



7-26-1974

M. Caldwell Butler Audio Diary, July 20-26, 1974 - Transcript

M. Caldwell Butler

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/butler-audio>



Part of the [Constitutional Law Commons](#), [Legal Ethics and Professional Responsibility Commons](#), [Legal History Commons](#), [President/Executive Department Commons](#), and [the Rule of Law Commons](#)

Recommended Citation

M. Caldwell Butler Papers, carton 54

This Transcript is brought to you for free and open access by the Nixon Impeachment Audio Recordings at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Butler-Woodlief Recordings by an authorized administrator of Washington and Lee University School of Law Scholarly Commons. For more information, please contact christensena@wlu.edu.

Page 1 We are dictating on Sat AM at the airport. I've had to come back
7/20/74 for a further committee briefing session after having the
Ford visit the night before.

B Doar and Jenner made presentations - John Doar presented us with a big book - statement of information - this finally is what we've bucking for for some little time - and also draft articles of impeachment. It followed. John Doar made a speech in the process there that I thought legitimately, but for the first time, he had completely cast aside the investigator ~~mandate~~ and taken up the prosecutor's ~~mandate~~ and basically his thesis was that's it's impossible to explain so many items of Presidential conduct without concluding that he had knowledge of the breakin and the coverup immediately after it occurred that he authorized the covert activities in principal long before they took place and that after he knew he declined to take the punitive measures indicated and that was the basis of it.

I was surprised to hear him say St. Clair says you must have clear and convincing evidence and he says the evidence is clear and convincing. I don't think it's that clear - and I don't think it's that convincing. And I don't think that standard of proof of quite necessary but I'm still reviewing my thinking on that but I'm a little bit surprised to hear Doar give up what I thought would have been a technical statement on which to hang the indictment or the articles.

W How is that?

B I mean = I ~~think~~ think it would be enough to say - I would think he might be arguing that probable cause is enough or something a little bit more than probable cause but clear and convincing is a big step. And then he said circumstantial evidence is significant - is the basis on which most of it has got to be developed. He said there is direct evidence and then he itemized a few pieces of it. Then the book of course goes into the many areas - and that's well known in history now or will be shortly cause it probably will be printed and distributed -

I guess basically my impression of John Doar's presentation was that it was surprisingly forceful, obviously based on conviction - almost to the - almost bordering on the evangelical - very restrained in his modulation of his voice and that sort of thing but just his emphasis on the opportunities that the President has because of the powers he has and the restraints that it imposes on him in principle were implicit in all of this and - just basically - this is the presidency - and very forcefully done. He said - he alluded - mostly - it wasn't a detailed presentation - it was just kinda of a broad brush that he hit and a few items that he referred to.

Then Jenner made a presentation. Now Jenner said he wasn't going to make his formal presentation on the facts until Sam Garrison got through with his. It may have been a tactical - tactal device to make Sam surface prematurely but I don't believe Jenner's that cleyer. He just takes himself so seriously that he thought he was going to influence Sam Garrison's judgement. But in any event, it kinda threw the ball to Sam a little bit early. I think, but he wasn't called on to comment then. Sam didn't have to go into his just yet. McClory walked around and spoke to Sam and he managed to louse it up a little bit. He had Sam in the position where he had to comment right away on ~~what~~ ^{everything} that presented when he hadn't even seen the presentations. We started in on reading the presentation and then the committee kinda went into a revolt - when it looked like we were going to start reading paragraphs again - and after we kicked it around for awhile - the chairman agreed that we'd let everybody go home and read on their ~~own~~ own and come back Saturday morning.

*McClory
faded up
with
Camden*

B McClory messed it up and put Sam in a position where he was going to have to respond promptly. Then it became apparent to us when we started in that we were going to be reading paragraphs again although what we had was a summary of information and summary of, rather than what we originally started with, but I think the committee just plain revolted and finally Rodino got the word and let us go home and read the thing and come back. Well, of course, I haven't had much opportunity because - since that time - because of the Ford reception which I had to leave right away and get on the plane and then I was messing around with that until about 10 o'clock last night and ~~ga~~ came back on the plane this morning and Helen Dewar was there of the Post so she wanted a story on the followup on the Ford reception. So I really haven't had much of a chance to read much of that.

But I do think that's the way to do it and I think I've skimmed through it enough to know that I have a better command of the evidence than I thought and this correlation is going to be helpful and I think maybe we'll have a good session this morning. Mr. Rodino let it be known that we were going to start on time and everybody wants to start on time because we're trying to get out of there by 1 o'clock.

*J. Good
part
of
lecturing*

Jenner's presentation was, I thought, better than usual. His forte is evidently the talk - he's a pretty good talker - basically his thesis was that he agreed with John Doar as to the conclusion which surprised no one. That's item one. Item two he tied it to history and sort of the size of - it was a patriotic theme - and the responsibility and the constitution and all - he went through a pretty much on a patriotic theme which I thought was pretty well presented. He also - course, as always, we were able to get ~~reference~~ some reference back to his great experience - he told us about his experience on the Warren Commission which was totally irrelevant to what he had to say. He gave us a little lecture on circumstantial evidence - you don't catch a man with his hand in the cookie jar when you suddenly open the door - but you find the crumbs in the corner. That sort of thing which I think has some - is a litimate commentary. He also did something that I had not anticipated - I think was very clever - we had just passed the federal rules of evidence - the reason he knows all about it is that he was on the committee, he might have been chairman, certainly he was the intellectual ~~guidance~~ guider - at least that was his suggestion. We passed the new federal codification of federal rules of evidences - federal rules of procedure - we call it federal rules of evidence, I think that's exactly what we call it - but one of the things it defines is relevant evidence and we've been right tight in our objections some time as to the relevance of what can be considered but we have adopted what is a very broad definition of relevant evidence and he ~~had~~ read that to us. He said this is what your committee in its wisdom has said is relevant evidence and it's a whole lot broader than my general thinking of it. He also called out attention to the definition of admissability of evidence with reference to habitas...which is very much related to the theory that the president's habit of dealing with Haldeman-directly through Haldeman - and all that sort of thing - is directly related to the picture and so the admisability of habit and the significance of it is a factor and so here again, Jenner has put another nail in the ~~only~~ coffin kinda but he did it - I think it was very appropriate to call it to our attention and he did a good job on that. Well, that was news to me, I'll put it that way. That was a stronger view of what I thought we should be considering than I had had before and that bears in it.

*Nixon
Habit
as
evidence*

B I think the other thing that I was interested in from our discussion yesterday about an opportunity ~~about~~ to get it over review it - I felt compelled to comment on it. I told the chairman that this thing disturbed me and I wanted the weekend to read it over. Well, one reason I wanted the weekend was because I was going home and didn't want to have to come back. Jim Mann spoke up at that time and said that he agreed with me that we needed time to reflect and think but his view was a little different. He said he was delighted that we were having a Saturday session and delighted that we were thinking about it, and that the thing is troubling him greatly and still left the impression that he's still ~~sweating~~ kicking, sweating this thing out and - which I'm sure he is - because he's made some real - when he arises, he makes some real good points. When Kalmbach was a witness for example, he asked him some very searching questions - basically had Kalmbach admit in fact that he was doing what he did because it was the president and - you know - that was his motivation. And I thought he handled him very nicely on that - I'll get it out and read it again and that's what I say about that.

W Mann was trying to hone in...

B Yeah, that's ~~xi~~ right and he was - but he did it - he was a good examiner and we haven't used him much. I mean he hasn't had much to say but I think he's probably wrestling with this thing as much as the rest of us.

