of Watergate, 803 minutes of ITT and 500 minutes of milk. So the volume of the job was impressed upon me at that time and then also he discussed - well, the narrowing is now a matter of record so I don't guess we need to go into that.

Volume of
the sub - why
narrowing
was

W Did it make you think that it's going to lengthen out the whole process just the sheer volume of going through these many hours of conversation?

B I don't know - I don't know. It could. And I don't understand why we did that. And I don't understand why we asked for so much. But we were assured that that was the last request that was going to be forthcoming.

W By the way at the April 25th meeting of the leadership and republican members of the committee, was there - apparently there was some dissatisfaction among members of the committee about the White House being a little delatory - do you recall any anecdotal material - any people who got really salty about it...

B No - No - quite to the contrary. I guess basically, I was probably the worst. I asked John Rhodes if he wanted me to make a few explanatory statements to carry down to the White House to get the message. He said he'd be glad to convey them if we wanted to make any of them but he thought that the White House had the message. That was about where it was left. But basically it's - the feeling was that St. Clair's letter had embarrassed the republicans on the committee and we just weren't going to take it any more. You know I didn't catch a lot of heat. That's one more thing... on my one vote. Cause Dale Ladder jumped on me one time asked me to explain the vote. Ralesback and Cohen immediately afterwards, said maybe they thought I'd done the right thing. They were both obviously on the fence on it. Cohen, particularly Lauditory because I think he would have liked to have done it if he'd had the guts. I think he just about said that. My feeling about it is now is it was right the right vote, That we were making a mistake to make it on party line issues, and unfortunately the embarrassing thing is, I had my children with me, Jimmy and Marshall and ran into Jack Brooks at lunch and he made a ~~was~~ very effusive in his phrase which made me think I ought to go back and reexamine my position a little.

W Anytime you and Jack Brooks are in the same corner, you wonder.

B Yeah, that's it exactly. But I'm sure that - I still feel like if we make a mistake shaping this thing up on the party line problems because we've got to - from the point of view of the interest of the President, we ought to, I think and this is what I told Dale Ladder. I saw him at breakfast a later morning that week - or the next week - that we've got to maintain an attitude of impartiality throughout all of our procedures so that when we finally make a judgement, if it's in the favor of the President, it will not have the appearance of a coverup. If its to be in favor of the President we can make it stick only if its got a strong - you know - feeling of thorough investigation and I don't want anything we do to indicate otherwise.

We had another hard vote this week on Monday on the funding of the Judiciary. Came to the Floor. Now I tried - I'm on the House Administration Committee - they brought it up at the House Administration Committee on Thursday at the meeting which coincided with the Judiciary Committee meeting, the only notice I received was a telephone call that morning saying they were going to take it up. And I wasn't prepared so I didn't go to discuss it with the full committee cause I knew we'd get a crack at it on the Floor. I tried several times to get a transcript of Rodino's testimony to the Subcommittee and that was found to be not available because it was a closed session. So I wasn't too well prepared when we got to the Floor. We had a voice vote. The strange thing was that the republicans pinned the democrats down as much as they could and there were some voice votes in opposition but nobody rose to the occasion to ask for a record vote on either side which surprised me.

I have real reservations about whether we're not overspending but here again.

W How much money extra?

Why
you can't see
any of it
overlapping

B They asked for \$733 additional thousand dollars to finish out the year - the fiscal year. We're spending money at about \$10,000 a day on that Committee investigation and that is too expensive but the republicans don't want to be in a position of ~~making~~ covering up and the democrats want to go for them to wring this thing dry. So I'm afraid it's too bad to work out.

Here is the blue bound thing that just came in this morning - "Submission of recorded Presidential Conversations" - I judge this is a copy of the thing ~~we~~ that we got in our stacks over there. I can call Liz in and ask her that if you want me to.

W No, its probably the same - I would imagine its the same. Did you catch much constituent heat on the vote?

W
B I have gotten about 15 telegrams on the subject - all of them basically saying the President should determine what the committee wants. And I wrote back and told them that I thought they were exactly right but I was content to have Hutchinson and Rodino go down there and screen them and...but I haven't ~~had~~ got anybody who writes and says quick, get off the President's back.

W You have not.

✓ B Not since the speech. And my reaction to the speech was it was a pretty good presentation of his position but - and I'm surprised that I haven't gotten more comments from his friends but maybe I'll get some later. Maybe it's not indicated.

W You felt - could you sum up again your basic reaction to the proposal, I think we've hit it in spots here.

Why R+H
need
help

B Alright - well, basically, my reaction to the proposal was one - we subpoenaed this certain information, relying on representations by our staff that this information was necessary in order to fill in the pictures and get the facts and so I'm going to look to the staff to tell me whether this response is sufficient. If it's not sufficient then I think we've got to consider further requests. I think its premature to start flexing our muscles or making threats but I still feel like that we're entitled any information we think is relevant to our inquiry. The President's specific proposal was that the membership - that Rodino and Hutchinson come down to the White House and listen to the tapes to varify the accuracy of what's writtendown and the reasonableness of what he's exluded. Now that to me is a reasonable request - provided Hutchinson and Rodino have the technical and legal - technical and now I think perhaps legal assistance to help them in their judgement. Certainly the President of the United States has stenographers and technitians helping him take it off and I think we're entitled to the same help. I see no reason to exclude Dore and Jenner but I suspect that ~~at~~ those people on the committee who don't trust Mr. Jenner are sending their message also to the White House. And that's the reason I suspect for that.

new
Jenner
imitation

Incidentally, on the floor yesterday, Larry Hogan came up to me and he really came up to Ed Hutchinson - but he was talking to me - and he was obviously irritated because he had a newspaper article telling us about a law lecture that Albert Jenner had delivered on the 25th at which he could not be present at the committee meeting because he was delivering a law lecture to somebody - some place. The news article reported that Jenner listened to - somebody handed him a memorandum during the course of his discussion saying that the subpoena had issued. And Jenner raised his hand and said, "I've been working on this for years - for months," which irritates his employeers - the minority members of the committee. And it was turned over to him by Dale Ladder. Also he commented on the definition

B of criminality with relation to an impeachable offense and other things. It's unfortunate, I think, that Jenner is such a prima donna and makes so many speeches. I jumped on him myself at our meeting in Hutchinson's office because he hadn't gotten us a draft of the rules of procedure in advance. And I felt like we ought to submit our own rules of procedure and suggestions along those lines but he didn't - he said no, he didn't think so. He was responsible only to Hutchinson and he would follow Hutchinson's instructions but he was putting input into the thing from the minority point of view and I thought well, my criticism and I think the rest of the people there was that he wasn't putting in the minority point of view because he wasn't talking to the minority. There's criticism of Jenner's handling of the thing because of the position its going to put us in when its over if we want to take a strong republican position. And we can't get through to him on that.

W Was he angry - did he retort angrily...

B He didn't reveal any - no, he maintained his poise and he was subjected to a whole lot more abuse from Froley from Wisconsin than he was from me. The reason he - Wiley Main made the same statement there as to his intentions with ~~in~~ reference to the Milk stuff that he was going to do in the committee. And we asked Jenner and Garrison who was also there to get us the information on ~~it~~ the Congressional contributions from the Dairy ~~industry~~ interests and we had to tell Jenner about four times - finally Frolic jumped up and said he didn't care whether Hutchinson asked for it or not, he wanted it and get it! Which was kinda intemperate but nevertheless a fair index to the committee's - the republican irritation with or disappointment in Jenner's failure to recognize that he's employed by the republicans.

And that's created problems for us but I don't think they are insurmountable and it really ~~does~~ doesn't worry me because I feel like we've got sense enough to make up our own minds and so that's...

W You said something a minute ago that I didn't fully understand about the republicans on the committee who are suspicious of Jenner sending a message someway - this is related to the staff backup going down - question of the staff going down with Rodino and Hutchinson.

B I just feel like the disenchantment with Jenner and the feeling that he is carrying objectivity too far and not protecting the republican interests - have been communicated to the White House. That's my supposition by the republican members of the committee, and that was probably the President's reason for not wanting the staff to be involved in it.

W Do you have any suspicion at all that the President may not want the staff there because of their greater ability to spot hidden clues if you will... that

B No, that would be a supposition too. But (W Some people have raised suspicion) Yeah, I think that's a legitimate supposition - suspicion if you think the Presidents hiding something. But, from the point of view of our pursuit of the truth, it can be better done with the staff present.

Incidentally, I received a message at 9:40 on the morning of April 30th that the Judiciary Committee briefing session had been cancelled because of the President's message last night. They would advise us as soon as the meeting had been rescheduled - hopefully Wednesday. I didn't have that note in front of me when I talked to you yesterday but then it also said the rules of procedure had been referred to the subcommittee on administration of justice and I doubt if they will be prepared to report tonight. I can't count on it but that was the message I received from the Judiciary Committee with reference to a meeting scheduled for 10:30 on yesterday.

T.V. common new

B There's two other things that are just anecdotal - as you say - when we first went into the briefing session last time I was stopped by - I had to walk back, for some reason I had to walk back of several people, and that's the first time that I realized that the staff was getting conscious of me. Three or four members of the staff stopped me and straightened out my coat collar because of being conscious of being on television which was interesting to me.

W Which briefing was that in...

B You know I'm having trouble placing which one that was - one of the earlier briefings - you can stick most anywhere you want - it was the first time I felt like we were on television...first time we were on television when we moved around to the - it was a briefing session, it was the next to the last briefing session so we can figure it out.

W Was that the first time they brought the cameras in?

B No, it was the next to the last time we had the cameras in and that's all I can add to this experience unless you've got some suggestions.

W Let me ask you a few questions - round it out a little bit cause it's the first time we've done this in a little while.

You haven't had a chance yet to read any of the material from the transcripts, have you?

B I've had a chance but I haven't availed myself of it. Right.

W To get a little bit of the human side of the picture, you might explain why you haven't had a chance yet - moving up and everything.

B Yeah, that's it exactly and then I feel like that its the sort of thing

W Well, if you could put it in your own words - you know about your house...

B Oh, I see. Is this for the newspaper or ...

W No, this is for the book.

rough in new in McLean

B Well, we got the stuff on the morning - on Tuesday morning around 10:30 or 11 o'clock I would think and I turned it over to Liz Tremble to tell me what was in it. She looked at the sacks and I was overwhelmed at the size of them. I had intended to take the submission home with me - the summary the President had put together with me ^{home} and I neglected it. And my wife was very much disappointed cause she, I think, had looked forward to reading it. And ~~this~~ then this morning now - on Wednesday morning, we get this printed thing which I judge is the print of what we got in the sacks on yesterday and this will be easy to deal with.

W You will take it home tonight

B Yeah, I'll take it now. I'll take it back to Roanoke with me for the weekend. I'll read it.

W Well, you've just moved into a - moved your wife up into your new house out in McClean so you're involved with that

B Yeah - I've been involved - that was the whole thing but the real problem yesterday was that I had to get the carpet up out of my apartment and Marshall, my 15-year-old was here, and between what was going on on the floor and supervising his removal of the carpeting, which took all day

B I didn't have time and I was pretty tired by the time I got home and we still have some of those chores to do around there. And you've got to realize that the work of a Congressman goes on and I've had mail to sign - in fact it's picked up a little bit but by the time all my mail - in fact I didn't sign it all, I still took some of that home and signed it.

W Is this another one of the reasons why its good for Rodino and Hutchinson to have help when they go down - ~~no more these things~~ to review these things - that they are not working this full time.

not tape tied
B Oh, sure! That's right. They just can't knock it out. That's all. You can't listen to but so much tape - apparently - I mean you just get stir crazy or whatever the - ~~tape tied~~ tape tied. Yeah, I like that. Yeah - tape tied after a while. So that's that.

W Did you get any heat from your constituents on your one vote against - when you were with the democrats on the Dennis amendment?

Committee response
B Well, I got very little heat. The Committee was sending out some funds programs and letters and I got couple of those got ~~small~~ ^{marked} back with black spots on them. But I would explain to them - if I had a radio program which I put together - right after - you were there when I dictated it - so I just sent them a copy of that and said this is my explanation and this is why I did it and I haven't heard back from them. But I got a good deal more letters supporting - quite a number of supporting letters.

this strength
W Roughly how many - just an estimate.

shifting
B 10, 12 - as opposed to 3 or 4 against. The supporting letters are from people who I would expect ordinarily who would not be my fans - in other words probably the - I suspect as a result of this my - the center of my strength shifted somewhat to ~~these~~ the left - to the left of Barry Goldwater isn't a very big move. I think there a good deal of - number of democrats who have expressed approbation - not necessarily support -/approbation and I was pleased with that.

did that
W Did that please you or sort of leave you with the feeling you did when Jack Brooks came by...

Be interested with the response
B Well, it makes me want to reexamine the position but I don't want - I'm anxious not to be criticized for being - pre-judging anything and also for not being - for covering up or being less than intensive in our investigation. For those reasons, I was satisfied with the response.

least with by Naughten legal scholar bit
I was also satisfied that - in this article in the New York Times - I don't guess you had a chance to read it - McNaughten singled me out with the comment with Wiley Main and that satisfied me. (W - 10% and the 90%) Yeah, he said that there were two people - I don't know anyway - something to indicate he thought I was a legal scholar dealing objectively with the problem and that was certainly a fair statement of the position I wanted and I was glad to have him recognize it. And my wife read the article and she said she thought that was the most favorable comment anybody could have so I was satisfied with that.

cut this ch from Callan
And of course Charlie McDowell wrote a real nice article on that thing - the next - you know - several days later - on Sunday I think it was - did you see that.

missed that, was it
W the column

B the column - his column yeah - (W - on your vote) Yeah, basically, basically, the independence position that I'm trying

- WHETHER THAT'S GOOD OR NOT -

B I think we're separated from the pack by ~~that god~~ - did you see me quoted in the TIME magazine - (W- I missed that, this week?) This week! The one about the shot gun and the rifle - were you there when I said that? (No.) When the narrowing resolution came in - I think Jack Betts must have put it in his article, somebody - I said that what's happened is the staff has put down the shot gun and picked up the rifle. Time magazine picked that up.

W McDowell this past Sunday - yeah - I think you, as a matter of fact I really do begin to - I think you're - I guess Naughten had the thing sorted out pretty well - (B- Yeah, I thought he did too) on - and I think among those...

Good
B Well, you know, it really concerns me that the whole goddamned procedure is going to resolve itself into about six guys (W - Yeah, and you gonna be one of them) and if - I feel like that the white hat approach to this is a little bit more lonesome than I wanted to be, ~~but~~ - WAY I'VE APPROACHED

W Who are the other five...

