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M. Caldwell Butler Audio Diary, July 27-31, 1974

M. Caldwell Butler

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7/27/74 - A.M.

DEBATE [REDACTED] MEETS AT CAPITOL HILL CLUB
P. 6: SANDMAN'S BULLYING

WIGGINS:
FOOD
KCS,
WAMPIN

TAP
END

B Okay, we're talking about Friday morning now - well I think it was a little bit ironical that Wiggins, who is , who didn't get on Thursday night, had to come on Friday morning. But I commented on his speech a little bit and we've got to concede a little bit that he's doing a pretty good job of representing the president's side of this thing. I can't overlook ~~over~~ the fact that he's the president's congressman and he must have in his district more personal friends of Richard Nixon than anybody in the congress and this is a burden that he carried but I don't want to reflect on his intellectual integrity but he has a pretty good standing in the Congress and I think he's jeopardizing that - out of loyalty to the president because he's making points and raising issues and raising questions and I cannot believe he's seriously supports, particularly the procedural questions that he's involved in. The conclusion is inescapable as far as I can tell - that the president had substantial knowledge early in the game of the White House involvement and to gloss over the 18 1/2 minute gap on the 20th of June, the way he does is - it just kinda disturbs me. Then he also - well, he goes after two things, CIA involvement and ~~preside~~ IRS involvement and yet I had right before me, conversation to which he was referring and I just felt like - and I think I discussed this yesterday as a matter of fact - it just a disappointment to me, I feel like this is one more guy whose standing has been adversely affected by the whole presidential charade. I think he - after this is over, he's going to have less standing with Congress than when it began but I may be wrong, certainly he is doing a great job as a spokesman for that group and that point of view.

Then I guess we went through the batting order. There weren't any real classic American speeches during the rest of the day. The remarkable restraint demonstrated by the "hanging Democrats" including John Conyers and Jerry Waldie and even John Eilberg, who's not quite in that group, I think was impressive and the overall view that the committee put on for the American people was pretty good, even Friday morning, particularly Friday morning really, and our batting power picked up after we got to Wiggins and Dennis, who certainly represented their side pretty well. Dennis is always a fiesty sort of a guy who's arguments are more effective than his commentary and so he always has a tone of voice that indicates that maybe he's got a chip on his shoulder but in this particular instance I thought he handled himself beautifully. And Hamilton Fish was most impressive - his theme was of course was the institution of the presidency itself and that it will survive. He got into the Congressional spell out - spelled out in some detail and then the constitutional responsibilities of the President and I picked that up a little bit in my speech. But, being the gentleman that he is, he had a little time left over so he gave it back to Wiggins so he could get into the IRS question.

W Excuse me, was this Friday or...

B Thursday - this was the morning before my speech. We're still going through the general debate... so he gave Wiggins the time and then he threw in this IRS stuff and overstated. I talked to him over lunch hour as a matter of fact - with Wiggins - he gave me a little memorandum but he missed two or three items - one item in particular, the fact that Shultz - just the O'Brien generally and the fact that Erlichman's figures came from Shultz that he presented to - he tried to - you recall that John Erlichman tried to get Kalmbach to get the editor of the Las Vegas newspaper - the publisher to run some derogatory comment on Lawrence O'Brien. We have since discovered that this information came from Shultz. I don't think Wiggins was aware of that. He also I think distorted the view of - the conversation between the president and John Dean, because in substance, the president said in no unmistakable terms to John Dean that we got to go with this thing and left no doubt in your mind that they

IRS-

7/27/74

B
 were going to use the IRS as an instrument of political retrobution. Interestingly enough, during the course of the afternoon's debate, after my speech, why Tom Railsback reached over the bench and handed me a note that he had received from a newsman from a newsperson and the information had leaked somehow through Judge Sirica's court as to 17 minutes that were missing. You remember that on the conversation on Sept. 15th, 1972, the president and John Dean had a conversation and we were allowed part of that tape from Jaworski, ~~and~~ but not all of it because Judge Sirica hadn't turned loose of all of it. One 17 min. of it he had reconsidered later when he went back and listened to it and then he tried to get it to us and then that was app ealled by the president, tried to give it to Jaworski and that was apealled by the president and that's in the court of appeals - not the Supreme Court at this moment. ~~Th~~ So that 17 min. we had known from other sources - I believe John Dean had told us that they talked about the IRS sort of thing at that time - so we've been waiting for that and wanting it. John Dean - that's where John Dean testified that the president said he didn't send Shultz over there to be some kinda candy ass. Now, so Railsback handed me this note to the effect that the Cox radio news service had gotten this tape or access to the transcript of it. Now we don't know where that came from but it does substantiate in spades now what John Dean had said. And basically the president said things a good deal stronger than John Dean had lead us to believe. Unfortunately it did not, did not use the expression "~~a~~ candy ass" so far as I can determine but I've never encountered one of those and I don't know what they are. Wouldn't know one if I saw one - don't know what the expression means but anyway

W Means ~~soft~~ soft person -

B Oh, is that right? I thought, the implication it had for me was a person who uh - whose apple you had to polish in order to receive assistance but (W- I think maybe it's a combination of that and a soft person - a softy) yeah, but in any event, John Dean's vocabulary was inaccurate - recollection was inaccurate in its particulars but not in its generalities. So it kinda does in Wiggins argument on the IRS - now that's not in our records yet but that certainly (W-bears on the thinking) bears on the thinking - bears on my thinking, I don't want to mislead anybody on that.

W You did have some evidence on Shultz earlier though, I think, Testimony that he had

B ...yeah, testimony that Erlichman, yeah, testimony, ~~h~~ yeah, that's right. Not this strong and not corroborating what John Dean - see everything John Dean said is suspect (W-and less relevant) yeah, that's right.

W Wiley Mayne wanted to go back and re-impeach Lyndon Johnson, which I thought he made a pretty good case for that. And then of course came my classic oratory. Now really I guess to be - my notes aren't extensive after that, I think I went into another world or something.

KW Yes, I guess when you finish something like that...

It's a little bit of a let down, yeah. And it wasn't too long after that we had a bomb threat and also I wanted to go home and call my wife and see what her reaction to it was. And so I didn't take extensive notes following I did feel like Bill Cohen did a nice dissertation - little bit and also Larry Hogan did an outstanding job, just ahead of me, on the republican side and increasingly he's getting - I had the impression all during our debate - taking of the evidence - that he wasn't paying much attention to it, but he must have been working on something because he's ~~pre~~ pretty conversant with

B it and is handling himself very nicely. Can't help the observation is - that maybe the television cameras turn him on - when you turn on the cameras, you turn on Hogan but, in any event, he's been pretty active and I think handled himself ~~pretty nicely~~ very nicely during this thing. We did go back to the floor for a vote or two during that afternoon also.

There isn't much - the rest of the speeches were - got into the presidential defense on our side - we had about four Mitters after Cohen that all were defending the president and I thought they did it with dignity and on the democratic side, I thought the concluding speakers on their side were not bad. I thought Wayne Owens and Mezvinsky did handle everything with a great deal of - well, dignity - is the thing that comes through for the rest of the arguments - it's kind of hard to find something that hasn't been said before but I was pleased with the way the committee went and of course we quit about midnight and so that was the end of that.

Now there's one other speech that I thought was particularly good on the democratic side - was Walter Flowers. He danced around his commitment with reference to voting for impeachment but I thought he made a pretty good and strong presentation.

9:70L
ILL
CUB

From there we went over that evening to the Capital Hill Club - that was at a break during it - cause we finished late in the evening - but we also have another drafting session over in the Capitol Hill Club and we picked up Harold Frolich and Hogan in our drafting session as well as Frank ~~Poke~~, ^{POLK} the chief minority counsel for the permanent committee staff. We reviewed once more our articles - now we had failed to get together ^{I thought} an article, when it came to the committee in the kinda form that we wanted but we were still wrestling with it. Harold Donahue actually made the motion and presented the article that we're debating and that had to be introduced at the beginning of the thing but it was remarkably similar to what we had and we re-worked something that night and pretty well cleaned it up I thought and sent it back over so that when we came in on Friday morning we would have a pretty good substitute for Sarbanes to offer. And so when we did complete debate and come in on Friday morning, Paul Sarbanes offered the substitute, which in my judgement incorporated all we wanted it to, and that's about when we got around to it.

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ARC
7"

But the one other thing that took place is about 10 o'clock. Bob McClory passed around a letter asking us to endorse a draft of an article to take care that the laws be faithfully executed. I put a note there - "Now there are seven (republicans)" Frolich had given us some indication earlier in the afternoon that he would go along if we could satisfy him and so the number is picking up and it's a good feeling. We ought to keep as many of them in the ball game as we can.

The other thing that I think was probably nicely done was that at the conclusion of the remarks of the evening Hutchinson - hadn't used all of his time before and so he made a few remarks which I didn't feel were too earth shaking but still, you got to respect him for his sincerity in not all together a new line - but then Rodino closed with a pretty nice general comment. He praised the staff and John Doar as a great American. He even had a few things to say nice about Albert Jenner and then he - I had a note here that he was, without writing down what he said, that it was quite eloquent, I think he gets better - ages well - he's wearing well, too as well as the American people are concerned but his concluding remark was that he had weighed the evidence and he felt that the president had been found wanting which was an understatement considering how he really feels about it. That made me feel thought that maybe I had overdone it in my speech and I could have settled for that. But as Harold Frolich keeps saying - if you are going to go after

Good

KILL THE KING

not - at this point - a letter ~~to~~
kill the King just -

B Caesar, you gotta make sure you get him. So, I don't exactly feel that way, I'll be content if the Senate does not remove him but I ~~think we've got to~~ think we've got to air this thing out.