Gerry Ford flew down with me yesterday... or I on his plane... I'm paying for it but I was on his plane. \$1300 it cost me. So we didn't make a whole lot of money but it was a tremendous boost for the campaign - (W-fund raising, you meaaa) It was a fund raising event. I guess we'll net about \$5,000 out of it. But flying down on the plane he made no effort to lobby me on the Judiciary Committee. I told him to be - to please - that my official line was still I didn't know - I hadn't made up my mind and was still reserving judgement and I hoped he would just keep that in mind. He said he would and - but then when he got down there - of course - they asked him - he said well, I hope - ~~well~~ he said I'm going to support Butler and Wampler regardless of how they vote on impeachment cause the Congress needs good men - sort of line - which I can go along with but he said I still feel strongly that the evidence is not sufficient. Well, that's alright with me. I mean, I thought that he handled that beautifully and he was a great asset. I did fill him in on Doar and Jenner.

He gave me some insight into Jenner and because you know, Jenner was the counsel for the Warren Commission. Ford remembered him as one of the 8 or 10 lawyers we had on the Warren Commission. Jenner remembers that he was chief counsel. ~~Doar remembers~~ Ford remembers that Jenner was the least effective and one they could least - they could do without - one that he would least be inclined to hire again. Jenner remembers himself as indispensable. That's just an insight into it.

Course there isn't any doubt that Ford is influenced by the Republican reaction against Jenner but I just thought that was interesting.

Another interesting thing - Ford knew - we had a little press conference and we had a little reception and we didn't spend much speech making - walked around and shook hands with people. CBS was there. They followed us all the way around and they were button-holing people, asking them how do you feel about your Congressman and impeachment. And they found the most reactionary republican there - good friend of mine but one who is easily predictable and he has a Howard Taft mustache, principally

B because of its significance - because its in concert with his political philosophy and so they got him up on television. But then those smart elics thought they really had on to something so they stopped this young lady and asked her how do you feel about your Congressman voting for impeachment. She gave him a very beautiful comment on our Congressman is a great man and he's going to vote however his conscious dictates and I know he'll do the right thing and that whole line which is beautiful. What the CBS photographer did not know is that it was Jinks Holton and I can't wait to see whether that's on televison tonight. So, I just can't wait to see about that. But they were wandering around there and then Helen Dewar was running around there and I've gotten - I find that I gotten so much attention - agonizing through this thing, maybe I owe it to Jack Betts, but I feel that the people in the district are pretty well prepared to just go along with what I do on this thing and I feel pretty good about that.

W Some of the people that stopped you at the airport this morning told you...

B Yeah, two people on the plane. And many people say, I support the President but - as Gerry Ford said - that's not critical of our support ofyou and so I feel pretty good about how the district is going to go.

W Ford indicated that it was up to you.

B Yeah, well, that's right. He and I just plain didn't discuss it. But in public statements he said he would support me regardless of how I voted on it. And that's the headline and I really can't ask for much better than that.

B Okay. Where are we? We ^{went} need to cofer yesterday's...Saturday's...all the way back there. All right now. I haven't got the transcript of that. Well, spent the weekend in Roanoke. We had a Gerry Ford reception Friday night. I might have told you about that.

W Yes. Unless you have some additional reflections on it.

B No. then I came back Monday morning and got there just about the time Sam ~~B~~ Garrison started his presentation. That's pretty much ~~x~~ in the record. Sam pretty much took the position that it would have been more helpful to have had an advocate minority-majority view at the beginning of the setup. Rodino took exception to this and he said that he was surprised that Sam would take that position because when they hired him he had to agree that it would be non-partisan.

W Sam was told...according to Rodino...

B Sam said that was quite true to his recollection and he was saying in retrospect that the finding of fact would have been more effective and more accurate, apparently. I don't know if that is the word he used but he implied in his statement that the shakedown of the staff would have been better of the fact ~~th~~ if there had been a partisan approach to it.

Prudent Prosecutor

Later on when Jenner spoke he said that wasn't true. It would have made the minority staff second class citizens and he wouldn't participate in the fact finding at all. I think I'm satisfied with the findings of fact. I think maybe Sam was mistaken about that but I think it was ~~x~~ appropriate at this time to present his point of view from the point of view of a negative to the findings of the principal prosecutor. Sam took the position that he was - we should think in terms of being a prudent prosecutor that he begins without a bias towards the accused and then decides whether he's got a case or whether the right thing to do, etc. In this instance he's suggesting that maybe we better review our thinking before we impeach. We ought to be sure that the President should be removed from office before we vote an impeachment. All of these things are an overstatement of a negative view because my view of it has always been that - not always been - but currently... that we should really determine whether there is a reasonable basis for the removal by the Senate. If there is, then we should probably impeach. Several memos of fact were not before us. He promised them to later in the day and I expect we will get them today. Then he pointed out what he called a soft spot in the proof. He attacked the inference theory - of all of these things indicate to me that I won't go into those ...except to say that he overstated this but I do suspect that Doar and Jenner did. It also indicates that here is Sam Garrison - just a young fellow - whom I have known for a long time - and he doesn't recognize the physical presence of the prestige and age to really be very forceful - effective - but he did make a pretty forceful argument. Jenner took pretty extensive notes and Doar obviously was irritated a little bit by the effective manner of his argument and I was amused that Sam Garrison was talking in terms of the prudent prosecutor although I am sure he was that ~~was~~ way when he was Commonwealth Attorney for Roanoke for five years. There was much feeling at the bar that ~~x~~ he was pretty inflexible and he was Hangin' Sam. Hangin' Sam, the prudent prosecutor, is kinda a contradiction in terms but, I am sure that he meant what he said and he make a telling argument, an effective argument. I wasn't persuaded by it any more than by the other things we - he had -- but we thought we would feed it into our computer and we will reserve judgement finally until we get through. So I don't think I will talk too much about that stuff - what Sam had to say

B because I don't think it is too earth shaking. It was a good presentation of a negative view which he raised no questions that really disturbed me and nothing that I hadn't considered before. The - He did get into the legal test for involvement in a criminal conspiracy and concluding in knowledge intense and affirmative action. I am not sure that that is complete but we will get to that - that's a fair statement of it but we will get a memoraddum before we get through in the next day or two. Then we went back after we broke for lunch. We had the full vote on the opening of the committee for television and then we came back to the committee and voted on having gotten authorization from the floor to vote for it. I voted for it with reluctance. I hope - it could be meaningful - but I hope it doesn't hold our committee to ridicule and we will just have to hold our breath on that one.

*Early
Fear
of
Senate*

One interesting view of both Jim Broyhill of N.C. and John McAulife of Nebraska - stopped me on the floor to ask me how things were going and led me to believe they were watching very closely on how I was going to ~~vite~~ vote - which puts the heat on a little more.

Going back on the trolley there with Jerry Waldie, among others, he said he was working of a draft of an impeachment resolution - he and Conyers, as a matter of ~~ex~~ fact - but I told him that I thought that the sample of what we got from the committee staff was about as poorly drawn as anything I had ever seen and they agreed to that. What they were searching for was the lowest common denominator that would be more generally acceptable. So I talked this over - then we got separated - I think the press walked into our interview so we sorta suspended after a ~~wh~~ little while until I got to the committee room and then I went back over to Waldie and told him that we weren't going to have that kind of a presentation. That I would like to be involved in it because I didn't want to vote against an impeachment resolution simply because it was technically defective and so after we kicked it around for a little why I determined that Jim Mann and Walter Flowers were probably the ones that were probably working so I went back to Mann and told him I would be interested in following that and then I went to Railsback and discussed that further with him and as a result of that series of exchanges we all agreed to get together at a time definite. When we finally got through we resolved to meet this morning at 8 and so it was a breakfast meeting. We got together with those people and I will talk about that in a moment. But that was the upshot of it - one other thing occurred of interest - James Kilpatrick has written a column in which he said that the time has come to impeach the president with this information. While I was waiting for the meeting to start, Peter Rodino called me over and handed me a copy of the column which he said I could keep. He said he thought I would be interested in that view. That's the most lobbying he's done. We had an exchange in the committee, I believe it was in the ~~pre~~ prayer before the public on the publication. Distribution of political members' memorandum which I didn't think had too much significance except that for once the republicans ~~gxxxxxx~~ ~~wxx~~ won the vote over Jack Brooks, who, it amuses me, has really, doesn't carry much weight with the committee. At least he allows himself to stick his neck further out and get it chopped off more often than most.