B Well, Walter Flowers - I would think, on the democratic side and Jim Mann. I'm not sure Barbara Jordan isn't capable of rising above the thing. I mean the natural inclination of the Blacks is ~~to~~ hang him but I think she's capable of rising above it if anybody over there is.

On our side, Cohen perhaps - Railback, myself and David Dennis and that's about it. (7)

W And what would be your description of this group?

Good
not in Summary
up High
B Well, I don't know (W - independent pushing for an...)/but that's not a fair statement. I just - gosh, I don't know except that its less disposed to be - less disposed to prejudice and less influenced by party consideration. All of those things kinda go along with being independent. It's hard to characterize it but its there - just shape up - I mean, I can see it in these caucuses - there's people that just - you know - we represent the President sort of attitude and anybody that doesn't - gosh you know, this is a vicious conspiracy against the President. Well, I don't believe that at all. I think its a bunch of politicians that are perfectly capable of taking advantage of every opening but god knows we've provided the openings but its not our responsibility to - you know - stand in the breach. They've got an opportunity to exploit and an embarrassing situation while I don't think we can cover up the situation - we've just got to learn to live with it. Make the best of it and we'll have to see where the chips fall. And I think there are about five or us or six of us that are going to wind up making the decision. And it worries the hell out of me.

Now, something else along those lines, it just escaped me. Go ahead.

W And you think you might wind up making the decision because of the diametrically opposed camps on the other side.

Good
B That's right. (W - hanging ^{Man} against, defending against this conspiracy) That's right and of course you can't - when you make a decision of this nature, you gonna make some enemies along the way. Dale Latter says you may wind up voting for impeachment - he wasn't saying it to me - he said you may wind up voting for impeachment and get reelected - but you won't get reelected the second time - which may be something to think ~~man~~ about.

W What ^{DID HE} ~~do you~~ mean by that?

Good
B I think he meant that once the heat of passion has ^{PASSED} ~~past~~ - the heat of the occasion has passed and they realize what a dastardly deed we have done

B ✓ for history, why you are going to have to be shot down. But there's a lot to be said for that. That's why I think we've got to find the facts and we'll just have to see.

Well, that's about all I can think of right now.

W Oh, let me close it with your reflections at this time on the question of whether impeachment proceeding should be televised - either the presentation of evidence in the committee or the floor debate.

B I certainly do not think the floor debate should be televised. No sir. No sir. (W - why is that - incidentally can I use this part for the newspaper on this question) Oh, well, for the newspaper, as far as I'm concerned, my view of it is very simple. I have no objection at this moment to televising any portion of the deliberations of the Judiciary Committee but the minute, ^{but} ~~that~~ I have to recognize that the television people are not always the best mannered and the minute I feel like that they are abusing their situation and the minute I find out that its interfering with the fair deliberations of the Committee, I won't hesitate to say so and ask that they be removed. Now that's basically my feeling on it.

NO TV of House Independent Debate
Now as far as any kind of debate that would take place on the Floor of the House of Representatives, my present inclination is to say that that would be most inappropriate cause its ~~xxx~~ never been done in the case of a partisan debate and I would think that this is the wrong place to start ~~xxx~~ making exceptions to the rule. I just would think that that would be too much. One of my considerations is that - the ham instinct of the American politician and there are only 38 on the committee and that may be too many but with 435 in the House, that would be impossible.

W What about the ~~arg~~ argument that it would be useful for the American people to have the opportunity to follow this process as thoroughly as they could?

B Well, debate is not generally very enlightening from the point of view of the public because much of the information that goes into it would have already been received - there will be written, ^{into} certainly in the hands of all members, in advance of any floor deliberation and I really don't think it would be very enlightening. It would be - no, I just think it would be a mistake right now but I'm reserving judgement on it until I'm confronted with the problem so that all I can say is that is my present thinking. It's beneath the dignity of the House, I think.

W Was there anything further you wanted to add off the record on it?

B No. That's summary all for all and that's the way I feel about it.

C2

B Alright now, we haven't had a chance to talk since the meeting of - the midnight meeting, except for the things you ran in the paper.

W Talk about your vote and maybe the reaction to it.

B Well now I was - I felt that the vote at the time was pretty inconsequential. Actually we had three votes - you know - one of them was to table the motion, one of them was to accept the motion to direct the chairman to write to the President which had one swing vote - if one republican had voted no instead of yes - if all republicans voted no ~~instead of~~ except one if the one republican who voted yes, ^{Cohen} had voted no it would not have passed because it would have been a tie vote. I was shocked at the abuse that he received from the other republicans there and later as the result of his vote. I feel like that its kind of a shocking situation to me that this is shaping up into a party line vote. At the time I felt like it was quite an inconsequential vote, it was something approaching assinity to write a letter to the President telling him he was in a noncompliance when it was so apparent that he was and apparently it would have accomplished nothing that I really didn't have a whole lot of trouble with the vote. The only reason I would have voted for it because - considered voting for it was because it was meaningless for or against but when it shaped up to a party line and the next day Dean Birch started making speeches to the effect that this was nothing more than a partisan effort to get the President, as indicated by this vote, then I was - regreted perhaps voting as I did because that certainly was not my thinking at the time and I feel like the President of the United States hasn't learned very much if he's got Dean Birch in there running the show when his approach to - his pragmatic approach to political problems is almost identical to the Eulichman-Haldeman theory of use your power. And that upset me greatly. I think the public reaction to the vote was the one that Dean Birch took however and I was really surprised how many people felt like it was a test acquiescence in White House pressure or not. To me, clearly, it was not. In the first place I did not feel like I had been subjected to any White House pressure. I was subjected to arguments by the republicans but none of it malicious prior to the vote. Afterwards of course, I did feel like to attacks on Cohen were unnecessary.

Several people sort of invited me to be critical of Cohen by giving me an opportunity to agree with them that it was a helluva thing to do.

W Where was this -

B Committee members and in the cloak room. (W-it was no formal caucus or anything like that) Oh, no, no, no purging operation - just people in conversations discussing it with me were critical of him and wanted me to join in the chorus of criticism and I told them that if I had thought ~~if~~ it would be that close, I would have voted with Cohen - that he really wasn't the swing vote, I did it just to kinda - as a joke but it didn't go over very well.

W What was the response?

B The response was, well, we change the subject. You're one too, huh. But basically I feel like that the vote was misconstrued and it's too bad.

W What sort of things were they saying about Cohen?

B Oh, just - well that's basically it - you know - nobody suggested it was anything but his own judgement but the feeling was that it was showing a lack of loyalty to the party. But the thing about it that concerns me is I see no party loyalty shaping up in this situation,

Cohen
abuse -
Butler
letter
of non-
compliance

Dean Birch
should be
4-E - P
don't sound
right
(See P. 8 above)

with the defense
Cohen

B or loyalty to the President. He certainly has let us down as a party by the manner in which he has handled this thing. Larry Hogan, also following our... (telephone interruption)

✓ Following the meeting on - Larry Hogan - as the transcript will reveal, got into the question with the chairman of his criticism of Jenner, although it wasn't as obvious as that - at that time.

W Was this after the midnight meeting...

B After the midnight meeting, before adjournment, he raised a point of order or parliamentary inquiry and tried to be critical of M Jenner. And then he wrote a long letter which I got yesterday as its commented on in this morning's Washington Post about - urging Ed Hutchinson to urge his firing and Ed Hutchinson ~~says~~ said no.

I've been disappointed in Jenner's to take the republican position in much that's taking a minority view in pursuing in much of what he's done but I certainly think its the poorest judgement for the republicans to get into another Archibald Cox situation and I was glad to see that Ed Hutchinson had the judgement to shoot that down before it got too far off.

W I have the feeling that the public stir over it will be sufficient warning to Jenner - bring him into line on his viewpoint...

B No, I don't think Jenner is - I think Jenner will follow any line of questioning that will lead to the truth and he's certainly not going to be - he's certainly going to be there and St. Clair's going to be there. I'm not worried about getting a fair examination of the witnesses and a fair presentation of the evidence as I now view it. If it develops differently, I'll certainly have to recognize it but I don't believe that's going to be our problem. That's the only two things that have occurred to me.

W Before we leave the Cohen thing, can you be kind of specific on the sort of views he was taking, did you ever hear anybody sort of verbally beat him on the hand for instance?

B No, I think basically, no - the only thing was just - well I didn't encourage the comment - but just a statement audibly made - an audible statement - and a statement made audible to him or about him - to the effect that every republican ought to stick together on a thing like this. And that was it. And he was upset about it - upset that it offended his people but he felt like he had made commitments earlier in the game that wouldn't let him do anything else.

W Was it about that time that you made the remark you did, that his vote the swing vote...

✓ B Yeah, anybody asked me, that was what I told them and I still feel that way. I would have hated to see it end up in a tie cause that would sure be a reflection on the committee and wouldn't have accomplished anything either.

W Yeah it could have been - what was it - 20 to 18.

B Yeah, if he had voted the other way, it would have been 19 to 19 and it would have been a tie.

W And that would have just hung it up - the effect it would have had would have been no love either way. (?)

B That's it. The motion would have failed.

W Course you've got some flack from constituents on it and editorials...

B Yeah, I haven't gotten a whole lot of - I guess to think that editorial comment and everybody else's comment ~~is~~ indicated we should have made it a matter of record that the President was in noncompliance and failure to vote for this was an approval of the President's position. Well, I was there and I listened to it for 5 hours and I didn't think so. But it's a typical example of the intellectual capacity of newspaper editors.

W And it's a hard thing once the formal vote is made to explain why

*How come
B
in hand
explain*
Yeah, well, that's right. It's hard to explain and that's what concerns me - that's what makes me begin to realize that the vote - whatever vote you make - is not going to be explained. The record is going to speak for itself and that's going to be it and that ~~is~~ makes it a little bit more difficult to handle. But you also got to explain it to yourself...

W That's most important.

B I think in this view, that's the most important but it's going to be put a little support in it anyway you look at it.

W When will the evidence begin?

B I think - I talked to Rodino on the floor yesterday and he keeps trying to get it. ^{He} says Thursday or Friday but I know that he's campaigning these days and he's using his Fridays for political purposes and so we'll get it done on Thursday would be my guess. He also said he thought Dore's presentation would take about a week and he would want it to be in closed session and then he would think three or four weeks after that. He also said that we would certainly get our Memorial Day recess and we ought to be through by the 4th of July recess. (optimism)

*Rodino
relaxed*
And it just amazes me, he was in extremely good spirits, kinda like he was a pepped up on - you know - some kind of a fresh air experience cause he looked enthusiastic, fresh and healthy - not showing any signs of depression, which I thought Wednesday and Thursday of last week he was a little bit frayed around the edges when I talked to him on the phone. So I ~~think~~ think he feels like he did the right thing and the committee is being pretty well accepted.

W This was on Monday when you talked to him...

B Yes, I talked to Rodino on Monday. (W - see him in person or on the phone) Seemed relaxed and in good spirits which would indicate - you can read him a little bit, kind of an emotional sort of guy and so my reading of him on Monday is that he feels pretty confident about the course he's followed so far. Just from his attitude otherwise he'd be pretty shook up.

There isn't much taking place this week on it except reading the transcripts.

W It will be Thursday of this week, there will be some meeting of the committee.

B I would think so, yeah. They called me, I was on an educational television program - with Paul Duke, he's a ^{college} classmate of mine and now works for - you know him. (W - yes, used to work in Richmond) He went to college with me (W - at W&L) No, Univ. of Richmond. I didn't know him too well there but now he ~~is~~ was with NBD AND NOW HE'S WITH this educational television. He's was putting together a program of four or five like St. Clair, Rodino and

B Butler talking about what the program was going to be - it's a documentary for educational tv. (W-just the 3 of you) No, I think Liz Holtzman and - I can't remember who else he's going to have on there. It struck me that it was nice of him to ask me and its going to be put together for that Wednesday or Thursday night sort of preparing people for live coverage of the hearing or whatever hearings take place. And that's where we are.

W On the Jenner question again, you said and you've said in past sessions that you've a little uneasy about Jenner feeling he's not reflecting the minority viewpoint quite enough but you've also said he's too big to fire. Now apparently that's still the situation, I guess...

B He's too big to fire. He's too big to fire, that's right, and after all we gonna be there to protect ourselves and if we have questions about objectivity of a particular examination why we can ~~a~~ raise our own questions.

W And you don't think this business with Hogan will cause him to become any more reflective of the minority viewpoint on it.

B No, I don't - its quite the contrary.

W - Yeah, make him dig in his heels..

B Well, its just like the proposal to ^{write} ~~like~~ the letter of noncompliance, I guess if it hadn't passed why the White House would have considered it an approval. And there's another reason why I thought it was foolish to raise it - to bring it on. So all those things have interpretations which really aren't justified but that's the way things shape up.

W You've had a chance now to look over the transcripts - maybe not in great detail yet but maybe so, what general impressions do you gain from reading those?

B Well, you know, I've talked to my wife about it more than anybody else I guess and we both have a feeling that the conversations sound a little bit unnatural. She refers to it as the - you know - what we've got is the expergated edition and it sounds a little bit like a bunch of school kids at a high school play. "Oh, yes...is that right...hi, there..." and all of that sort of stuff. It's so unnatural it makes you believe that its really just a - you've got to get the full flavor of it. And I think the tapes have got to be there to get the full flavor of it and I think its - I just can't understand the White House not being more cooperative in this regard. The implications it has for the way business is conducted on high levels is kinda frightening. I'm sure though that Lyndon Johnson and Harry Truman operated pretty much the same way. Eisenhower or President Kennedy - Bobbie Kennedy I'm sure - John Kennedy - those people, I think that's consistent with their personality and what we know about them but to have it laid out bare, I think the lady from the Washington Star that called it indecent exposure ought to get some kind of Pulitzer Prize - cause that's exactly what it is.

But you know - I - we didn't - I was pretty close to Linwood when he was Governor and we certainly didn't conduct business in the same State of Virginia in that way. I was never very close to Mills Godwin when he was Governor - he may have felt that way about the republicans. But I feel that this is ^{too} not the way it has to be and I don't know how to say that without being ^{too} critical of the administstration or ^{of} everybody else but anybody that goes around and tries to excuse it by saying that it's always been that way is probably right but I don't believe that's necessary at all. And if you don't give your opposition for intellectual integrity and honest difference of view, why you lose a lot.

B's Reaction to the letter from editors manuscript

B And I don't think the Congress is run that way...not my view of it. I think Wayne Hayes and Jack Brooks are perfectly capable of carrying on that way but the average person that I've dealt with has been reasonable in the sense that they're not out to get you and I've always found in my dealings that there's a level of discretion - between people of opposite political views that they ~~are going to~~ don't cross over. If, for example, a man came to me and said - I've got to do this because of my relationship with a very influential man back home and I want your help - I would feel like I was breaching the confidence if I mentioned that in the course of an argument on the point and everybody understands that. And so you use a degree of candor in your exchanges with one another that facilitates your conduct of your business.

