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## M. Caldwell Butler Audio Diary, June 20, 1974 - Transcript

M. Caldwell Butler

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B We were working this morning on the 19th and the last thing I talked to you about was managers and prosecutors and things of that sort.

Jenner  
Birth -  
Committee  
songs

✓ Today was June 20th - Albert Jenner's Birthday and so we began with singing happy birthday Albert Jenner -

W Ha - the whole damn committee...

B I don't think anybody revealed that he was 67 years old.

We began on the 20th by recognition of the fact that it was Albert Jenner's birthday and sort of a spontaneous song - happy birthday burst forth. I don't believe anybody had the ~~xxx~~ temerity to reveal that it was his 67th birthday. The way I knew about it was the American Bar Association has a reception for the Bar here about 3 weeks ago and I stopped by to speak to them and met several prominent lawyers from Chicago and they remarked that he's the youngest 66 year old you've seen and I had to confess that I hadn't been out with him on the town but I assumed that he was - he certainly had all those appearances.

I had a discussion with him about his investigative techniques...this came up during the course of - really on Wednesday - when he was reporting to us on the matter dealing with Cox and his recent interview with Richardson as a matter of fact, he had an affidavit which was just a couple of days old. I would have thought during the course of our interview - that for example, he takes great delight in reading to us something that he - an interview he's had - and reading it to us in great detail - what he's picked up. Now what their practice evidently has been - to interview them extensively and let them forward ~~the~~ the affidavit so that he's not in a position of putting words in the mouth of the person he's talking to which I think is commendable provided they don't doctor it up to the extent that it loses it's value.

D & J  
talk -  
8/2 1980

Jenner &  
Doar  
investigative  
techniques

(no tapes -  
dictate memo  
input any)

But Mr. Jenner read us several ~~the~~ things during ~~the~~ our investigation of Richardson and Cox and it was pretty detailed so I asked him afterwards being the bird dog that I am, that it sounded to me like that they had had tape recorded the interviews and that I would like to go over and hear them and he said that wasn't their practice at all. That he and Doar evidently would take the principal witnesses and interview them personally and make notes on it as they went and then immediately following the interview they would dictate a memorandum of it. Each one of them - immediately. Now this struck me as permitting a human error that wasn't necessary in the transcription of ~~a~~ the information between the time they took it down and the time they dictated it. They could forget some of it - their notes might be incomplete - and of course, I'm not critical of it cause after all he's sort of a dean of his profession but it struck me that that's a little time consuming and wasteful in that it would be far more appropriate to have an interview transcribed - the tape transcribed and then edit it if it's inappropriate. I just think ~~a~~ that's some insight as to why we are moving so slow though. We've got a couple of old timers that do things just that way.

W Did he indicate whether there was any feeling that it would inhibit the witness to tape him...

No, I didn't get into it any more than that because, you know, you don't suggest procedure to Caesar and so I have a respect for his ability to transcribe and dictate a memorandum and his reports are obviously quite good. His investigations are quite thorough but with a staff of 100 I just feel like maybe the man at the top could make better use

no delegation  
of authority  
low



B of his time.

W Are he and Doar interviewing...

B Jointly - I judge that the big guns - (W-all witnesses) well, uh, many of them now of course, no, today - on the 20th I'm talking about - we had the staff presentation of the tax situation - the IRS and they went through that and we got a written report of that and it was kinda a rehash of the same thing that the Joint Committee put together and I believe that's been released, hasn't it (Yeah) they did have additional interviews but this was staff interviews other than Jenner and Doar and you know, only last week we wrote to the secretary trying to get information - confidential information released to us which was finally given to our men, indeed, it was so confidential that under our proof of confidentiality, we returned these exhibits to the staff today just like we had on transcripts, when we left. And I guess this was alright, we didn't learn as much about it. But today is the first time that I felt like we were getting a partisan or biased presentation from our staff. The entire ~~was~~ <sup>was</sup> worked up by people other than Doar and Jenner I think. They were working ~~and~~ under some pressure because they didn't get the thing before them or much of it before them until this last week. And they had one or two guys ~~w~~ there but I can't recall having offended by a presentation before but this guy's name was Nusbaum and the history of the guy is apparently is that he was a McGovern democrat - I noticed that Liz Holtzman, who is a nice girl - but who is quite liberal and with regard to the President almost vindictive but and you know she's been big on Cambodia - and quite ~~confident~~ <sup>competent</sup> in the things that she's undertaken to do so I'm not critical of her it's just that she has a point of view that I don't share and ~~in a political way, evidently~~ this boy evidently is a friend of hers. We appeared on Holtzman and I appeared on Martin Agronsky together and I talked to him on the phone that night because if you'll remember, that was the same night - just about 3 minutes before we went on the tv program - incidentally, we might want to get a transcript of that - just before we had done that, there had been some communication from the White House dealing with the supoena - dealing with tapes, I can't remember what it was. I had to get my information from the Committee staff and they had all left, except ~~Nusbaum~~, whom I talked to and was very cooperative but Liz quite obviously knew him better than I did - when she talked to him and their association evidently is - goes back a long way and his McGovern connections go back a long way and it was perfectly apparent to me from his presentation that he felt like the president was being - that we ought to do something about this - see he had a written report and the practice up until now had been to just read that written paragraph or report to us and editorialize only where it was essential - this guy was just using that as a point of departure and then he was launching off into a - I thought pretty extensive discussion and prejudicial to the committee except that there just isn't much meat there as far as the president is concerned.

*the history of confidentiality*

*Staff site Professor*

*cut transcript of the show*

*Pres & IRS*

W No link up as far as you can determine that might bring any civil fraud...

B No, no suggestion really that there was a civil fraud in the president's negligence, penalty was there, and that was another thing that disturbed me, I thought it was general information but I never had thought seriously about it that the president was assessed with a negligence penalty on his taxes for 1971-72. 5% negligence penalty. I didn't think about it one way or the other but that information came to us in order of the course of events - sometime in the afternoon but when we took our break for lunch, or a roll call at lunch time - I was harrassed by and everybody was - by newsmen wanting to know about the negligence



B penalty and indicating that they had information about what was going to be presented to us before we got it and that was an ~~unusual experience~~ ~~experience~~ not a unique experience for me. I passed that information on to the chairman - no, I didn't pass it on to the chairman - I passed it on to the staff. But the chairman must be aware of it and, cause that's a disgraceful situation. We catch it from all sides now. There's a New York Times editorial today apparently chastigating the Committee and it's just terrible because I think we've done a pretty good job of approaching this thing - and of course the fight is manna from heaven as far as the president is concerned - there isn't any question about ~~the~~ the effect it's having on the membership of the House and the membership of the Committee is - to a degree - I is waivering under it. I hope I'm not influenced by that sort of thing but it does - it is food for thought, certainly.

*Committee  
heavt eyes  
in books -  
N.Y. Times  
says them -  
White House  
Chandler*

*Door on  
Nixon fence  
- B. that  
inappropriate  
of D. out that  
point  
- B. something  
the fence in  
out this point  
- still Miami  
in the 12  
interstate -  
we change in  
The case*

*Forwarded to  
the GJ -*

The other part of the presentation today that I wanted to mention - John Doar, initially in his presentation, by statement which I will fill out word for word later - but it's the first time I recall of him doing it - but basically he said to us - ~~xxx~~ the decision is for the committee but if you consider that the president has a constitutional responsibility to see that laws are basically carried out, then you ought to - and that a failure to do so is an impeachable offense, then you ought to look pretty carefully at the president's tax situation. Now I thought that was unique - it was unique and to suggest - I mean, of all places to suggest it - this struck me as inappropriate because the evidence before us today is perfectly, it seems to me is pretty clear and the only thing we really discussed was the president's tax return in so far as they concerned the gift of the books - gift of presidential papers, ~~in which~~ and we're talking about presidential papers that he owned when he became president and that's never been cleared - I mean I never thought about it seriously but what we're talking about is what he acquired while he was Vice President and during that interval and so I'm wondering - it just occurred to me now that while we're here is just exactly whether he's been taking a beating on that or ~~not~~ not. I don't know - it's something to do with the language is such that a public figure's papers are not a - a contribution to the government are not a tax deduction. I mean, I know you are familiar with that. The president's involvement in it is not - course it's a matter of record, but here's the significant thing, some, this guy DeMarco, his lawyer in California, either made a mistake in failing to execute a deed or having executed the deed, failing to carry through on the formalities of the deed of gift at the time of making or failing to advise the president to do so executed another deed many months later dated it back and during that interval the law had changed and so his dating back had the effect of defrauding the government. That's been forwarded to the Grand Jury - that was news to us today. But that's not relevant to our inquiry. As far as tying the president into it, I think he signed his tax returns and made a full disclosure and didn't realize that there was any hitch in it because he had a counsel who was signing it for him on his behalf and so he wouldn't have signed the instrument and he had a tax lawyer who was presumably take care of it and he assumed he had taken care of it and he simply did not have guts enough to tell the president that he had blown it and of course when you throw out \$500,000 or whatever it is of the president's money then you are a little reluctant to take him on so I'm sympathetic with him but that's what lawyer have to - lawyers have to...

W There was no implication in the presentation today that the president may have told DeMarco to back date it -

B Quite the contrary - quite the contrary.



W You mean even though it did seem an anti-Nixon presentation by this guy Nusbaum, even though it was anti-Nixon you...

B Well, even though he tried to - yeah -

W You don't think he was trying to...

✓ B Yeah, I think he was trying to stick it to the president and it's just that the well was dry... ✓

W Trying to imply that Nixon did - in some way order this guy -

B No, no, there's no suggestion of that in any way - there's ~~not~~ no facts - as I view it.

W What was he doing - just kinda - to stick it to the president.

*Still on Nusbaum*

B Well, just everytime that he had a chance to suggest possibilities, he suggested those that would offend you - that were not mixing in the report. Yeah, I'll make a note of it and get it from the transcript.

W General impression though that he was...

*How by resuscitation put people asleep - probably*

B That's right. Oh, it was an easily discernable attitude. Well, it went into DeMarco's resignation of his notary public commission - that sort of thing - he stated that there were several options available but he only chose the one that was obvious, was unattractive - just little things like that. I was watching the discussion there - this guy droned on so - I looked up, Jenner was ~~not~~ asleep at one time - Sam Garrison was yawning - Doar was impassionately reading the ~~w~~ thing in front of him which - indicating that he probably hypnotized himself. St. Clair was attentive but eventually he went under too. So at one ~~more~~ moment we had Jenner, and St. Clair asleep and everybody else yawning but this guy was going ahead full speed. I did notice though that St. Clair was very attentive when he got to discussing the exchange of ~~statement~~ conversation between Nixon and DeMarco at the time when the tax return was actually filed so I think St. Clair is a selective sleeper. The big joke of the day <sup>had to be</sup> was when the information was brought to Haig about the changes that had ~~been~~ made and I cannot - that's one of the tabs we turned back - but one of the things Haig said - this was an interview between somebody and Haig - Shultz and Haig - anyway somebody had to take it to Haig and they were discussing this problem of this deed and Haig made the observation that lawyers will cause ~~will~~ the downfall of the government. And that was Haig's summary of the situation.

*wasn't thankful in front of St. Clair as a sleeper Haig bright as lawyer*

W He's emerging as fairly ~~white~~ *Bright.*

B Yeah, he really is, I think he's perceptive beyond ~~other agreements (2)~~ *earlier* that I thought of him.

And one thing that was interesting - this damn appraiser - I think he got \$3000. for appraising the books donating in 1969 for the sum of \$8000 or thereabouts. But then he appraised the next go around at \$2 million dollars and the president paid \$25,000 for that appraisal - \$25,000 - so that's some business. Evidently he paid on a percentage.