WIFE
UPSET -
CALLS
AT
Home

That was Thursday evening - I've already talked - no, I don't think there is much to say except that we got home tired, went to bed, it was too late to call home. I was awakened by my wife at 8 a.m. Friday morning. They had had probably a pretty frightening night in that they had several phone calls, many phone calls - she finally took the phone off the hook. About 3 a.m. she had been frightened by a noise - now, ~~we're~~ we're not sure what that was - it's a little unnerving - so during the course of the day - and I told her to call up the telephone company and get our number changed and unlisted - which they did for us pretty promptly and then I was also disturbed when I told Tom Railsback and he found out he's received several threats ~~to~~ back home himself so I

W Political threats - personal threats -

THREATS

B Well, I judged that they were threats of violence. I eventually got a hold of my police in Roanoke and they agreed to step up their patrol in the area and run up and around in the driveway and they've been doing that now. They did come by and tell my wife to check in everytime we had a strange automobile in the driveway why they came in there to find out what it was about - my mother came by to see us last night and so the police wanted to know who was there. So at least we know they are alert. And so I'm a little bit comforted by that. I talked to the FBI - I called the FBI to find out what was going on and what they would suggest that I might do and I talk to Paul, a friend of ours, Yinkst, and it seems that Jeff Gregson who works in our office had also received a threat and had called the FBI. That was a threat that said his life wasn't worth a nickel. He'd hung up on the guy in the course of a pretty disagreeable conversation and I don't blame him for that a bit but apparently the guy called right back and said your life isn't worth a nickel. And so we're getting that class of people and threats from them and I'm glad he called the FBI. But they said they didn't have jurisdiction until they made threats on me which was strange but in any event - the depth of feeling about this thing has been substantial in a few instances. And we've gotten some bad phone calls here at the office and back home but I haven't run a statistical check on it even ~~to~~ now. Back in the Roanoke office when I checked today, the calls had been 50/50 (about) very few disagreeable calls but, you know, just expressions of the disappointment but that's all right.

Jim
MANN AS
INTER-
MEDIARY

We had a meeting Friday morning in Jim Mann's office. We were still kicking around the Sourbanes substitutes but it looks to me like its in pretty good shape from our earlier conversatons and this one and I think we going to be able to go with that when we get there. There were small changes. You see, what Jim Mann has been doing is meeting with a democratic steering committee which includes Mezvinsky, Sarbones, Conyers, Brooks and probably Don Edwards and he's been carrying messages back and forth from the two of us and ~~that's~~ I think when the history of this thing is written, he deserves a lot of credit for his patience and care because he's a first class draftsman and

Garb -

he wrestles with these things. I find the best way to deal with people like that - to work with people like that is to have confidence in them and every now and then you just cast a little doubt on what they're doing and it tears them all apart cause they go back and do it again but they do a good job. And so I've pretty much left him alone. He brought back a commentary to us that there were really no substantive changes in our article I - the obstruction one from what they had brought in there from what we had sent over there so we are satisfied with that.

now
at
supping

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B Now Article II - the abuse of power one - is still up in the air and I don't know how we are getting along on that. The changes which we had earlier sent over from our dinner, we struck out a view that the policy program of the administration subsequent to June and continuing up to the present time or words to that effect - we said up to the present time is redundant subsequently means just that but Doar evidently insisted we put that ~~a~~ back in. Well it's not anything to argue about. I think the big problem is this - we have an article which says that the president acted to impede and obstruct justice and that's enough for an article of impeachment but then we feel like there ought to be enough specifics so then we add behind that the comment the means to carry out this policy included one or more of the following and then we've got nine numbered paragraphs dealing with, for example, number one, is making false and misleading statements. We think that's _____ I'm satisfied it's specific enough but the argument that we then got into when we finally got to the committee on Friday morning was just how did - just what conversations for example - just what false and misleading statements - well, we suffered badly image-wise from that part of the debate - but I'm getting a little ahead of myself because the first thing we did - we opened the meeting with a motion from McClory to delay this thing for 10 days if the president would say yes, I will produce the tapes. Well, there's no indication that the president is going to produce the tapes so that didn't - I thought it was pretty poor but really what it amounted to is - we ~~s~~ would give the president 24 hrs. to say that he was going to come up with the tapes. Well, I voted for it but I think I didn't feel that strongly about it I just felt well, if he's going to come up with the tapes in 24 hrs, we'll give it that try. Well, here it is 24 hrs later and I don't think we have heard from him.

I think the argument that was most compelling against the motion was the statement by John Seiberling recalling a comment by (sounds like learned hand) _____ to the effect that some concession must be made to the shortness of human life and that's exactly what I think - we've got to move along. I voted for the delay - as we sometimes say - holding my nose but ~~it~~ - my heart wasn't really in it but

W Politically it kinda helps in a way I guess...

B I guess it was a concession - an unconscious concession to the people that say he's not being fair to the president - but I don't think people look at it that close.

Earlier in the day Railsback, while we were in the meeting in Mann's office, had come up with a - somebody had delivered him the news report and he read the 17 min. that the Cox radio thing had come up. And its very damaging to the president on the IRS question I thought. Railsback said, well, this does it to the president. Well, if there were another nail needed in the coffin, its it, but I wonder if was the fatal - I wonder if that's the last nail or the sufficient.

There was an outburst in the middle of the day - about noon - when we started talking about these tapes - getting the tapes during McClory's resolution by some nut on the back row. I say he was a nut because I looked him in the - looked at him - and could see he was obviously disturbed. Saying why you talking about tapes, why aren't you talking about the war crimes? And he's a Cambodian or Viet Namese sort of thing and well, eventually got rid of him but that's the first outburst we've had - even during Gerald Ford's hearings I don't remember anything of that nature.

There were procedural exchanges on the TV all the day and they were embarrassing. I thought embarrassing - in the sense that it goes back to Wayne Hayes' repeated expression - there are two things people should not watch and one is - the

SANDMAN
BULLIES
SPECIFICITY

each of
is specificity

B making of two things that people ought not to watch: one of them is making of sausage and the other is the making of laws. I think there's a lot to be said and this is a mark up session and to put it on television - it's difficult for people to understand what we are doing - difficult to understand the real meaning of questions and I think we are demonstrating. Also image-wise the committee suffered because Charlie Sandman, particularly, and the republicans who are defenders of the president, are insisting on specific specificity - is the word they keep using - ~~and~~ in the resolution - ~~it~~ began of course, because we had the original resolution on our floor but Donahue and Sarbones offered his substitute to article I which is the substitute of the total and that was really what's going to wind up in article I so that's what we debated - the various amendments to that - ~~is really what~~ and the objection to Article I is the lack of specificity. Well, what's wrong as I've concluded is that the republicans really have nothing to fear as long as the democrats have so many people in the party cause they couldn't get together, they're not together and they just don't organize and it's apparent that this thing is not properly orchestrated and I've given up on trying to tell them what to do.

W Have you tried...

B Well, I mean, I'm just not telling them what to do basically - no, I'm thinking in terms that it should be ~~not~~ obvious that you get ready for a show like this.

W They had to caucus and program Sarbanes...

B That's right - they pro - Sarbanes got his assignment at 11 o'clock that morning and (W - and came on at 11) came on - that's right - he got it when we walked in virtually, although he knew a motion was going to come in there first.

W But it was not until later that they - I guess they broke and caucused and programmed him and gave him specific points to ~~address~~ stress...

B I don't know that they've done that yet. But he's been following the drafting but he didn't realize, I guess, that he had to carry it when it got to the Committee. Well, he ~~just~~ did a creditable job on that but we didn't meet. I got up one time and walked ~~over and asked Don Edwards because I wanted the~~ ACLU to talk on specifics - well, he was busy writing his speech on something else and he said he thought that the counsel was going to handle specificity. Well, we asked John Doar about it and he didn't do too good a job but here's Albert Jenner - the world's leading authority on the Federal rules of criminal and civil procedure - cause he has participated in their drafting - and so, I'm not sure - yeah, I asked him the question. Somebody else too. But basically, he should have been able to say whether this is sufficient enough or not eventually - by the end of the day, we got it out of him. But the point is very simple - there were more specific, earlier articles are far more specific than what we've got here but the reason is, our pleadings - under modern pleading practice, the thing to do is to put them on general notice of what you want, the nature of the charge and then the defendant can always come back and ask you specifically. Well, used to be a bill of discovery which was a separate law suit in Virginia and you couldn't discover much then anyway. Nowadays, all you ask for is a bill of particulars or you can almost write them a letter and they'll give it back to you. It's just almost an absolute right and so what they call notice plea is the modern thing to do and the devices that we have today were simply not available when these precedents were created. Well, Jenner should have said that but he didn't do it very strongly. I asked him, at my own request, he reassured me for the record, that the president would be entitled to all the evidence that he could have - that he wanted, whenever he asked for it, and we couldn't surprise him on that

CONFUSION
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RECORD
THAT
A REASON
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IMAGE

B regard. And that's - well, the point to me was clear, but we were taken by the public, never really got that message and it's bad for the image of the committee but I don't think in the long haul, it makes that much difference. It illustrates what I go back to before, we probably made a serious mistake when we got into television on markup sessions. But maybe I'm wrong - I'll check it out between now and Tuesday.