This revealing of the tapes is going to make that a whole lot more difficult. Also, the release of the tapes indicating the way business is transacted within the party and the malicious motivation in many instances, is just going to be damaging and as I say - and I'm sure that's the way it's been conducted by big guns in the past - but it's a mistake and maybe out of it comes the kind of reaction that you always get with anything of this nature. Maybe that's the silver lining otherwise I see none.

W And the silver lining being that it may be a warning...

B It's a warning - that's right! You know, one person mentioned to me back home - it was a pretty good insight - that the republicans are - the idea of saying that you can't elect a republican now because you can't trust them is crazy. Cause we've been through the most purging experience of all and we going to be more careful and god knows the republicans are going to be careful from now on - for a long time. And that's the sort of insurance that you get out of this. Which I thought was pretty candid and I think the reaction to this is going to be to require a higher standard in your exchanges with one another. ~~So I think we're going to have to look at some legislation that's going to protect the executive privilege hereafter.~~

We haven't gotten into that yet but that sure it - like the war powers act that came out of the Cambodian and Viet Nam experience - I think we're going to get some kind of an executive privilege legislation to come out of this and it should - quite properly. To define the limits on which - regarding which the President does not have to reveal what has taken place in his office.

W So far its been fairly much left up to the executive, hasn't it?

B Well, there has been - it's been left up to the executive but the Congress has been silent and the executive has been controlled by the Constitution but I think we ought to be able to define - I think a person goes in to talk to the President of the United States is entitled to know the ground rules ~~xxx~~ under which he operates and I plan to divert my energies to that when I get a little time.

W How about the President discussing blackmail and clemency and all this... and apparently discussing this as alternatives...

B Well, you know all of those things are certainly a legitimate areas of any person who has that power is entitled to discuss it but the thing that concerns me is that these people felt like they knew the President of the United States well enough to come in there and suggest all these things to him even as ~~xpossibilities and that's a direct reflection on the President.~~ And that concerns me greatly. I would be shocked if a member of my staff came into me and said I've got a bribe that's been

an
 offered and I feel it's my duty to give ~~the~~ you ~~the~~ opportunity to take it if you want it. And that's the substance of it - I ~~was~~ just thinking that the idea that the President of the United States has to reach the degree of familiarity with his staff that they felt like they could even discuss these things is shocking.

I still don't see the evidence yet revealing his involvement in it but of course when the committee gets through with him, committee staff gets through with him, we might ~~a~~ - we may have a different view of it.

W What about the March 21st tape -

B I've only read the one tape, I haven't read the committee version and I haven't ^{heard} the tape that we're going to get.

W You've read the unedited version of the March 21st...

B I've read the - there's an unedited version. (W-I'm sorry - the edited version) The edited version as presented to us by the White House - yes. But you realize that there are two other versions of that. Our own tape and our own reading of the tape and the first proposal from the White House and we're going to have those presented to us - that's one thing I mentioned to Rodino - they goin' to lay down side by side so we can see.

W Do you have a feeling that with the discussion of blackmail and the President saying at one point - even in the edited version - speaking of - when he says to Dean suppose you get a million bucks and you get the proper way to handle it, you can handle that side. Dean says uh-huh. President says it would seem to me that would be worthwhile. And then later that night apparently some payment being made. Does that seem to you - even from the unedited version - to put the President pretty close to involvement - I'm not asking you obviously to make any final judgement but how does that strike you?

In Judicium
 B That strikes me that I should ~~forget~~ get all of the known facts before me before I make a judgement on that sort of thing. But the coincidence of suggestion and execution is what you call circumstantial evidence and that's a pretty weak reed on which to build an impeachment case but I suspect that there's either more or less to it than just those facts and so I'm going to want to get them all.

KW You want to lay out all the ~~xx~~ tapes (B-that's right) and all the other available...

B And that's what I hope the staff is doing. If those hundred people over there haven't done that then we've really been taken.

The other thing - did we talk about - yes, we talked about it - the money the appropriation. Okay, that's about it, as far as my recollection goes.

Personal incident
 You know all of the things you get involved in all the collateral - you said you wanted some anecdotal material - I wish I had kept track of Henry's travels - you know my son Henry is a - has been travelling around the country on a bus pass and I don't know that I ought to tell you this or not but I'll just mention it - we still moved. I moved on the 24th and that week you know ~~ixxit~~ out here to McLean, moved all of my furniture and got some people who are ex-employees of the office building to move me on - I believe it was the 25th - they moved me all day - that was one of the days - it was Wednesday the 24th, one of the days we had one of our meetings going on in Mr. Hutchinson's office and then the next day, the 25th, I went on home to Roanoke. I had to drive home. I drove home on Friday morning to Roanoke and arrived early in the morning - I

B mean like 1 a.m. when I got there I think. And Marshall was home from shcool and he'd been suspended - which makes life interesting. So I brought him back to Washington with me on Monday with me and my wife and so that was why she was here that week - that active week to help me get the - but at least I put him to work and he was over there working in my apartment all day Tuesday taking up the carpeting.

W He's in high school.

B Yeah, he got suspended for cutting class but he should have been suspended, he should have been whipped,

W Thursday morning the 2nd of May...

B Yeah, that's when we met and we discussed the rules of procedure, what we were going to adopt. Now we got a draft of those in advance. Well I'll leave you this - this is my report - you know I put a radio broadcast out. You just stick that in the file. The thing about/ is that which I think was progress here was that he referred the proposal to the Subcommittee. The Subcommittee went into it pretty thoroughly and it was a unanimous report. The real question in my mind was the extent to which we would give St. Clair the right to cross examine witnesses. There was real apprehension on the committee that he would obstruct us - use his office to obstruct the hearing. My feeling about that was that he is an experienced ~~trial~~ trial lawyer and got a good ear for the jury and he's not going to put himself in a position of being criticised by the Committee and he's going to play it by ear and well and we needn't have any worry about him abusing the privileges cause we reserve the right to cut him off at any time and on the basis of that I'm not a bit concerned about it and I ~~think we had a lot of unnecessary discussion~~ thought we had a lot of unnecessary discussion on that subject. The question of whether - you know - we gave him the right to question. Now ~~whether or not~~ the question as to whether that's the right to cross examine comes up. Because a cross examination is where the adverse party has more liberties in asking questions than the guy who has the direct examination. I'm sure you are familiar with that.

W The leading question bit...

B Leading question and contradictory - yeah - you know - you impeach him and the extent to which St. Clair can impeach the witness by his own prior inconsistent statements and things of that nature is sort of something I think we just gotta play by ear. I have no judgement - no question or doubt about it that we will get ample opportunity to go into that and we're cutting a new kind of path. But you see its not an adversary proceeding therefore you don't define cross examination in the terms of the defendants lawyer being able to cross examine the prosecutions witness. Its an investigation. I think we're giving him all the courtesy and all the grace that he's entitled to and if he doesn't have the grace to use it wisely then he's spent too much time with Dean Birch.

W You're really down on Dean Birch... I don't blame you from your standpoint or from the party's standpoint.

B That's right, I think its - I mean my god we got rid of Erlichman and Haldeman and what have we got - Dean Birch and General Hague. Well, I think General Hague is out of his depth. I mean that's not his field - he's strategy and I mean he's - ugh - domestic policy. He's not political maneuvering and he doesn't - and public relations - so, shoot, I don't blame General Hague. He's just out - he's out of his field. They ought to keep him out of it.

W Called him to do something he's not...

B ...not trained to do, not inclined to do and doesn't understand and he doesn't have Kissinger to guide him and so - I can't be hard on Hague, I think he's - that's just the way I feel about him. But Dean Birch has been around long enough to have learned something.

W Of course I think you weren't too surprised to think of Birch having this sort of approach to things because of his ties...

B Well, I've been totally surprised by the White House every step of the way. Now, goddamn it, why in the world they had to go public on these things and why they had to release them to the... I'll never understand. And the

B President just doesn't know how to read the American people anymore if he fires Archibald Cox in the manner in which he did and now brings these things out. I think its hurt him badly - badly - there isn't mail that writes and says I think the President did exactly right. I haven't gotten a single letter that said the President should have ... and I haven't gotten a single, anybody said to me - the President should have released those tapes. And I don't know in America - I don't anybody who thinks it was a good idea.

I guess

W Isn't this amazing that 2 years ago a man had the greatest landslide/in history in the country and yet now it seems he's just completely miscalculated the mood of the people.

B Well, he wasn't, he was no better then except that - in part that he was but he misread the results because he got a one-sided victory. But I think he demonstrated the cardinal rule of politics - in that election - and that is select your opponent with care. And then he had not selected some other opponent why it would have been better for ~~the~~ the country. I really feel like the democratic party deserves some of the blame in not really rising to the occasion and coming up with a creditable candidate to - who would have had a substantial following in this country. The implications for what its going to do to the two party system ~~in this country~~ are frightening although the reaction is - as the pendulum swings the ~~opposite~~ other way this fall is going to be pretty frightening but that's what happens.

W Is it your view the so called dirty tricks had really very little to do with democrats...

B Dirty tricks had nothing to do with the result - and I think very little to do with the ~~dem~~ democratic nomination process. It was an abdication by the party because they didn't - they just overshot - just the same thing happened to them in '72 as happened to us in '64. You get one area of the political spectrum that takes charge and that's what happened. Now the way things are bhaping up here we are polarizing into a very conservative party - the democrats are polarizing into a very liberal party and that's kind of frightening for the country because the liberals are a majority of the democrats - I don't think they have a majority of the sentiment that's more moderate - the majority sentiment of the whole Congress is far more moderate than those people who control the democratic party but they're able to parley their minority position into control and you see it all sorts of places, coming up in any kinda of committee that's appointed, commission that's named, why you can see ~~it~~ what's happening - kinda of frightening.

W On the procedures - as you say - it is new - its the first time anybody's tried this sort of thing...

B Well, of course there have been situations where it has been present before - by counsel has been present before but I feel like we've - we haven't had this significant a hearing - ~~XXXXXXXXXX~~ ^{certainly not} to impeaching a President and we doubtless didn't get this far along and this Halstead Ritter fella was - I don't think that was of major consequence that it makes that much difference. So at this moment I would say that it's almost without ~~precedent~~ precedent but even the precedents don't go as far as we're going in terms of giving St. Clair the power to - the discretion to represent the President and we have. I think its part of the overall democrat strategy to let the President completely emasculate the argument that the President has not had a fair trial and a ~~fair~~ fair opportunity to present his evidence. And you don't give them that kind of rope unless you got some way to hang him. And that's the frightening part.

W You play a role as I recall in the - on the floor during the special order debate in a with Don Edwards in kind of forcing the democrats hand to give representation - fair representation to the President.

B I don't know whether I forced their hand or not but I was surprised at the answer I got.

W Surprised at the answer you got from Edwards.

B Don Edwards.

W The answer being in effect that there was a majority of democrats who agreed that the President ought to have representation.

B That was the first time - but I do think the democrats - the ACLU syndrome which dominates a lot of democrats put them in an embarrassing position on this question and they finally resolved it this way and I think Don Edwards - it took some courage for him to take that position - in line of - you know - his feeling about impeachment - although he's prejudged it, he's not going to be worrying ~~it that much~~ about a fair trial...

W ...give him a fair ~~trial~~ trial and hang him...

B That's right!

W Do you feel there's some prospect for a - some real wrangling over the St. Clair role once you get into the presentation of evidence - for instance maybe some of the hot heads on the democratic side saying - he's obstructing, we want a ruling ...

B No, I think Rodino got 'em under control.

W You think he will be able...

B Yes Sir.

W What about from the other side - some of the loyalists - if we use that phrase - on the republican side of the committee, anticipating any stringing out of the process from them maybe them saying he should be able to ask him more thorough question or we're not getting a proper...

B I think both sides are going to be alert to that possibility but my view of how to resolve that is to quietly tell the chairman instead of putting on a big show and that's from both sides and because I ~~think~~ think I - well, I feel like ~~with~~ from my relationship with him is such that I don't have any problem raising that question and anybody who feels that he can't talk to the chairman that way - well, I don't want to be too critical, but I feel like they are the architect of their own misfortune - and we've got some of them like that.

B One thing I meant to talk about is I think since ~~these last talks I think we've had that one~~ we've since we've last talked we've had that one opening session on Thursday of the - on last Thursday, the first session of the impeachment inquiry - what it amounts to - and the one - there's a guy around there named Michelson - do you know him - he's in charge of all the media I guess - he's in charge of the television and radio, he must be some kind of an employee of the House of Representatives cause he's the one that's giving all the signals and everything about when they can tape and when they can't and so forth and he started in there at the session. And he went to collegewith me - I didn't know him too well but I've been seeing this k guy standing around and he looked vaguely familiar. Eventually I introduced myself and ~~reali~~ realized that we had been in college together but as the session opened he walked up to me and just before it started and shook my hand and said, "Welcome to history," which I thought was quite an interesting observation cause up to then I really hadn't thought that it was a particularly significant day but ^{as} we kicked the ball off on that session why it was a little bit something to think about.

19. 1/1/74
L.B.

Change
in
the
text

It was interesting from my point of view, that as we went into the executive session, I've been ~~much~~ very much opposed to executive sessions when I was in the general assembly cause ~~its~~ systematically, and of course the president himself has kinda used it to keep out of the public domain what probably belongs there so its well abused. I was reluctant to do it but it seemed pretty clear to me that if we were gonna get - have any impeachment, why what was necessary to be made public would become public and what - much of what we had gotten was - much of the evidence that we've gathered had come to us with the understanding that the confidential nature of the - of it would not be jeopardized except as a part of the actual presentation - an impeachment presentation. That's the stuff that came from the Grand Jury, Senate Watergate Hearings - portions of them were in executive session - so we went ahead and used this and used the excuse, that as a basis for going into executive session and I guess it's going to work out all right.

St. Clair
brief &
confidentiality
play
R. Doar
in front
of

On Tuesday's session, we - it was announced - this is Tuesday, May 14, it was announced that we would close our - we would have a meeting on Wednesday morning to deal with the supena and St. Clair had been there all along and he was given the opportunity to file a memorandum in objection - memorandum in opposition, and the memorandum that's in support of the supena as well as his memoranda in opposition were supposed to be released to the ~~the~~ public. Well, as soon as we were - they were delivered to us, both of them at the same time, just as we were concluding, then a member of the committee, I believe it was Larry HOGan, inquired as to whether we were bound by our rules of confidentiality as to these too and Cameron said no and Mr. Doar said no. And then Hogan said well there's references to the confidential information that we've had in St. Clair's brief and they suddenly became aware of that and had a real sort of a situation that would have been pretty embarrassing to have conducted it in public but John Doar picked up St. Clair's brief and started reading it and said well, we shouldn't accept it because it does violate our rules of confidentiality. The Chairman said, well, we're not in a business session - I can't rule on that - rule on a motion to - any kind of motion - can't have a motion under those circumstances and so the ~~best~~ ^{6/2} of it was that the chairman told St. Clair that he wasn't going to accept his memorandum and returned them all to him. Now I didn't see anything in the paper about that this morning.