Jack Brooks is emerging - he's not mellowing any in his views at all and I had'nt expected that he would. I searching for a copy of the Constitution of the United States. He made some reference to the



*Jack Brooks & emolument  
Brooks  
saw some  
at this  
(his penmanship  
come from)*

B \$90,000 - the travel stuff - maybe you'd better turn that off for a minute. The Joint Committee on Internal Revenue Taxation pointed out that the personal use of government airplanes by the president's family and friends should be classified by income for him for tax purposes and the figure was somewhere in the neighborhood of \$90,000 - \$98,000 I ~~think~~ believe and that's a awful lot of money to pay ~~taxes~~ ~~emolument~~ on. Mr. Brooks suggested that this was unconstitutional and ~~unconstitutional~~ of office - apparently there is a limitation in our constitution on the president's salary and that would be the only emolument of office he'll receive and this was a further emolument which indicates that he's going to kick him while he's down, kinda of attitude. And, of course, I couldn't help - I was just quite sure that his idol and mentor, Lyndon Johnson, never used a government airplane so I'm sure that this is some index of his impartiality and objectivity in our investigation.

W Did anybody take him on at that point...

B No, you don't take on Jack Brooks - this is so out of line with our inquiry and I think we ignored him. I don't recall any response, I certainly felt like he was (?) feeding on ants - I mean, that's the sort of thing you ought to ignore.

attacks

W You mentioned that a new series of ~~tax~~ on the committee coming apparently now from the NY Times editorial - from Mansfield - and the White House and so forth, is this in any way bringing the committee closer together even ~~though~~ some of those who have been splitting on some issues?

*The leaks  
with a whole  
effect  
in the  
committee:  
they're out of  
character -*

B I think it's isolating the crazies... the ones - and I'm not going to indulge in any direct accusations right now about the people that I suspect but I'll say that it's almost universal agreement as to the suspects. And ~~resent~~ resentment. ~~Eilberg~~ And I ~~think~~ think Eilberg's - I think everybody's shocked - it just so out of character for him - I'm shocked at that. But well, that's about the most ~~x~~ you can say for Eilsberg - we're shocked. It's unbelievable - it's so out of character for him - and with his entire behavior and the whole committee can't believe it. And they think this may be ~~x~~ isolated as to him but the rest of the time - and I don't know there must be something in his history or his relationship with Kissinger that we don't know - but I'm told he has an 80% jewish constituency - I would certainly check that before I used it - he's from Philadelphia I believe or somewhere near there and that - but the rest of them - they have general knowledge of who's doing it - I mean on the majority side and but efforts to discipline them are not and the response is to open it up. Now maybe that's what the NY Times is suggesting -

WX You haven't read that - somebody told you about it.

*Defense of the  
staff vs  
outsider  
(we can argue  
intensely - if  
I might  
not compare  
committee  
status - I think really  
good stuff  
my I washed out*

B Somebody told me about it - Ed Hutchinson told me about it - Ed showed it to Les Arendts and Les told me and of course its manna from heaven as far as the president's concerned. I think I've already said that but I just ~~hate~~ hate for anybody, any group that has - and particularly our staff that's worked in the manner that they have to be shot down in this fashion and that's - I don't think our conclusion will be much different but what concerns me is - if we had maintained the status, the stature that I thought we were developing as a committee, that our recommendation would be more quickly - almost-perfunctorily - adopted by the House and now I have a different feeling about it.



The effect of the committee (why was he not in it?)

I think the Committee is being discredited - that whatever accusation we are going to make - we've got - we're going to be - one of the standard arguments is going to be - the standard argument adverse to our recommendation is going to be what the hell kinda committee is this. Just like - you know - I feel like the banking and currency committee comes out with the craziest things than anybody and they react all that legislation of the floor - that's because nobody's got any respect for the chairman really - I mean no body has great respect the committee and its work but I felt like our committee was doing high calibre work - we certainly got favorable response on our rules of evidence which took a lot of committee work on the <sup>confirmation</sup> on Gerry Ford - and even my people have said they are looking to me. I doubt if they feel that strongly about it anymore.

W You mean Virginians...

Impeachment thinking members

Yeah. But nobody - I'm getting some letters that are critical of the committee but not enough of them to recognize a trend but nobody's stepped on me in their criticism of the committee - that I've received in the correspondence so it just distresses me because I think it's harmful for the country and yet these people who are doing it are I think, those who are most interested in impeaching the president and they are hurting their own view - they are also exposing their own limited capacity.

W What comments are you hearing from other members of the House in this regard - you mentioned...

Just aside on this issue

Oh, I'm hearing it from all over. Well, Les Arendts, for example, Les' judgement is pretty sound. He's been the whip for four years and he's retiring so he really doesn't have any ax to grind and he agreed with me that it was distressful for the committee but, as a friend of the president, he says couldn't help but be pleased.

W How do the people who you judged to be kinda on the fence on the whole thing are now saying in effect that the committee is blowing it and the president

B No, no, I don't think so although there are members whose names I won't mention who think that the president simply has got to be impeached. Has got to be (W-because of all the things that have gone on) just I think based on a limited view of the evidence - not our view of it because they haven't seen it all - but those people, they are kinda distressed cause they think - well, I think the view they are taking now is one toward a recommendation against impeachment.

The factors of impeachment - a summary of what

just You know that brings up the whole question of how active the republicans ought to be in pushing for witnesses and dragging this thing out. The momentum is going certainly with the president at the moment and but - you can't - that's a matter of tactics and I'm not going to get involved in that. I think we've got to call witnesses to clarify areas of doubt as I mentioned Kalmbach's interviews with Nixon - I think that's pretty important - you know, with reference to the tapes, and even though what John Dean - just who told John Dean to turn loose of that \$65,000 and when - in response to whose order did he act. I'd like to ask him that question and I think we've got to ask him that question and then, depending on his answer, we'll get into the credibility problem but that's I think - pretty critical to the Watergate investigation.



W What other witnesses are critical - Colson?

B Well, Colson, I don't think he knows a lot of the things but now, that he's - anybody who's an admitted perjurer - it seems to me has got to be reexamined to the extent that they have testified on critical evidence but this - and this is my view of that but god almighty ~~of~~ so ~~may~~ many of those raskals...

W They go on and on ...but you think there is some question to raise as far as republicans are concerned over whether to concentrate on this witness thing - vis a vis this momentum swinging - back toward the president - how do you mean that... what do you mean it might be tactically inundating...

B Well, I ~~f~~ just feel like the momentum is going for the president and if we call the witnesses - and the press would get the brodd that the republicans insisted on calling the witnesses the republicans are going to be identified with Nixon and Nixon's going to be given credit for extending it unnecessarily and the reaction could set ~~ix~~ in the other way.

For several days now a reporter from Time magazine has been stopping me to help me to put together an article on the humorous things that occurred - you know, that kind of an article - so I've been watching it - and as a matter of fact - I've been taken by Time magazine more time than anytime in my life - I know my pictures been taken about - by 3 different photographers for Time - and each time they're told they are going to a profile on the whole committee so I give them the benefit of the - cast aside all modesty and ~~givez themz~~ get my picture taken. But this is a reporter and he had the temerity ~~the~~ to tell me that he was going to write an article so I liked the guy and I chatted with him and gave him a few of the things that I thought. But you know when you ask somebody to tell you a joke, why, I can't ever think of any. But so, he's been ~~g~~ bugging me almost and then by gosh, it told me last ~~w~~ week, it was going to be Time magazine - this week - and then my gosh instead of this, it's a full page spread on Ed Mazvinski from Iowa - one of the ~~fr~~ freshman republicans anyway - and ~~ix~~ if there ever was a wild eyed - I mean he's - somehow a liberal from Iowa kinda shocks you but ~~that's~~ what he is - he's almost from Illinois I think, it's right over, cross the river or whatever it is out there but they had a full page spread on him - very nice article but I told this guy when I saw him, I said, ~~ixix~~ damn, I'm wasting my ~~w~~ time and then you run an article on him and I said why didn't you run an article on somebody else. Well, he says, well, there are two people from Iowa and Hugh Sidey, who wrote the article, is from Iowa. So, Mezvinsky, you know, every since that happened, he's been hard to handle - he swore all day long he was - we heard from ~~f~~ - he's really on to something on this tax - he's become a national figure and so we had to listen to him ~~forx5~~ every 5 minutes on this tax thing and fact - all week long - he's been, you know, reading his own stuff - it's always had that effect on him. Everybody but me. But anyway ~~k~~ Sidey said he had to get somebody from Iowa and he went to talk to Wiley Maine whose also - he's from ~~D~~ennoine - he's one of the republicans with some service - and he's intellectually he's about 10 notches above most members of Congress, certainly he's every bit as competent well, good deal more competent and experienced than Mezvinsky and a good deal more informational I think and so I jumped on Wiley Maine and I said this guy came to see you and you wouldn't give him the time of day and so now look what we've got - national - assured the reelection of the chairman of the freshman democrats over there and so I stopped

*Time mag  
July 1st  
The Iowa  
Impact  
Sidey &  
Mezvinsky  
A preview of  
in with publicity  
effect on the  
member -*



B on the floor just to give him that - and that's why I was a little time coming back.

W What did he say?

*Mayne -  
being his  
own counsel*

B So he sat down and he explained to me - and he's taking exactly the same view with his constituents that I've taken with mine that he's not going to discuss the subject of the evidence and he couldn't give an interview like that without giving out some opinions. Well, I don't believe that but I recognize his view. He's also I reckon familiar enough to Sidey to know that he's less sympathetic to our view than the other - less sympathetic to a republican approach than I would say, a democratic approach, which in many instances is kinda a hangman approach and so I judge Wiley's view and ~~in~~ mine are much the same at the moment. He also ~~a~~ has Clark Molenhoff, who is kinda a defrocked member of the Nixon team now writing for the Demoiné newspaper in Washington and so he has to balance his interviews and so I think he decided pragmatically that ~~he~~ it was a mistake to be interviewed at this point - but it did give me a chance to chat with him on some other things.

W He's the other guy that Naughton referred to ~~as~~ the legal ~~subject~~ <sup>Salt Scholar</sup> of the thing - ~~y~~ he referred to you and Wiley Mayne - legal ~~s~~ scholars who recoil from prejudging

B Yeah, well, I'd forgotten that but that is exactly the same view we both take - even now - I mean you know in...

W You figure Mayne might be in that category with...

B Yeah, I was surprised because I had judged from the committee was going that he was a strong defender of the president - almost a ~~g~~ blind defender sometimes - but my conversations with him have been - indicated otherwise and certainly this evening at the moment I would say that he is not leaning towards impeachment - not leaning away from it unnecessarily but still maintaining an objective view but both of us agreed, I think, that we saw nothing today which in spite of Mezvinsky's skillful play, that to indicate impeachable ~~conduct~~ misconduct on the president's part in regard to the tax. I mean that's the kind of view that was implicit in our conversation - not expressed by him, course I really didn't ask him but I just made that observation and it didn't get any argument I guess. And that's ~~we~~ where I view it at the moment.

W Did you talk with him at all about this problem of the leaks and what - whether - even though you presented some of the arguments against going public whether in order to get the committee - to have it appear to have the stature that it once did whether it might be good to go public.

B We ~~Wayne Owens~~ <sup>(turn it off)</sup> offered a resolution to open up the committee hearings now I - at that time, John Doar and Jack Brooks suggested the way to do it was to open it up as we go. John Doar said that wouldn't be the thing to do so I think basically what we decided in defeating Wayne's motion was - in the first place - that we would listen to the evidentiary ~~possessions and then~~ presentation and then decide what we wanted to do at the end of the period. And that's going to come up next week so we'll have our business session on that.