W Yeah, well, it's 12:10, ~~xxx~~ I guess they'll be going in - Wanted to ask you one thing before we wind up - I think you said you'd be content if the Senate didn't remove him but you've got to get it aired, you mean ~~if the Senate~~ you'd be content or you'd accept it or ...

B Well, I feel it's a matter of judgement that's not given to me. My view of it is, he's got to be impeached and if the Senate goes over there and doesn't remove him I don't think that means that it's all right. I think will have spoken to it. And that's why I say I'll be content. I would have felt like I had done my duty and that's really what I'm talking about.

Digest Notes

Page 1 7/27/74 Saturday - we will talk about the debates this week.

B I'm just kinda going back through my notes. Beginning with the Wednesday evening debates, now we didn't - we talked I guess, when we got - we talked once earlier this week hadn't we - before Wednesday.

W Before Wednesday - Wednesday night before the debates started, we chatted and we got right up to that point.

B We were up to date to that point, pretty much. The debates were supposed to start at 7:30 - it started a little late. We had the tv cameras on us but I really wasn't conscious of that at all. Every now and then I would remind myself that there was a camera there looking at ~~me~~ cha but the lights were not oppressive and the whole experience indicates to me that, from the point of view of a diversion, they're not to be worried about. From the point of view - as it developed during our debate on Thursday night and Friday - excuse me, mostly on Friday, ~~they~~ there is a tendency to address the viewing public and not the rest of the committee and that may or may not - Sam Ervin probably got a disease from it and I see that sort of thing is infectious as far as our committee is concerned.

But on our opening statements when we each had 15 min. to say what he wanted to - it was supposed to be debate but basically it was everybody speaking to the country on the subject of impeachment I thought the committee handled ~~is~~ itself beautifully and really ~~re~~ restored ourselves to the - in the public esteem I would think. Certainly that was the reaction ~~f~~ I got from the people I talked to about it and talked to my wife on the phone and people back home. And I think that's good and I think it's significant and here it is Saturday morning and we yet haven't been blasted by Ron Ziegler or Dean Burch or the White House - officially or unofficially - and if those guys can read that kind of - in other words, they are looking for an opening and they ~~have~~ haven't found one - and I probably came as close to giving it to them as anybody, then ~~that~~ I think that it is good. Now perhaps tomorrow or later on today, after we talk about the debates on procedural matters we may hear from them.

Rodino's opening statement was in the neighborhood of eloquence. The man, himself, as I've said so many times, has grown in the job or maybe he just had some kinda latent eloquence that hadn't had enough free rein before, but the manner in which he handled the committee and made his public statement have given the Congress a new view in the eyes of the American people. So I was real pleased with his opening statement and the way he's conducted himself throughout. He gets a little disturbed - he got upset once I think when he injected in debate which is the chairman's right an observation or two and I think the statement was - this was on Friday - to the effect that committee members can't make policy for the committee and some member of the committee, not realizing his microphone was on, also said - "Including the Chairman" which was an impertinente that he probably wouldn't have interjected if the camera hadn't - if he didn't realize that his microphone was on. But in any event, the chairman was obviously irritated by it but he kept his cool and that's been the situation throughout the debate which has really been surprising because he is emotional.

He went pretty much - in his opening statement - made a fair, eloquent statement of - I made a few notes on it - but his thesis was - "We've

B got to find the truth and ~~x~~ we've got to decide and we can't bear down" and I think I was influenced by one line in there - our own public trust is being put to the test - is what he was saying and I think maybe if I'd had ~~x~~ my notes before me when I made my speech - prepared my speech - I would have referred to that because I do think that is what's happened. And we have - when we chose to televise, I think we put ourselves in that position.

Ed Hutchinson was privileged to make a brief opening statement which he did. He overstated our view of it - his view of it - that an article of impeachment must require removal and it must be beyond a reasonable doubt. Some people accept that standard but I don't. He also made a pass at complaining about the imminence of the Supreme Court decision and that too - not the imminence of it but the fact of it - and the imminence of the tapes and that we ought to continue that. It wasn't brought up at that particular time because the chairman had pretty well indicated that he would have rules him out of order so he made a pass at it and I'm sure that he had a deal with the chairman that they could bring that up later if they ~~x~~ wanted to.

Harold Donahue made a fine presentation. I was apprehensive about the attitude - the appearance that our committee would put on and particularly Harold Donahue because I have some reservations about him. Personally, I'm critical of Harold Donahue because he hasn't - what I trying to say - is that he doesn't enter into debate extensively but - and I didn't know how ~~ix~~ he felt but he...

W Well, you know, he's kinda of an older man, isn't he...retiring...

B He's retiring this time

W and not as quick...

B That's right

W In his mind...

B All of those things - yeah - I don't want to speak ~~x~~ lightly of him because I've come to enjoy him and respect him and find him to be a delightful person and yet sometimes I have the feeling that he's not feeling too well - or something - and I was concerned about the kind of presentation he made but I think it sort of gave it a sort of dignified Sam ERvin as far as I was concerned, really a quite nice speech. And no citizen is above the law was his premise and I think it went over well.

We had present there Rabbi Korf (sp). He was seated there and watched us. ~~ixx~~ I didn't get a chance to talk to him but he was interested. Also a white-haired associate and Mr. Howard was also observing the things - that was St. Clair's associate and as well as the other boy - ~~Mark~~ Mack Somethingorother - they've been there from time to time. And Teddy White - he shows every now and then which gives the place a little dignity -- status - they say he's writing a book on the unmaking of the president - I don't know. Be interested to see but it sure would...

W He'll be coming to see you soon...

B You think he's working his way around...

W I'll bet.

B I would think so.

I guess the biggest disappointment to the Party has been Bob McClory. Nobody ever knows really what he's saying, thinking, or how his mind is working and evidently he's in trouble in his district. But the lead off hitters for the republicans didn't give us the strong party image that I would like to have had. Henry Smith followed McClory and he's got a lot of dignity and he did a fine job on the republican side...not necessarily his oratory but just - with a certain amount of dignity. But I felt like we ~~kin~~ were kinda out classed. Jack Brooks is not - is a little bit too fiesty; Kastenmier, Edwards and those people gave it - gave fine speeches and I felt like ours, when we got down to Sandman and McClory and Hutchinson - ~~it was as if in the same league~~ we weren't in the same league. Tom Railsback saved us. He made an excellent talk - got directly to the evidence and was most helpful in the point of view of restoring the image of the Republican Party and then we went to Bill Hungate - a democrat - he has - as I mentioned before, he has kinda of a disabled Mark Twain syndrome which made quite a good speech in the sense that it was - would have been a jury speech but it just was out of step with the dignity of the occasion. And I was a little bit ~~emp~~ embarrassed for the Committee for what he had to say and I called my wife later that evening and that was her advice to me - is don't crack jokes - don't make jokes. Now, it's a matter of taste and it's a matter of feeling. It's a little bit unfair to criticize him so I,m really sort of giving my reaction to it cause I felt like when you scratch the surface, he had some things to say that were meaningful. I mean his reflection on the morality of the country and things of that nature.

We were getting kinda tired and we were interrupted by the bomb threat.

W Yeah, tell me what effect that had on everybody.

B Well, I think it gave us a little time to think about our speeches and we lost an hour right there in the middle of it and I'm - don't know how that's developing - don't know where it's coming from. There are times when I suspect that the chairman drummed up a bomb threat when the going gets dull but I've been surprised that the news haven't commented on that at all really. Very little. And yet the viewing public was - must be turned off and on by that.

W Does anybody take it very seriously...did anyone on the committee think my god, there really may be a bomb or was it...

B Nobody has really had a view of it. You know, well, it's another bomb threat - another screwball. Coming back from lunch yesterday, this was on Friday, the people are lined up now watching this ~~thing~~ thing all the way out to the road. It was begining to rain but it didn't seem to discourage anybody and I was interested to see Charlie Sandman, whose gotten to be the heavy for the administration, got a round of applause and I thought boy, we're really in for it now. I was with Tom Railsback and I've forgotten who else was with us.

But we got more applause than Sandman ~~which~~ - wouldn't you say, Jimmy? Yeah, we also got a few boos. So, but it's interesting that the people out there are getting involved now.

- W People are getting to know who you are now - who the members are and separate them out.
- B Yep. Well, we just, after that you know, I've already told you about spending that evening working - we got home late and checked at home and worked on the speech and that's it.

Okay, now I'm dictating this tape on August 1, by golly, and my purpose is to first catch up with the events of this day and then go back to where we left off on Saturday morning and comment on my notes and bring them up.

We began this morning at 9 o'clock in response to a letter from John Rhodes - "Dear Caldwell, I would appreciate it if you would attend a meeting with a small group of other members in my Capitol office on Thursday, August 1, from 9 to 10 a.m. for the purpose of discussing the evidence on impeachment."

So I got there this morning - maybe a minute late and it looked to me like there was just a sampling of people just sort of selected at random. Les Arendts, Bill Dickinson from Alabama, Don Brotsman from Colorado, Hal Bell from Calif., Paul Chronin a freshman from Mass., a very liberal area probably McGovern carried his district, Walter Power from Ohio who had chosen not to run again, Forsyth from N.J., Don Rinaldo, not that's it Rinaldo wasn't there - and Anchor Nelson from Minn. who has chosen not to run again.

We talked about several things. The first thing that we talked about was the availability of the tapes to the general membership. That concerned some of them. They wanted to get with the evidence. I didn't know what the meeting was going to be all about. I thought it was going to be a discussion of the proof but evidently that's not it.