W There was something... (B-there may have been) apparently some of those were circulating around...

B Well, I gave mine back, no, I didn't play any role in that except that I thought that the Chairman was right. The interesting thing is this guy -

B St. Clair - he's just ~~look~~ looked like he'd been whipped - he didn't say anything - he just sat there and took it.

W This is the first time you'd been in with him ...

B Yeah, well, this is the second day he's been there. (W-he didn't do anything) He didn't do anything today, really, except to answer the question that he was asked several times - are you going to be bound by our rules of confidentiality and he ~~was~~ always said - yes.

St. Clair is an interesting guy to watch operate though. He's pretty efficient in his...he's always a very prodigious note taker and he takes his notes on a style notebook ~~and~~ instead of a legal pad which surprised me.

W Wonder what that portends...

B It portends that he's - that indicates to me that he does his own thinking that he's decided that a spiral notebook is more efficient than a legal pad and so that's how he does it which I think ~~maybe~~ true although I never had the temerity to use anything but a legal pad in my career.

I've been impressed by the physical bulk of St. Clair though, gosh, he's just as rotund as he is tall almost. And he wears (W-you didn't look at the pictures) no, he doesn't - he doesn't come through that way in a picture but his diameter must be quite substantial but he does work hard and he pays attention and when we started off the Thursday morning and the experience was pretty good for me to watch Doar and we had a bit of background information which was given us when we first got ~~there~~ there and just told all the players - and this is public information - this background thing but I just noticed that at the same time we were given the background information we were given an index and the first volume of our presentation by John Doar and I noticed that St. Clair - he didn't waste any time listening to the background information cause he knew that like a book. He'd already started in reading the evidence and everything and taking notes and he made real good use of his time I thought. Several times during the recesses I've asked him or his associate - Jack, what's his name - if there are any surprises and they continue to say none, so far - which ~~is~~ has also been interesting.

I felt like when St. Clair got there and Doar did make a very good presentation and the way that they obviously - he's made pretty good use of his staff - although with a hundred people he couldn't help it - but the sheer volume of evidence that the committee staff has been able to sift through and ~~present this still~~ into an intelligent manner is pretty good but I couldn't help but think that it's a little bit unfair to the White House unless the relatively small staff they've got to be called upon to respond to this sort of presentation as St. Clair's going to have to do - and I'm not at all certain that he hasn't been out maneuvered whether deliberately or not by winding up with such a little staff and such a large obligation and his failure to respond is going to reflect on his client. So that's going to be interesting to watch also...whether St. Clair is going to come up with anything but he seems to - he's poised and certainly doesn't panic. Well, he looked whipped when they wouldn't let him use his memorandum but he does have a kind of a - that sort of a countenance to begin with. I don't - I can't read him unless I've seen some - can't - haven't got too much to compare it - haven't got too much of a control series to work with.

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B Oh, yeah, I remember the famous description of John Foster Dulles - as dull, duller, dulles. And John Doar I ~~think~~ think is cut from the same wood. He's very personable and very nice guy but he's - his presentation has been - of its nature, is going to be fairly dull but I think he's swung it dry and that's Doar.

We started off...

gotten

W By the way, before you get into that, have you ~~given~~ any credit from any of the republican leadership or Hutchinson, anybody, for your role in sort of pressing the democrats to admit that it would be fair to have St. Clair in there - have representation - you and Edwards had that colloquy on the floor...

B I'm the only guy that recognizes the significance of that - so far. (W-you and me) No, nobody said anything about that, come to think of it.

You know we had quite a discussion in the presentation of our - the adoption of our procedural rules between the right to ask ~~unpertinent~~ questions and the right to cross examine and St. Clair made the comment in his - in "Meet the Press" or whatever it was that there was all the difference in the world. I suspect now that we are not going to get to the point of where there's going to be that kind of factual development in our committee. I'm more and more of the view that the fewer witnesses we call, the better. There are not too many people - too much that's been called to our attention so far that can be resolved by witnesses, ~~things~~ that can't be resolved by our tapes and other things so I'm beginning to suspect that we won't have that big a witness - presentation of witnesses - I may change my mind as we go along. We're still on volume two ~~on~~ something.

As we started on our Thursday morning thing I didn't - Bill Cohen said to me you know this job - I said we're really going to have to start sweating now and he said - I think what he said was all our agonies are going to be lifted from us pretty soon and that was in response to a newspaper report that John Rhodes and John Anderson had just made their statements with reference to the presidents resignation. I think John Rhodes backed off from his a little bit shortly after that but there was a distinct impression on Thursday morning among the committee that the presidents resignation - that the president would shortly resign now ~~here~~ it is Wednesday morning a week later and I really have exactly the opposite impression. I think the president - the prospects of the Presidents resignation haven't altered during the last week since - two weeks - since he released the taped...transcripts...but the rumors have certainly intensified and become less frequent, sort of in a ~~way~~ ^{wave} but I don't believe the president has changed his mind a bit.

My own view of it has changed almost that too - There was a time when I went home last ~~week and talking to people~~ weekend and talking to people and chatting with my wife as well when I had the real feeling that the President of the United States ~~should~~ resign for the good of the country. I had this - which was a complete reversal from my earlier position that he oughtn't to quit unless he was prepared to admit to his guilt but the reaction from the tapes was so great, I thought that - I felt like it ought to force his resignation because - but on reflection, I'm still of the opinion that it's more appropriate that he hang in there and let the process take its course. I can't help observing however, that there's a whole lot of things that are going on in government that are not receiving the attention they should. For example, this bi-centennial administration that I'm on - the president hasn't made the appointments to that. He has three appointments. We went to a great deal of trouble in writing the legislation to give him control over it - we've got the legislation enacted because they said we were going to get something done and move fast and so forth and yet the president hasn't made those

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B appointments. We had a big scrap several months ago about the librarian of Congress - same thing - president just hasn't gotten around to appointing a successor - so there's just so much that the president can do with his time and Watergate is occupying it and that's about it.

Wrote this for some Nixon time

W For these reasons and to get it done, you had some gut reactions that he should resign...

Speed up in Department B Well, there isn't any question about his compromising the process by his position but I still that's what we got to do - ^{but} we got to move it along fast so that comes back to what I was saying a minute ago. I think its less and less important to have witnesses in there to testify to the Judiciary Committee. I think their testimony ~~is~~ if there is going to be an impeachment, ~~it~~ might be just as appropriately come before the Senate - unless they are absolutely essential to clear up some lingering doubts on a pretty significant area why I feel like we'd better get this thing moving and get it over with one way or the other.

for

W Were you able to detect any bases ~~of~~ these rumors that Nixon was going to resign last week - was there some orchestration that became visible -

No - nothing, except the coincidence of statements by Anderson and Rhodes and everybody's been getting into the act - I think it was a misreading of sentiment by some politicians up for reelection ^{people in the street} cause plenty of people are down on the president but plenty of people ~~is~~ would like to see him impeached or removed but the number of people who think he ought to resign is not as strong as you sometimes - ~~is not there~~. Resign as opposed to removal. I think they want to see it done and see it done as the constitution laid it out and its a pretty good system.

W You say the number of people who want it done that way - you're talking about constituents or ~~the Congress~~ other congressmen or Rhodes...

2 had speech to day President B No, I haven't made any reading of my constituents in this regard, I just think that national sentiment of those who want him removed doesn't favor resignation. The immediate short run benefits of removing this kind of agonizing experience from the public consciousness are overridden, it seems to me, by the importance of not establishing a ~~president for~~ president for harassment out of office, which is what will be claimed. I suspect that they would ~~be~~ more ~~than~~ ^{the} political foundation for the impeachment of Andrew Johnson but historians have treated it as a totally politically operation the same way in history, this would be a president, I'm sure for an able president ...an able man to have been harassed out of office and of course there's going to be his... and so I'm still of the view that - I had a moment there when I thought he ought to resign for the good of the country but I'm back to the view now that we just can't do it that way. But we sure have got to move it along fast if we're going to go.

How do you articulate concern for a country in kind of type? But he won't let Nixon down. Now you know the evidence - I've read the tapes - some of them - the evidence is how business is conducted on that level is pretty much along the lines that Hugh Scott has suggested - just kind of immoral ~~is~~ although that's putting it a little strongly - but the absence of any concern for - real concern for the welfare of the country - any expressed concern for the welfare of the country - is something that I think we ought to think about.

On the other hand that seems perfectly ~~fair~~ fair - I'm not sure you articulate that sort of a consideration in a conversation of that nature no matter how deeply you feel about it so the president may be getting a bad shake on that too when we analyze it. I feel like viewing the tapes and I'm reading them slowly, and not with a whole lot of profit, because I don't think it contributing much to the substance of what's before us, my general impression from the tapes is that its just shocking that the President of the United States

B - that employees of the White House felt themselves on such a relationship with the president that they could come in there and use that strong a language and speak that candidly about other people in government. Really in a sense, I guess, he's developed a pretty good relationship with his employees but I think its almost an example that familiarity breeds contempt.

Shook at
Familiarity
 breeds
 contempt

I also have the impression from the tapes and from the evidence presented to us that this guy Haldeman is a real genius. The manner in which he stayed on top of what was going on and ran the operation through the White House as chief of staff was most - is most impressive to me and it goes back to what I said a moment ago - the White House is not functioning as well as it once was and the president was running around the world playing with Henry Kissinger and Haldeman ran a pretty good ship but the president is home attending to domestic affairs at the moment and the ship is not functioning nearly as well. Watergate may be diverting him but not a whole lot - much more than the foreign policy was diverting him a year ago but Hague is just not up to it. Haldeman just ran a good ship and I think we ought to recognize that.

Haldeman
ran a
good ship
a
"real
genius"

W The transcripts show that...

B The transcripts and the evidence before us indicate the degree to which Haldeman was in contact with his job and stayed on top of it and the president relied upon him. Maybe this Watergate stuff has convinced the president that he has to take a closer interest in what's going on - whatever it is - the quality of the work product has fallen - is slipping.

W Not you mean Haldeman ran a good ship - in what terms...

B I mean in terms of the jobs that had to be done were done on ~~top~~ time. The White House was kept advised of what was going on. Now in terms of carrying out the president's wishes of course that's a matter of which I don't think we have any knowledge but to the extent that the president - it's demonstrated pretty clearly that the president could rely on him to do the jobs that he had to do. Now of course when they got off into ~~the~~ this political espionage stuff - without passing judgement on whether the president did or did not comprehend it - I think that was poor judgement on his part - on Haldeman's part and presumably to the extent that he kept the president advised, the president had poor judgement. But I think from a point of view of organization and mechanics, he did a top notch job. I think he left the president free to do what he wanted to do on foreign policy - maybe too free - which goes back to what I said before.

Haldeman
didn't
get stuck
free "on
major policy
but, on
strategy
and
tactics"

W = DO YOU HAVE A SYSTEM FOR READING THE TRANSCRIPTS?

B No, I can't say truthfully that I have any system for reading them because I don't take that much time at one time and I really question whether it's necessary for me to read them - whether its going to be presented to us anyway so I haven't tried to be too well organized about it. A date will be mentioned in a news article or something and I'll go back and take a look at that or find I've read the same conversation ^{several times} every now and then because it isn't very well organized. But I'm just kinda scanning it to try and get a feel for it cause there's so much of it you just can't follow without having a lot of collateral information which I don't have at my fingertips about what the president was saying on any statement and so forth. But I anticipate ample opportunity.


W Now you've listened to some of the tapes or not much -

B We've only listened to one dictabelt conversation - that was one paragraph.

W So you really wouldn't have much impression of them....

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- B No my only impression is that the quality was good and that the technicians in the Judiciary staff are competent and we're gonna get - if anybody can hear it, we can hear it. Mostly I'm satisfied as to that.
- W I guess on this resignation business we've pretty well hit your thoughts on that, have there been any further meeting among the leadership and the republican members of the judiciary committee on - since we last talked....
- B No, we really haven't had time - an opportunity - but there's one thing that I ought to mention because I thought it was interesting in the exchange yesterday - the democratic caucus messed us up one day last week because they were meeting to discuss the Bowling report and so the democrat caucus adopted a rule that you can't have any committee meetings while the caucus is meeting. Well, we scheduled our meeting.....

Tape ran out here. 

1A(?)

2C

B

the morning of

In reference to Tuesday, bringing us along to/- and that dates the transcript to tell us that dates - that we heard tapes dealing with I think it was March 6th or something like that and after the mornings tapes I didn't feel like we had really done any damage to the President ^(-slap?) one way or the other - the impression at this stage of the game, having listened to the tapes and the President's language, is that the omission ~~of~~ was far more suggestive and therefore damaging than the actual language itself. Some baptist preacher in the White House evidently got hold of the President's tapes and took out all the references to Jesus Christ and his Father and that's about it, and I think that many of these expressions have become as much as part of the American vernacular that I wouldn't think it would have quite as offensive to the American people as the use of the "expletive omitted" sort of thing which to me, connotes at the very least, four letter words and things of that nature. So I really think that's more damaging to the President that the language actually leads - there were one or two expressions he used from time to time that I thought maybe might have been pretty offensive but here again in context probably the text was more offensive than the language so here again in my judgement somebody's done the President a disservice and it's a coverup of a nature - trying to sell a man that's trying to create a personality that's different than what it was in fact and I think that hurt him.

We listened to tapes all day really and I - an hour and ~~ten~~ ²⁰ minutes in the morning and an hour and 40 min. in the afternoon. The one in the afternoon was the March 21st tape and that was the critical one but during the course of listening to the two tapes, I was impressed with the fact that - not necessarily the inflection of the voice but you just don't get the full flavor of a conversation ~~when~~ and the participation in it that you get actually hearing it - you just don't get that reading it. It's the difference between reading a book and listening to a radio or television serial - you get the feeling of being a participant in the conversation and observing it so much more from listening. For this reason the inflection in the voice didn't become as significant to me as I thought it would but the impression you get of people - during this listening process - is pretty significant.