~~turn it off~~  
It wouldn't protect the ~~criminal~~ criminal proceedings in the process and then the Grand Jury testimony which we were going to get and everything - he knew that in advance that we had been told that - might



B jeopardize the prosecution. Then (turn it off again)

Barbara Jordan objected you remember that it would be better to continue in executive session <sup>than</sup> and have this kind of offer on situations that Wayne Owens was proposing and (turn if off)

Chuck Wiggins of California and I think we ought to say that in anticipation of this I got out and read ~~again~~ the argument again that was presented on the earlier ~~Wayne~~ motion cause Chuck Wiggins offered the point that the President of the United States is entitled to due process and the evidence that we've been given would prejudice his right to a fair trial because much of it is not impeachable but damaging if placed in the public domain and of course - little speeches - when you think that maybe our entire committee is entitled - our entire House is entitled to some of this if the committee so advises - so recommends - so we are going to have some motions on that. Now I'm looking for what Don Edwards had to say and then I'll leave you alone.

Don Edwards presentation was interesting to me because - you know - Howard Smith for years was - he was floor leader - I know he was chairman of the Rules <sup>C</sup>ommittee - I don't know whether he was floor leader or not (W-I think it was just the chairman) but Don ~~W~~ Edwards identified him as a floor leader and he said that he opposed the motion to open up because of the rights of the third person. But he points this out but of course the rules of the House provides that - if the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade or ~~disincriminate~~ incriminate any person, it shall receive such evidence or testimony in executive session and no evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee and of course that's the question that's coming up. That's what the subsession holds. Edwards says the - of course this is in effect opening it up in advance and releasing in advance - but he points out that the inquiry we are engaged in has to do with public service - servants allegedly violating the rules and the law and he points out that the debate when Judge Smith was chairman of the rules committee, he put forth the basic <sup>ground</sup> ~~ground~~ rules having to do with the rights of privacy of third parties that made this rule necessary in the House of Representatives.

What we are saying now - or what the motion is saying - is because impeachment is important, people want us to go public so badly but then Don Edwards said but we may - this testimony may tend to defame, degrade or incriminate a third party - the committee must hear the witness in a closed session and this is very clear and this would basically eliminate that rule. Basically, he says, this is a sound move and we ought not to retreat from it just because an impeachment inquiry is under way. I have to accept that rule. He went on to say that the president can waive his right - with regard to testimony to incriminate, degrade or defame's him - but as of this moment there are 600 people who are mixing in one way or another in the course of our testimony.

W 600?

B 600. Cause that's the list that he gave us - (tape ran out, turned to next side) I feel that the rights of third persons are going to be jeopardized by this and so I'm going to continue to oppose releasing this evidence. Now, of course, rule 27-XI-m not only provides that you've got to receive this testimony in executive

*Wiggins - fight hard in parliament in public*

*Edwards - But he gains respect for him - on issue of closed session - I will identify Judge Smith's role in this*

*The transcript 600*



*Smith  
Flowers  
Snyder*

B session but you've also got to afford the person the opportunity to appear as a witness. Now that means that to comply with this rule it looks to me like there's a possibility that these or anybody that's been defamed is entitled to come in and appear. Now this I do not believe is ~~the construction~~ going to be the construction the parliamentarian is going to put on it.

W They wouldn't necessarily need to appear until after you ...

*Complexion  
of probably  
innocent  
3rd party*

B Well, as long as we don't reveal what's been said then I don't think he's got that right but I'll be interested to see what view of that is taken when we get into the discussion. Wayne Owens said in presenting his motion that we are going to have to face it - we're going to have a hard time trying to enforce this provision because the subsequent provisions of the amendment are going to make it required that any person may tend to be defamed - that person has got to be called in. Now, I don't believe that we've had any real discussion of that and I do not remember the day that Dennis and his letter to the chairman telling us - insisting on the right to call witnesses based on ~~the~~ this section - which is why they are entitled to come in - I mean it isn't why he wants them in but it's something we ought to think about and quite frankly, it's just - I don't know what ~~my~~ mental gyrations the chairman and the staff has gone through to explain - to tell us why this isn't necessary but I suspect that there is something we ought to think about. Now, that's all I have to say, you ask me any questions you want to.

W It doesn't get sticky from the standpoint of this whole matter of whether to have open sessions - it must get sticky from the standpoint of public confidence in what the committee is doing. Did it appear that there would be open questioning of the witnesses or is that going to run into this rule or has that come up yet - when these witnesses come - are they going to be like John Dean and, assuming that he's subpoenaed and Kalmbach - will they be questioned in closed session and St. Clair cross examine them or what would be the equivalent, I guess - or interrogate them, I guess it won't be quite cross examination under the rules - will that happen in open session or will that be closed... and if it's closed, don't you run until a problem of public confidence in the process - in the argument that the crimes of Watergate were that all these things were done in secrecy - secret abuse of power and now here's the committee deciding the fate of the President of the United States in secret.

*how B. handle  
h... party  
confirm*

B No, that doesn't worry me a bit cause we've got so many people hell bent to get the president on this committee that we wouldn't - we won't have any cover up, and we won't have anybody accusing us of covering up and I have no problem with that what so ever. Intellectually, spiritually or any other way. No, I just plain don't. Those - anything - we are not going to leave anything behind when this train goes to the House.

W There would be a record of course... an exhaustive...

B There will be a record now, we haven't had any discussion about that, you know, I mentioned Bob McClory's comment the other day at the republican caucus where we ought to be thinking in terms of how we, what are we - how are we going to put this record together and Chuck Wiggins mentioned prejudicial to the president when we decided that it doesn't belong - even under consideration - I don't think the train ought to go from the committee to the House with excess baggage.



B I think if there's a serious question in anybody's mind about whether a ~~xxx~~ particular issue is impeachable or not, if the vote is close on a particular question, then all of the appropriate evidence has got to go with it.

Now I see where Peter Rodino is talking in terms of installing earphones and listening to these tapes ~~x~~ on the floor of the House.

W That's necessary isn't ~~it~~ because you've mentinned... that you get an entirely different ...view hearing the ~~x~~ tapes rather than just reading the transcripts.

B Oh, yeah, it's necessary, right - yes, I think that's necessary for a decision - a determination but if everything that has been presented to us is going to go through a presentation in the House then our committee hasn't had any reason to meet.

W Oh, it won't be everything...

a

B No, but I have never been present when ~~the~~ committee hearing has been read to the members of the House - I think that's necessary to an intelligent decision but we sure are limited and we sure ought to have some careful consideration. Now this thing is further down the rodd and I don't have any problems in my own mind of knowing how to work it out - I mean of working it out - I know exactly how to work it out but I don't have any problems in my own mind about being able to surmount this problem and there are as many views of it as there are problems so basically, the thing I reckon that I'm trying to say is that I'm not ~~x~~ worrying myself about doing the job unless they ask me to and then I'll be very happy to work it out and tell them just exactly how I'll do it and I want to react to what is proposed. But essentially how we will proceed after the committee makes the decision - how we're going to cut the record to make it manageable - all those mechanical problems are further down the road than the big sophisticated question of whether we are going to recommend an impeachment or not and at the moment, I really sincerely say that I would not place a bet either way.

*Committee  
Close on  
Impeachment*

W Is that right - you think it's close now.

B I think it's that close in the committee. (W-couple of weeks ago, you've might have gone the other way) Couple of weeks ago I would have bet differently.

W What's changed it - this leaking is that it...

B The leaking has shored up the membership in the president's support and that has been communicated to the members of the committee certainly, the second thing about it - I mean - it does give credence to the argument that this is a democratic witch hunt - now even though the NY Times says a republican spilled the beans - I know that the leaking that's damaging is coming from the other side of the aisle. Now I had dinner tonight with, you know, during - we stopped down ~~w~~ at the restaurant to eat dinner tonight. It's a funny ~~xxx~~ thing, they terminated their discussion of the substance when I got there - they knew I was on the committee but none of them real ~~xx~~ close to me I mean that close to me but they terminated the discussion - of the substance of it - they knew about taxes today - that was what was under discussion.

*Leaking  
with  
"wholly hunt"  
B. + some  
at dinner  
thinks this  
out later  
legally not on  
committee  
and all that*

When it got around to leaking they wanted to ~~xxx~~ censure the people responsible for it - well, the House would never start that cause that's too general a thing but it's not - not that it hasn't taken place - and



B not that it isn't bad but you can't get them drummed up for that. But it does indicate the feeling of the membership. Course these were republicans and they want to support the president if they possibly can and they want to be reelected if they possibly can and so that's why the discrediting of the Judiciary Committee has such wide range of political implications - it makes a republican - puts a republican in better shape - republican who wants to support the president in better shape back home and they are getting that - I'm sure they are getting it in their mail and their communications cause I'm getting - not that's in any great volume cause I'm on the committee I guess some people don't want to call ~~me~~ ~~me~~ ~~me~~ up and insult me although some people do - I did get two ~~letter~~ letters from - today - one, I checked on the postmarks - one came from Norfolk and one ~~it~~ came from ~~the~~ Newport News - just reading me out of the Republican party because of ~~a~~ Evans and Novak's column it seems and I may get others. But that's the way life is.

*pro-Dem  
Republican  
helped by  
Leah  
ser. les. Auth  
com. color  
up this  
not much  
But the main  
on this the  
W*

W Is your assessment that the situation where maybe a couple of weeks ago it looked as if the president had had it and at least an impeachment recommendation from the committee and now it may be nip and tuck on the committee ...

B It's nip and tuck on the committee but certainly for example, the president's - the leaks haven't hurt the president - there's a lot of talk about Cox and Richardson and that exchange but I'm going back and read that testimony again cause I didn't that view of it but certainly ITT - Dairy - Taxes and Cambodia tomorrow - which is coming up tomorrow - and we are going to be hard put to - although we are going to be hard put - well, I don't want to prejudge it - I'll just wait and see what we hear but that's a policy decision that it's going to be hard to transfer that into the impeachment area.

*Nip & Tuck*

W You get this impression of the swing - (B- yeah, well) in talking to individual members...

B Yeah, talking to the membership (on the committee) yeah, and of course, everybody has got his finger to the wind.

W Can you remember - I mean any dialogue - that indicates -

B No, it's one impression - it's one impression -

W An instinctive sort of thing...

B Yeah, that's right, it's - yeah, that's basically it.

W That the president's staunch defenders on the committee - would they look a little happier - a little more jovial and optimistic about it...

B Oh yeah, oh sure, all of that's there and well, I rode back on the trolley this morning with several people on the committee - one or two democrats and they were strong in their view that nothing impeachable was shown and they were strong in their view that I had that it was not an objective presentation and to get this view from one democrat is a bigger indicator than anything else so - what I was trying to say is that the president's worst time and the worst information about the president, of course, has been the ITT and - excuse me ~~strike that~~ the Watergate. And we've been saying from the first the Watergate and ~~x~~ coverup were it. I mean republicans have been saying from the first that that's what it ought to be limited to.

*The  
me Nixon  
Duma  
refuses  
for  
Cruz and  
spends money  
there*



*The momentum is Nixon*

B Well, we've gone all the cirade and everytime they parade out one of these elephants and they get shot down, we - the president's position is strengthened and I think the coincidence in time is running the weak horses when the leaks are coming - the coincidence of the two is bound to create a momentum for the president and I sense it. And I think that's it.

The other thing that's missing - I guess you saw - you've heard it mentioned ...