Then John Rhodes made the same speech that he had made the day before to the 93rd club about not falling out and doing it with the idea of not getting into a argument with any republican - we don't have to. We discussed a little bit the closed rule. Ed ~~Flm~~ Forsyth was concerned about not being able to vote separately on the articles. John Rhodes said we could consider a motion for censure on the floor that he feel constrained to ask the rules committee to make such a motion in order as a substitute to ~~impeachment~~ the impeachment article but ~~he~~ he'd doubt if it would fly - knew it wouldn't pass but Dickinson said ~~he~~ several people had talked with him about it including Henry Smith.

of

Then we talked about television and the House proceedings and Anchor Nelson said he was concerned about putting our best foot forward, he's obviously a presidential defender but he doesn't feel like we've done too well. The question was, has the television hurt the president or not. And Rhodes said maybe not and Brotsman said probably yes and Arendts made the same speech he'd made once before about this being guts politics, let's fact it. Everybody agreed that Cliff O'Neil was pushing us to get out by the 24th and Les Arendts wanted a voice vote not a recorded vote and that's about all - all those things were said.

The thing that interested me was the intensity of the attack still on Lawrence Hogan. Everybody in the republican ranks is down on him because of the timing I think, primarily and the general feeling that Hogan was a real opportunist. And I spoke myself - not at this point - well, Bill Dickinson he added to it he said, the criticism of Hogan this morning is style and the fact that he really didn't need to do it in this fashion and incidentally I learned at dinner tonight from others that the call that Hogan got from the vice president was not to dissuade from his point of view but to urge him to put it off until he had to make it in the course of things and that was the general feeling by everybody. That John Rhodes - said - to borrow a phrase from Flowers - don't worry your personal anguish, I got enough ~~anguish in this~~ anguish in this for me to take care of everybody so words to that effect. The bitter resentments

Chadwick meeting

copy GPP
gather
word
impeachment
Hogan

Hogan
word

that hadn't before. Joe Waggoner stopped and just had a real friendly chat with me today. Called me by my first name and that surprised me cause we've spoken before and he's been real friendly but we are old friends now. And even old Wayne Hayes got the bill coming up - the campaign bill - coming up next week and I wrote some desenting views in a very short fashion and darn if he didn't stop me on the floor and wti tell me that he was going to agree to one of my amendments - he tried to bargain with me but - to withdraw my interest in another one but I told him I couldn't do that but he said well, I'm going to make it in order for your amendment on - the Stets-Colman amendment if you'll remember in which I make endorsements liable just like any other kind of contributor and that's - so he's going to accede to that and that makes you a little nervous when ~~you're~~ your friends the democrats are so friendly but that's the way life is. But even old Ron Dellums stopped me on the floor today and said you had a good - which, I don't have any trouble with my democrat friends but I don't get too many friendly comments from the republican side but those, every now and then, I do find that - I don't find any hostility and I still find people like John MacAllister who said early last week that he was watching me - said it was all over the Omaha paper and so now he has announced that he listened to me and had said he was going to follow my lead and he's going to follow my lead. So, that's progress, I mean, well, it's progress for me. I don't know about him, ~~wti~~ we'll know more about that later but that - and then I've been interested to check my mail as of this moment and I find that originally it started out about 50/50 in the mails and contacts and obviously the approbation is picking up and I should think it's getting to the point of almost 2 to 1 in my favor - in favor x of impeachment - I think we've got to give credit to the television debates for that. The only other news today is that it's going to be televised - they've agreed to that - they have agreed to start on the 19th and they have agreed to last for 10 days and if my prediction on the basis of that is how many are going to be left over. The only other thing that's concerning me now is whether I want to be a manager or not.

TV
Debate
Power

I've been thinking about the members on the committee and I can see where there's going to be some pressure from the democrats for me to be the republican representative on there. Liz Holtzman's intern came by for an autograph...picture...he had a big picture of the whole committee and he's asking me to autograph it for him and one for her which was nice of him and I've still been at this game - I'm still flattered by that and I hope I never get over that but he gratuitously said he hoped I would be one of the managers. And I said, well, have you ~~said~~ any talk about that and he quickly said no but it isn't the sort of thing you pull out of the air. I stopped and spoke to Barbara Jordan because I do think she's got her finger on the pulse as far as what the chairman is thinking and I learned today that the rules provide that - in one way or another - that the selection of managers can either be by election of the House or by the appointment of the Speaker - that's the Speaker's choice apparently and in this instance the Speaker has indicated that he was going to do it. Of course as a matter of protocol, he would consult with Rodino. She also indicated to me that the decision is pretty much made that it's five and that rumor's been floating so much that I think that's fairly true ~~again~~ about what it's is. She was kind enough to say that she hoped I would be a manager because having worked with me on ~~the~~ our subcommittee and she thought my legal experience would be helpful. I know from the talk about Hogan that the republicans have blackballed him - I know that - I would guess that McClory would not receive the endorsement of the democrats because after all I think the critical vote is whether ~~you~~ you voted for article I and he didn't - Railsback and Fish and myself and Cohen and Frolich would then be in the same boat I would say and of the five of us I would think it would go on the basis of seniority. And my guess is that

both Fish and Railsback would decline and it could be squarely be put up to me so this is beginning to concern me. I've made up my mind that if it looks like there's going to be a lot of it that I'm going to John Rhodes and Gerry Ford and see what they have to say about it. I'm a little bit shocked about what - it's not clear to me what's expected of managers. The senate is in the process of rewriting their rules but traditionally, the managers are really the lawyers in every sense of the word and you only get backup from your staff. It's evident that we would have to examine and cross examine the witnesses and I would approach that one with a whole lot of humility cause I have not had extensive trial practice however, neither has John Doar. If we were going to be the managers it would be hard work for a long period of time right before an election and you got to have a whole lot of self confidence on something like that.

Well that's the end of my reminiscences on what took place on Thursday.

Now I go back to my notes beginning with the debate of Saturday morning, July 27, 1974. I'm just kinda going to go through my notes and see what I recall about these things from this.

There was a caucus Saturday morning. Jimmy Butler was here and I was fired and we ~~didn't~~ slept late and I just plain ~~we~~ missed the caucus. Now, I have a note there was a caucus, I wouldn't have gone to the caucus anyway, but I think what I meant was a drafting session dealing primarily with Article II. By this time I had felt like we had honed Article One to the point that it was in pretty good shape and so I didn't get too upset about missing that and the word was that Article II was on the way. We had left, we had quit on Friday evening - we had the panic at dinner time and then after dinner we had gone through the efforts to strike paragraph one then I felt like we had made a fairly good comeback before the evening was over and I didn't feel too bad but by the time we got there on Saturday morning the staff had us in pretty good shape and we were ready to go as far as motions to strike went and Moony stopped and said Article Two was on the way and I talked to Jim Mann and they all felt like Article II was in pretty good shape and Railsback had prepared an amendment which would bail us out on the question - the policy question - you remember that earlier that Wiggins and Sandman and incidentally Wiggins and Sandman now say they didn't plan this attack but in any event I thought they made a pretty good attack on the thing - they just kinda nit-picked it - but this was something and they took the position that we would have to prove a policy and I didn't think much of that and so it was really an example and I'm glad we did it before the American people - of just - we didn't stonewall it, we honed and improved a piece of this legislation and we changed it to plan and course of conduct instead of policy and I think that improved it and then we started to guiding up the evidence about each one of these articles and I was told to take paragraph three - you remember the article of the resolution was in such a shape that each one of the parts of it would be as evidence of the course of conduct to obstruct justice, we offer the following and I was to take three and develop the specific evidence with reference to that and I got real excited about it and started looking at what they had and it wasn't too bad. I took, I found all the evidence there and I have a feeling that I've dictated all this before but I'll go on from my notes but anyway the staff had a pretty good work up for me and from what they gave me then, and I had the books there and I needed all the items and I got a staff man to go back there and get me the copies of that ~~initial transcript~~ actual transcript and I was really loaded for bear by the time my time came up and I was excited about it. I mean I was ready to go cause - I felt like we were really getting in good shape and then Charlie Sandman came on and said Mr. Chairman, he didn't feel like that he wanted to tie this thing up any longer that he'd made his points and he was going to give up his motions to strike. Well then

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a Caucus*

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Embarrassed
Article II
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on TV
"course of
conduct"
instead of
policy*

Walter Flowers, we really forged the strategy at the dinner the evening before. And Walter Flowers said no sirree, he had made up his mind that he thought that was a godd idea, he's going to stick with these motions to strike so he was just going to use the motion and I would have given up if it had been left to me but my admiration for Walter Flowers and his judgement was great. Later on in the debate Sandman started putting the needle in him asking him why he didn't caste his vote - he would make a motion to strike but then he wouldn't vote for them and why he did that - and I thought his response was great. He said the calibre of the debate was so high, he couldn't make up his mind which at that time was 'pretty poor. It was good tactics I think and so we went through that. With the chairman first we had to go through some perfecting amendments. Now that was an interesting point because all the way through this thing we had wrestled with the ideas about who the president would act through and Sandman and Hogan had a hangup about dealing with "closest associates" and he wanted to call them "close Associates" and that was the amendment that he wanted to do. Well, that would limit - that would expand a little ~~xi~~ bit the people we could talk to to prove that were working with the president and Jim Mann came over and talked to him. You see, you remember, the problem ~~arise~~ arose because we'd all agreed to clean this thing up two or three little ways that Hogan had in mind to almost - well, they were, with that one exception, they would have been quite pedestrian amendments at best - not justifying any kinda argument at all - and so - argument or discussion except maybe this one about close associates and so what we'd agreed on those but when we sent the drafting stuff over to the drafting office where - the counsel's office - and Moony had taken it over there and they had some kinda internal thing and we haven't figured out yet what happened - but they ~~would~~ wound up with the wrong draft and by the time Moony got back with 50 copies of his version of the Sarbanes substitute - which - while the Sarbanes version of the Sarbanes substitute was before and it had these huge - and it was just about a phase behind what we had done and this one little technical amendment was one of them. Well, Jim Mann came over there and tried to talk him out of ~~it~~ it and he had - he gave - he had convinced him that he wouldn't offer that because it would bring on more discussion and then we were kinda vulnerable on that and then a little while later Jim Mann came back and said not to worry about a thing that this was taken care of by Railsback's amendment and so we just kept quiet and that went right on by and nobody really knows what happened and then Hogan's amendments passed quietly.