*GENTLE
LOBBYING
BY
RODINO*

Teddy White has now begun attending our public meetings. They tell me he is now writing a book on the Unmaking of a President. I accused Bill Cohen that he was writing the Making of a President for him but he modestly turned that aside. The discussion on television was interesting. I am real disturbed about doing it but I guess we've just got to our chances...

W What bothers you most about it...

Because we have so many hams on the committee - that basically is it - that I voted for it - we will just have to see. I don't think that is anything fundamental issue of mankind of this decision to televise the hearings as you can tell by the debate but it is the least interesting and least productive of what we will do.

I chatted with the court reporters there and they seem to think that it would be interesting so I may have the wrong view and maybe here again, maybe the members of the committee will rise to the occasion.

After that vote we completed our business meeting and retired. Sam Garrison came on and completed his presentation and then it was followed by Jenner who was almost a rebuttal. I don't think that either one of them entered into anything to what - that was really, really helpful. Jenner took fifteen minutes and that was from 6:35 to 7:05 and he makes a great appeal to our better nature. You're sitting as statesmen he said. He praises the committee. He is not upset by anything that's been done to him and he emphasized the standards to be applied is not merely probably cause but clear evidence - he didn't say clear and convincing - but clear evidence - from which the Senate could find a verdict of guilty - not should ~~be~~ but could and I - that was the basic difference between him and Sam Garrison. One of the points he made about inferences is that you do not manufacture possibilities which I think is a fair statement so I am not sure that Jenner is ~~giving us~~ not giving us a pretty good view of the law and my respect for him in this area is good. We have had republican caucuses that I have not attended two times - one Friday apparently, and another on Tuesday morning in which we are really giving it to Jenner. Followed up by a resolution supporting Sam Garrison.

W This was on Tuesday morning?

B Right. Okay. And that was it. There was a resolution - a resolution which said Sam Garrison is now minority counsel. And I think Jenner is going along with it.

You know, before Jenner made his presentation on Monday evening, Sandman let it be known that he wasn't speaking for him and I thought it was pretty tactless handling of the situation and I do think our republican leadership has demonstrated once more that it's ~~not~~ just not ~~re~~ measuring up to the problems cause they made a cause celebra out of what should have been a quiet, internal resolution of a problem.

And it's just too bad because Jenner was hired - was a misunderstanding and it the responsibility of our leadership not to do it - a failing of our leadership that they didn't make it clear what we expected of him and of course it's just not his nature to develop a situation that didn't work out. But anyway, it could have been handled more tactfully. Sam Garrison is all right but he's a young fella and he simply does not have the standing that Jenner has and it's gonna embarrass the republican effort simply by comparison of the quarterbacks - comparison of the people when it gets to the ~~public~~ floor and ~~is~~ before the public. So I'm sorry it's worked out that way. That was about the conclusion of that. I took all my stuff with me and read. I was getting up at the crack of dawn while we met in Railsback's office.

Now this is graveyard. Flowers, Mann, Thornton, Railsback and Butler and Tom Moony, our counsel, and later Hamilton Fish and ~~Con~~ came in there. We had a brief discussion of just generally how we felt about it and I guess we all kinda agreed that - as Flowers expressed it -

FRAGILE COALITION

W again

COMPANY IN
FIGHTING THE
B
INTERNAL
BATTLE

THORNTON:
COVER UP
IS
CONTINUING
FLOWERS:
DOES PUNISHMENT
FIT THE
CRIME?

if we walk away from this thing, we do the greatest disservice to the country. Mann said it's nice to find people that are fighting the same internal battle and that's about where it was.

Mann and Flowers and Thornton had evidently run together the evening before and had pretty much a ~~long~~ discussion of - as Flowers indicated, after a few hours - but they had resolved it that two areas of real concern are abuse of power and obstruction of justice and so we had a discussion about that and kicked it around. But there's a general feeling that John Doar is over-shooting when he tries to push us back into April for the time of the president's conspiracy. That it's enough that the presidents involvement began in March 21st and he didn't - as I understand Barry Goldwater said - pound on the table but really condoned it. So we kicked it around for a long time - we were there about 2 1/2 hours all together, which is pretty good in the morning. Thornton is stronger than any of them. He seems to think that the coverup is continuing and is a serious and continuous damage to the government. Flowers, and we had the problem of well, does the punishment fit the crime, and that's sort of the question that all of us have. We considered censure as an alternative but no real sentiment for it. Jim Mann said the American people are not yet educated to the threat to the American system presented by all of these disclosures and until we have impeachment, we're simply not going to do it. Even Hamilton Fish said that the press simply doesn't understand the significance of this event and they are focusing on the smaller things and really don't have the overall picture. Flowers surprised me when saying that the national media is in for a tongue lashing and that they are so single minded in getting the president that they are losing sight of the fact that he has - that we are dealing with a mixed bag - that there are a lot of things that we ought to be, affirmative that we ought to be talking about and the big question is this - we ought to recognize that when we vote for impeachment versus censure that we will tie up the Congress for another six months - for the rest of the year and so we kicked that around and we all kinda agreed that Congress is - that we are gonna strengthen Congress' hand - they got to be more responsible hereafter, particularly on the democratic side, we conceded. And that's kinda, after we kicked it around, we had a procedural discussion which - on the problems of how we will vote on it when it gets to the floor and what we all recognize - that the group of us there, if we hang together and work out something together, can control the rules and can control the action on the articles of impeachment and so we pretty much agreed that we are going to try to draft. W Trying to draft - what we are going to do there - on two articles and Jim Mann is working on the area of abuse of power and Railsback and Cohen are going to work on a obstruction of justice and I guess I'll be working with them and Moony, our counsel, minority counsel was there to help us draft that.

So we discussed drafts - read it over - and kicked it around and sort of agreed we'd look at it again, hopefully before the evening is over. So when we get through with our meeting tonight, we're going to meet on it again. The question of - we all had input in it - we all read drafts and some of the other people had drafts and that was a interesting.

We rejected the possibility of inviting Harold Frolich there because he had told us at the republican caucus that - we feel like that he wanted - he didn't want to improve on it, he wanted a technically defective impeachment resolution he could vote against and explain to his people back home. We, the ~~many~~ republicans feel like that's

B wrong. We didn't invite Henry Smith to join us because we felt like he's a hopeless case on impeachment. We didn't invite Lawrence Hogan to join us because we felt like he's gone on on his own and wasn't really troubled by the things that are troubling us and he had other problems. So we left it with that idea - that now this is strictly graveyard cause we just can't - we just got to work in a - keep it quiet and so you just can't even - you just have to plead ignorance.

I left that meeting. I had missed the republican caucus at 9 o'clock.

W One small question in that - I gather the idea of censure was dismissed.

B Censure - yes. It was tabled, I guess because ~~f~~ we felt like that it simply didn't meet the needs.

W It was stronger than that.