W Can you name names at all - of the democrat who was on the trolley - I'll withhold it naturally -

*Good however who's the Democrats keeps going - like the Baby is Demo ramrod*

B Well, you know, Walter Flowers was on this particular thing which is an indicator to me and I can't remember who - he was on the trolley with us and Harold Donahue was along but he didn't say a word - like he was like Tar Baby - but he was along - no I just remember those folks riding back on the Trolley - but he's an indicator to me, Flowers, his reaction. What I'm also becoming apparent - there's no real ramrod on the democratic side at the moement. Now, I just - legislation comes to the floor and it's got to have a manager and it's got to have a floor manager and Peter Rodino has made such a thing about being objective about this thing and fair and impartial that it's left the impeachors without a spokesman. Now Jack Brooks, in terms of seniority, is probably the one you would next expect to pick up the ball and run with it but to this moment, he hasn't - today he was a little bit belligerant in his suggestions as I told you a minute ago about the president ought to be - it was unconstitutional to be riding around in the government airplane as a emolument of office which, I mean, he's moving in on the president, every opening he's got. But I haven't seen any indications on his part that he's going to assume responsibility for being the prosecution team and that's what's got to take place in the committee it seems to me to really make a big change case - now we may - things may develop differently - Waldie and his crowd - Jerry Waldie - he's leaving, he's a lame duck to begin with - and so that cuts your strength. John Conyers certainly doesn't have the standing. Bob Drinan is considered unstable - I mean, he's considered - well, Bob Drinan is not considered the spokesman for anybody except Bob Drinan and that's doubtful. He may - and so he can't take it so I don't see anybody emerging among the real impeachors to do something. don Edwards of course has got the ability - Hungate too - but they havent emerged to me as - in that capacity and it takes a lot of energy and I don't know. So that's a development that will be interesting to watch.

W You mentioned yesterday that Barbara J<sup>0</sup>rdan is going to have some architect effect.

B Barbara Jordan is - well, yes, and she could if she undertook to grab that ball and run with it - why - it would be something - but she hasn't shown any inclination to do that yet.

W Be interesting to see if she does it sometime.

*First time in the court room part of the work, family, important role*

W X Am I able (On the personal) to compartmentalize (impeachment and other district matters and family issues that come up ... are you able to set one aside for a while and think about the other or how does that work...

B Well, yeah, I think I'm able to do it cause I've made a point of learning to do it. Yes, I can do two or three things at once and concentrate on one thing while something else is going on - it takes a while to do that -



B but when you practice law, you've got to learn to do that you know, you're dictating one piece with reference to one file and then, while you're waiting to get a look at that, that product comes back to you then you've got to concentrate on something ~~xxxx~~ else and over the years, yes, I've developed that cause - I've consciously ~~and~~ tried to develop it ~~xxxx~~ and it is - it's a matter of sort of disciplining your mental processes but I find that it's - that's easy to do when you're doing your work. I find in my recreational activities - which is mostly tennis or working - you know - boating when we can or riding in the car carrying on a conversation - that phase of it - I find myself going back to the problem - but when what I'm concentrating on is something that requires energy and you know, highest thought, well, you know, I can still do that. Impeachment hasn't taken over. I guess it could and might as the moment of truth gets nearer. I'm still sleeping alright although - Bill Cohen mentioned to me one time that it's beginning to bother him a little bit - he's waking up at night and all that sort of stuff but it hasn't quite gotten that bad with me.

*Lawyer  
my of  
analysis this  
mental part -  
Cohen waking  
up at night -  
But Cohen  
not yet*

W He gets to thinking about it...

B Well I judge that, I mean, you know, it's not a question of having a bad dream and waking up with blood on your hands - or anything like that but just basically - keeping coming back to it.

Now I was listening - I was reading those transcripts last night up until immediately before I went to bed and that was close to midnight and I was physically tired. You know people don't realise that being in the Congress is a physical drain because of the number of miles that you plain have to walk in a day and if your office is in the Cannon building - as mine is - and your committee is in the Rayburn building and the House of Representatives is still in the Capitol that you're going between those three places all day long so you are physically tired at the end of the day. So those things work on me and I can sleep from physical exhaustion pretty well but I don't find that reading the transcripts - you know - the printed evidence of what took place yesterday, I don't feel that's ~~xxx~~ tearing me up too much but the decision troubles me and I keep reviewing it in my thinking and I guess the time's got to come pretty soon when I got to start putting it all down on paper and seeing how it falls together but I think from my view of it now - is let's ~~see~~ wait and see what kinda theories they can even come up with - the staff. I judge, from John Doar's comment today, that he's working on some theory that the president has failed to see that the laws are basically enforced in the following particulars or something of that nature and then start and list a series of overt acts or a course of conduct. Well, I'm not going to judge that until I see what the acts are but I think that's a pretty ~~strange way xxx~~ strained way to go about it. I think that's a strained way about it. I think we've got to - I mean, that might be a successful second count- not a successful - but you know when you get the goods on a guy then you start throwing in everything you've got just for the hell of it or just to add insurance or whatever you want to say but I don't think right now, that that theory will fly with me. But I'll listen to see what he has to say.

*The physical drain of it all*

*wants to see  
the staff  
thereover as  
Dunrood  
Don't hint at  
Cohen - is  
in the case"*

W Have you begun to develop any theory on impeachment yourself...

B Well, no, were I writing an article for impeachment, I would list the overt acts as high crimes and misdemeanors and each one of them separately for example - the president authorized a bribe of \$27,000 to so and so on such and such - and second - the president



B in violation of his oath of office deliberately misrepresented the facts or this occasion - or something of that nature. That's the way I think it's got to be done but I think, listening to the counsel and kinda of observing the fuzzy thinkers that are running things over there in many instances, I think that they are thinking in terms of more esoteric theories like - the president has followed a course of conduct over a period of several years that constitutes a failure to see that the laws are faithfully enforced or whatever the constitutional language is. Well, I don't think you can - I just question in my own mind whether you can spell out a course of ~~xxx~~ conduct that the president has got without more overt action than we've got at the moment. I think it's more like an indictment for murder than it is an indictment for conspiracy but that's my view of how it ought to be written but I suspect they're thinking in terms of - you know - obstruction of justice - conspiracy to obstruct justice - sort of indictment like they've got against Erlichman and that crowd in the ~~xx~~ plumbers suit. So I'll be interested to see the theory that they come up with - and I'll be interested to see how they try to put it down in writing and then I'll be interested to see how I view it at that time but I have ~~x~~ my own doubts at the moment about whether that's the way to do it but I haven't given any deep thought to it - I'm really kinda thinking off the top of my head and this may not have much worth to it but we'll throw it out for what it's worth.

How he doesn't buy it - the point - a concept he later repeats - Article II  
 About it top of the head stuff

(compartmentalize it) Well, I've just tried to discipline myself that way because I find that I can do things - I found out that I can shift my attention from one problem to another without it bothering me and so I've developed that over the years of practicing law and being in the legislature at the same time. Now the family - now there just isn't any way we can say anything about Marshall's misconduct - but worrying about the domestic situation is something that's always with me but it doesn't - I try ~~to~~ not to worry about it until I'm dealing with it - you know - so I know Manly's in the hospital or I can talk to the doctor and get his view and then find out what I can do to help and then move on to something else and that's the way I've operated. Course, you know, when you have four children, boys - that there's no such thing as a unique experience anymore. My wife had a interesting letter from a friend of Manly's girl friend but I better not say that - cause he may shift girl friends - and not - well, I say, from time to time Manly has brought young ladies home which we always are glad to have visit us. My wife got a letter from one of them last week saying she'd only known Manly for two years ~~and~~ but she could understand why Manly she has headaches because of worrying about him because of the crazy things he's done in the two years she's known him and if my wife has had to deal with him for 22 years now why she can understand how it's been headache creating problems and I sure do accept that. But yes sir, everybody's entitled to go to hell in his own way.

Good on the concepts again

Talking to June W  
 L. Huber B  
 real down on Nixon

D Do you talk much with June about the impeachment hearings...

Oh, yeah, I leak to her. That's one of the things that upsets me about her not being up here cause her judgement is pretty good. She's quite interested. Course she has the view that Richard Nixon stays up nights trying to think up ways to make ~~like~~ life miserable for us and she had the same view about Richard Poff when he was going on the Supreme Court and changing his mind and all that sort of stuff and we had that uncertainty hanging over our head and now we've got all this uncertainty about when we're going to have a summer recess and whether to move up



B up here in the Fall or not. She <sup>blames</sup> gives the president for all those uncertainties - all the problems he's created for us and that's - but her judgement is pretty good and her - she has a great way of - she has a very good retentive mind and she remembers Erlichman being on television before the election - but Meet the Press or Face the Nation or something like that and she said when he was in a particular interview she watched, she thought he was lying because he just plain was having so much trouble doing it. It didn't look like he was in the habit of lying and she seemed to think he was lying and I think that's a fair statement - a fair analysis of what he was doing at that time. She mentioned that tonight and I talked to Jimmy on the phone. He's reading that All the President's Men and he's says back in September ~~and October~~ 1972, they were running things in the Washington Post - how high up this thing went. He finds it difficult to understand how the President wasn't aware of what was going on in Sept. 1972 and of course I've got to go back and review my Watergate chronology again. (Which is useful to do that every now and then.) Oh, yeah, sure it is. I've been ~~promised~~ promised - you know, we've gone down all these roads as if they were separate roads, Watergate, ITT, - I've been promised by John Doar - that - I showed him how to do it - oh, he said, we're going to do that. I didn't show him how to do it - I showed how I thought it ought to be done and he said we're going to do it but what we've got to do - we could lay it out on a graph a correlation of all the tabs and information and paragraphs we've got so that for example April 18th is discussed in about 6 different books of evidence - of information that's been presented to us. If we had April 18th on the left hand column and all of these various topics you know like Watergate and ITT and Milk at the top and then the tabs relating to April 18th under this - it would show up in a horizontal column opposite April 18th as to all the tabs on that subject so we could go back and put it together. And that's what we've got to do. It may reveal something that we don't already know. I mean - you know - it may give an overview of conspiracy or of - I believe - subversion of the constitution or something like that - that hasn't been apparent yet. I'm sure the Senate Watergate Committee did that but I'm talking about the tabs that have been presented to us in paragraph form. Oh, yes, the Senate's got it on computers and I guess we do by now.

W Is there any exchange between the Senate Watergate Committee and the House Judiciary Committee on this other thing...

B Oh, yeah, we've got it all. Now we got a request - I forgot to mention - did I tell you about the Foreign Affairs Committee of the Senate has requested the - wants our information on the Grand Jury - as a result of the Kissinger flap - and Mr. Rodino - this was Tuesday morning wanted to immediately turn around and give it to them but Wiggins and Hungate expressed caution saying it came to us and we ought to go back through them and if Jaworski's says it alright and if the Grand Jury says its alright - really if the judge, I guess is the one that ought to have clearance on that - if he says it's alright then we ought to send it to them. But in the absence of that, we'd be a little bit breach of our confidence. So, that was an interesting - the chairman backed down on that but I ~~think~~ think probably he backed down on it and we haven't heard an expression from the Judge on the ~~thing~~ subject yet unless he did it while I was going to the bathroom or something.

W I guess in your conversations with the other members of the committee you really have to perform on the run - you don't get a chance to

*Good:*  
 Hey Jim  
 spotted John  
 E on a  
 low  
 Jimmy Butler  
 them - ready  
 under Brady  
 who  
 B. to D. on  
 How to  
 relate a lot  
 of the down  
 component  
 stuff  
 B. Ruby them  
 of the  
 pattern



WK sit down...

B q No, I don't have a chance to sit down with anybody. Well, but tomorrow we may have a chance cause we're going to wind up early. I'm going over there and listen to that tape again about June 4 and see if I can't make some sense out of it. That was the conversation -- incidentally, of course, I'm vitally interested in election reform legislation. It was an interest of mine when I was in the general assembly and it's been a republican plank for years and I asked to be put on House Administration Committee cause I wanted to be in on that and then damn it all the meeting have been while I'm been in - but I've had to race out a couple of times just so they could make a quorum cause there are those who suspect that Wayne Hayes doesn't want anything to come out and if ~~he~~ he doesn't have a quorum pretty soon, he's been terminating the meetings and so I left word to call me if they need me to form a quorum and so I've had to jump up and run out at some critical phases of our examination which is another one of the reasons why I go back and read those transcripts at night - to check on what I might have missed. I really haven't missed much but I had the feeling that I might be missing while I was running around.