Then we had an argument about Geo. Danielson and he's a hard working little fella but he wasn't a part of our fragile coalition and I don't know how he got involved in the ~~xx~~ act but the interferring with one of the questions - this is called a perfecting amendment because it expands it - he wants interferring with congressional committees added to the areas in which the president had interferred - you will recall that paragraph four reads as follows - sub-paragraph 4 - subparagraphs are examples of presidential obstruction of justice, this subparagraph as an example of that interferring with various judicial processes and so forth and reading as follows and Danielson wanted to add the words congressional committees - well, it passed. I thought it was going too far. It's interesting that when I got to talking to ~~Moony~~ Moony - going too far because what he was talking about was interferring with Wright-Patman and late summer of 1972 he was ready to go in there and investigate the thing on the ~~groups~~ grounds that that laundered money was a currency question and so the Banking and Currency Committee ought to get involved in it. Well, somehow it never got off the ground but there must have been some White House lobbying in there cause there's all sorts of discussions about how they are going to head this thing off but it seems to me within a perfectly legitimate realm of the executive branch conduct as well as I recall it and so I was a little bit apprehensive about proving that - getting that involved in ~~that~~ the act. That's the thing about that

Flowers
vs.
Sandman

Hogan's
Hangup
Wrong
Draft -
Mann's
Influence

to Moony here about that several days afterwards, he says ~~xxx~~ well, we've still a interfering with the Senate select committee which is a congressional investigation so we may be able to justify that but I thought it was a mistake but maybe it's pride of authorship that drew me out that way.

Once more in the course of offering his amendment, which Railsback got around to them, we get away - to get away from the policy objection, we mentioned before, Railsback spelled out again that we don't believe in imputed criminal liability and I think that's pretty important to say that one more time. So that was the end of that. That passed pretty nicely and we had it all cleaned up.

he said from report to the case w. Nixon - TV -

I did go up there and tell Mr. Rodino about the time Cohen started on two and before I looked at my notes that I wasn't ready to go on three. Sub-paragraph two was Cohen's assignment and he was rearing to go, that was a pretty simple one, and he went and then we went into the perfecting amendment and then we got back to this thing - the perfecting amendments and Railsback and then it was lunchtime and I was glad that I didn't have to get into mine until we got back from lunch so while I was gone to lunch I got the staff man to go put all my stuff together so by the time they got to me I thought I had a pretty good thing set up.

Now before we went to lunch - the last thing before we went to lunch I went down and told Flowers I thought we had made our point and we were ready to quit - that we had made our point and we were getting our things - we had made it clear to the American people that there was substantial facts behind these things and not enough to spell out even in five minutes and we ought to settle for that. Well, then we went to lunch. I went with some newspeople. And Jimmy Butler still there and getting a big kick out of it. We went to the Macdonald's down the road - that's a sorry place to eat, if you ever get a chance in ~~Washin~~ Washington, that Mac onald's up on Pa. Ave. And got back and found Steve Sharks - and I couldn't find Flowers - I went on the radio - somebody asked me - aw, it's all over with, we're ready and we're loaded for bear but I don't believe we are ever going to put this thing over. (?)

Then we had a republican caucus lined up there right after lunch - and I went there first - I mean, I came by the committee and couldn't find anybody and so I went up to the republican caucus and McClory had told me I guess without anybody there but I talked with them. Wasn't anybody there but Hutchinson and Wiggins and they were just talking about it and I said well I want to go back and are ya'll ready to vote on this article or do we need to have any more talk or motions to strike and they were satisfied - no there isn't any point to do it - and I was surprised to hear Ed Hutchinson say even that it looks to me like it's fatally defective pleading and that's what Wiggins said, yeah, it's got to be. And then it just disturbed me a little bit that here was two people that I respected a great deal still talking in terms of the legal sufficiency of a pleading that - for which there is no court of appeals and it's legally sufficient if the senate says it is and it's legally insufficient if the senate says it isn't. And so that what's we got off.

*very respect for committee
& Reads
Hutchinson
Wiggins
Butler
unresponsive*

So I got back downstairs and started looking for Flowers and still couldn't find him but everybody I talked to they were ready to quit so I sat down and relaxed and by gosh, about the time that the chairman came and picked up his gavel, Flowers came over and it would suit me, we would take twenty minutes to a side and go on with these motions to strike and I said okay. But I was surprised and I got to thumbing through my notes and got a little bit panicy but I started reading in ~~mn~~ my notes when my time came and it came early - in fact I think I had 10 minues - they gave me 5 minutes - Flowers

took his 5 minutes. You see here's the way it works. The motion was that we would have 20 minutes of debate - 10 minutes to a side ~~we~~ dividing between for and against and since Flowers had made the motion he immediately - he was first recognized and he gave me 5 minutes and then I took my own 5 minutes. And that took care of the motion to strike. I have - most of my time was gone - somehow I don't remember how Hogan got in there but I think I got most of the time to argue but I was way behind - I read all of this stuff and every and I just didn't get into it real good and I hope, I mean, if I'd, looking back on it, I should have prepared the arguments better just to try to include ~~in~~ every single argument that we had on this particular paragraph but I didn't - I just finally announced that I'd plenty left - plenty of material left. And that was the way - that was kinda the style we wound up with before the day was over on all of these things. There were 11 votes for the motion to strike and 25 against which means a pretty ~~small~~ subscribed little shrink and of course that's the test. Throughout the rest of the afternoon we ~~we~~ went through all of these things and that was the test of what' we'd done about the whole picture and then we completed all of that during the rest of the afternoon and my notes indicate that we skipped some of them but most of them we got ourselves involved in - all nine of them and it was about 7 - I put that time ~~xxx~~ exactly when we got through - and voted on all of them - the votes remained pretty much the same. We lost a couple of number 9 which we will recall was the clemency one that was added at the last minute.

We lost two republicans on number 9 that we had had before - McClory and - well, I don't know - but the vote was ~~xx~~ on that was 15 against and 23 for - the motion to strike article 9 - that doesn't sound right - it must have been 22 but anyway we lost a couple of them.

*But by
full - well
know his
presence of
the
Evidence
the
Case*

MCB re July 27 and July 29

*Flower
The
Press*

And that was the clemency question - you remember that, we were always disturbed about that and it was kinda put in as an accomodation to the - whoever Jim Mann was dealing with at the other end of his line - so it didn't fly as firmly as the others, if I remember correctly. I was getting tired so my notes are not necessarily reliable. I do recall that when it was all over Walter Flowers was allowed 5 minutes to speak to the matter and I thought it was very moving. We had nothing to gain and what I must do, I must do, sort of thing but it was almost elequent but the part of it that we were coming aware of or (we're becoming aware of) that he said that he developed a little affection for the press during the course of these proceedings. I think we all admitted that now. But it was very touching and a quick statement by Fish, that he had decided he would have to vote for article I and then the moment of truth.

*The
moment
of
truth
Vote on
Article
One*

This is Saturday night as we vote on Article I. I was never more moved by any experience that I've had - I'm quite sure that if I hadn't been in public view that I would cried or shed a few tears or something of that nature because it certainly was - it's just an awful thing that we had to do and at that time, I was, I know the press made a point of rushing up when ~~it was all over~~ the voting was over and asking everybody questions about how does it feel and so forth and almost to a man, certainly, I, my immediate response was - well, you know, not to discuss it now.