B Sure, that's right. After that I went to Henry Smith's office. He's on my task force subcommittee that we're working on and we had the staff member there on Cambodia because we wanted to talk about Cambodia - that was our task force responsibility. Now we kicked this around quite a bit there for about 45 minutes and this staff man - Henry Smith is greatly concerned about Cambodia and the staff man said - that's the greatest case ~~where~~ for impeachment that's there because of the misrepresentations ~~of the president~~ by the president. He's preparing me a memorandum, in the negative, although he believes in the impeachment - he believes that it's a pretty reprehensible situation where he was lying to the Congress. And we do have on about four different reports - not testimony - but written reports to the Congress - four specific cases - beginning in March 1971 when the President's spokesman, at his instructions, and that's pretty well established, misrepresented it to the Congress. A response to the present (?) president and Henry Kissinger has been that the leadership of the Congress ~~has been advised~~ was advised of these things and - but its true that they didn't advise Fulbright. It's also - there's some general warnings made by the president and Stennis was advised of it - and all of these things indicate to me that the leadership of the Congress has now - was aware of it and they probably failed to pass it on to the Congress. But I'm not sure that they had a responsibility to do that. The staff man ~~said~~, well, if the membership that were briefed - were told that they couldn't pass it on, then that would ~~be~~ not excuse the administration. I mean, he ~~thing~~ thinks that would be ~~a~~ withholding information from Congress but if he didn't give them an affirmative instructions not to pass it on and they failed to pass it on, then Congress has failed and not the - we were partners in the crime...which is a lot to be said for that argument, I feel quite frankly, that there's been no testimony that they weren't instructed to pass it on - there's been no testimony to instruct them not to pass it on - there's also a legislative action by Congress now which they call the War Powers Act which says that the president can deal with the leadership and there's no obligation on them to pass it on to the Congress. So we now have a post-factual Congressional sanction for limiting the information of this sort to the leadership. So I'm really not upset about - I'm upset that the president lied to the Congress but I think it was a justifiable and valid military decision - and justifiable and ~~a~~ valid diplomatic decision. See-an-nook simply had a deal with them that you can bomb me, but if I know about it, if I ever have to know it officially, then you ~~don't~~ don't have any - then you have a problem on your hands. So, diplomatically, they couldn't tell the Congress about it and then there's some

B correspondence where they were always writing to the United Nations complaining about the bombing but not the bombing with the B-52's so implicit in that is the approval of B-52 bombing and therefore I think that we ~~w~~ really were there in permission - we were there with permission of the country - of Cambodia and you know, and there we were, all things considered, I just think it was a policy decision of the President of the United States and a ~~px~~ responsibility which he had with the Congress and I would suspect that even though Henry Smith is going to vote for it, I'm not going to be in that position but I think by tomorrow I'll be in a position where I can help preserve the negative on that, if it gets to that in debate.

Then I went on to the Judiciary Committee - it was an informal meeting ~~thaxx~~ that we had without any kinda court reporter there or anything - just an opportunity to kick it around. Well, it was a total failure. It was a total failure as far as I was concerned, we got no where except to learn from Jenner that they are revising their articles to include Watergate and coverup and abuse of power - the subpoena question and a general article. That's the way he tells it's going.

HOGAN
GETS
FORD
CALL

The big news was that Larry Hogan is getting ready to have a press conference and announce how he was going to vote and while we were sitting there the Vice President called him. I mean there's a pretty little girl over there that keeps running in and out of there and upsettin' everybody - and she came in there and whispered to Larry Hogan that the Vice President ~~wasn't~~ wanted him to call him. Well, Larry was obviously a little bit discombobulated - if we knew the Vice President was calling him but I suspect he's was ~~lo~~ ^{going} one way or the other and I'll be anxious to find out which way.

Trent

Lott

I was subjected to a lobbying effort by ~~Frank~~ Lott - it was the first time he wanted to know how I was going to vote and he said he had always suspected Fish and Railsback and Cohen but he was ~~disturb~~ disturbed by a man like me - meaning from the South - and conservative, as he was - would be voting for impeachment and so I told him that I was thinking pretty seriously about it. See, he was the former administrative aide - assistant to ~~Colmer~~ Colmer - who was the chairman of the Rules Committee up until last year and so he's been going back and talking to ~~Colmer~~ Colmer and he spent - he said he spent 2 1/2 hours talking with him this weekend and he's a died in the wool democrat and all that ~~and~~ ^{so} he says this just cannot be. That's his thesis. And that's his basis. And he was a little bit on the defensive about having a closed mind but I let him off the hook on that. I do think he's trying but I do think he's heavily influenced by this old man. But there isn't anybody in the country over 60 years old that favors impeachment and I started to tell him that but we had quite a long discussion. We kicked it back and forth about the things that could have happened, and totally political, and all ~~this~~ this and that and the other and I told him that I felt like, and I do feel like, that there are many people who are going down the drain, if they vote for the president, vote with the president on impeachment simply because I think it's the responsibility of-the republican party has a ~~heavy~~ ~~responsibility~~ heavier responsibility than the democratic party to clean this thing up. And we didn't fall out a bit but we did end our interview on that note.

Okay, now I better get down to the Committee.

B We had a business meeting yesterday afternoon in which we discussed a resolution and a rule with reference to that. Now we hadn't talked about that, had we?

W We had not talked about the business meeting, no.

B Well, you know, prior to that we had some conversations with Jim Mann and so forth about working on our resolutions and so we got there and we went over the question of -

Oh, and I talked to you about Henry Smith's office and Cambodia, didn't I?

W Sure did and I had one quick question - you said something about you thought Smith - you said you thought he was hopeless on impeachment and I was curious about what you meant by that

B Well, I think the only ground on impeachment he's willing to vote for is Cambodia.

W The only one he's willing to vote for...

B That right, and then I talked to you about our meeting in Railsback's office yesterday and then we had the business meeting and I haven't got anything on tape about that - right?

Well the business meeting, of course, was a public meeting. There wasn't much significance to it except that we had had this previous meeting and then we - when we got there, why we were told informally by Mann that he had it pretty well lined up for us - that if we wanted we could get the kind of rule we wanted which was one which would permit us to vote at the end and I told him I didn't feel too strongly about it. So Railsback and Flowers discussed it and they decided that's what we wanted. Well, somehow, we had some garbled transmission because, before we got through, the resolution of Flowers' - which was the one we wanted, was defeated - principally by the democrats led by Kastenmeir, who had a substitute - which, in effect, said that we must vote on each article one at a time. And the suspense will be gone and the question will be different because - I think this is a mistake - but the interesting feature of it was that this - this coalition that we thought we were working with - didn't demonstrate so much strength the first time out of the box. But we'll see what happens in the future.

W Did the coalition vote together but ...

B Our group - no, no, our six or seven voted - and a few others - but the vote was about 21 to 16...against our position. So we had sixteen of us that held together. I think maybe we'll do better.

W The 16 included those...

B 16 included the 7 of us that met yesterday and a few others that - and the chairman who was lined up - they lined up a few of them but not enough - that's what it amounts to.

W Well, what would be the significance of having lost that one, do you think?

B Well, I think it ~~is~~ makes the debate of it - now we come to today well, tonight at 7 o'clock - 7:30 - we're going to have a meeting of the committee and the expectation is that we'll come up with some resolutions. But we're not going to be ready at the start of the debate - we probably would ~~be~~ have been at the end of the debate. So it means that something's going to be tossed out on the floor that probably won't be the final product and its going to be bad public relations but that's the way it is.

On Wednesday morning, July 24th, we met in Railsback's office and went over a draft that had been prepared by - at our direction - by Mr. Moony.

W This is the seven...

Present were - from time to time - all 7 of us - in the morning. We went over drafts of this thing and corrected it and we've got a fairly good draft on the grounds of obstruction of justice. And the one on abuse of power, which was ~~a~~ being prepared by Jim Mann, was not ready for us at that time. So we left. About the only major change that we had was to add a paragraph - a certain change which I had requested along the lines that the condemnation of perjury ~~is~~ ought to be one by the president in failure to do something about that - acquiescence in that - was a basis for, I think, further obstruction of justice. It's the whole - I think it's pretty good - the whole post-Watergate conduct of the president of the united states and his failure to cooperate with - and that's the basis for the obstruction of justice count.