*Legislative  
& Judiciary -  
on the  
new  
Good  
intelligible*

W You haven't had an opportunity to bounce ideas off anybody... When you have one of these republican caucuses - how does that work - does somebody like McClory preside over it.

B No, well, Ed Hutchinson presides. They're pretty informal. Some guys are courteous - some guys are impetuous - no body is deliberately rude - everybody gets their say and Ed Hutchinson keeps a pretty even hand on it. His health is better. He's feeling fine now but his ~~fi~~ view - I mean I judge his view - he's not going to - everybody is on his own. And I respect him for that and appreciate it and I really think we are running a danger - a problem in ~~not~~ developing a partisan position. Now I ran into Skipper Bafolosis - now he's a republican congressman from Fla. - very strong Nixon supporter - he's one of those people that believes that this whole thing has been a partisan ~~is~~ witch hunt - I don't mean to infer that he's unbalanced about it - I mean that's just his considered opinion and so I talked to him today to get his view about it. And certainly I got the impresssion from him that the president's stock is looking up and his mail and his talking and so I was didn't make any notes on the conversation - I didn't intent to - it's just an impression - the morale of those people - particularly influenced by the - he was almost exstastic over the effect of Eilberg and ~~the~~ the other leaks that are now being paraded out and the effect that it's having on the committee and I think that's the view of the strong Nixon supporter - the people who want to support the president strongly - and I think there is source of pleasure as I mentioned before but that's where we are at the moment. I think he's a pretty good sampling. He's from the South but Fla. is not - Fla's got so many different economic problems - resort problems and get rich quick problems and so forth that it's really not a .....



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B This is sort of anecdotal - on Wed. afternoon June 19th was - we spent most of the afternoon after we finished talking about the Cox firing then we ~~were~~ went into the President's conduct - it was all part of the President's conduct from March 30, 1973 to the present - rather, April 30th 1973 to the present - and so we wound up with a discussion of Rose <sup>M</sup>ary Woods and her 18 1/2 min. gap. And so we have of course the same report - the bound volume that was given Judge Sirica - you know, the technical experts' report and then we had a lawyer named Oliphant who is a Colorado graduate, young fella, and he was going to explain to us what it was all about and he had demonstrations there - the two that - he wanted to show how Rosemary Wood apparently - had her experience on one machine but it didn't have a foot pedal on it and she needed a foot pedal and so they order a Uher 60 and he showed us first how you stopped ~~it~~ and started manually the older type - the ~~M~~ Sony - and then that only had about 4 buttons on it - but there was a great big stop button on it and he kept saying to the committee this distinctive stop button - he pointed to the page in the book (picture of it) that had pictures of these two machines sort of an aerial photograph of them and you could see the differences between them and in addition to that, he had the two machines in front of us. Well, some guys a long way away couldn't see it so this guy had the ~~derndest~~ derndest time explaining to us what-how the machines worked. And he kept talking about the stop button and nobody could identify the stop button and I suddenly realized from looking at the picture that you could read the word "stop" written on the button and somebody said which button is the stop button and I says "Could that be the one that has 'stop' written on it?" And he was dumbfounded to realize that he'd been talking all that time and the button had "stop" written on it all this time. But anyway that whole demonstrsturation was a bit of comic relief at the end of a hard day cause the guy was getting more nervous as he went along and everytime he tried to do something - you know - you become all thumbs in a situation like that and so it was pretty convincing to me that Rosemary out of ignorance could have made a lot of mistakes but I was also convinced by the expert's report that the coincidence of all of the circumstances which were put together indicate that this erasure - if it was an erasure - could only have been accomplished manually - it could only have been accomplished by more than one act and probably five and possibly nine. Now whether it was 18 1/2 min. or not is not absolute at this point but it's pretty convincing that an erasure was done. It was likewise very doubtful that the President of the United States had an opportunity to do it - to make the erasure. That's right - it's doubtful that he had an opportunity to do it - certainly it's not beyond a reasonable doubt and certainly there's not - at this point - enough circumstantial evidence on which it could be reasonably inferred that he did it so I'll be interested to see what theory of linking this to the whole story comes up.

Rose Mary's  
Foot pedal  
- conceals - how  
The single word  
was completely

Erasure  
in progress  
But - at this  
point - not  
willing to link  
 Nixon directly

Doar's  
to have of  
details  
Buzhart  
screwing up on tapes  
after erasure  
to Cox

You know John Doar has a practice of - and I'll say John Doar but as a sort of personification of the whole staff cause I don't the extent to which he participated in the preparation of each paragraph but he certainly was supervising - but we have a paragraph of sort of developing the facts and then the backup information. John Doar has a way of emphasizing in the backup information a little sort comings of the White House staff in its handling and little areas of possibility - for example, he emphasized that on many occasions, Buzhart's reassurance to Cox that we've got custody of these tapes and we've got custody of the White House documents, so don't worry about a thing. And then of course, he was screwing it up all the time. He points out that Stephen Bull withdrew 13 tapes when they went to Camp David but Rosemary Wood



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B insisted she only had 8 of them. It took a little tooth-pulling to get him to admit that all 13 of them found their way back to the file but Stephen Bull had custody of 5 of the 13 for a period of some six weeks before he put them back in. There's also several statements in the record indicating that an April 15 tape was floating around and this is the one that never got back - this is the one that ran out in the EOB.

W Do you think Doar is trying to link the President to this by showing that only a limited amount of people had access to the tapes that were apparently tampered with... manually...

Well, now, when you quiz him in that way he always comes back with the response that that's the decision the committee makes, he just wants to be sure we have the facts. But they are accumulating. For example, there were 28 political memorandums from Strong to Haldeman. Strong admits destroying one but only 21 of them were delivered to Jaworski or Cox - Jaworski I believe it was.

not Bull but Buzhart apparently Buzhart/is the one that had the 28/in his hands which makes you wonder is Buzhart really sick or - stated otherwise - is Buzhart really sick? Meaning he must be upset that the - he might be carrying a hell of a load on his conscious - you know, which could also put a man under. But in any event, I doubt if he'll be available to us and there are some areas which I think we ought to get into it.

W Supposedly he'll be out of commission for 5-6 weeks after his heart attack..

B That's right - now that's critical in the time element cause I think he ought to be there talking about a few of these things as a witness. Also critical in the time element is the Supreme Court decision of July - the Supreme Court is going to meet on July 9 to discuss the extent of executive privilege - now this is shaping up to something pretty important. Cause Haldeman's discussion with the President on April 26, 1973 is pretty significant. For 5 or 6 hours on the 26th of April 1973 - Haldeman discussed with the President the tape of March 21st. Now you understand that Haig and Ziegler - we've heard that tape on - of June 4 - they kicked it around. Now, this was on the 21st of March - is the conversation we had with John Dean when Dean came in and told of this cancer stuff and the President - but you see the reason we were getting concerned about it is that on the 25th of April was when John Dean went before the Watergate Committee. Now he's been talking to the Grand Jury but now he was getting ready to go public before the Committee and so the President on the 25th of April told Haldeman to get the tapes out and listen to them. Haldeman took them home, made notes on them and so forth. Now - and then he came back and had an extensive discussion - a long discussion with the President on the 26th of April about this thing. Now, we subpoenaed it - Jaworski subpoenaed it - and Jaworski's access to that particular tape is really what the Supreme Court is about apparently - and that's on July 9th and this question may be not be resolved before we have to make a decision which from my point of view, brings me back to the thing that I've always said - that we've got to infer that the President is withholding information adverse to himself and, if I follow that to it's logical conclusion, I really haven't got any basis except to conclude that the President felt like that he had condoned if not instructed John Dean. Now the fact that he's surrendered this June 4th conversation which is more exculpatory - indicates to me that that might be a set up in the sense - cause Ziegler, goodness

*The facts B  
writing up  
So far as  
in Blythe  
heart attack ->*

*Sup. Ct  
deems  
critical -  
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Haldeman he ✓  
mean he -  
volting - ch  
by date in  
book (p. 1)*

*A shame  
in Justice  
Theory*



6/20/74

B knows he's a patsy if there ever was one. And that's not nearly as significant as Haldeman's conversation with the President and see, we're not sure that Haig knew - well, Haig knew by the 4th of June of course, about the tapes - but on the 26th of April, the President - the number of people who knew about that tape system was very limited (W-that's right) ~~xx~~

W I don't think even Erlichman knew...

B I'm sure Erlichman knew - there were four or five who didn't and I'm not sure Buzhart knew.

there's a  
Now one other thing that occurs to me - ~~the~~ discussion floating around - Bob McClory now -

W Before you leave that - do you have any more thoughts on the critical nature of the Supreme Court decision..

B Well, it's critical to the time - it's going to spell out a whole lot of the President's rights - now it's a technical-legal situation too because Richardson was ~~sworn~~ sworn in on May 22nd, that was when the President said to him my waiver is limited to oral testimony and not to documents. Now, I haven't read the briefs - but I judge from what we were told yesterday - that the extent to which the documents are involved (W-this is waiver of executive privilege) - right - to the extent to which documents are involved, Jaworski is probably contending that that's waived - to this document. I'll have ~~xxx~~ to read the briefs to - the arguments to really understand that but that's going to spell out a lot to the extent to which the President can withhold any information from us. So, we'll just have to think about that as we go but it would be nice to have the benefit of the Supreme Court's judgement. I visualize the Supreme Court supporting Jaworski's position - us being ready for a decision and then having to delay it while we review information that then becomes available to us. 'Cause I don't think the Supreme Court is going to play around with this very long. John Doar and the others think it is going to take them to the Fall but I don't think so.

*Rich & executive privilege  
B. some might on L. Sup Ct now part on this*

W I would think they would want to resolve it.

B I think they want to resolve it quickly - that would be my view but I'm not one of them.

W In terms of the timing of the Committee's decision in regards to the Supreme Court, what's shaping up there -

B We're not going to wait for the Supreme Court unless we get word that's it's imminent. We just can't do that. We've got to move on with what we got because we are for the extent that the President doesn't cooperate with us - we are - we got it to do. So we've just got to go forward with what we have.

*But my my not wait for the Ct*

W You have to ~~run the risk of the President~~ let the president run the risk of the Committee drawing the adverse conclusion.

B Uh - the president has run that risk. And - that one becomes pretty critical to us.

W What time table is ~~xxx~~ shaping up now for the Committee?



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B Well, they talk in terms of mid-July but that doesn't seem realistic at the moment. (W-it does not.) No.

That's brings us back to the question of the standard of proof that our Committee wants to ~~xxxx~~ insist on in the basis of an impeachment. Now there's a growing view that the House of Representatives has got to be the managers when it gets to the Senate. Therefore we ought to be satisfied that the evidence provides the basis for prosecution is ~~xxxx~~ beyond a reasonable doubt or some other criminal standard. I think that's kinda a cop out. If you make up your mind that you are not going to impeach then I think that's the kinda argument you use to shore up your position.

Now my earlier view - and have you got the newsletters and things I've been putting out from time to time - alright the early view, when impeachment first came on - I said to my constituents that we ought not to impeach unless we are satisfied that 2/3rds of the Senate would remove him from office. I got a letter back from Bill Hill - political science professor at Roanoke College - and a very able fella - Dr. William Hill, and he helped me in my campaign, I have respect for his judgement - he questioned that. And I've reflected on it and the reason I felt that the president ought not to - the House ought not to impeach and ~~xxxx~~ said that the reason was unless he was going to be removed is because then it's a mere harrassment.