And I came through deciding that John Dean was a professional sycophant if there ever was one. He never had - it struck me - the knowledge or the background to give the advice that he was giving. He kinda listened to see what the President wanted to hear in terms of advice and then very gently agreed with him or suggested something that was entirely consistent with the President's thinking and this - ~~To me~~ ^{this} is not a lawyer's responsibility. I mean it is a lawyer's responsibility to be a little more candid and objective and I think he was far more interested in ingratiating himself with the President than he was in guiding him along the right path and giving him sound advice. And that's the impression I had of him from listening to him in the morning and in the afternoon. The afternoon tape was, of course, March 21st.

There are several impressions I got out of that, ~~that~~ ^{when} that I wanted to write down - first - the early parts of the conversation in the President was - when Dean was really briefing him and filling him in on the background and it was clear to me that the President was learning a lot that he did not already know. Otherwise, he's a great actor and why should he undertake to deceive John Dean? So, I'm pretty well satisfied that this was an instance of a first impression in a great deal of the information he got. I had the impression, indeed, that there were pauses in there that were not deletions but when the President was taking notes on what was going on - that was my conclusion from listening to it - that the President was jotting down

Expletive
deleted

Targets

B what he heard. Now I don't know whether those notes are available to us or not - I don't know whether they have been subpoenaed or not but I don't think it would be very revealing. Because I think the President was simply trying to put the chronology together in his own mind.

✓ There's a lot we learned about the President's method of operation. There isn't any doubt about it in my mind that the President is a very - from this conversation and other things - ~~he~~ pretty tough minded thinker. He listens to the options, explores them carefully and makes a decision. The unfortunate thing about this is that - in this particular interview - I had the impression up to now that he left the interview ~~with~~ ^{ugh} - indecisive - with the suggestion that they have a meeting with Mitchell, Dean and Haldeman and Erlichman possibly, ^{and} resolve the procedure. Where are we going there - and that was the way ^{he} left the conversation.

ch. 11a
Very Imp.
✓ But the one option that's damaging to the President ^{is} ~~as to~~ whether to pay blackmail to Howard Hunt. It's clearly the impression from this that that option was - that decision was carefully considered and affirmatively decided by the President to go out and get him the money - however they had to do it. That's the damaging conclusion I've come to so far. As I listened to it, I thought I had read it, much of the tape, but I think its perfectly apparent that the tape that the White House gave us is a good deal more full ~~the~~ - excuse me - the transcript the White House gave us is a good deal less complete than the tape that was available to us. Now the tape that we had came to us by the route of the Grand Jury. I didn't - I had in front of me the transcript the White House gave me and I endeavored to follow - indeed in all the conversations we've had - I've endeavored to follow that as against the tapes. But you get so wrapped up in listening to the tape that you don't - you can't do that very successfully. That was my feeling. So I gave up about half-way through it. But my feeling is that a lot of the conversation was simply omitted by the White House.

Good
It's a very absorbing conversation. Yeah, it's quite absorbing to listen to it and there wasn't anybody - I mean we listened for an hour and 40 minutes and nobody got up to leave the room that I know - we stopped for 5 minutes for a break but nobody got up as I noticed to leave the room. I didn't notice them if they did. It was total absorption in what was being said. Every now and then there would be a comic - an amusing expression by the President and you could see smiles around the room. I guess I amused myself ^{by} some pretty strong language he used on one or two occasions, observing the reaction of the women. ~~But~~ ^{there} were two ladies and one court reporter that were there listening to it but none of them blushed that I know of.

Humor
✓ Course - Liz - course, Barbara Jordan can't blush too well and the court reporters heard everything. And I told Elizabeth Holzman, early in the game that I wasn't going to feel like I got my money's worth until I saw her blush. And she reminded me she had gone to the public schools and had been raised in Brooklyn and she didn't think there would be very much that was very shocking that would take place here. And she's been true to that.

Good
✓ But as I listened to the thing and really got wrapped up in it - the President kept going back and exploring these ~~options~~ options. I felt almost like I was watching a - I guess a Greek ~~(or great)~~ tragedy where you know that the hero is going to be denied the - deny himself the ultimate dignity of - you know - even dying with a whole lot of dignity. You know probably going to be murdered or something of that nature rather than - he's just completely disarming himself as he ~~goes~~ goes down and that's the way I felt about the President. Here he's considering the right option he's looking - he's seeing what he wants to do and we know how this thing will come out - and yet we're cheering almost - ~~urging~~ ^{urging} him urging him to

B do the right thing and hoping it's going to come out that way. It really was absorbing in my point of view although I had already read - thought I'd read the tapes. Hearing ~~then~~ was an entirely different situation and that was all the way through it. I just kept hoping that he would see that this was the thing that had to be done and yet he missed the boat. Quite obviously he missed the boat and here again, I don't know why - looking back on it and listening to it - his personal involvement in it, I think was zero to that point, and he could have exculpated himself and made the country and everybody else look better and something was lacking.

✓ s It just doesn't look to me like ^{then} it was a seriously considered option of just undressing in public - was what it amounted to. I think John Dean as a lawyer - failed his client completely in just not insisting that he do that and not telling him that that was what he should do. And I really don't think that John Dean was saving his own hide. He was down the river now. I just don't think he's got enough moral fiber to understand - ugh - to be in a position to advise himself that way.

Gwd I guess that's - you know this morning - this is the morning of the ~~xxx~~ 22nd, the morning following the tapes that we're dictating this and we read that Jeb Macgruder has been sentenced to 10 months to 4 years in jail and I have no sympathy with that guy. I think that looking back on it that he's probably - he and Colson - are probably the two guys involved in the whole thing that were on the policy level that could have done something about it and took exactly the wrong turn for no good reason. And to say that he was consumed by ambition - it doesn't excuse it a bit in my mind - I think he wasn't consumed by ambition, he was just - did not have the moral fiber to make a sound judgement in this situation and the President surrounded himself with people like that. That's what happened. You have to be careful. I think the lesson in this is you better get more than one point of view among your staff or you'll find yourself - that really they don't serve their function. And that's what happened to Macgruder, he just - I have no use for him.

✓ I don't think there was anybody in the White House that was close to the President that was - that had - I keep saying moral fiber - had the sensitivity to right and wrong that I think is pretty ingrained in the American people and that's what failed him.

Question: Any Good men?

Two things I think about - when they went to Key Biscayne and they were going to talk about this Watergate thing, the President wasn't there. Mitchell, Macgruder and several others had a conversation in Key Biscayne and they put this particular item on the bottom of the agenda so that Harry Fleming would not be in the room when they discussed it. They specifically said that. So that's some compliment to Harry Fleming... which indicates that he may have been that way but he really wasn't really on the policy level... but he could have - he wasn't that high on the policy level. The other guy that he seems to me was systematically excluded from conversations but probably had some inkling of it was Dick Moore and there's some comment on that yesterday in the tapes about excluding Moore - keep Moore out of it as long as you can and he may very well have been of that point of view but those are the only two people that it seems to me there is any glimmer of hope for - based on what I've heard today.

Humor Here's a little anecdote - on last Thursday we got real security conscious on Friday of last week I guess it was - no on Thursday of last week, following somebody's leaking of a total transcript of the Sept. 17 hearing to the Washington Post - and we got real security conscious and everybody we came in and finally after discussion it was decided that the - we'd simply take them up when we got through. And that was a pretty sad commentary in my judgement on the Committee that 38 people - and they're lawyers - and lawyers have a higher obligation - they may not always respect it - but it seemed to me that their word - the only way lawyers transact business

B is being able to trust one another - and here's 38 lawyers who presumably are of reasonably high calibre or they wouldn't have been elected, and yet we couldn't depend on them and we had to take them up like school kids and that's ~~why~~ one of the most disappointing things to me. I have felt all along that if we set the rules that the Committee would follow them and so that upset me but when we came back from lunch, everybody was real security conscious and we talked about it and somebody jumped up and wanted to know who this stranger was in the back of the room. Well, it turns out that he was Mr. Ben Marshall who had been one of the security men - our security officer - and he's the man we've directed all of our subpoenas to - the man who serves our subpoenas - as you know. And so everybody said well, that's Mr. Marshall, and then a cheer went up in the room. And everybody cheered and clapped and applauded but Ben Marshall. So, that was a light moment which I thought was right funny.

funny

I've been at this thing long enough now to form some impressions of John Dore. I think basically he's a puritan and he's got a conscience - a puritan conscience and also a certain amount of inflexibility which is his only short coming. He's had a pretty limited experience as a lawyer in the drafting end of it and it's apparent to me throughout every now and then he - ugh - we get involved in - I get involved in these things because I'm a fly specking sort of lawyer and I'm not the only one. Many people on the Committee call his attention to things - shortcomings in his pleadings and draftings of the subpoenas and he invariably he - ugh - he takes the position that we've thought about that and what we've done is exactly right. That inflexibility slopped over into a - I mean that's an index to his personality and it's apparent to me that that's something we've got to watch out for. Gena - ~~one~~ the ~~other~~ other hand is a totally pragmatic person who is completely able to subordinate his own feelings to the larger responsibility of getting the job done and you insult him and anything else if he - if there's any possible way he can roll with the punch and still accomplish what he wants to, why he can - he will. And so he's the sort of total flexibility and this is not a reflection on his lack of character - that doesn't indicate lack of character but I think that between the two they really compliment each other and so I think the work product reflects that and if they've been able to get along it's a credit to both of them because they're a little bit different in this regard but so far they've resolved their differences and brought it to us in that fashion. I feel pretty good about the way they're working together.

Dore

Jenna

W Inflexibility might be a problem what do you mean by that?

B ✓ Well I think that he finds it hard to admit error, when he's worked so hard on the thing and he knows we haven't because we haven't got the background and so

W You think at some point if he did committ a serious error he might be prone to stick with it

B ✓ Yes I don't think - that's right I think it's going to be hard for him but I think that - in total fairness to him I think if he recognizes the error, he'd be the first one to acknowledge it but that's just - I had this problem with - I raised two questions on the subpoena - I didn't raise one of them - I guess you saw the one question was Ms. Holzman raised a question about the way the subpoena was drafted. It was - we were subpoenaing - this was the one that we issued on Wednesday of last week the subpoena was drafted in a form that they definitely directed toward a conversation occurring within specific minutes and she's says well, that's - maybe they didn't actually take place at that moment, wouldn't that be an out for the White House. And the response to that from John Dore - oh, no, he didn't think so. She suggested would the words more or less - on or about - would not

d ✓

B that change it and improve it and Dore was very reluctant to say so and Mr. Gena said yeah, he thought that would improve it and that really was the end of it. Later on I offered an amendment myself to - much along the same line - and it didn't work out too well. It became apparent that my draftsmanship was not too good and I wasn't getting too much help from the counsel so I withdrew it. In the course of that though, our good friend from Missouri told that story - were you there - about the ~~in~~ ^{the} ~~gate~~ ^{gate}. That's the way he deals in these kinda parables - from Missouri. I think he's really got a ~~disabling~~ Mark Twain syndrome but he told this story about the man who came up for a marriage license. It's just about as old as he is probably a good deal older. And the clerk sent him back to fill in the form because he had the date on the wrong line. During the course of the 2nd interview, the clerk discovered that he had a little child with him also when he was getting this marriage license and he said well do you know that child is a technical bastard and ~~hexman~~ the man said well that's what somebody just told me about you. That didn't set too well with me but that was when I withdrew the amendment.

I offered another amendment also dealing with tightening up the subpoena and this is another example of what kinda shakes me about Dore - during the course of the first ~~xxx~~ subpoena which was presented to us and we argued about this so-called letter of non-compliance, somebody pointed out that maybe the White House had an out, that they might have been in compliance because they were - if they used tapes or transcripts - ~~and I thought that~~ instead of tapes and transcripts and I felt like that that's the sort of thing that might have tried to improve - but when they brought the thing back but they stuck with exactly the same form they used before. Well, I offered an amendment and changed it a little bit. And it got quite wide publicity back home - front page story I think and a picture. "Butler tightens up subpoena."

Now the reason I'm telling you this ~~iss~~, the mail I have received in response to that has been very small...maybe four or five letters...critical of deserting the president and about an equal number or maybe a few telephone conversations in support. Nothing like the volume of mail we've gotten before. The whole thing is shaping up to the point that people as I mentioned before - less and less feel inclined to discuss it with me and I reckon I sort of strictly on my own in that sense and I've just been impressed with the - maybe - it may be a lack of interest - I'm not sure that it's not also a ~~drawing~~ realization, of a feeling that this is a serious proposition and that we're not going to handle it too lightly. I've also - my mother is a primitive republican and been loyal to the party for years and has been loyal to Nixon all through this thing and I was also surprised during the course of this weekend at home when she began - for the first time - to suggest that maybe there were some shortcomings - imperfections in the president - and that - I think there's a shift in view on that.

I'm rambling a little bit. There's one other thing I should mention a little bit. This is the evening following the tapes of May 21st which I guess is the biggest day involved in this as far as we were concerned and at lunch time I ran into Ed ~~Hutchinson~~ Hutchinson and that was before we had heard the tapes of March 21st and I told him that I felt like what we had listened to in the morning - that would be March the 7th - was more explanatory than anything else that if that's the best they've got against the President then I didn't think there was any problem and he said well, he felt of course that way too but and he said if you have the same feeling after listening to this afternoon why he said, the game is over. All I can say is I had a very depressing feeling by the end of the afternoon's tape and I was - I didn't have a chance to talk to him - I ~~could~~ couldn't help noticing that - afterwards ~~0~~ that looking around immediately following listening to the tapes that ~~in~~ there was not that same feeling of uphoria on the

B *ck. his part*
 felt of the President other times. I walked out with Carlos Morehead and we spoke to St. Clair as we went by and I couldn't... he said something about he thought St. Clair was a good lawyer or something and I said yeah but my advice to him would be to get his fee up front. And Morehead kinda laughed a sick laugh because he's a real presidential defender and I think he was a little bit discouraged by what he had heard that day. I had essentially that feeling throughout the - and the end of the day - that I hadn't felt at any other time.

Hummer
 I've been glad that we are moving and all of this sort of thing into this place out into McLean and my wife's been up - she drove up with me on Monday and we've here working. I've been glad ~~on the house~~, when we've had a few minutes. I've been glad that she's been along because she's got a pretty good view of things and I guess it's breach of security but I have chatted with her at the end of the days whenever she's been around ...I sure was glad she was here to talk about tapes on the 21st because her view - she ~~was~~ raised in a church school and she's got a pretty ~~g~~ sensitive conscious but the whole thing was I was glad she was there to talk to me about it. I didn't feel I could chat with the members of the committee or I didn't have time really afterwards but while it was still fresh in my mind, why it was interesting to get her view of it.