Va.
Lund
We came back - now during lunch - I got called to the office. Oh, during lunch I had a meeting with the Virginia delegation. Joel Broyhill and Kenneth Robertson could^{nt} be there - most of the rest of them were there. Bill Scott puts together - this is the Virginia republicans and Dan Daniels - Bill Scott ~~is~~ gets us together from time to time and I went over briefly. I said, told him, what I was doing - that I didn't feel like I was committed to vote for our product but I was leaning - certainly was leaning that way and that I wanted ~~it~~ in a shape that I could for or against it on the merit but that I was still offended by the obstruction of justice and abuse of power that had taken place and we were still experimenting with what we could put together. I didn't sample the delegation at all but I did - Bill Scott kinda volunteered his view that he wasn't yet ready to impeach the president but that's basically where we left that. I didn't press them. I talked to - certainly Bill Whitehurst is as deeply - feels as deeply about it as I do and he's a political scientist. The rest of them kinda reserved comment. Dan Daniels is probably be the most ~~hard~~ difficult to bring along - excuse me, I don't mean to ~~say~~ say bring along - because I made perfectly clear that I didn't want them to burn any skin off of my ass - that didn't go along.

Gann
I did get a call from Sam Garrison during the course of the morning and I called him back from the floor cause Sam - course, you know, I've had a close personal relationship for some little time, and the reason for his call apparently was to thank me about some kind comments I must have made in the press about his performance which I did think was good. He didn't - it was a curious comment - he almost volunteered it, because I certainly didn't want to push him

B I had told one of the newsmen that Sam Garrison was going back to Roanoke as soon as this was over so that he could run against me and they may have told him that but in any event, he ~~said~~ implied, he said pretty categorically, that he felt like that he was an attorney employed to represent a client and that was the basis on which he approached it and he volunteered that - I had made some comments in the last few days which indicated a ~~some~~ disagreement and he said that he didn't want me to think that he and I were in this fundamental disagreement as our public positions would appear - which surprised me a little bit and interested me too.

That sort of thing is constantly surprising me. There are more people that are thinking in terms of impeachment than you realize.

Well to bring this part of it up to date, after our afternoon conference, we were called ~~back~~ back for a vote on the floor, I was buttonholed by Broyhill and Robinson on the floor because we had planned to get the Virginia delegation together today and we couldn't after the luncheon. I mean we tried - probably get together tomorrow. Broyhill is still emphasizing the ~~via~~ value of a united front and he wants to sit down and discuss ~~is~~ it. And Kenneth seemed to think, too, that I was leaning toward the impeachment now and he said, well, he wanted to hear about it and he wasn't shocked and he still thinks politically it would be wise as a group to work together so I don't know what the Virginia delegation is going to ~~do~~ do at this moment. It wouldn't surprise me to find myself out on a limb alone voting for an impeachment but we will have to see.

W What does Broyhill mean by a united front?

B Well, now that I'm leaning toward impeachment, he wants to get the whole delegation to go together because it sure does - specially if we can add democrats and republicans, it puts us all in a better position politically and of course I'm not going to bring any pressure on them but I'm sure not going to be influenced too much by what they want to do since I've been listening to all of the evidence and they haven't but we certainly going to talk about it and it would be interesting to see how ~~this~~ this one comes out.

W You say Bill Scott volunteered at the meeting that he...

B Yeah, yeah, you know, well, to tell you the truth, what I did was I said - Bill, what do you think - meaning Bill Whitehurst - but I heard from Bill Scott and that - but I listened and was not a bit surprised. He did tell me he'd seen some lawyers over to Hot Springs and he saw two lawyers that had worked hard for me in the campaign and worked for him and he assumed for me, well, that doesn't necessarily true, that they had said if I voted for impeachment, they're going to work against me and then he declined to reveal their names and so I told him as far as I was concerned there was no use bringing me messages like that if he wasn't going to tell me who he'd heard from. So that's where we left that.

W Was he rather adamant?

B Oh, no, no. His view - that doesn't surprise me a bit - that's why I didn't ask him for his view - he's not having to vote on impeachment

*Scott Whitehurst
Mixing*

but

B /he's going to have to ~~today~~ ^{SOME DAY} unless the president resigns.

Meeting at RAILSBACK'S OFFICE

We came back after the luncheon - I went on back to the office for a minute and then we went ~~x~~ down to Railsback's office and I took Jimmy along so Jimmy you can - I don't have very good notes on it but we went along and we chatted with them. I was a little ~~late~~ early getting there - the rest of them were late getting there so I took that time to review some of the things and go over a couple of the drafts. While we were there and before most of them got - Frank Polk called Bloomer - called Tom Moony, who was there as our counsel - he said Frank Polk is the senior counsel and he told us that McClory was - Bob McClory was drafting his own impeachment articles and he thought we ought to tell McClory about that. Well, we kinda had a consensus of ~~a ix~~ it and we agreed to send McClory what we'd done on the first article - which was the obstruction of justice one - but we really didn't invite him to join us. ~~There~~ There's prettymuch resentment of - or a feeling among the republicans that he would demoninate the conversatin and say nothing and so we didn't invite him but we did send him a copy. Now ~~we~~ we're going to see what happens. We did that before Bill Cohen got ~~at~~ there he was almost livid about that so - well, he didn't think we should hav given McClory that - but that's all right. We had a little discussion about the preamble to the thing because of the resolution part of it - it begins - it just amused me that we got a form from the counsel office - Moony had it - that you bring the impeachment in the name of the House of Representatives and all the people of the United States. And after some discussion we decided ~~tha~~ t we would strike the word "all" and just say the people of the United States cause there's some of our pepple who felt like all of our people didn't want it this way and we needed a - so that's interesting observation.

We got then into the abuse of power and that draft is proving extremely difficult to draw. Now Jim Mann has two drafts with him and he's agonizing - he's a good draftsman - he's agonizing over this thing. He's gotten help from John Doar and others. Anyway, this is an agonizing experience for him. We're trying to put the draft in there of what we think all the abuses of power that are involved but without putting in things that we don't think are provable. In this regard, Jim Mann had with him two drafts and the first draft - well - all of them had IRS for example, the use of the IRS - and he'd evidently thrown up his hands and told his office people to try again and they were going to bring a third draft ~~at~~ over there. I've got the copies of the drafts which we can compare when we get a chance. But - just - it's difficult to put abuse of power down on paper when you know it exists and you try to link the president to it. One big question we're having is how do you link. Suppose you put in a pattern of abuse of power and then you itemize several - and certainly ~~defendixs~~ a defendant in an impeachment hearing is entitled to know the grounds of the indictment or article and so you list them. And how do you list three or four examples and then one of them doesn't hold up. Does that mean - if you can't prove all of them - that the whole article should fall and we were trying to ~~sexifzthszszas~~ figure but someway to express that these were examples only or indications of abuse of a pattern and not necessarily ~~partix~~ essential to a total proof of ~~a~~ the pattern. Well, we're wrestling with that and it's hard and it's giving us real problems and when we get through and after two drafts - I offered it and so did Walter Flowers - haven't talked to him much on this thing but he and I

B
Waverly
a lot
Their
Power
Rich

are pretty much on the same wave length about many things - but after 2 drafts we've got real reservations about whether we've got a full case for impeachment on abuse of power or not. As he kept saying when you get through - it looks like you're just going to have four or five items of instances and that's about it - after all this testimony and all these volumes of books and everything, we're just going to have 4 or 5 inditia of a pattern of abuse of power and we wonder whether that's sufficient. And I think that's ~~kk~~ true. And that has implications for how long it will take to try this thing in the Senate for me because it's not a big proof problem and it also well, it makes you wonder - you know - the sufficiency of it and do you realize that what we are talking about - we've got this coalition of 7 votes that what we can decide to do - and with the relationship that Jim Mann and Walter Flowers tell us they have with the rest of the democrats, what we agreed to do is what's going to be done. And so that's kinda an awesome situation but we may wind up with two very skinny charges and I have real reservations about whether this is enough to charge the president with abuse of power. So I'm having second thoughts on that and I think Walter Flowers is . But Railsback isn't. He's satisfied that IRS is enough. The IRS investigations are enough to charge him with that. Then he says, and if that's not enough you certainly got this electronic surveillance and then we get into Daniel ~~xxxx~~ and all of these things - and not all of these things but these several things he thinks it's enough.