But I've retreated from that view somewhat because it's now apparent that the degree to which we are ~~going~~ going to be able to get access to all the information is somewhat less than what the Senate has and in the second place, I'm not sure that the American people are not entitled to an airing of charges that to which there is - as to which there is sufficient basis for the Senate to find for removal. So I think maybe I'm retreating in my own thinking as to just exactly what standard we ought to impose in it. This again, is tentative in my view because there are not any precedents in the impeachment and it goes back to the discretion we talked about - how far the White House - excuse me - how far the House has a responsibility to - not to impeach - if we are not satisfied as to the standard of the evidence - to the quantum of proof and I just go first one way and then the other on it.

Early on the American Civil Liberties Union took the position that if there are charges there ought to be a trial and an airing. Well, that's certainly not part of the American Judicial System - that you are airing just because there are charges. Incidentally, I don't know why the American Civil Liberties Union considers impeachment any of its business. And even Don Edwards agrees with me on that - well, we mentioned that in passing yesterday. I told him that I thought that I was going to take the liberal view on withholding on closed sessions - the liberal view being his view because it protects the rights of the third person and I told him I guessed that was the ACLU position and I was going with them and he said well, you can't be too sure. They've done a lot of screw ball things lately and he said what in the world - and he brought it up - he said - what business have they got getting involved in impeachment? And I certainly agree with that but they've got this guy Morgan running all the way down the country. He went back and spoke to the Rotary Club in Roanoke and the thrust of his argument was the President of the United States is corrupting our youth and we've got to get rid of him to reestablish American principles or something of that sort. I've got a copy - my brother listened to it on tape -

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ACLU  
impeach  
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*✓*  
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*Has asked*  
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*a bit*  
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B he's very persuasive but I just wonder. The intellectual integrity that's so often ~~evidenced from~~ absent from that group indicates to me that maybe he has some personal reexamination to do. But that's an aside. It's just my own view that we don't - it's not the American political system to charge a guy just so we can have an airing - it's got to be more - got to be more substance to it. But in this particular instance, I don't think we've got to be satisfied entirely that 2/3rds of the petit Jury is going to want to remove him so I have retreated from my earlier view but I still think that it's got to be stronger than probable cause and until the moment of truth arrives I won't undertake to draw the line specifically.

I do want to say that managers - I'm not sure that the role of the manager and the role of a Commonwealth's Attorney or District Attorney in the Federal Court is comparable. I'm not sure that John Doar's feeling about objectivity is the same as ours - that - we've got to present it to the Senate and we've got an absolute obligation to make sure that the Senate has the facts on all sides that have come to us. A prosecuting attorney has an obligation which he - in many instances - does not honor - to present - to make available all the evidence bearing on a point which he's got to prove. I think - in other words, for a prosecutor to convict because he is more clever than the defense counsel and has access to more information than the defense counsel does, is a little bit unfair - not a little bit - is foreign to fair play which is a responsibility. Stated otherwise - a commonwealth attorney or presecuting attorney doesn't have - has an obligation not to convict a man he ~~knows~~ knows to be innocent and not to present evidence which he knows is contradicted and that's the same standard - and I think we would have much the same standard.

So that's where I wonder whether the managers on the part of the House have - the point of proof that the managers require is any different - no strike that - that's why I have real doubts about the quantum of proof required by the House should be influenced by the fact that some of our members might have the distasteful task of trying to carry the ball when it got to the Senate. It's more like a lawyer is employed to present his client's case and that's what we got - that's what we have when we get to the Senate and that's not related to whether - to when we decide whether - when we get to the House. If you feel like - if the manager feels like that what he's asked to do is foreign to his sense of justice or if he cannot conscientiously act as a manager then he withdraws as a manager but he doesn't withdraw from - that doesn't withdraw the whole House from the impeachment process so I my current thinking is that argument is unrelated to the central question of whether we should impeach or not and to bring it up at this point is a cop out and an excuse but not w one that I'm going to indulge in at the moment. That has been brought up in informal discussions - that's Bob McClory's - presented that view to me recently and others and essentially, since you are going to have to be the prosecuting attorney in the Senate that you ought to insist on a quantum of proof for impeachment that would be sufficient to bring conviction in the Senate. If you suspect that you are going to be a manager then maybe you ought to adopt that own personal standard - of course everybody is free to adopt his own personal standard but my view - as a member of the House of Representatives - with inadequate information - is that our standard does not have to be that high. Our standard has to be is there reasonable basis from which the Senate could conclude that he's guilty of these facts and these facts are sufficient to remove him from office.

*but the*  
*House*  
*impeachment*  
*standard*  
*should be!*



W ~~The existence of probable cause~~ higher than probable cause...

*Standard  
Brother still  
"Carina"  
Lump*

B Higher than probable cause - short of reasonable doubt, beyond a reasonable doubt and where you draw the line is a matter as to which I remain intellectually and emotionally curious.

W What would be - and this is more or less for the outline - what would be your role potentially in the House debates... (B-on the floor of the House) Yeah, other members of the Committee - well, yours specifically.

B Well, my present view of it is that I wouldn't - I'm not going to take an active part on the floor Debate. I'm going to come to my own conclusions. I'm going to put down what my view of it in some kinda writing which I'd distribute broadly to my constituents and then I'll discuss it privately with those members of the House who are interested in my view of it. My present view is that I don't want to be an advocate but if the situation develops where I'm asked to or I judge that it's important, why I will. But that's my present view of it.

W There's no technical role that a member of the committee is required to play in the House debate other than...

B No, well, of course the rules haven't been adopted but traditionally members of the Committee have first crack at the time. They get to speak before anybody else but I think everybody is going to want to have their say and well, that's my view of it. I could have a very active part in it and looking over the committee, if my view is shared by most republicans I expect they'll call on me to do some of it but my present plan is not. I don't want to be uncooperative, I just feel like that it would be more appropriate for me and the members of the Committee to meet informally and answer questions that probably wouldn't come up on the floor.

W If you fell into that category of three or four republicans who voted for impeachment, you'd be likely to be called on - would you be likely to be called on?

*His resp.  
to both  
Disput  
Explains his  
with*

B Well, I don't think I'll speculate any further on that - even now - it's just to say that I haven't ~~ge~~ given any serious thought to it except to say that I don't want to lose \$ sight of the fact that I represent the 6th Congressional District of Virginia and I've got to justify my position to them and my first responsibility, it seems to me, after we come to a conclusion is to reduce it to writing and send it to them. Now, of course, I would feel like once the committee comes to a conclusion that if the question comes up on the floor again, that I would not be bound by that so I'd still try to keep an open mind as long as I could.

W Depending on how it breaks...

B How it breaks (W-how it's going) right. It's not an absolute guarantee that it's going to be voted on the floor of the House. We've got to make a recommendation to the House but if it's sufficiently close - sufficiently clear that there isn't a majority for impeachment - and the Committee recommends against impeachment, I would think that the leadership would not bring it up. (W-if the committee recommends against it) Yes. (Wso that's why the committee is so important right now.) I think so, yes.



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- B Now I may be wrong cause anybody can bring it up but they have a way of tabling these things.
- W Society columnist Betty Beale had a little thing the other day about Rodino saying privately that the committee might not recommend for or against impeachment - that it might just submit a bill of particulars. I had the impression that she misunderstood somebody at some cocktail party.
- B I'm not familiar with that.
- W You haven't heard anything along those lines.
- B No, I'm not one of her admirers



*Just in*

Tape 1  
Side 1  
Tape of June 20, 1974

B Yesterday I didn't have ~~my~~ very extensive notes \_\_\_\_\_.

We still talked about Archibald Cox and that sort of thing. But I got separated from my notes.

~~that~~ \_\_\_\_\_ ~~the notes~~. I can't find the legal pad.

It may have been put in the safe by my staff, but I know Bill

Cohen was interviewed one day and after the interview was over found that some of his confidential papers were missing from out of the book he was carrying. Two pages were missing, and so I am a little bit apprehensive, but maybe I have lost my notes but they're very cryptic \_\_\_\_\_, so they wouldn't constitute

a leak \_\_\_\_\_ but it is just another kind of a

paranoia that it probably getting to the Committee. I passed... (Cohen ~~every~~ get his notes back) Last time I talked to him, he had not. ~~But he hasn't seen them in print yet, so~~  
~~coming out to get his notes today?~~

Yeah, but last time I talked to him he had not.

What does he think?

B But he hasn't seen them in print yet, so it wasn't his notes - it was the formal documents that we have.

W Oh, the documents from the.....

B Yes, from some of the pages..... so it would....

W Does he think that some of the reporters nipped them off?

B Well, I mean that is the implication. It is the same circumstantial evidence that some of the people on the Committee

*weird!*

*it's a  
note  
in my*

*in the  
to  
when  
in Nixon*



And or then might suspect some wanted to impeach the President for. ~~Everybody suspects the~~ reporters and so I think professionally they haven't got much defense under that.

\_\_\_\_\_. I passed - I was a little bit late coming back from one of the roll calls yesterday and there was Bob Drinan

\_\_\_\_\_ having a full scale press conference with the media and everything and it seemed to me just completely telling the whole story about what we had been discussing in that session that morning. And it just irritated me to death and I probably blew

my cool. When I got back to the Committee Room I just plain asked him if he thought that was a breach of confidence ~~and he said no~~ ~~and he thought that was~~ \_\_\_\_\_ . . . . .

and he said "No". And I think, I didn't give him a chance to explain but I let him know that I had a different view of it.

But I just think that . . . . .

~~And you recall~~ Can you ~~recall~~ recall how the dialogue went?

-the network transcript

No, but I would like to get a copy of the transcript just to find out exactly what he was saying to me. What he was saying to me was that he was discussing Archibald Cox and taking a pretty strong position that the President ought to be impeached and buttressing for firing him but/when I left he was \_\_\_\_\_ his argument of evidence that had been presented to us with a citations ~~that~~ \_\_\_\_\_ as much of it as was already in the public domain \_\_\_\_\_ and I suspect all of it. But it just this sort of presentation that has given the Committee

a bad image. I notice in the morning paper that, this is rather the Thursday morning, the 14th of June, ~~the~~ 20th of June, that we are getting all sorts of criticism from the White House which is an old song. I think Buchanan evidently . . . . . Dean Burch must be on a trip to the Mid East or something because Buchanan

✓  
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Drinan  
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copy issue  
as this was  
atty to the  
committee work  
Dividing things up  
some subject  
note B.  
Horn  
party unit  
with  
much of  
Buchanan  
Horn to  
Committee



is carrying the ball this week but those hatchet men I don't  
think are doing the President much good but I may be wrong.  
is burdened and stuck

But our Committee, I think is stuck with our  
responsibility and I don't think we should get in any kind of  
a exchange with the White House over the handling of the thing.  
in the end

That's a position/that distresses me because yesterday on the  
floor Don Edwards, who is a former president of ADA and quite  
competent and intellectually  
a liberal but very fair minded and I think is. ~~is~~  
honest

and intellectually he just happens to believe that  
old stuff. And in many instances he has asked me and several  
other Republicans who were there just what our view was of open-  
ing the sessions up. It was quite obvious that in Democratic  
caucas there was a real push to do that. To me this is a  
response to our lease - would be a show of ~~wwwwww~~ weakness.