End
 I was also interested - from time to time we've been reading this book about Woodrow Wilson. She'd been reading it that day - it's a novel about his illness and you can really draw a parrallel between what happened to the country while Woodrow Wilson was ~~disabled~~ disabled and what's going on during an impeachment. Course Mrs. Wilson just ignored the country and didn't even open his mail and yet we survived. And that sudden realization has suddenly come to me - you know I ~~have~~ commented the other day I thought the staff work was kind of deteriorating ~~in~~ over there in the White House but it suddenly occurs to me that the policy decisions althoughtx they are certainly being deferred and the President's under a lot of pressure. In fact I was shocked to hear that he had all this time to sit down and chat with John Dean in the middle of the things last March but be that as it may the things that are going on ~~in~~ in the White House now on the policy level are probably pretty thin. The frightening thing about it now as I look back on it is that not that the country isn't running but the fact that it is. All of a sudden we've created such a monster here that nobody can stop it and the bureaucracy is going on and HUD is going on and you don't have the vaguest idea who's making the policy decisions but there are precious few elected public officials determining the course and direction of government at the moment and its kinda frightening when you think about it. And at the White House with the policty decisions being deferred like they are - it's just occurred to me that this is kinda of a lesson that we've overlooked but its frightening in its implicatons.

*Paul
hanging
separate
to him*
 The country can't operate without a president! It's bad. Not only is it bad but it makes you wonder - you know you read all these fancy novels and so forth about where the president - somebody hides and puts up a dummy in his place and hides him or something - I think you could get away with it and you'd be years knowing about it. I wonder what - I don't know what the solution is but I used to worry about whether the country could stand an impeachment - I'm quite sure we could stand an impeachment and I didn't feel that way before but the implications of it are less reassuring in the long haul than they were before. I have a view of the closed hearings problem that - of course you know when I was in the Va. legislature, I wasn't - I was there 6 years before I was ever even on a committee, and they had closed hearings uniformly - they didn't open up a committee hearing until ~~a~~ - except in the rarest situations - hearings and deliberations - and as a freshman and for the 3 of the terms I was in the general assembly I was never in really admitted into critical committee sessions. I have always been a great believer in the importance of public hearings and admitting the public. I've also found that you don't miss a whole lot - there's usually

B
 ✓ *Good*
(A possible change from the PC press conference - this might be why it changed)
 closed hearings are designed to mask the ignorance of the committee members. What takes place is pretty boring and once you open them up, everybody leaves except one or two reporters who are paid to stay there. The dangers in open hearings have never been a real concern of mine except in critical security situations but the value of them - the value of the principle has been clear and I've been very insistent on it so I've always been a champion of that and when I got down here my first impression ~~as~~ was to - with reference to these impeachment hearings - was to insist that they be open. But we've got so many fancy prima donnas on our committee that I don't believe we could accomplish very much if we didn't keep our sessions closed as long as we could. We've moving along at a great pace. The presentation is very professional. I'm resolved to back the chairman as long as he's got the courage to close these hearings because I think it's in the public interest in the long run to get it done and I think it's going to delay it intermitably. The open hearings are going to be a delay. I think the public interest is best served by expeditious handling of the investigation as opposed to the public handling of it. The important thing right now is to get an orderly and a fair presentation of the presentation of the situation by the staff. That's far more important than exposing it to the news media.

In another situation for example now we started yesterday Tuesday and that's May the (blank) we were invited to be there at 9:30. We started at ~~9:45~~ 9:42 and we kicked around. Dore gave us a presentation about what schedule was going to be for the next two weeks and so forth and we didn't get started until 10:18 because everybody had so much to say about whether they were going to open or close the hearings. That's 35 minutes just wasted.

And so that convinced me that we just can't get get anything done with 38 people on a committee - we're not ~~going~~ going to get this presentation behind us if we are going to do it in public. One other thing - I never had - I've tried - I'm not a trial lawyer in the sense ~~and~~ that when I ~~practiced~~ practiced law ~~fulltime~~ that that was my full time but I would appear before juries from time to time and its the really first time that I've ever gotten any insight into the jury. Never felt like a juror before. I guess its my weakness I enjoy chatting to the people next to me and making subrosa comments about things as they are progressing - I've ~~never~~ noticed jurors doing that and I notice every now and then that St. Clair, ~~whose~~ is sitting in front of me will smile at my observations to my friends along the front row there and that's - he's a very human fella - but it made it realize that maybe juries are - I don't know how a juror functions but I've always felt like they sat there and asked a few questions and never commented back and forth and were very careful not to. So I've had this feeling that must be an awful strain on them not to be able to chat as you go along. We're not jurors in that sense but it does give me insight into what a juror - how a juror must feel that I didn't have before.

His subpoena. TIGHTENING (AND VOTE ON NON-COMPLIANCE):

I touched on that briefly - but basically my feeling on it was this that this letter of non-compliance that we wrote was roughly the equivalent of a citation for contempt - without - it's paralleled that in a court proceeding and when you do that you get - you usually have a show cause order to come forward and show cause why you shouldn't be punished for contempt and then - at that time - ~~you give~~ you are given an opportunity to purge yourself or explain why you think you have been in full compliance. Well, we never gave the President that courtesy - we just wrote him a letter of non-compliance. But during the course of the discussion on non-compliance they pointed out that we weren't allowing the president to assert his defenses and one of the defenses would certainly be the ~~and~~ inadequacies in the drafting of the subpoena. I felt like that was something that - we ought to tighten it up because I think the day of reckoning is gonna come when we are either going to have to stand up in court or before the House of

B ✓ Representatives or maybe just before the Senate or something of that nature and just have to tell them that - ugh - to defend it - and that's the reason I think we ought to tighten it up every way possible and that was my reason in doing this. It did reflect my feeling that the President - that the White House was not going to produce - that the White House was relying on that technicality and they don't need to say so at this stage of the game 'cause they haven't been called upon to but I would think that that would surely be asserted as a defense. Having listened to the tapes now and I'm more convinced than ever that its important and there are significant omissions - I don't know how many of them are deliberate and how many of them are sloppy work because of that - but there are significant omissions on the tapes that have come to us.

In the tape that we listened to last Thursday - there's a reference to a conversation - a telephone conversation with John Mitchell - well, our listening to it and I pointed this out ~~as indicated that that conversation was with Clark~~ to the counsel and they checked this out - our listening to it indicates that conversation was with Clark McGregor and not with John Mitchell - which I thought was a right serious error on the White House. I don't think it was deliberate. I think it's sloppy. But I think the whole transcript is put together that way.

Another thing that ^{vs} disturbing me - I just - I don't want to get the Republican nomination and then have some people come back to me and - have the Republican nomination and have vote for impeachment and have people come back to me and say you didn't tell us. Now I haven't made up my mind to vote for an impeachment - you know either way - but how I can advise my friends in the Republican party of ~~the~~ my changes in view from day to day and still be true to the principle that I will reserve judgement until the final - until all the facts are in - is giving me some trouble. I'm afraid I'm just going to resolve it by chancing it and I don't think I can do anything else. I feel like taking some of the people aside and telling them that there is a possibility that I might vote for an impeachment and they might as well know that now. I've thought about that but I just don't see how I can very graciously do it without leaving the impression too broadly that I've made up my mind which I have not. So, I'm stuck with that. I do think the political consequences - in my district - based on my present situation is they are sick and tired of hearing about Watergate and as long as they see that I'm consciously attending to what I'm supposed to do I don't think I'm going to get a whole lot of criticism regardless of the way the vote goes.

^{Junior's} Virginia's reaction has always been to the tapes that - and she read the transcripts - or portions of them - they sound like a couple of hoods trying to figure out how to cover it up - that was her immediate reaction to it all. That was the overview and yet the immediate conversation - it sounds so unnatural - to leave out the strong language and inflections and - it's been doctored so that it does sound - it's Bobbsie Twins - that's it - she said Tom Sawyer and Betsy Thatcher were plotting something, which I think is true. It's a unnatural dialogue and I think you can - the editing has done just that - that doesn't change the substance of it in many instances but its so unnatural that you lose the full flavor of it and she picked that up right away and now that I've heard it, it's more - far more apparrant to me than it was before. Apparent to me, right, that the editing of it has destroyed the full flavor of the conversation. Probably the import of what was said has not changed nearly as much as - but the transcripts do not read like the - what was actually said - its not the inflection its - the punctuation cannot reveal pauses, cannot reveal - you know - splitting infinitives and things like that. Its been doctored up and edited in that regard so that it just sounds unnatural. And she picked ~~up~~ that up right away and its just been made quite apparrant to me by listening to it.

*End
as how to
tell the
local GOP
leaders*

q

*Edited
transcript
destroy
full flavor*

W *WILL THE PUBLIC EVER GET TO HEAR THESE TAPES?*

B I think within a matter of months these tapes will be a regular radio program

C
2

B You've got the Rodino

W I don't have all of them, do you ~~those~~ at the (B-I'm going to get them all)

*How to
force
the
Rodino
is to
get
the
Rodino
out
of
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get
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Rodino
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office
and
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Rodino
out
of
the
office*

B Now with reference to the 28th, we drove up on a Thursday - drove up to Roanoke - Friday afternoon we had a quorum call but I ran into David Dennis on the floor and you know the question was really what's before us ~~know~~ now is how are we going to ~~info~~ enforce the supena when the President of the United States says he's not ~~going~~ going to deliver. And we've been kicking that thing around off and on everytime about two people get together. David Dennis is of the _____ he wants to go to court and the courts would determine it and that's the Railsback theory also and Railsback wants some legislation to ~~determine~~ ~~back~~ back it up before they go to court - to back it up - much like they did for the Senate - ultimately it would go to court. My view of it is that - well, David approached me on the theory that we've got to have a united republican position - the wisdom of which doesn't appeal to me and it begins to look like what's happening is that the - those people who are ~~either~~ ^{at} the spectrum get disproportionate representation in this party system we are developing so that the crazies in the democratic caucus are forcing Rodino to do things that are unreasonable and that adamant people in our group are looking at him on the same position on the other extreme so things are beginning to polarize unfortunately.

*Heights
hospital
unhappy*

Now what the simple proposal is, we met at 3 o'clock - the republican members of the congress - of ~~ax~~ the committee - met in Bob McClory's office (Ed Hutchinson is in the hospital with a hemoroidectomy and he'll probably be a unique position of being the only member of the committee who can give us a rough idea of what impeachment feels like) but at any event he wasn't there so we met in McClory's office. It wasn't too well attended and all members were drifting in and out - Jenner was there. And he presented us with a draft of a letter to be written to the President ~~addressing~~ ^{threatening} retribution in the event that he didn't comply. And I say and he presented us with a draft of a letter ~~threatening~~ to the president from the ~~xxx~~ committee and that's obviously what's going to be what's going to come up Thursday morning when we have our business session.

*readily
imposed
with
strong
view
GWS
Dennis
to be*

Now this is still Tuesday, we're talking about. The view of the republicans though is interesting to observe without mentioning any names, the possibility of impeachment is something we can recognize and I can still go back to the time when we met in Ed Hutchinson's office several months ago and I said at the time that we've got to recognize that it may arise that we are going to have to vote for an impeachment. That possibility is sactimoniously receiving broader recognition in the republican ~~party~~ caucus than it has in the past. I think maybe we've hit on something that could be helpful in that a suggestion by David Dennis, during the course of a ~~xx~~ discussion, that the thing to do was to intervene in the president's - in the litigation to - the repeal of which has just been announced - that Jaworski's exchange with the White House over the availability of the tapes, on the requirement that he produce the tapes in the prosecution of ^{grievances} ~~=~~ I forget which suit it is -

W on which it's ~~a~~ appealed to the Supreme Court

B they had asked for an expedited opinion - indidentally, I talked to - you'll have to give me time cause I want to get this in there - we talked to this boy that works with St. Clair with the president that the - in the ante-room there, in the coffee room the other morning, I heard somebody ask him in my presence, what he thought the odds were on the appeal and he was not confident but optimistic that the White House would win that ~~xxx~~ one and he was asked about whether - why then that St. Clair was opposing the expedited opinion - this was the request to have it go straight to the Supreme Court.

B And he said that was misinterpreted. Well I hope you realize that the misinterpreting that he gives the regs great credance to the theory that the president is deliberately delaying litigation in the hopes that he will have a lame ~~duck~~ duck senate to vote on the impeachment and that theory gets more and more credance. ~~Max will have a lame duck senate to vote on~~ The latest thing is the vote in the Senate for after November - that's his best chance. I don't share that but there's no point in letting him come in - why else would he oppose an expedited appeal if he wasn't interested in quickly delaying it but of course he may be interested in saving his friends Erlichman and Haldeman. In any event I spent some time this weekend trying to ~~give~~ figure out what the president's strategy was and it still doesn't concern me. I guess we've got to recognize that the hidden bayonet is the right end in hopes that ~~some~~ something will turn up more favorable and that's the litigants - defendants classic vote to litigation and that seems to be what is going on here. (ch finger on the)

W You don't believe that had anything to do with a lame duck Senate...

B No, No I don't think that they think that far along. But from my own point of view, its still indoubt as to what I want to do. I had planned on when I got back here coming on out here and cutting the grass and cleaning up the floors and everything but Bill Whitehurst got me on the floor and asked me - this was back on Tuesday - to meet with the Virginia delegation to discuss the impeachment which I was happy to do at 4:30 following our meeting with the republican caucus - committee - we met in the White House office. ~~Kleiderhouse was there~~ and entirely off the record - just had pretty much of a frank exchange of it - the change in view here from what I've heard - was also apparent. The question was asked me - well, how would you vote - as of now on impeachment and I told ~~them~~ I honestly could not say; that you could justify a vote either way at this moment and argue it either way. So this is the kind of situation a politician can find himself in when the big issues break - the little ones are tougher than the big ones and so that's - there's not going to be the black and white of this thing and everybody's going to be sweatin' it from now on because there was no unanimity - well, there wasn't any polling of the Virginia delegation.

W Were all of the members there..

B About 7. But there was certain an erosion of any hard line. That was the end of that.

W Who wasn't there - do you remember?

B yeah - Broyhill wasn't there, Satterfield, ^{Parris.} Tash. But we kicked it around

W Was there some indication that they are going to be looking to you for facts...

B yeah, course that I did assure them that I would keep them posted and that I would like to work with them and here again - we've got a pretty compatible delegation with Whitehurst and others. The general feeling was that we ought to try to hash it out and come to a general view together on this thing. That's going to be hard to do but I certainly want to work with them. Here again it looked to me like we're going to wind up with a heavier load to carry than I had anticipated. My one little vote on the committee (W-might swing four or five Virginians) yeah, I'm sure it will have quite an effect and I suspect that - and that's all. When the committee gets there then I'm going to have this thing in front of them all along. That's about all that happened on Tuesday.