Well, we didn't get real far on abuse because Jim Mann told us that his staff was going to bring us over yet another draft ina minute.

But the question that was confronting us then you see, was going back to the afternoon before in the committee when Walter Flowers had a resolution which would have given us another day in which to hone this thing and bring on our resolution at the end of the 10 hours and that was knocked down so now the question is, should we come up with something - should we take our really semi-perfected things and throw them out tonight ~~x~~ or should we just let somebody else bring in some articles - and that was the thing that we kinda wrestled with all day long. That's why we sent our draft to McClory and that's why we ~~w~~ sent one of the drafts over to the ~~EXOMEXE~~ congressional committee for their backup. They are going to take our draft of article I and give us - we said no later than 6 p.m. I suspect we won't have it - and give us the backup information for each one of the allocations of article I.

Article I is putting the backup material by the staff - Doar's staff over there. ~~Jimmy~~ Jimmy Butler went in there with me so he was the messenger boy and he delivered - we insisted that he deliver it to John Doar - Did you deliver that thing into the hands of John Doar?

J I gave it to Evan Davis.

B Okay - good. The one in the wheelchair and then how about McClory?

J McClory - his AA just came out and grabbed it.

B He did?

J Yeah, he just came out and grabbed it right out of my hand.

B Yeah, aren't you glad Chuck's not that pushy?

J: Jimmy
BUTLER
Jimmy
al

B Well, I just think that's no way to operate.

Well anyway, we got it into their hands and that was around 3:30 I would say. And Evan Davis you know is the man that's presented the Watergate evidence along with Doar all the way through so he's pretty familiar with it.

So Jim Mann's final draft - of article II - dealing with abuse of power - didn't get to us in time to really consider it. But I want to tell you that just about the time we got ready to leave and people were running in and out kinda all afternoon - Jim Mann says - alright I want 5 minutes and I want to tell you what's happened and bring us up to date and I didn't take too close a notes on it.

Rodino ~~had~~ called him early this morning and you could tell from the conversation that John Doar was present and he wanted to know whether we would have the articles today or not and he told him well, no, he didn't know whether he would or would not. Somewhere around 11:30 or 12 o'clock he had a conversation with Don Edwards, John Conyers, Paul Sarbane and I believe, Jack Brooks. You see what's concerning them us, what - they're going to be first up tonight - not Conyers but probably Edwards and Brooks will probably be on television tonight as the senior men and they want to know what to ~~speaxtoz~~ preach to and so it's getting to be a delinma for them and they discussed our first draft and so forth and what would be gone and he had Paul ~~Arka~~ Sarbanes talk to them and later on in the day he had a conversation with him which indicated several changes - modest changes - the only real question is this - the clemency issue -

We had decided that the clemency - that the offer of clemency was not something that we ought - that the president was so closely involved in that we could bring that in to the obstruction of justice pattern and so we had rejectdd it this morning. And that will give you an idea of how tight we are on what we are doing.

But Paul Sarbanes had said well, will you try - instead of using the language of promise of executive clemency - would you agree to use the words expect favored treatment - we kicked that around and I got out my little - my book that had been put together by the staff and it is clear in a conversation that the president had with Erlichman about Dean on about April 4th - wasn't it Jimmy - that the president had said ~~that~~ to Erlichman - "explain to him - they're looking down the road - the thing that they're really talking about is getting - the law license - there's only one guy that can do anything about that - and so you just remember that and just be sure he knows that. And Dean and Mitchell both know that" And then there's another conversation where he said about Jeb McGruder - "Tell Jeb he's done a good job" and all of these things, that's as far as the president goes. Now of course it's been Doar's contention all along that that's all it takes - is a wink and a nod and so forth at that level and I suspect there's a lot of truth to that so certainly we kinda reluctantly agreed that maybe we could throw that one back in there and so that's the price we probably paid to get unanimomity on an obstruction of justice article of impeachment.

*Clemency
Compromise
Nixon's own
WORDS -*

One other thing I want to mention - this was Ray Thornton - was big on this issue cause he was upset about it - he hadn't been there in the morning - he wasn't there in the morning - he came back in the afternoon. So we stuck that in there.

B Now there one other thing I want to get in here while I've got it on my mind. Railsback was late getting there - eventually it developed the reason he was late getting there cause John Rhodes had called him in for a little conference so he went to see him and they had a pretty long discussion - apparently a hour. And Railsback had laid it on the line to him as to what was happening. And he felt John was extremely courteous about it. I think basically John Rhodes' thing was don't lay it on too thick and I think that was where we left that but it is interesting I think at this moment, that the leadership is reconciling to the fact that there's going to be an impeachment and I think in fact Rails told us that John Rhodes is reconcilled to that ~~ixx~~ at this moment.

One other thing - Railsback and Fish and Cohen invited me but I didn't go - spoke to a group of about 40 republicans this morning after breakfast or at breakfast and I wasn't there - it's called the Wednesday Group in part - that was the nucleus of it and they are members of it I think.

W Yeah, Bill Whitehurst is a member...

B Bill might be a member too - I mean, Bill might have been there too. But he didn't tell me that at lunch today. But they had a big pitch but there were ~~some~~ outsiders there - Al Quie and Bill, that ~~boy~~ boy from ~~Wis~~ Wisconsin - you know - we've got another one from Illinois - from Arizona - Bill Steiger. He was there and anyway they gave him the same pitch that they gave us pretty much. Now they're pitching it on the basis that the president's - beginning with the presidents press conference in ~~April~~ August 1972 that there's been continuous public deception and then they spell it out in more detail. I think we're going to hear a lot of that on television tonight but that's where your friendly congressman finds himself at this moment.

Page 1 Pick up on 7/26 the day after Butler's statement on his intentions before the committee. - HOW HE SHAPED HIS STATEMENT

B All right - I guess the view of it was, when I realized we were going to have a meeting - that ~~the~~ we would just go on television and everybody would - I ~~would not discuss it very thoroughly and really, I hadn't planned to use my time.~~ I thought that - in fact I thought that everybody would let their time go and just - we'd get on to the subject matter but then it became apparent when we got in there that everybody was going to use their ~~15 min.~~ full 15 min to ~~the full and have a pretty dignified statement to make.~~ So I really was kinda in a sense of panic. We listened to - we - it was ~~a~~ clear to me that we weren't going to get to me the first night although for a while there I worried about that - and I didn't have much to say. I started jotting down things as we went about thoughts that I would put together in my statement when I finally got to it and I just had a pile of notes - of little thoughts that had occurred to me as we had gone along and then we broke up about 10:30 or 11.

We had had a bomb scare = and we lost some time there and then we broke up. ~~about 10:30~~ and I had the feeling that they would probably get to me the next morning - in counting up the heads - called my wife before we went home - Jimmy was still here - and just chatted with her and her reaction ~~had~~ to it had been much of mine all along - I can't - I'm not going to - I'm still going to play loose as long as I can - but then we talked it over a little bit and I said, well, I've just kinda got to declare myself and she said, well, she read me the notes she'd taken on television. I haven't ~~said~~ said she ought to be up ~~at~~ here but she said was getting a better view of it at home than she would here. So she

W She was taking notes on the debate...