I think we've got to have internal discipline to cut it out. I  
also think our security has been better than we generally give  
it credit because there is an awfully lot that has not been  
revealed but to open up for this reason would be poor. I feel  
like, that, we are preceeding at least in knowledge of a grand jury  
in this area and the rights of so many third people <sup>third persons</sup> are involved

in this thing. In the first place, of course, we are going to  
jeopardize the trial by pre-trial publicity and if there is a  
mistrial then, of course, then the next go round will be impos-  
sible. And I think it is important to punish these guys and  
find them guilty. In my view, they are obviously guilty of  
republican conspiracy in this area and I think we  
are talking about the plumbers and that thing and what they did was

*Avoid  
exchange with  
White House*

*To open  
or close  
a meeting  
how to  
move up  
to it at  
the point  
of  
them  
set to  
avoid  
republican  
- the plumbers  
what  
by should  
be mentioned*

?



terrible and to let them go scott free like Ellsberg did because  
extra-judicial

*Good* →

they blew it in the \_\_\_\_\_ ~~judicial~~ conduct would be  
disgraceful the \_\_\_\_\_ punishment that has been meated out to

LaRue and Kleindiest and all those people. It is just  
far short of what it should be and to let these guys go scott

*sure that the press is in the meeting*

free, scott free now because we blew it in \_\_\_\_\_ the committee, would

just be a terrible thing for the country. So that is one reason

I do not want to make it public. The second reason is we make

so much better progress when the press is not there. John

Conyers hasn't had a word to say. Any yet everytime the

cameras turn on he is full speed ahead. There are other guys who  
that impartially talk

I will have to admit \_\_\_\_\_ all the time but

Conyers for example, but they are because these guys on the  
committee function better when you do not have the press there.

And we moved it along and there is an interest in moving it along.

*manfully*

I was interested in reading Mansfield's comment in the morning  
paper criticising the Committee for moving slow. Now this is a

man who has been putting out information about how long the

Senate trial will take and I don't know whether he is a lawyer

or not. I have never -- but I -- what is he, an undertaker or

something?

W I don't believe he is a lawyer. He might be.

B But ~~he might be~~. He has the wrong view of how long the Senate  
trial would take and obviously his basis is wrong and it is true

that John Doar has moved slowly and systematically and  
some

painfully and probably is justifiably subject to/criticism for  
it but that ~~ix~~ was our

\_\_\_\_\_ a charge as to the objective and we

have just got to do it that way. Now we can work on the weekends



things of that nature and the Committee could have gotten organized. I mean the staff could have gotten organized and delegated more presentations. There is any number of ways we could have come along faster but we sort adopted this method and we are stuck with it. <sup>ought to</sup> ~~we~~ ~~sort~~ ~~adopted~~ ~~this~~ ~~method~~ ~~and~~ ~~we~~ ~~are~~ ~~stuck~~ ~~with~~ ~~it.~~ And we ~~sort~~ recognize that what we are doing is necessarily slow but thorough. For example, we spent so much time tracing the title of the custody of those tapes yesterday but we got a pretty good ~~view~~ <sup>view</sup> of where they were at all times and who had access to them. And of course there is a remote possibility that the President himself could have - there would have been a envelope he took out of the - that was ~~was taken out of the safe~~ taken out of the safe in the middle of the night in Key Biscayne. But there's not too much evidence on that. I think the guy that has the key to it is a man named Stephen Bull and I should think he should have to testify to clear that up. That is without an opportunity to erase portions of the June 20th tape. There has been a decideable change in the view of the House, particularly the Republicans. Since this leak psychology started. Now it coincides in time with evidence that is not criminal in its nature. It is really exculpatory of the president. And I think it has been the - that right now there is a discernable falling the president momentum FAVORING ~~the press~~. Now I don't know whether - obviously it is a turnaround within the last few days and it affects the Committee. It shouldn't but it does because we can't forget what we have already heard but it sure has a way of dropping into the background or becoming remote in your consciousness ~~ness~~ which is another argument for not going public. Alot of these things may seem sensational at the moment but we have left forgotten ~~them~~ right now and they are better /not brought to the

Foot:  
 The resignation of Leahy  
 is a very important  
 part of the  
 evidence  
 to show  
 the  
 nature of  
 the  
 committee  
 effects



public consciousness. So that brings me to the point. But the thing - which brings me back to the point that I wanted to make about where our committee is at the moment. I haven't talked to Walter Flowers at all but he -- others have and my sampling of <sup>view</sup> opinion indicates clearly that he is shifting in his ~~view~~ or he is moving to the view that the President cannot be impeached.

And he is also becoming aware of the <sup>SWING</sup> ~~swaying~~ vote - nature of his strength. If all Republicans voted against impeachment, of course, it would not take many Democrats to change the ballots. If it was close (W-ft would take two - right?) Two, well at least two.

*Flowers  
question shifts  
into Democrats*

W ..that would deadlock it....

B Well, you think about it. We've got to make a recommendation. So an affirmative vote either way would be deadlocked and I don't know what, where that would put us. If we put together a report, well you can see a tie-vote does not pass.

Well, if you have two opposing views, a motion in either way would not pass. So I don't know. It would be interesting to see what happens. It could also be <sup>kinda</sup> ~~kind of~~ paralyzing for the country but <sup>in the</sup> ~~at~~ absence of a full or substantial majority, either way it is going to be kind of divisive. But a tie-vote on the Committee would indicate that the floor would certainly go with the President because we have too many liberals on the Committee. I don't think we have a fair sampling - a fair cross section of the Democrat membership of the House. Now I think we have pretty close to a fair cross section of the Republicans but not the Democrats. So that would be -- I would think it would go to Nixon and that would be the end of it. And, I think that would be where we would wind up. Another

*✓  
The importance  
of the  
numbers  
vote*



are interested in!"  
thing that been kinda developing - ~~is~~ this what you/ ~~interesting~~

~~Are you~~ ~~xxxxxx~~ ~~Do you~~. I changed my method a little bit having lost my notes yesterday having not been able to find them when I got around to leave the office. I brought the transcripts from the day before home with me. I have been taking those transcripts out and reading them again because you pick up so much that you didn't know but I was amused about my own fascination with reading them again. I mean it is not, you know, I have been to not a whole lot of trials but I've tried cases, read depositions and ~~xxx~~ <sup>fall</sup> /asleep reading the old stuff again but this I don't find it so at all. Still, in spite of everything John Dorr does, I still manage to stay - to read them. And, even the second time around it is interesting reading. It also comes through with more                     . What I thought I would do now is as I took a few notes as I went through last night and I -mentioned some of the things that I wanted to talk about.

*Reading  
to study  
through  
the  
minutes*

W b before you leave - Flowers and how it looks like he might be ~~beginning~~ ~~xxx~~ beginning to ~~swing~~ swing.

Yeah, sure. I had lunch with ~~Trent~~ <sup>LOTT, who is</sup> and ~~Trent~~ ~~Lock~~ ~~is a former~~  
~~Fred~~ ~~Lock~~. ~~Fred~~ ~~Lock~~ ~~is a former~~  
a sort of a reformed Republican. He was <sup>a</sup> Democrat for ~~Palmer~~ ~~Calmer~~  
from Mississippi who was Democrat Chairman <sup>of Rules Committee</sup> ~~LaRue~~ ~~or~~ He was ~~xxx~~ an  
Administrative Assistant and then he ran for seat as a Republican.  
And it is a strong Nixon district that he comes from and they -  
Mississippi is still strongly for the President. I don't know.  
I suspect that they don't have any radio stations or television  
stations in ~~the~~ <sup>his</sup> District. But from what I gather they are not  
alarmed by this (that's said in jest) but I do think that in  
Mississippi and the deep south the awareness                                     

*Identified  
by  
LOTT  
of Miss*



of the President's possible indiscretions are still part of the Communist conspiracy or still part of the <sup>vicious (?)</sup> ~~judicious~~ press attack and that line of reasoning which makes it extremely easy for him to be a strong Presidential support<sup>er,</sup> and I think he comes to it by nature as well. And he is very young, and therefore, not burdened with a lot (of logic?). So far as I know, he has not held political office. So I don't think <sup>he is</sup> burdened with a whole lot of the problems of \_\_\_\_\_ that come to you as you broaden your experience. So he is pretty pure, primitive, Nixon supporter. And he is \_\_\_\_\_ he's followed this thing very closely and, of course, Walter Flowers is from Birmingham, I believe. isn't he.

W I think that is true.

B And Alabama. He must have much ~~to say~~ the same constituency but except urban, southern urban ~~is~~ <sup>it</sup> is a whole lot more sophisticated than the world gives ~~him~~ credit for. And uh so he certainly has a strong Nixon constituency and a pre-disposition to help/ \_\_\_\_\_, but he is a Democrat and uh and must be <sup>under</sup> quite a bit of pressure in his own cause... Trent Lott to impeach but I had lunch with \_\_\_\_\_ and he said \_\_\_\_\_

\_\_\_\_\_ spent an hour with Walter Flowers and you recall \_\_\_\_\_ that on \_\_\_\_\_ Railback ~~and~~ the day before I talked to Tom Resback who talked to him and Railback Resback is leaning one way and Trent Lott is leaning the other. almost ~~on most~~... if I had to bet today actually, both are - so that was interesting to get a little bit different view, but both, in both instances

in those two interviews I had the feeling that the Walter Flowers had ~~that~~ spoke to Tom Resback over the weekend and the Walter Flowers that spoke to Trent Lott on Wednesday had a slightly different approach to it.

*2 diff Flowers*  
*This is important*  
*not to get*  
 s that Lott & Resback each presented Flowers' remarks by way they would then to be — The value here of being unaccounted, as Flowers was expressing it  
Cagily



W Or they perceived him differently perceived it.

B They ~~proceeded~~. They reported to me differently and in both instances I feel like that he is a - I now feel like that he is to view that the evidence is not, is not strong enough to impeach. Now, this is not a flat statement that he made to them but simply a ... it might be <sup>wishful</sup> ~~wistful~~ thinking on the part of Trent Lott but it certainly a - he was free - you could leave an impression without making a statement. And that's the impression he had, then.

W You recall anything specific was said to give that impression?

*Flowers & many say to feel that power*

B Just sorta that report. I feel like, well basically, I think Trent said that he certainly is not <sup>committed</sup> ~~going~~ to vote for impeachment at this moment. It is sorta of badically it - and he also said that. and this amused me a little bit, that Flowers had become conscious of the fact that he's got control of the situation. He is .... and ~~the~~ Jim Mann between themselves are - have the power to determine the destiny of the President of the United States.

W On their side maybe..

~~XXXXXX~~

B Well, I think ... they feel like that and I think there's a good deal . to that. .. That if they conclude to impeach, not to impeach that it will be because I and the republicans - same reason why all the Republicans would have concluded the same thing. It will also shatter solid Democratic front. that You've got to have to carry it to the House. Its got to be there through to carry it to the House. Of course if we trade off two or three Republicans for two or three Democrats or ... it might be a different



picture. But I can't visualize more than one Republican defection  
under a circumstance which Flowers and Mann would not vote for impeachment.

W In other words, if there were three or four Republicans who were voting  
for impeachment, you reckon circumstances would be so that Flowers  
and Mann would also vote for impeachment.

*Brady,  
Flowers &  
Mann  
from same  
constituency  
He  
dislike  
with them*

B Right, right. And I really feel like that Flowers and Mann and  
have pretty much the same constituency. Uh, uh Mann is from  
Greenville, South Carolina--maybe a little bit more rural than mine  
but I would think that Walter Flowers' constituency and mine are  
pretty much in the same economic, socio-economic strata over all  
and so I would think ultimately he and I would come to the same  
conclusion, independently. Both ~~orders~~ <sup>lawyers</sup> and he's got a more con-  
servative history than I do in his association with George Wallace.  
I think Wallace, he is sort of a Wallace protegee - I'd like to  
verify that but I had that impression. So I am interested in his  
thought processes not so much as they influence mine, as to whether  
or not. still  
they are coinciding. Of course, I ~~shall~~ <sup>share</sup> curiosity as to  
what I am going to do. (odd)

*Don't  
talk to  
Flowers yet*

W You haven't talked with Flowers? ~~Talk with Flowers.~~

B I have/talked with him. I don't think I will now. I think I will  
wait - I think I'll get it second hand.