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The drama of the vote was observed by I suspect a great deal of the nation. Everybody was visably moved by it. There were no loud voices - no loud votes - no way to cast your vote quietly in an atmosphere as quiet as that but certainly the decibel count was pretty low. My feeling as I cast the vote was ~~as prayerful as I've ever been~~ about as prayerful as I've ever been in any voting situation. I fervently ~~hoped and prayed~~ hoped and prayed that what I was doing was the right thing. I had made up my mind. The ingratitude of what I was doing to the President of the United States was constantly before me and the feeling that we were being tested in every sense of the word was present in my consciousness and after I cast the vote, there just wasn't any way to describe how I felt at the time except just a complete - a complete abdication of any kind of - a complete drain or abdication, I guess, is as good a word as any, of desire to do anything except just get out of there and - just get out of there - and that was what I did as quickly as possible. Jimmy was still with me. I guess the first thing I did was call my wife. She was at home. We were invited to a party which we had looked forward to and she was there and I hated to bring her away but I just - I don't know - I just felt like I just had to talk to somebody close to me so I called. Was cheered up by the fact that the people at the party were very nice about it and pretty much endorsed what I had done and were complimentary of my remarks, my conduct in the proceedings, and that was encouraging. And I just said, well, it's done and she said, well, the substance of what she had to say was - don't worry about it, you did what you thought was right and she'd thought I'd done the right thing and so I guess I was pretty well comforted by that. And then I just - one of the reporters had followed me up here to the office and I still declined to comment on it and he was kind enough not to push me any further. But that - my feeling was that if this event doesn't speak for itself there's nothing I can say about it and I don't have any problem - this is a week later - almost a week later - ~~now in my feelings~~ putting down my feelings about - writing down ~~my feelings~~ what my feelings even now - this is as vivid as anything I've ever done in my life -

is that - that awful lonesome feeling as the vote came to me and I know I was going to have to vote and I knew how I was going to vote and I knew the implications of it for the country and this absolute feeling of sadness about the whole thing - that we've come to this but - and that's about it - just a total feeling of sadness for the country and with all due respect to those who think that there were those of our colleagues that were happy with it, I don't think so. My statement earlier that there would be no joy in it for me was never truer and ~~was~~ I walked out with Jimmy and sort of fell into step with ~~him~~ Ray Thornton and I mentioned that we were going to be on Face the Nation the next day and so forth and he said yeah, and I said well, I don't see how we can get prepared for it and he said yeah and then he stopped me - and he really didn't need to say it - I have a great deal of respect for him, like him, but he said I want you to know that there weren't any considerations in my vote ~~except~~ what I thought was best for the country. And I had to reassure him that there wasn't any question in my mind. That was the feeling for everybody that had voted for it and I didn't feel like even his vote was partisanly motivated and I was, again, I was proud of the people that I had been with us in the fragile coalition. Quite sure I wouldn't have had the courage to do what ultimately I did had I not been reassured that those seven of us with ~~almost~~ substantially identical backgrounds - with backgrounds - identical backgrounds in the sense that I suspected that our social and economic and political associations were pretty much the same in our communities and we had a lot in common from any area and I was comforted again I thought by the fact that I thought I was associated with some pretty good people in what we did and that was about it. To understand my thought - and I was moved by what he said and the way he said it and I thought he had - I would say that he was ~~close to tears~~ as close to tears as I felt myself.

Those that voted against it were obviously in better spirits - were more at peace with themselves over the vote but they were disturbed, particularly Carlos Moorehead has always been disturbed about this thing because of the unfairness of it as he views it and I was interested in watching that - watching his reaction throughout the thing and as he got more and more disturbed it was - my heart really went out to him cause I could see that it was tearing him up worse than those of us who were anguished over the vote. He was anguished over what was being done. And that's about all I remember of that evening. I remember walking down the hall with Wiley Mayne and his wife going back to the elevator - no that's not true - no that's true - but I on the elevator different ways - let me think that one through now - yes, that's right, I walked with Wiley Mayne, that's right, Wiley Mayne and his wife and he told me, he said, you did a good job. And I ~~remember~~ really, looking back on it, I don't think I was very cordial to them cause I was kinda choked up by the circumstances but I felt like that he had been troubled a little bit but not much. As a lawyer, he's a good lawyer, he decided that this was appropriate for him and when a man for whom you have that much confidence comes out the other way why, it shakes your confidence a little bit so I really left there with - the thought was on the elevator - and then my conversation with him followed and then when we walked a distance away and then I went back to the office and called my wife and so forth. Some of the staff was still here - Gail Goodson my press aide came back to get things set up for the next day on Face the Nation and she'd been so enthusiastic about it, why having agreed to a little television interview the next morning with my local television station, so she was there getting that all up - I couldn't see there was any kind of euphoria anywhere around after this vote with anybody I had contact with.

So if was 10 o'clock I guess before we got home and settled down for the night. No, it wasn't quite that late because Jimmy and I didn't go home

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in time to cook supper and talk about it. I also - just/have to point out that life does go on - I went through all the mail that I hadn't signed for two days and it filled up two brief cases - and I don't exaggerate, with letters to be signed and I took that home with me and never got around to signing it until Sunday night and so that's just a little aside to indicate that life goes on.

But when I got home, Jimmy wanted to sit down and talk and I wanted to sit down and talk so we chatted for a little while and I felt better about it as I thought about it. But it was an awful thing - it was an awful experience to go through and I contrast my experience that time and I'm jumping a little bit with my feeling about the vote after the end of the second article. That was almost as routine as any vote we take every time and when we got to the third, fourth and fifth offerings, why the drama was out, it was drained dry. And that was about the end of my evening.

Sunday was - and this was the first Saturday evening I had spent in Washington D.C. since I had been a member of Congress that I recall and I had accepted an invitation to be on Face the Nation because I thought we would possibly be around here on Sunday and I was really made cause we could have probably made it home on Saturday but dear old Dad decided to stay for Face the Nation and the television interviews I mentioned. I think I've talked about this a little bit before but I'll just mention that my feeling pretty much as I came down to the office at 10 o'clock. Got Jimmy out of bed and cooked him some pancakes and he ate them. He's has a good appetite and I felt like eating a few pancakes - little bacon and had a good breakfast - good full breakfast - cause I didn't when we have another chance to eat another meal so then we headed back down town - and you know I never read the Washington Post that Sunday - all day - as far as I can remember. I don't remember buying and I've bought it every other Sunday.

Oh, here's another aside I want to tell you about before I forget it and this aside should be dated today - Thursday, August 1. We are new in our neighborhood - we are renting this place - but I've been there so little and my wife has been there so little, we don't even know the paper boy. I've only had one experience with him because I pay by check but I spoke to him that one time. But the day that my picture was in the paper on the front page of the Washington Post - somebody left two papers on ~~the desk~~ my front porch which I thought was nice and a couple of times I found myself with two papers when I was a little bit prominent in the news and ~~this~~ then one day - the day when my wife was still here - so that would be Friday morning, a pencilled note - "get Nixon Good - Cook the Crook" was what he said - in pencil kinda of a scrawl - I would have judged from my own children's handwriting and experience that this boy must be 14 years old and that's the message I was getting to my neighbors. I didn't even know my neighbors really knew who I was - what my job was - but this boy did so this morning, August 1st, I woke up early. I used to live downtown in an apartment but it was right over the metro and all that construction and they start out there waking me up every morning and I was looking for larger quarters so in hope that my wife and some of my children could come up here for the next year and I finally found this nice little two bedroom house out in McCain, Virginia but the damn thing about is the birds are worse than the metro at 5 o'clock in the morning so I still wake up at 6 or 5 and that's what happened this morning. In fact I woke up before the paper boy got there so I went out, I heard the paper drop on the front porch when I was up cooking breakfast so I went out and spoke to the boy and ~~thank~~ thanked him for the messages and the extra papers and he says aw, that's alright, we just want you to cook the crook - that

Life goes on
the most

Coming down from
the summit
with Jimmy
side
rooming
2nd & 3rd
Avalon

Face the Nation

Life sits around to
neighborhood
the Paper
Cook the Crook
Good
a little bit

The birds
worse than
McCain
D.C.

I'm

was his slogan but I think I - it's interesting to me ~~how~~ a stranger in this neighborhood but I, in the course of a weekend, I had to borrow, well, hell, I might as well tell the truth, I have an electric lawn ~~work~~ mower with a long power line on it which I cut with regularity in the mower and it's got more patches than a Ron Ziegler story and - maybe we'd better say more patches than John Dean's story - but in any event, I had to borrow some friction tape so I just kinda knocked on the door or what of my neighbors whom I had only kinda waved to on previous occasions and borrowed some friction tape to repair my first error of the day, this was Sunday afternoon after I had put Jimmy on the bus and gone back home, and signed my mail and this gentleman says I thought your speech was great. I've been a republican all my life - voted for Nixon four times - but I can't take it anymore and the next - later on that day, I had to take some trash out to leave it for the garbage man and another one of my neighbors drove up whom I had never even been privileged to meet - she came over and introduced herself and said that she thought my speech was - impressive was the word she used - but I said well, I hope it doesn't hurt your feelings. She said quite the contrary. Now this is an area and I would say that the homes are what would be traditional republican middle class homes and I would almost say to a man - in my eye - the way I would read it out there - total approval of what I had to say and do - now this is a sampling of only a few people but it's - I think it's a legitimate sampling, they are well educated people, have good jobs - state department ~~ment~~ - one of them is state department ~~one~~ of them is interior - but they are career, intelligent, engineering and professional types and they are down on the president and the more I think of it - well, I was comforted by that. Comforted that maybe I was on the right track and the more I realize - the more I talk ~~xxx~~ to people, the basic amorality of the president is the thing that ~~xx~~ offends the country more than anything ~~w~~ else. Well, that was my experience with my neighbors in McCean.

*Cathy
has
been
over
Cord
with
myself*

*Rep
had
been
in
Nixon
morning*

*the
unlisted
number*

The neighbors in Roanoke - of course, my ~~friends~~ friends have been very nice to my wife and made a point to call her up but we also received several bad calls and I think I've already mentioned this which we went to an unlisted phone number but in fairness however, I've got to say that my wife would have liked to have done this a long time ago and so that was an excuse that I think maybe she was pleased to have. Because they do call you on Sunday and things like that and I consider it my job but it is an inconvenience for the rest of the family and we'll have to improve on ~~xx~~ other ways to get the word on the weekend. That's for Saturday and Sunday.

Wayne, I feel like I ramble a little bit but it's easier to cut than it is to pad it so we'll just do what we're talking about ~~i.~~ Now I'm getting together some other information on our ~~drafting~~ of Article II - I now find that while I was having such a good time appearing on national television and cutting the grass and sorting the mail and everything on Sunday, that Jim Mann and the staff were back there still trying to hone on Article II.