B Now during the weekend, Memorial Day^W weekend I - time is kicking my facts around but trying to come to some conclusion on how to handle this supena pretty much a _____ on how to do anything except get moving and get it over with.

That we're going to rely on the theory that the president is withholding adverse information and use that as a basis for determining whether we impeach or not. That's pretty hard to reason with - I think he's put himself in that crack. I was talking with my wife again this weekend and realizing that Hurricane ~~Ang~~ Agnes struck out this way - but that struck pretty much at the same time that the Watergate breakin at the democratic national committee. Yes, that was right, during that month. The reason was - there had come into my hands a book written by a man in Wilkesbarre, Pa. who was complaining about the lack of presidential involvement in the ~~release~~ relief of the area and it just another - turned into another illustration of how paralyzed the White House was when this thing suddenly broke. Course our tapes and all the conversations we had on it on that subject are illustrating that pretty clearly too.

And then of course the other weekend that we keep coming back to is when we had the conference in March with the republican candidates and that was the same time that John Mitchell resigned - during the course of that period - everybody ^{that} was supposed to come over and speak to us was washed out and nobody showed up.

W That was a little after the breakin itself...

That was after the breakin itself but it was - the events - another things
was when the president started getting ~~warried~~ the word... (W-when the president
started getting the word on what)..on the involvement - on the White House
involvement. (W-That early - you're suggesting that the tapes seem to show
that)

I wish I could get those dates and that's when they started cancelling out on us and John Mitchell resigned. (ch. Export Later)

W I think that was near the end of June of 1972...

B Oh yeah, I've got those dates. I'll have to find them. Yeah, they'll know about that. But what it did to us - I should go back and put all of that together. If I get a few minutes I'll see if I can do that.

W That seemed to indicate that the president was told something even at that early date about the involvement of Mitchell and some of the White House tapes.

B Yeah. Yeah.

W Now was there some tape you heard that indicates that - how did that...

B Well, yes, now see these things kinda explaining it. There was a whole lot going on that weekend that messed ~~up~~ us up completely as far as our meeting was concerned. It would be interesting to go back and compare that in the tapes.

Now what we heard this week on Wednesday took us down through April the 30th 1973 and that's apparently going to be the breakin day - or the breaking point for the Watergate investigation now we're back and look at ITT and all those things and then put it all together at the end through the following 30th.

B And we'll go ITT, Milk, Plummers, Ellsberg, personal finances and then we'll go back to our chronology.

W Do you approve of that approach, ~~and if so~~ I saw in the paper today there's some controversy over

Procedure without
B No, there's no ~~controversy~~ controversy over that. That's St. Clair trying to delay it. I had thought at first that it would be more appropriate to clean things up but here we've got John Dean for example who ~~testifies in several places~~ would testify in several phases of this so we'd shouldn't have him back 5 times. We ought to just go forward with the presentation by the staff and then go back and call the witnesses and clean it up and I don't want to waste any more energy going up blind allies - that doesn't count for much.

The thing that begins to ~~see~~ occur to me and to others - its not ~~an~~ my own original observation - is we listen to the tapes, is that the president may be building a case on the tapes that only he and Stephen Bull and T. Cawfield and Haldeman knew the existence of the taping machinery. *Butterfield Cawfield*

inspiration that
W Cawfield - that ex-cop...

W-see, during of the tapes, can delete using to build a new case
B Yeah, the guy that's supposed they are the only ones that knew about it. (W--you mean the one that spilled the beans on the tapes) Right! Butterfield. Those were the ones that knew about the tapes, and every now and then there's a question of can the president be cancelled by Haldeman and a few things like that indicate that maybe the president might have gone back in building his case knowing these tapes would be revealed. That's a way out theory but its something that has occurred to me. And that's a good way to do if you want to....during our stuff on..

W Were there any specific tapes in which...

B Yes, every now and then in one of these tapes, Haldeman has some asides that we can't always pick up.

Incidentally in listening to our ~~own~~ - on - probably the most interesting tape we've had to date is the one we listened to on Thursday in the middle of the day - the tape of the John Dean conversation.

W When there actually was this theory that Haldeman and the president - knowing there were being tapes made that they were being taped - may have from time to time tried to put on for the record some material that would indicate the president's innocence and whether the April 16th tape with Dean may have

to Bull: present using with "get high on drugs" - later of April 16th tape)
B Yeah, that was interesting. In the April 16th tape he had two conversations with Dean that we listened to. The first conversation - well, both of them, were - involved John Dean and that was the situation in which the president was asking John for a - his letter of resignation and he was kinda fencing with him. And he never really produced it. During the two conversations he came back with the letter but he was pretty insistant that both of them - that Erlichman and Haldeman go along - or Dean wouldn't go. And then that was an awful lot of fencing between the president and Dean but they never really got it out of Dean. But the interesting thing to me is - well the really interesting thing is that Stephen Bull stuck his head in the door, evidently the president has a bell that he rings - Bull sticks his head in the door and the president says, well, Stephen, I pressed the wrong button and John Dean laughed. I think what the president was doing was wanted to make sure that Stephen Bull was recording the conversation. It would be a reasonable supposition and John Dean probably figured that out. *Just*

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B The expressions that John Dean kept looking - ugh - playing was - you know - the president is going to be out in front and the whole impression of this conversation with Dean - Dean was telling the president that he was still out in front and he was still getting credit and the president was still claiming credit - trying to make it sound like he was - leaving the impression that he was the one that had turned up all this stuff that was beginning to turn up and quite obviously there isn't - to look at it from knowledge of the situation clearly it was not. And John Dean was still playing the role of a professional sycophant and I don't know why in the world - even at this point - the president didn't recognize ~~xxx~~ that he had to come clean but they're still making efforts to clear it up - still making efforts to make it sound like the president ~~is running~~ was really running the investigation when they knew better.

That's about all on that. In the afternoon session the attendance fell off pretty much - pretty heavily.

W Did you get any impression that Nixon may have been trying to draw Dean out -

B Oh, yeah, I think each one of them was fencing with the other one. No, I had no doubt in my mind that Dean's analysis of that is correct - that the president was asking those questions for the record. (That the president knew he was on tape at that point - W -) That's right - and John Dean was not sure from what he said later and apparently now but he was very careful not to get himself in a position.

W Do you get the notion that sometimes that some of them forgot they were being taped...even...

B Yeah, oh yeah, I think so. I do, I really do. There really was still a good time - a general unawareness of the recording system.

There's one other conversation - the conversation with - between John Mitchell and the president and that was played back last week but one part of that was the part where he and John Mitchell got into sort of a conversation and the president mentioned Sherman Adams and ~~xxx~~ several times he said Sherman Adams got an awfully bad deal and he felt like there should have been more loyalty to him. I'll have to go back and dig that out but that again was something that surprised ~~xxx~~ us.

W This was one of the early Nixon - Mitchell

B No, this was the Nixon-Mitchell conversation about - in the executive office - on March 22nd 1973 - and that took place in the executive office building between Mitchell was there - it was when they described their condition as a modified limited hang out. The conversation between Mitchell and the president was most revealing - that's when we really got the sort of the gross language. And I think he was pretty relaxed in his presence with Mitchell but the thing - the references to Sherman Adams and the loyalty to his people that worked for him ~~indicated to me~~ was an indicator to me... (W-an indicator that what) an indicator that the president's motivation throughout this thing has been to coverup - strike out coverup - to protect those people in the thing. There were other references where he made (W-to protect his aides) to protect his aids - that's right and there's other references about all the young men whose lives were being ruined by this thing and so forth.

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- B But we ran into - when we get into the executive office building, the reception is just not as good. And when the voices get low the machine has a tendency to cut off and so all of that sort of stuff in those conversations ~~and~~ are halting and not clear.

This is also the day when we dictated that dictabelt - on the 21st was when he dictated that dictabelt - that this was a very uneventful day - that's the one on which he and John Dean had been - John Dean had given him the whole story. (W-March 21st) / Alright now going back.

Right.

- W On the dictabelt - there is some controversy - some people say it was taken out of context - "except for John Dean's conversation with me, it was a very uneventful day." How did you hear it. Was that the context of it or...
- B No. I'll go back and read it. It was coupled with reference to John Dean but it followed.
- W He said, "It's been a very uneventful day..." How did that strike you - when you heard that? The day when they talked about the blackmail money - I guess he'd been told there were any number of possible felony indictments facing his aids - what kind of feeling did he give you - to hear the president of the united states dictating that it had been an uneventful day?
- B Well I thought it was - well, he didn't go into it but I thought it was pretty amusing - was my only reaction to it. Also felt _____ in that we don't know when the tape was made.

On the ~~morning~~ morning of the 22nd of May - what day of the week was that - that was a Thursday morning - Wednesday morning - we really - we had some conversation on the 22nd - I mean on the 21st about the - that was the tape of the conversation if I remember correctly where they discussed the coverup and of course I was interested in as we came in on the 22nd the conversation between Moorhead and Maraziti about really what were they trying to coverup. Maraziti seems to think that a conspiracy to coverup a thing which wasn't criminal would not be impeachable. Why would they pay \$75,000 to Hunt. Well, that seems to be pretty far out area and it was just interesting to recognize that even these diehards are acknowledging at this moment that the possibility that the president has directed payment of that money to Hunt.

I don't find anything that took place on the 22nd that would be particularly interesting. I do have the feeling that John Dore is a sort of a frustrated Sherlock Holmes. It becomes very significant in Tab - in one of the tabs as to what - as to just exactly when the \$75,000 was actually paid to Hunt. The tapes that we have - the information that we have indicates that it was delivered to a lawyer for Hunt by guest at LaRue's house which would place the time of that party at LaRue's as the evening of the 21st. In order to do that, they had to find out the name of one of the guests, establish when he was in Washington which I thought was a pretty - was a lot of fun digging it out. Dore seemed to enjoy that but it is pretty inconclusive at this time ~~really~~ as to really when the \$75,000 was paid to Hunt and its relationship in time to the March 21 conversation that the president had with John Dean and there is a real possibility that the decision ~~was~~ ^{to do so} and delivery of the money took place before the president said anything to John Dean and I think that's significant. That's going to have to be pinned down in later evidence.

- W In your mind its still ~~in~~ inconclusive that it took place on the 21st...
- B It's not beyond a reasonable doubt, certainly.

B This is also the same afternoon that we listened to the tapes of John Mitchell. I felt was very unnecessary. It got into a discussion of potential presidential candidates and when they got into an extended thing between - that's when he referred to the _____ not being an accurate analogy between the dove and the unattractive portions of the human anatomy...

W ~~Call~~ between what?

B They called them ass-holes.

W Some of the dove candidates.

B ~~Referred to them~~ Oh, yeah, Mitchell referred to them as doves - those ~~assholes~~ ass holes - and then we got into - then right into conversation with Mitchell he got into an exchange of possible ~~poss~~ potential of republican presidential candidates and this was, that was absolutely unrelated and ~~but~~ should have been cut out by Rodino and Hutchinson so we got into an exchange with Hutchinson there and we found out he didn't cut out ethnic slurs and that's about it - and national security matters. So we felt like he ought to make some deliberations as to the irrelevancy of the unsuspected. Before that transcript is ever ~~xxx~~ released he'll take that out of there but the president did make some unfortunate references to several people including Percy and so forth.

On the 23rd - which was Thursday - we didn't work all day - just worked in the morning. The biggest thing that I learned then was that we were wearing out ~~staff~~ out cause they were begging for mercy when we got through and wanted to hold it over until Wednesday and Rodino finally agreed to do that and that's put the lid on that.

And then of course we got the business meeting on Thursday - the only other thing that took place on Wednesday this week, we covered a lot of ground. We are moving too slowly - I think the staff is becoming aware of that and stepping up the pace of the presentation to us and very little more than just reading it to us and a little back up commentary but we don't need much of that right now anyway. And That's it.

W Is the republican leadership in the House - ~~Rhodes~~ ^{of} and - are they still meeting sort/irregularly basis with members of the committee....

B We haven't met in some time now.

W I remember in April and March...

B Yeah, we met them often ~~them~~ - there may be others meeting. I may be excluded - I may be being excluded from those but I don't think so. (W-you're not aware of being) I'm not aware of it - no.

W Do you think somebody got the word to the leadership that it was making some members of the committee uncomfortable.

B No, no. It just makes the committee itself computed. One of the - this is the first time - on this thursday - we had a reference to a man named Jack Nesbitt who is the archivist for the White House and he's been a custodian of all these tapes and we got involved in one particular situation because the - on April 15th - there was a statement in the Secret Service report that no body was with the president during an interval of time around 10:30 to 11:15. Actually Elichman had been in the president's office and Jack Nesbitt has some information on his own on that. This is the first time that there was any reference to the archivist but it was interesting that the Secret

- B Service had put out a report that nobody was with the president and it turns out that Jack Nesbitt knew about it and so - in editing the logs - he straightened it out. John Dore said that gives some credence to the reliability of the presidents diaries - I had the opposite impression because I certainly think it indicates that ^{maybe} they aren't too accurate. That -

Going back to the conversation between the president and Dean on April 16th, it's my impression and I jotted it down when we went - it was interesting to observe that the president was clearly in command of the conversation but he was playing it by ear as he went and he was trying - I had the impression that he was trying to con John Dean into resigning. He indicated that he had a request for a leave of absence from Haldeman and Erlichman. He later modified that to an oral request but clearly the representation that the president made to Dean was that it was in writing. He was trying to fake Dean on that but he couldn't get a written letter from Dean. But I do have the impression that even though the president is leading him along and making the record, that he was really having difficulty recalling the - his earlier conversation. And I made a note there that we had an earlier flashback in my own mind about the controversy later that developed between Dean and the president as to just what mission Dean was sent to Camp David and there isn't any question about it - he was sent up there to write a report but I don't think it was a 'chips fallin' where they may' report - it was an exculpatory report for the White House and Dean just couldn't write it because he couldn't exculpate. The president keeps kidding himself here. And Dean keep aiding and abetting him in it and it's just so - what the president's saying - well, it gets clear that the president has got so many things on his mind it seems to me that he really is having difficulty putting it all together. And John Dean is not much help as far as I can tell because he was still selling the president that he was on the right track but clearly he wasn't.

W Do you think there will come a point at which the committee would need to subpoena the president himself and ~~how~~ does it have the authority to do that?

B No, we won't get into that. We can't subpoena the president of the United States.

W Probably wouldn't be constitutional would it.

B We have told him he could appear. We've told him he could send any information in there that he wanted to and that's about all I think we owe him. In fact that's more than we owe him as a procedural matter but as a matter - as a due process matter, we don't really owe him anything. But as a fairness we certainly ought to give him every opportunity to present stuff ~~to the committee~~ ~~that we can~~ or to appear if he can but gosh he'd be a nut to do that.