B Yeah, and she was impressed, as I was, with the whole show although we all kinda felt like the republicans - up until Railsback - had really not fully measured up. And the party itself might be taking a beating. Contrasted with, I thought, ~~good democratic statements too.~~ Don Edwards was particularly very impressive by his sincerity. But I think the main thing she said to me was to be - not to try to make jokes - the jokes were falling flat - and that's about - and we agreed to declare ourselves and so I just jotted down and Jimmy - and I had to drive home so it was pretty close to midnight and I sat down and tried to write...

W Did she suggest the points -

B Yeah, well, no, we just kinda talked about it generally. We've ~~been~~ been talking about this thing - you know - for months - so she pretty much knew what we thought about it. Then I got home and started working on it and I tried two or three times. I just finally gave up at 2 a.m. But the one thing I really wanted to put in there (yeah, writing in long hand) Yeah, writing in long hand - had a tape recorder with me but I never got around - yeah, I finally did dictate something but that was the amenities - that took me a long time - just to, you know, how to get into this subject, and - what you way - I did feel like - the one thing that I felt like that I ought to do is I wanted to make sure that the pain - the personal pain in crossing Richard Nixon was there. I'm not sure I put that in but I worked pretty hard on that phase of it. And then the one point I really wanted to get across was that the President of the United States - the pepple of the United States - the President of the United States has got to conduct himself in accord with the reasonable expectations

PERSONAL PAIN vs. REASONABLE EXPECTATIONS

B of the people when they elected him and that - I tried and wrestled with that and tried to express it and everytime I tried, I just couldn't put it together the way I wanted it. I guess I wound up saying in effect that the Constitution spells it out and the statutes spell it out and what the people reasonably expect and I never got that jelled at all in my mind and I finally just gave up. The only otherpoint that I was trying to make that night was the - being absended basically by the abuse of power and the IRS thing and I worked on that a little bit and ~~xxx~~ never got it in any kind of shape that I wanted and then I - so I ~~f~~ gave up about 2 a.m. and ~~wkexm~~ went to bed and woke up early in the morning - started about 12 - and I guess it was about 2 or 2:30 before I finally went to bed. No, I was just working on the dining room table - as a matter of fact. Then I gave up and still I hadn't had anything. I got up the next morning. Jimmy and I - we figured out we didn't have to be thereuntil 10 - and I told Jimmy, he could sleep and we'd leave - well, I woke up about 6 and finally got him and made him get up and dress and we left about 8 o'clock and I had dictated those amenities part of it and I took that down and got that typed.

Time spent on Internet

W Tribute to Garrison and Jenner

B Yeah, and all that sort of stuff. And then I got to riding in the car and I got ~~to~~ thinking - you know - about the thing that has offended me most is the prevarication in the presidency and I put together a sentence which sounded pretty good to me - I don't know - at the time, and tried it out on Jimmy. I eventually used that almost as I wrote it in the car. To the effect that the people are entitled to expect the president to tell the truth and he's developed a policy which is exactly - which has indicated that truth is negotiable and then I started thinking about illustrations of that and so that Point I developed coming down in the ~~car~~ car. And I got to the office and dictated that real quick to the girls in the office - someway - I think on a x tape recorder or ~~st~~ long hand or something anyway, I left those things to type and I had two girls typing at the same time and then I had to go to the committee room and they brought their draft down to me and I reworked it - and oh, yeah, the one other point that I worked together the night before that was really concerning me is how the republicans - the republican aspect of it and what's going on there. And that concerned me - you know - I just didn't know whether I wanted to get into that or not - but I got the draft together

Nixon: TRUTH IS NEGOTIABLE

W That was the aspect that this was our problem

B Yeah, our problem - that's right - and that's ~~sz~~ - I think the point that's disturbed most people and maybe offended most - but anyway they brought these scribbles down to me and I had all morning and all of a sudden I realized - I panicked - that I would be called on at about 12 o'clock and I wouldn't be ready and it didn't ~~xx~~ shape up that way so I had a chance to - you know - work it and rework it in that ...

Time running out

WORKING OFF-CAMERA TO STATEMENT

W In that inbetween - period when they had that....

I was working on it everytime the democrats would be talking. They'd take the camera off me and I could work on it so I ~~was~~ worked on it in there and kept honing it and trying to put ~~x~~ it together.

TO DEBATE
IT HELPS HIM
SHARPEN HIS
STATEMENT

B Wiggins opened his remarks with the comment that we measured these standards against the thing - against the law - I mean, basically, we measure the evidence against the standards which we expect of the president. Well, that gave me the opening that I was looking for and that helped me tie my speech to what I really wanted to say on that point so I was greatly relieved to have the benefit of that and then as I started developing that point - then I realized that what I really wanted to say was that we established the standards but we have to - in establishing them - /we don't establish them, then we have a dangerous precedent. And that's the thing that's been worrying me all along. So that fell into place nicely and then Wiley Maine commented - started in on Lyndon Johnson and that gave me an illustration of what I was saying that - now we ~~have~~ have these standards that we already are arguing that and so I felt pretty good about it. I'm not sure that intellectually it brought anybody around but I felt pretty good about the way it was falling together and then I walked back to the office - it was during the lunch break. And Charlie McDowell was along with me and Jack ~~Bass~~ Betts and I tried out that question about the republican stuff and they encouraged me - they thought maybe that would be relevant and so that's where we left it and we went back to the office and I had all the girls typing at one time and I redrafted it - put ~~it~~ it all together and looked at it and chatted with my wife and I told - she said, well, you'd better make a strong statement or somewhere along the line we agreed that there wasn't any reason to pussy foot any longer and it sounded ~~at~~ awfully strong. I wouldn't let them turn loose any of it to the press until I had delivered it because I just wasn't sure I wasn't going to chicken out. And that's the way it did.

And the one other point that came up and we weren't meeting the criticism that Chuck Wiggins was having about the IRS - we haven't proved it out - well, I had the evidence on that and I gathered that during the lunch hour and I really was prepared to go into that more extensively because not only did we have conversations with John Dean and the president on that point, we also have conversations with other people indicating that the president discussed Larry O'Brien - he knew about the O'Brien vendetta

W That's the Shultz thing...

B No, not only the Shultz - but the fact is that's the Shultz-Erlichman really, which was new - I mean we hadn't known that until recently - but we also - I found out in going back through the book and Liz ~~Re~~ Tremble helped me with it - that Butterfield - no, Buzhart had given some information before we got into this thing, he told Butterfield - not Butterfield, Thompson of the Senate Committee - Fred Thompson that - about the substance of that conversation and one of the things that had been taking place in that April 15th conversation was - they discussed the taxes of McKinney - of O'Brien and that vendetta so that was, in other words, Wiggins was making the point there's only one conversation ~~which~~ in which Dean says - Haldeman says you know about the IRS - and he said yeah. That was his point. Well, course, I would have met by that yeah - by the president - yeah, I know all about it - don't bother me with any more detail. But ~~then~~ he said all the thoughts and comments that showed up in discussion that were available to us and I was prepared to throw that into my speech. But I did feel like it was going along nicely and to get into a discussion of the evidence was not appropriate so I chose ~~not~~ to wind it up a few minutes early and the one other thing was - I always feel like you ought to quit a speech on a high note and I didn't know how to do it so I

IRS
ABUSE =
UN O'BRIEN,
ETC.

LOOKING FOR
THE HIGH
NOTE TO
END SPEECH

B ~~guess that basically is when I decided well, I'll say explicitly I'm going to vote for these and then, well, I said, well, that kinda leaves it kinda flat so then I added a line - "And there's no joy in it for me."~~

W Was that adlibbed?

B No, that wasn't adlibbed but that was added when we got through with the whole thing and realized that it needed something else. But they've used that I think .

W ~~Oh, yeah, that was - a good line - that sort of summed it up for a lot of people. There was no joy in it for a lot of people.~~

B Yeah - I'll say - including the president.

W But you felt at the time that you were delivering it that it wasn't going to have the impact that it seemed to have.