Now there's a comment by Moony that we don't want to lose and the reason I'm mentioning it now is the Buz may have cut it out to the effect that Rodino suspects that Hogan was - well, I want to that earlier that McClory had come by to see me during the course of the earlier debate on Article I and asked me if I wanted to introduce Article II as the Butler substitute on the abuse of power. I declined at the time. And I guess because I just don't have too much confidence - was too sure where Bob McClory was going to come out and we weren't that far along in the drafting and I hadn't felt like I was that deeply involved in the drafting that I wanted to be in a position to defend it publicly - of course, I was with it all the way but I wasn't sure I could summon to my consciousness the evidence

*B's
made in
Article II*

✓

And then I think they had Hogan pretty well ~~lined~~ lined up after I had turned them down. I don't think they offered it to Cohen and I think Railsback had turned it down but in any ~~of~~ event - but maybe not because Rails was hoping that McClory would introduce it. When they found out McClory was going to put in article III why the democrats ~~was~~ abandoned him and Article II, they just didn't want him in two of them and that was the ~~re~~ reason ~~s~~ he was scouting around to get a republican to do article II. And Hogan was lined up but the skuttlebut now is that chairman Rodino was ~~worried~~ worried about giving him so much publicity in his campaign for Governor of Maryland against the democrats that he thought it would have reprochussions within the party and so for that reason they selected Bill Hungate who didn't do a bad job at all - they select him to carry the so-called ~~the~~ Hungate substitute for Article II and that was the job he accepted and he did a fine job. But that's an interesting sidelight on why - interesting to me why Hogan didn't get that job.

Now this is ~~monday~~ Monday and as well as I remember, we convened at 10:30 and we had a general debate on this Hungate substitute for Article II which dealt with the abuse of power. I thought a pretty dignified and I've given you ~~g~~ before my view of this agency thing - and with his knowledge and his direction except that I think that it was significant - very significant that we had the ratification thing - ~~course the ratification thing~~ ~~of the events of Monday morning~~ I thought t the argument was pretty dignified and I mentioned that before. We started I think at 10:30 and came back after lunch and I wasn't pretty deeply involved in that. Wiggins - no ~~w~~ I came back ~~after~~ after lunch and Jim Mann wanted to know how I felt about non-compliance as a separate article III and would whether I was going to vote it and you know I had been asked that question on Face the Nation and I took the position that it would be in effect - you know - impeaching a man for not cooperating in his own impeachment

Good
N. Ripley
on behalf
S. ...
in ...
for
Hungate
with
Hogan

Bl
Hogan
Article
III

7/29/74 The third voice will be Nora EPHRAIM of New York Magazine. Nora is not here after all so there will only be two voices as usual on this tape.

EW We talked briefly on Sat. and that was primarily tracing the debate itself and what you felt was impressive during the debate and so forth and I was hoping that we would while its still fresh get more detailed recollections ~~that went on~~ of the meetings that went on among the moderate collition that - bipartisan group - that drafted some of the crucial language - maybe we can talk about any feelings you may have on just how crucial that drafting was - the back and forth with the liberal democrat group and so on - any sense of mood you can give ~~and so on~~ of the meetings that went on - any vivid quotes that you recall ...

B Really, I just - you know, stopped taking notes ~~in~~ those meetings cause I thought it was kinda, you know, bad taste, really in the sense that we were - so I took these drafts and I made notes on them as we went.

W Well, can you recall any of the quotes - I don't

B Rodino, during the course of our deliberations - and I believe this was probably Friday, Rodino said the rules of evidence - made a big statement about the rules of evidence do not apply and we can get the substance of what he said. It interesting that Hutchinson said somewhere along the line - the House of Representatives has got to draft Articles which meet the legal tests - and so he was saying in effect - that he's commonly pleading that evening with Cohen, Railsback, Frolich, Mann and Flowers and Jimmy Butler incidentally, and we were joined by Hogan, Moony of the Staff and Frank Poke of the staff. This was pretty much a drafting session, you recall, we were getting stampeded on the specificity question and Cohen was trying to write a specific supplement or something to be incorporated by reference in the sub-paragraph I. He was there to get Frolich's vote - I mean that's why we were accomodating to Frolich because he was complaining. I cautioned against this and talked about, you know, getting too specific with worry - generally we agreed after the discussion that we should in effect stonewall it. (W-somebody used that phrase) I used it. I think we kicked it around but that was essentially what we decided to do. Not try to get too specific and there was a sense of panic in the meeting that what Sandeman was doing to us, you know.

W Sandeman was the ~~one~~ who was sort of bullying after everybody ~~and~~ being specific - did someone express the feeling the TV audience is going to think we're lynching the president or -

B Well, yeah, you know, I think Walter Flowers either mentioned it - he says Sandeman is the biggest hero in his district right now and which kinda shook us up a little bit. But, we didn't want to panic ~~and~~ and I'm real fond of Al Frolich but I wasn't prepared to jeopardize our articles to get his vote.

W Why did you think it would jeopardize the articles...

B Well, when you get too specific then you limit yourself to what you can prove and you may over look something and it's just bad pleading when you think about it, you just don't do it that way. Well, it's bad pleading because you plea in theory to an issue and if you - if the responsive pleadings are - you can't go outside the initial pleadings without amending the initial pleadings and in this particular situation you see it would mean coming back to the House to approve it so you have to be real careful that you got it in there so you want to be as broad and general as you possibly can - at that stage of it - at least that was my view of it and I stick with that. And the same way about everything else and once you

but

B get into litigation, you exchange information back and forth./It doesn't make a fatally defective pleading and it doesn't limit your proof. So ~~I~~ was convinced of that.

I cautioned against this and we kicked it around and played with the draft and I'll just have to go into that in more detail cause I don't seem to have that one in front of me. But that's the meeting we remembered. Jim Mann came in there and he had several drafts and we were also talking a little bit about article II there but we pretty well worked over Article I and decided we didn't want to try to do anything about it.

W Didn't want to try to change it...

B Didn't want to try too much - now, the question that had always come up is this question of ~~making~~ a policy and that point has been made and RAILSBACK had a suggestion then which we all agreed to. Pull out the word policy and describe it as a course of conduct which I think strengthens greatly our position and at the appropriate time he did offer that amendment which, otherwise you see, ~~there~~ they were arguing and I think rightly we would have had to prove that the president affirmatively adopted a policy. We took out that word policy and put in there course of ~~current~~ conduct. Then Jim Mann had to take that message back - when we got back - he had to take that message back across the room to the other side - to the democrats that we were working through - Sarbanes friends - and

W How did that work - what was ^{The} structure...

B Well, Jim Mann and Frank Poke were doing most of it but there wasn't any secrecy about who was ~~takin~~ talking for whom, he was just kinda the guy that supplied the energy to do it.

W I meant physically, where was all this taking place?

B Well, I don't know where they were meeting to tell you the truth. Somewhere over there (W-you said across the room, I didn't know) No, well, I meant across the theoretical room.

It was the next morning before we really got that thing back. They came back with the suggestion - you see John Doar was putting his mouth in it - and Jim Mann was carrying it to John Doar and carrying it to these people and they were meeting together and coming back with our suggestions and course of conduct for policy was good. Then Albert Jenner let it be known through these people that he thought that it ought to be "planned" in course of conduct. The word plan meant a lot because the president was kicking the word plan around - you know - all the time in his conversations - "preserve the plan" - and then we decided it would be better, no body had any strong feeling about it, and this was just a floor conversation between Frank Poke and Jim Mann and myself as well as I remember it - how do you feel about Plan. And I said that's fine and then we thought about that for a minute and then we decided it was better to say course of conduct - put plan after course of conduct so it was course of conduct or plan and that's the history of that. It was Saturday morning when we finally got that concluded and then it was rewritten and Railsback put it in.

Now coming back to Friday night again, after supper, I mean that was one of the things we discussed. The other thing I think we discussed basically was re-rework those and try to get Hogan and Frolich involved in it and I don't remember any other real questions but I think we pretty well resolved ourselves at that moment that we would not get too upset about - not try to give in too much and just see what happened and we talked in terms of responding to the motion to strike and giving ourselves a chance to get

at the end of the TV

B organized ahead of time. We got back and we had a little comment - somebody I have here said, well, they were worried about the image that tv was creating for the committee. I had a note here when we got back that Jenner - we called on the counsel to give us their opinion, did they think it was legally sufficient, the pleading itself - and Doar and Jenner both said yes. They insisted that the arguement was not faulty and Jenner made another point he said, you worry about strangulation from over specificity, which, he has a way of timing, I thought it was an excellent way to put it - strangulation from over specificity - was a risk and I think that shored us up. I think it shored us up another way - was Sandeman - you know, we were going under the 5 min. rule - and Sandeman and Wiggins had had their day before dinner, so when we came back after dinner, we were in a different position. They didn't have the time to raise all the cane and we were so, the one lesson, I say, when you go on television, give the other side - let them go first because you want time to get the last word in. I think that was one of the lessons I got.

W Has someone gotten, any of the members of the drafting group here gotten some feedback from home that - on how this thing looked on tv - or was this just a gut feeling among Flowers and others perhaps that Sandeman was making points on tv...

B That was just a feeling - Flowers, I think had gotten some feeling. I knew I didn't need to look. I knew that was comfort - there's a group of people that I knew would be comforted by that line.