W I'd like to wrap this one up with a little bit of your impressions - your personal impressions of Barbara Jordan. I know from time to time you have mentioned her as being one who seems to be fair minded and apparently not committed in advance to a position that some of the other democrats are and apparently - I've read elsewhere - that she's well respected on the committee. What impressions of her shape up as this thing has gone along?

B With regard to what she thinks - pretty conspicuously silent. I think impatience is her - I don't know - dominant characteristic - that's the thing that comes through to me most of all. She wants to move it along. But I chatted with her briefly before that letter of noncompliance they wrote and ~~she~~ she seemed to think that was a good idea. I told her I thought it was an awful weak thing to do. She kinda agreed but they hashed that out in the democratic caucus. May have been her brain child, I don't



B know.

W Hashed out what the letter of noncompliance...

B Yeah, yeah.

W She strike you as being pretty sharp?

B Oh yeah, she's bright enough - yeah, her view of it is pretty sound. We'll just have to wait and see how it ~~shape~~ shapes ~~it~~ up. (?! - oh-type)

W Wouldn't it look like from the standpoint of ~~those~~ 103 million - may be trash stuff - you said it's moving a little more slowly than you had hoped.

B Yeah, well I just think the pressure to move it along is going to help it.

W From ~~where~~ - the House - the public - writing about it....

B From the Committee, I mean John Dore is just _____ and that's probably the way to do it but there's the public interest in one _____

(C)

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5/30/74 This is the Judiciary Committee meeting of the 30th of May, 1974.

B That's right and of course there's a transcript of this meeting. It was a public meeting. I just think that there were several things that were interesting in it that I want to kinda get outa the way before I forgot about them.

I think its a real indicator when Walter Flowers was the one that ~~was~~ chosen or selected or of his own initiative offered the motion to write a letter to the president telling him that we were going to assume adverse inferences. Now this is an indicator to me of ~~is~~ something. He referred to the president's ~~continued~~ open and continued defiance in right strong language. Obviously this would dejudge to me is a shift in his ~~review~~ view - he's moving toward impeachment and that surprised me a little. There wasn't any - the letter he offered was a good deal ~~stronger~~ stronger than the one we finally adopted. The portions of the language in his letter in the middle paragraph were just simply deleted by Don Edwards in his offering and I think that was significant that Don Edwards was the moderate and Flowers was the extremist which is kinda new shift to me cause Don Edwards - for all of his liberal tendencies is ~~also~~ extremely ~~fair~~ fairminded in his approach to things and so I - I think there's a unanimity developing on the committee that may - the implications of it well, we'll just have to wait and see.

I came prepared to vote against the letter. I certainly would have voted against the letter as offered by Flowers simply because it drew a lot of legal conclusions that I thought ought to be preceded by careful consideration and in the second place I simply was opposed to letters cause it's a new procedural thing with me. I've never had a judge write me a letter telling me that I've been a bad boy. They just don't do it that way and it's a new experience for me and I voted against the letter of noncompliance earlier but I changed my mind I think when Wiggins - in an obvious effort to have John Dore state that there was no real legal affect of the letter - that John Dore said in response and in effect as far as I was concerned - that we now put the president on notice - making it a matter of record. But I'm not sure that was necessary but that was persuasive with me.

W You'd had a chance to see the Flowers letter -

Oh, we got a copy of the draft well, you see, on Tuesday at the republican caucus Jenner brought us the first draft - this was yet a later draft - which was finally I think - Jenner took our information back - our input. My input was that we didn't need a letter - that I thought it was ridiculous to get into that dealing and that was the input I think he took back from me. Others had reservations about the strong language at the end of the first draft and that was really what John Edwards changed. He modified it and Larry Hogan - in the committee - modified it. All of these things indicate we're making some progress.

Over the weekend and indeed Tuesday night and Wednesday night, I worked on drafting a strong statement - I thought it was a strong statement - stating that the president left us no choice but to proceed along the course we are and then when I got to the session and showed it to Cohen he said it was a strong statement but I felt maybe it was too strong, implying that I was already determined to impeach so I abandoned that effort and I was influenced by John Dore's response to the inquiry from Wiggins to the effect that the president was entitled to the formality of a warning.

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W Why did you think a letter was not necessary?

B Cause I thought we knew the options available to us when we were issued the subpoena cause we had a memorandum from counsel telling us what they were. ~~The options concerning us were available to us when we issued~~ And the only viable option that he offered us then was the same one we are taking now - the adverse inference from a failure to cooperate and I felt like the president was on notice of that already and well advised as to it and had consciously assumed this risk and that's what I said in my statement. And I felt like writing letters was childish and I considered it not a letter but a notice and that probably was right.

In the middle of the thing - in the draft of the letter - Sam Garrison had the page deliver me a note which asking me - saying that in the last line of the second paragraph, Jenner and I want to strike the word sole because its redundant with the word only. It's just an interesting observation that Jenner and Sam Garrison seem to get along pretty well and they passed that message up to me and I was able to make that correction pretty easily by talking to J. Edwards and his cohort over there from Missouri to get their agreement to it and it was so quick that we were able to put that over. ~~And his cohort over there from~~

Something I learned in the legislature - that if you want recognition from the speaker - if you want cooperation - ^{from a person} you don't ask for it on the floor, ~~x~~ you sneak around ahead of time and say Mr. Speaker, I want to be recognized when you get a chance and then they'll be lookin for ya and then in the same way if you want to get an amendment passed you have to go around and talk to a man ahead of time if you really want to put it over. People that are interested in making a show and not accomplishing anything make the mistake of using the sledgehammer approach when the ^{most} effective way is to proceed quietly.

There were some indications on, John Conyers put up the first contempt resolution and that was defeated by a vote- that was moved to table by a vote of 29 to 9 - I think. Some indicators that the earlier contempt vote was - in an earlier - when we sent the letter of noncompliance there were four votes for it - now there are 9. Hungate switched. I don't think anybody on the republicans switched. No Hungate voted against Conyers motion for contempt as premature but there were people who switched. ~~It~~ I thought I had made a note of them but I didn't. Later on in the same day, when we got back from lunch actually, Waldie offered an amendment to contempt recommendation that to, in effect, that when we make our final report we recommend a contempt. It was kinda premature but his vote picked up 27- to 11. (W-really beginning to grow) It's growing - that's 11. That are ready for contempt and I think that anybody that's willing to vote for ~~xxx~~ contempt at this moment is willing to vote for impeachment.

A bit of humor - when Hamilton Fish announced that he had consulted with Ms. Bella Absug during the lunch hour and she had agreed to accompany the marshall to the White House to get the president in the event we cited him for contempt.

Railsback offered a resolution along the lines of requiring special legislation to require the production of this evidence. It's kinda technical and I won't get into that at the moment. But I was impressed - Rodino turned to Jenner for his opinion and I thought Jenner's response was quite impressive. And persuasive - I'll get the transcript out - I'd like a copy of that because - but the part of it that was impressive to me was his argument that the courts provide only one bridge between the separate branches of government and that's

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→ Sep. of Power argument

B the impeachment bridge - that - and he referred to impeachment as the accusation in the House and the Trial in the Senate - the impeachment process - the accusation is a new expression to me but I thought very well way to express it. This was Jenner himself - he Jenner speaking in opposition to a republican motion but it was very persuasive and it also indicates that Rodino is not so stupid when he gets the republicans to fight among themselves why it certainly has the effect of indicating that we are getting somewhere - excuse me - of indicating that he knows how to play this game.

Jenner's opinion on two occasions yesterday - in response to both republican motions - Railsback's motion to ~~re~~ require separate legislation and Dennis to require that we file an amicus curae brief in the appellate procedures of Jaworski's case, the plummer's case - both his responses, I think, were very good and very effective and persuasive and of course, both of the motions lost by one-sided votes and I was in opposition.

I want to compare this with the commentary that Jenner made the day before when we were discussing in the executive session - we made reference to Mr. Bittman, I believe, as a criminal attorney, and Jenner felt compelled to explain to this committee of 38 lawyers that a criminal attorney was not a criminal. If it was an attempt at humor, then I think Bob Hope is safe, but if it were anything else and it appeared to me that it wasn't humor but just ~~more~~ unnecessary so the man operates on alternating current, I suspect. But in any event...

W At times brilliant...

B Attimes brilliant and at other times - yeah, well, but evidently he always is on the right cycle when he gets to court. But anyway his legal opinion was pretty sound and I thought pretty persuasive. I was surprised when Charlie Sandman in the course of the - who I view as a little bit to the right of Barry Goldwater and his crowd - complimented the staff very highly. He said it was the greatest pre-trial investigation in history and coming from him I thought it was - cause he has been one of Jenner's critics - was an indicator. ~~xxxxxx~~ Course he was supporting - no he wasn't supporting Railsback but it was a comment in the course of the Railsback presentation.

W It looks as if Jenner is getting more established - more respect...

B Jenner is getting more respect. I accused Sandman during the lunch hour of having switched over. It looked to me like that he's now moved to consulting in his view of impeachment but he assured me that he had not. But I find as these votes indicate, more and more votes are - the majority is acquiring more republicans as we go - indicating not necessarily a view of impeachment but certainly an erosion of diehard republican strength.

All I got out of that - my reason for voting against both of these proposals was that I wanted to get it moving and I still haven't figured out exactly what the president's strategy is except delay and I certainly don't want to be a party to that because I think the national interest is quite substantial.

Now we did have

W Excuse me while you are on that - there was some debate yesterday that you may have heard about (in the Senate) about ~~starting~~ story in the morning paper about debate/yesterday about some of the Senate republican leaders and democratic leaders. The debatace - and it was on precisely this point - whether delay in the proceedings might not cause the senate not to be able to get to - assuming an impeachment comes...

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Delay for the defense
 B Well I think that dilatory tactics are the traditional - traditionally the defense attorney's advantage and that's the school that our friend St. Clair has gone to and he may be - that may very well be his ~~xxx~~ strategy. I think however, when you get into the field of political implications of this that there are other factors and I ~~xxx~~ think that delay in the long run is a mistake for the White House unless of course they are guilty and that's the implication that arises from the delay.

*Impt's
in House
PR move
not to
Nixon
then
substance
sub
Members
confront
with
Conscience*
 The thing that I wanted to mention since we did raise that is just like - you know trying to figure out the White House strategy in this situation. I think the one impression we get from an overview of the presidential conversations is the feeling that the substance is far less of concern to him than the public relations aspect and that's the Whole White House psychology and that's why he's pumping for open sessions when closed sessions are obviously to his advantage - he's playing the - he's - his public position is contrary to his private position in so many instances that I cannot help thinking that he still views this as an experience in public opinion when I ~~public relations~~ and I can't help - my observation of the committee is we're moving more and more in the direction that this is not a problem in public relations for members of the committee or the Congress but a problem of - with one's conscience and that each time he offends the committee by this he is not serving his best interest. That's my view at the moment. That's almost personal cause I haven't talked to many people about it - but very few people understand the president's strategy or or privy to it.

*imply more
open to the
play
strategy
Dore's
inflexibility
again*
 Item two on the agenda was the additional subpoena of 45 ^(Whitaker) tapes. I think the remarkable thing was that it passed by a vote of 37 to 1 indicating that the committee really is unified on this. There was a scrap in there about congressman Wiggins added an amendment to the schedule basically which would have limited the subpoena of tapes to the things which very - quite obviously - we are limited to under the law. To me it was very meaningless but the indicator was Dore said it was undesirable in response to questions because it leaves the determination of relevance to the president. I think he's got that privilege anyway - initially anyway - and in this regard - we've agreed all along ~~at~~ that he could take a crack at it and would get our help on it but it goes back to what I said before, John Dore's real weakness is his inflexibility and I think - and it hurts him and in this instance I think he could have been more flexible even Father Drinan who is - they say he was a lawyer - he was a Dean of a Law School up there - and he was trying to be helpful to Wiggins and voted with him. The vote was pretty onesided but the counsel is carrying the committee with them in most every critical question and so they're gaining in respect but in this instance - goes back to what I said before - you've got to watch out for John Dore's inflexibility - that's his only real shortcoming.

*to open
begin
open of
Owens
input to
- Drinan
again
John Dore*
 The other question of course was interesting was the effort to open up the meetings. Now I confess that the technical arguments impressed me but also impressed me with my lack of knowledge in this area. I mean I just - I hadn't studied the rule clear enough to know - to really form a sound judgement as to the legal position that Wayne Owens was confronting with. It looked to me in the course of argument that it was very impractical - the way he had drafted it and I was impressed particularly with what Barbara Jordan had to say on that subject and she had great quote which I'll have to pick up from the transcript but I would like to use that. Wiggins, ~~St~~ Seiberling, others attacked it on technically defective grounds and I think that was sound. Even Don Edwards - whom I respect as a civil libertarian if nothing else - said that they felt like the rights of a third party were being prejudiced by this proposal and it was defeated - that is a motion to table by 23-15.
 W This would have affected right of defendants in the Ellsberg trial...

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B Right - yes - it's clearly. That's all I think that took place and I've run out of time here.

W This thing in the Senate - they raised some legal questions - whether...

B Whether the Senate is a continuing body or not. I don't have a bit of trouble with that, I'm quite sure that it is.

W And they would be able to take it up do you think...

B I think they could but I don't think that they would. I think they would start with a view of winding it up but I wouldn't get myself in that kinda trouble if I were in the Senate but there isn't any doubt about it in my judgement - that the ~~Senate~~ Senate could take an impeachment resolution in the 93rd Congress and try it in the 94th Congress or 95th...but I don't think there will be too many presidents around in that - I don't think Nixon could hold out until then.

One more thing about yesterday - this is the - the committee membership as such is getting over the - this showmanship - I've felt like most all of the comments were relevant and not too long and many scholarly commentaries - particularly I thought Ray Thornton from Arkansas put in a very good argument there and he's been a former attorney general so he had some ~~good~~ background that was helpful to us and quite impresssive but as a group the committee demonstrated a depth of legal ability and scholarship - that isn't quite the word - a depth of legal ~~and~~ talent and it hasn't been apparent from earlier discussions and so I think it was real progress in terms of moving along as a committee and so this pleases me. I may - we may have been stronger under the influence ~~that~~ of the fact that we wanted to get out of there on Thursday afternoon but whatever the factor, it was - as a group - I think it showed real progress.

-30-

Sope that today might have marked a ~~turning point~~ turning point - is that there seems a bi-partisan consensus to get on with it.

Wayne Woodlief
Staff Writer, Race Relations

Ledger-Star
150 W. Brambleton Ave.
Norfolk, Virginia 23510
MA5-1431, Ext. 247