B No, my impression was when its over, it's over, it's through, who's next and two or three ~~xxx~~ people had said that it was a good job but they all say that - I mean, I said that, everybody says that to their neighbor - I wasn't impressed with that.

W But it's been talked about in the cloak room, I've been told by some members of the Virginia delegation.

B How are they reacting to it?

W The Virginia delegation? X (Yes) Pretty well, you've got Tom Downing's letter already, I'm sure. He said he sat down immediately and wrote you a letter.

B Yeah, I have his letter, I haven't seen it but...

W And Whitehurst said it was a powerful statement (B-Had he heard it?) Yes. He borrowed Dale Milford's ^{TV} set while you were on and gave it back when Barbara Jordan came on and so he said, it was a powerful statement and that it was significant that it dealt in specifics and not generalities. Bob Daniel ~~W~~ said obviously you have integrity and conscience but that he...

W B maybe not judgement, huh?

W But he might not draw the ~~W~~ same conclusion from the same set of facts... words to that effect. (B-Yeah) In fact he was very carefully wording what he ~~said~~ was saying - to ~~xxx~~ leave himself...

B Yeah, Dan Daniels, I expect the same way. Now, what about Stan Parris?

W Stan kinda hemmed and hawed and said it was a reasoned statement.

B Stan's gonna wait and see what Broyhill's going to do.

NW Broyhill said that he regreted that he didn't see it. Strongly regreted that he didn't see it.

B Is that all you got out of him? (Yeah) Well, I'm sorry to mess up the Virginia delegation. I should have talked to them ahead of time and I tried to but I really didn't make up my mind to make a strong statement until I - even until we - you know, it really got into paper and even that morning I guess, I still had an out - after Hamilton Fish

RIEGEL'S LETTER

B

gave his presentation without committing himself, why I thought that was just a beautiful job he did and I thought maybe that was it but, you know, I just ~~kinda~~ ~~concluded~~ finally concluded, it isn't my style, to, once I'd made up my mind to be less than candid about it and uh, hell, you know, there's no weak vote on impeachment so - might as well get it over with. I was surprised - I made a note - at some of the comments that I got after the speech. Surprised - Don Reagel wrote me a long letter which - very nice - I didn't even know the guy - you know - and he made a point of coming over and speaking to me on the floor and wrote me a long note which, he said, if we'd had more leaders like me, he never would have left the Republican Party. Which, you know, you can view that with ~~me~~ mixed emotions - certainly would be in our cloak room. But I thought it was a nice thing to do. . .

And Rodino - you know - he's very emotional and he came over to me on the floor and ~~then~~ just stopped me and then he couldn't speak for a moment and he got all choked ~~and~~ up and he says - "I was moved, I was moved," which I thought was a nice way to put it.

Tip

And ~~Cliff~~ O'Neil walked by and he said - "You were beautiful - you're a good man." You know, then you get a little bit apprehensive about it. You know if Carl Albert had said something, I would have said my god, what have a done - but I got...Howard Robinson from N.Y. was very nice about it. Said you won't be alone. Alan Stealman - yeah, I do think from what has been told me - that there are some people who are looking at this thing pretty hard now that maybe not - that wouldn't...

W

Jim Broyhill has requested a copy of your...

B

Yeah, but I had told him. (W-oh, I see) Well, many people have said in conversations that they were looking to me but you could tell anybody that and not mean it but now, now that I have declared myself, I want to see what effect it has.

You're beginning to feel it has some...

POLITICAL COMFORT TO OTHERS

Yeah, I beginning to feel that some people - well, I, you know, ~~it's~~ I think it's given comfort to a lot of people who want to do this thing but don't want to be alone and that's - that may or may not be good but that's where we are.

W

Received a lot of attention in the media - Washington Post - you know, with the front page picture - and mention in three stories. I think they referred to it as the most striking shift - and the NY Times had a ~~long~~ good long lead article on Southerners - the new South people - you and the democrats they mentioned specifically - Mann and Flowers. So apparently it just hit - it was strong enough to hit a lot of people.

MEDIA ATTN.

B

Well, how it's going to do back in the district, we don't know.

DISTRICT REACT - SOME NUT CALLS

W

What's been the general reaction so far?

I talked this morning to my Roanoke office and the split was 50/50 but very few nut calls - my wife got a few nut calls as I told you. We changed our telephone number to a unlisted number. (W-have you already done that) Done that today.

W What did they say to her?

B I don't know. I haven't talked to any of them. All I get is second hand. Well "Turncoat" is the word that's used most often. But, politically, I'm not a bit concerned about that cause - it's emasculated the democrats, I suspect, as far as an issue...

POLITICAN

W I would think so - what can they say? What can a guy say - I would have too _

B Paul Puckett has made a great point of going around the district saying I wasn't going to vote against impeachment so I don't know what in the world he's going to do now. But they'll think of something - he'll think of something, I'm sure. But I'll say this, now. I haven't had any problems sleeping up until this last night. But I really woke - I had second thoughts this morning about whether I had done the right thing or not.

SECOND THOUGHTS - SOME LOST SLEEP

K W You mean...

B By taking a strong stand and you know, have I judged him too quickly and that sort of thing and I still wrestle with that and I 'spect I will for a little while but my wife - she was pleased - she was most enthusiastic about it, not enthusiastic about the way it was received and delivered and so I was comforted by that and so I guess everybody has a problem and we'll have to live with it.

WHY 2nd THOUGHTS

W Your second thoughts along what line...

B Along the line - well, you know, have I judged too quickly - is the evidence too thin - ~~is~~ have we fairly given recognition to the fact that he's got a whole lot of problems and just didn't have time for this - any number of things that keep coming across your mind and it is the President of the United States and it is a unique step and then, I wonder, now here are the people who have been taken in by liberal republicans, southern democrats and the press, and all of those people are considered a natural enemy of the Nixon administration, and have I been taken in by them, or have I? - you know - it concerns me. But I'll say this about the group of people we had together first over in Railsback's office, I believe it was - that to me was as fine - I think the motivation was ~~xxx~~ as pure as you're going to get in a political arena these days and I felt like I was in the company of pretty good people.

MILL 2nd THOUGHT BUT THE COALITION WAS GOOD

I'm a Phi Beta Kappa - that's an index that I sometimes use - but three of us are Phi Beta Kappas - that's something.

W You and Flowers and who...

B Jim Mann and - southerners - I think we've ~~got~~ a little bit more finely honed sense of integrity - certainly the Bird machine has built - I mean, not always intellectual integrity - but at least integrity in the sense that we are ~~a~~ criticising the Nixon administration. So, I felt like it was a pretty good group. I didn't ~~feel~~ like it was like Madison and Jefferson and that bunch but it's - I think it was a pretty good group and I was proud to be associated with them and it ~~xxxxx~~ gave me some comfort and then Hamilton Fish, you know, goodness knows, I have more respect for him than most of the people here in the Congress. Because he's a gentleman and intellectually sound and I expect economically - financially, this is no real problem for him. So I think we got a fair judgement from him and Railsback and Cohen certainly have been

A little modesty

B consistent on this thing so I feel like it was a pretty good group so I'm not going to tell myself that I would have been taken, *in*

W Do you consider them liberal republicans by and large or...

B Moderate - moderate. I would consider them moderate. But I certainly consider Walter Flowers a...

*ECO SOME
THING TO VOTE
AGAINST -
FLOWERS, JUNE*

One of the things about Walter Flowers that I should have printed down there - in our first drafting meeting, they all - you know, we emphasized that we have to have something to vote against. So I think that's just a - but Walter Flowers laughed and said well this is a hard decision for him because most of his district thinks that if Nixon is impeached that McGovern will be president. And so - I thought that was one of the better lines we ~~had~~ have.

W And Henry Smith, he's got to have one thing to vote for - right?

B (sounds like - wild enough to stay - laughter -) Yeah.