W Yeah

B And see how it develops. Ah, following my, I also had another  
conversation that I want to report. Jerry Desman <sup>DIEMAN? ch. sp.</sup> is the majority.  
He's the head of the lawyer for the committee, very close to Rodino.



I would maybe  
 Don't want to ~~xxxxxx~~ judge he's in his fifties or/sixties.  
 I won't hurt his feelings so we'd better check that out. Uh, but  
 I jumped on <sup>him and</sup> /, ~~you know~~, I told him that I thought that Dixon was  
 not much of a legal scholar, but I sure was sorry that his memorandum  
 had gotten out but I didn't want- wanted him to know that  
 I thought security on the staff had been pretty good. I thought  
these memorandums ~~did not~~ had come through a committee member and  
 you know these he's come out now that somebody took 14 Dixon  
 memorandums and delivered them to the Washington Post, I think.

B,  
 W/ Main  
 looks in  
 the Staff

W Los Angeles Times and it was one of those two, I think.

Good  
 subject:  
 Danielson  
 of  
 person  
 or he see  
 some from  
 paper -  
 the  
 Times

B Its the Washington Post. The reason I know its the Washington  
 Post is because George Danielson was upset in the committee. He  
 wants to turn his over after he found out that the Washington Post  
had them all. He wanted permission to the Chairman to turn his over  
 to the Los Angeles Times. Because they were giving him a hard time.  
Because the Post had it and he didn't. So, uh, and so I know for  
 a fact the Post had them.

W So he was under pressure from his hometown paper ~~and leadership~~

W  
 - some  
 heart  
 in by  
 looking  
 Dixon  
 in staff  
 my out  
 happy

B Well, the Los Angeles Times they're kinda \_\_\_\_\_ bird dogs, too.  
 So but on the basis of that I had told you that I talked with some  
 one the other day that said it came from a personal staff member.  
 or is it Gleisman  
 And I satisfied that. I told Diesman that I thought that the  
people ~~did not want~~ that wanted ought to  
impeach the President for his conduct of  
his subordinates ~~or~~ resign or certianly fire or discharge the man  
responsible and I had seen no evidence of him. Well, he couldn't



comment on that. But ... because of the position he is in. But me.  
he of course he kind of privately agreed with him. I don't want  
him  
to upset/one way or the other, but the point that he made, well, his view  
was

*How the  
partisan  
key to  
Rodino's  
why on  
h. deker?*

the nature of politics is that - pardon - is advocate. That's it's partisan  
and therefore that's just is an an advocate and advocacy is the

The way that you present something ~~has an~~ that is  
key of the thing

~~partisan and therefore the way you present something as~~

~~and is the whole~~ about politics  
situation and I told him that I had to agree with

that entirely except when you are ~~sitting~~ sitting in a judicial capacity.

And, which is what we were and that's why we left that discussion

but I could see that he does not agree with me and we did not  
deal of

fall out at all because I have great/respect for him. And he's

certainly a gentleman and very nice and cooperative with me when  
I have called on him.

ever ~~I can call~~ But I was interested in that view. And I  
~~right now~~ might <sup>85</sup>

think that's some insight to what Rodino's thinking ~~might be~~

cause certainly he is the lawyer on the staff closest to Rodino  
or very close to him.

I would think./ You know this is going to be a book about Barbara  
(W)

Jordon, if we're not careful./ Shes important.

*Jordan  
Jorowsky*

B Alright, now here's one of the things. One of the things that came  
along after Cox was fired, the President concluded to hire Jorowsky.

Jorowsky wanted assurances from the White House about the nature  
of his independence. So what he came to see ~~reading~~ <sup>Haig Haig</sup> reading, and not the  
President / ~~didn't want a~~ -

President / , and so our evidence shows that he sat  
down in room with Haig and had a conversation with him and  
out to the president.

Haig got up and walked ~~back to the desk~~ back to the desk. Haig was carrying mes-  
sages back and forth from Jorowsky to the President. And that  
was the way his independence was reassured by the White House.







ought to be independence should be guaranteed. I was satisfied with the Presidential assurances, but \_\_\_\_\_. I was perfectly willing to support independent legislation just to <sup>quiet</sup> ~~quit~~ down the objections to it, but I think in this particular incident it's been vindicated. What time is it? Now another....during the thing on Tuesday the 18th of ... and on the 19th, we went through the whole thing of Cox's firing. I'm still re-reading that, I got to re-read it again.

W You finished up with Cox's firing now, on the committee.

? B Oh, well, no...I have lots to say about that.

W No, I mean is the committee finished with it?

B Yea, we finished. It's Cox's firing...we gone through it step by step and by the John <sup>Doar</sup> door method, which is never take one step when two will do the job, sort of thing. I can't help feeling, getting the impresion, that we are learning politics and maneuvering, and that's/an atmosphere that would make Machiavelli <sup>look</sup> look like a boy scout. The President, quite obviously, became disallusioned with Cox, and I think properly so in the sense that he was arrogant and overbearing in his correspondence and in his relationship with the White House. He starting firing off directives about security <sup>was</sup> in the White House when he first got the job which I think/is his responsibility to make some effort to do that. But there just, you know, just

*The Machiavelli maneuvering was left*

*was (obvious evidence?)*



Cox  
Admirer



because he's a Harvard lawyer ~~you~~ <sup>he</sup> ought to be able to forget it.  
 He ought to ~~They don't~~ recognize that he still had, was dealing with  
the President of the United States. I just don't think he had  
 that feeling at all. ~~It~~ <sup>And</sup> Buzhart didn't  
 handle it... ~~He~~ <sup>was</sup> offensive from the first. ~~His~~  
 ...well, I can't be too critical of them, but they got  
 this guy, Charles Allen ~~light~~ <sup>light</sup>, in there as a hatchet man a little  
 bit, too. And he's a constitutional lawyer, he doesn't know  
 doodley squat about political, I wouldn't think, about how to  
 deal with/political reality and consequences and how to handle  
 the the realities  
 the situation. I don't know a thing about the guy, but he  
 gives every evidence about knowing very little about ~~anything~~ <sup>anything</sup> except  
 the academic atmosphere, but I may be wrong. Anyway, it was  
 clear to me from the correspondence that's come to us, the  
 things that Buzhart was saying to Cox, Cox was writing  
 you know, do the security cut ("cut" not clear - check)  
 and saying affirmatively kind and Buzhart was putting him  
 off firmly ~~and some~~ <sup>and some</sup> ~~sort~~ of irritation was creeping into the  
 correspondence. Buzhart was quite obviously translating  
 the President's feelings and then during one interview with...  
 after Agnew was cleared up... the President said to Richardson,  
well now we have him out of the way we can take care of Cox  
next, or words to that effect. Would you like a direct quote  
 that out but you remember,  
 on that. Alright I can dig ~~one up~~ <sup>one up</sup>, I've got it in there.  
 But that's basically what he said is now that that's done,  
 now that that's cleared up, we can take care of Cox next.  
 This was immediately following Agnew's resignation.

not  
 direct quote  
 later - in  
 (1/10/77)  
 was that  
 Agnew gives  
 will put Cox  
 next

that,  
 And when was in October, I think? (Oct 10/77 or so)



It was in September. It was before the Saturday night massacre. was it not? (W-yes) Long before the Sat. Night massacre.

This is information coming to us from an affidavit made by

Richardson just this week. John Doar got a big kick out of or something it/cause he put that thing in there three different places in his

bible that he's given us, only two different places, direct quote in this bible he's given us. Which I thought was unnecessarily

jabbing, emphasizing the facts. What I'm trying to say is that

Cox clearly got the President's goat early in the game. And he was out to get him. They set Richardson up in the process.

I'm going back to try to figure out what exactly happened. But basically Richardson was telling Cox one thing and he just kind

of got taken out of the negotiation. They got Richardson to agree to Stennis, or some intermediary, under conditions which

Richardson thought were ~~exceptable~~ <sup>ACCEPTABLE</sup> to Cox, basically that they would leave the question of the rest of the tapes...be silent

as to that at best so that Cox could reopen questions <sup>as</sup> to the ~~screen~~ <sup>screen them</sup> subsequent tapes. You know they wanted Stennis to ~~screen~~ And

then they turned around and let Charles Allen ~~in~~ <sup>in</sup>ight...he got into the negotiations directly with Cox. And Richardson

apparently didn't realize what was going on. But then when the President started issuing statements about Cox's intransigence,

if that's the word I want, why he said that Attorney General

Richardson had agreed to this and Cox wouldn't. Well, there together may be some substance, you know, that's not all inaccurate.

But it's obviously to me a situation where the Attorney General of the United States was set-up and I <sup>of course,</sup> don't think he had any

choice but to resign. I still feel like that he didn't have any choice to resign under those circumstances and I guess he probably

Ch. This in committee books

Good choice

Rich. set up



should have suffered in silence. I can't be critical of that. And I haven't made any real study of it, I'm just trying to pass on to myself an impression. Incidentally, this is pretty helpful to me, this thing of sitting down and reading, you have to sit down and articulate what you think. <sup>are thinking</sup> It's very helpful so...it's helpful to me in my thought processes. So that was an interesting view of it.

W It's interesting that you would say that, the guy, the editor, asked me yesterday,

~~Chester, you say that because the editor asked me yesterday, he~~  
asked - I'm \_\_\_\_\_ curious \_\_\_\_\_ why did \_\_\_\_\_ the Congressman decide said he wanted to do this, and it occurred to me just what you said, matter of fact, this was just got into. First. ..

B Well, my wife's not here and I haven't got anybody else to talk to so just toss it up in the air.

W Well, I told ~~her~~ <sup>him</sup> this...said, well, it helps him and you had mentioned it before, not quite in those words, but you had said that it helps you to articulate the thought process as you go along.

B Yea, well, after all you are trained to keep me on the track and that's helpful too. So these things are more than helpful. I have written down here, incidentally, a note that Cox was a persistent bastard.

Cox  
name  
→



(small laugh)

W Was that said in an admiring sense.

S, on  
3 1/2  
own  
views  
on  
tenacity,  
pumped  
by  
out  
The Prez,  
as a  
"difficult  
client"

B Well, I admire tenacity, but...I admire tenacity but it's got to be tempered with a certain amount of tact or it doesn't do you any good. I know I have never considered myself one of the most tactful people in the world, but I feel like that if I were in Cox's position that I would have handled it differently in terms of dealing with the White House. I guess when you are, well, you know I often tell my ethnic minorities <sup>in the</sup> ~~that~~ campaign that I can appreciate the problems they have because ~~we were~~ I was a Republican in the general assembly when there were only five of us and we were always in the minority and you learn how to, you just got to accept a certain amount of, you've got to accept the fact that the only thing you can accomplish is frequently requires the cooperation with the people that you are dealing with and that if you run around and on critical questions, on questions that you really interested in and push too far that you firm up the opposition. And what you really got to do is find somebody to help you - find somebody with a similar view and get them to push for what you want done and I think that Cox should have ~~been~~ concentrated on persuading the White House that it was to their interest to advance this stuff and explain to them why but I judge ~~or~~ from what I read that he ~~he~~ dealt entirely at arms length and wrote a lot of letters and things of that nature and Buzhart and Right were very ineffectual by nature, I think, and when he got those two screw balls on the other ~~end~~ end of the thing the confrontation was inevitable and of course the President of the United States is a difficult client but I just feel like this is another situation where, you know, people who had access to him and people who had his ear just weren't pushing him in the right direction. Well - we'd better quit.