W You felt also that there needed to be some more pinpointing of the evidence

B And another phenomonon that was developing at that time and that was this... and this took place on Friday evening - we kept everybody in tact all during the early debates, down through and including my classic phraseology all those things, you know, we kept everybody and the image of the committee was high. Well, Friday was kinda a black feeling. We got back there and Jerry Waldie was making a fable out of this thing and you know, in a long extended story and everybody was giving him time -

my old W called Sandman B

And it was not good I guess because it kept - it was interrupted by the nature of things - (B-that's right)

B And it was lacking - I just think it hurt the dignity of the occassion. Sandeman was doing the same thing. And so we worried a little bit about that and I worried too.

W Worried about how the committee was looking in the eyes of the country.

how the words of the Boy affected the jury - the jury will be nervous the symposium

B Right, right. So (W-do you remember any of the ways anybody expressed this in the course, any of the language they used in expressing this feeling, how did you express it to the other side - what did Railsback say, Flowers) You know I just remember, just before we broke for dinner, several of the newsmen and you got to get the flavor of this - this is the darndest experience for me you know, when they pull the finger out of the dike and the gavel drops and the meeting is recessed and the newsmen just descend on you and they are there when you first get there. Well, right after - I guess 5 or 6 of them collected in front of me, we're on the front row, and they said - asked me how I felt about specificity and I said, well, gosh, it's clear we don't need it and Jenner's right and historically this, this is the way it should be done and the precedents don't ~~matter because the~~ (ban us or balance) because the rules have been changed - that general line and they said, well, it's not coming over that way and I ~~said~~ remember Henry Hubbard, I believe

the effect of mood & feeling on substance - esp when your on mltly TV

7/29/74

B it was, telling me that, right then or maybe it was - yeah, I believe it was he - because there were several of them around there but that was what he said - it's not coming over that way for the American people and all the news-men nodded their heads. Well, you know, you take that with a grain of salt cause they want to - they're about as objective as a executioner - and so but, I did take that in that line. And kept that in mind.

Rodino upset at Wiggins

We also had another little exchange there - when Rodino - first time I've ~~really~~ seen him get really upset - somebody had made a suggestion, I'm not sure exactly what he was referring to - probably Sandeman - about what the ruling of the Senate might be or the Chair or something - and Rodino interrupted and said nobody can speak for the committee as to what the law is and so forth and Wiggins didn't realize his microphone was on - have I told you this (no) - and he said including the chairman. And the chairman just stopped, you know, and you could see he was really getting ready to let him have it but then he just went on and said we've got to maintain decorum here but I think it's one of those instances in which tv probably saved one member from a tongue lashing or an exchange that would not have contributed to the dignity of the committee.

Wiggins pushed his point again about policy - no concensus in the committee as to when policy was developed and then he raised the second question about - he was insisting that investigating officers - and this must be in the course of their investigation - and he referred to a recent case by Judge G. Sell, in other words, we're saying that the ~~president~~ ^{president's case} made false statement to the investigating officer. Wiggins is insisting that we ought to say that it was in the course of their investigation and we ought to be prepared to prove that and of course, that's a little bit doubtful. Everybody when they talk to the president must be there for something official. It's part of the same old pattern of trying to get more specific than we are. And that's where we were.

That carries us through Friday evening.

W Can you remember anything that was said about Sandeman - direct quotes - about the tactic - the Sandeman tactic in the meeting among the group that was - you said you felt kinda sense of panic -

B It passed. The point is - it passed. After dinner when Sandeman didn't get as much time and we talked this thing go and then we had the vote on the motion to strike the first sub-paragraph. That took place on Friday evening. No, I know what you are searching for - the evidence - No, I think that's it, I can't recall any specifics but I do recall Jenner's. I called my wife somewhere during that time and she ~~said~~ seemed to think that Sandeman was not coming over that well, that he was really kinda undignified or oaf or something or that wort - that's not a very good word but thug from New Jersey was kinda of the feeling, reaction she was getting from all of it, I felt that they were continuously repeating the same thing and they weren't getting anywhere and they had their day and they blew it and so that's where we are.

Now Saturday morning, I don't know. Now that's the last time I took any notes wasn't it - cause ~~I have~~ this morning I have a new book now.

7/30/74 Taping on the morning of July 30th - facing the vote on article II and before you get to specifics if you would like to talk a little about the difference - what I thought was the difference in mood on the committee after the vote on Saturday or the first article of impeachment ~~at~~ ^{and} yesterday, it seemed to me there was more solemnity and more - yesterday it seemed to me more sort of it's over, in effect, and then the hardest part is over and now it's nailing in further nails - and what's your feeling.

B I think that's true, I mean, well, go to the roll call itself, why the and there are two roll call votes ^{of course} on each one of these things but the first one that really has the drama if there is any - not the second and that's when ~~you~~ you move to substitute - in this instance the Hungate substitute - but there was just that - pretty routine attitude about the whole roll call and neither Henry Smith sort of moment of levity when he stumbled a little bit and things like that - the voices were louder and stronger, no really over riding feeling of humility or anything in the voting. It was apparent to me in the voting that the issue had been drawn the day before and that this was sort of a mopping up operation and that was the feeling of the committee. We picked up one ~~x~~ vote - McClory - the only real drama - a moment of doubt - was there was a while we thought Wiley Mayne of Iowa would go along with it too because he had expressed such strong feeling about the enemies list and the IRS and things of that nature

W He said it was a prestitution of the IRS...

B Yeah, that's right and he also was greatly offended by Judge Burn - the attention given Judge Burn. The debate had a routine ^{ness} about it that I felt like destroyed its - not destroyed but certainly didn't lift it to the calibre of the opening debate or even the discussion of article I. Everybody was just plain tired when we quit and that was the main prevailing emotion at the moment.

I had several good speeches written in my mind as we went along but I felt like during the debate that what I wanted to say was being said and so I really declined to get involved in that. I felt like that we had made a case - indeed - as ~~I listened to the debate on article II and listened to the really specious arguments that were being made against it - it removed any doubt in my own mind that my decision to support the impeachment was a sound one~~ and I also have pretty much come to the conclusion that it's going to be carried in the House a good deal more substantially than anybody presently imagines. I don't have any individual - anything to say about that, based on a polling - but just my feeling from the few members of Congress that I have talked to ~~during the weekend~~ on Monday, who, having been home for the weekend, come back visibly - not visibly, but clearly persuaded that the Judiciary Committee has put on a good show and I was surprised - good show and in the sense that the people feel that the impeachment is indicated. I was surprised - I can't cast all modesty even in my own memoirs - but I was surprised at the number of people who came back from long distances saying how that - my particular comments had been persuasive and well received in their districts. Dale Milford who is from Texas - Jim Jones who is from Oklahoma - a republican district incidentally 81%, he's a democrat but it's an 81% Nixon vote in his district - Broyhill from N.C. and those are the people I saw - Shuster from Pa., the indications are - in the conversations with me - that I and among others - have struck a ~~x~~ responsive chord in what the American people feel about this situation and I'm beginning to get that impression from my mail although the party people are disappointed and many of them strongly so, the prevailing sentiment of the mail is clearly moving in the direction of approval of what I've done. And I find that - find that throughout the district and throughout the country. I've been surprised at the volume of mail I've gotten

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B all over the country and of course that's

W Do you save any of that out of state mail

B I haven't been but I'm going to do it now but I'm going to read it I got nice notes from McClosky and Don Reagle - who are mavricks - republicans of a sort - one Reagle, no longer a republican, but it gives me pause to think that my republican ~~some~~ support is coming from the maverick wing of the party but just the same I appreciated their taking the time to send me a note.

Also one other thing I wanted to mention is I just think it's entertaining and interesting and I guess you saw it too, just what a big kick the kids in the office are having about reading all this mail. It's just like a bunch of children at a birthday, sitting there opening up the letters and packing them up and things. My wife, course, called my attention to it at first, she kinda walked in, she's kinda getting in the modd too as she walked there, but I just can't - ~~he~~ it's hard for me to take in - the amount of mail that this thing has generated, outside the district.

W You're getting it by the dozens now.

B Oh, yeah. I don't know, we've got to figure out some way to handle it but I'll cross that bridge when I get to it - I reckon I'm to it but I'll cross it soon.

Satisfied
The debate last night - lost was the drama but the thing I really wanted to mention was that my feeling during the course of the debate that I'm totally satisfied with what I've done and my position and I can live with it and it's not going to bother me. Came me a couple of days there where it really did concern me but I ~~felt~~ feel like we're on the right track.

Oneother thing I noticed - you know you sit there and you watch from your position as a member of the committee, you can see the audience, and particularly the press and the people that are there, but particularly the press is really not (W-this audience is about 2/3rds press) yeah, it really is, 2/3rds is the press, the working press, and that means 2/3rds against the president to begin with - but my view of those people - you know I look at them and I've seen them there and they were fresh and enthusiastic when the debate started and hanging on every word but all that's gone now - they're just sitting - they looked just washed out and of course women, you can notice that more quickly than the men, but they all just look physically exhausted and somewhat bored and I suspect that maybe the American people have had just about enough of this.

And I have that in mind today when we go into Article III or IV or whatever the remaining articles that weill be offered - that my own view of it is that we've put the questions squarely before the Senate and the American people and I'm going to resist any further efforts to embellish the thing.

*Nixon
hypocrisy*
The two things that occurred to me most during the debate that I probably should have commented on - if I haven't felt that everybody had heard enough - was one - the overall feeling that the absolute indifference to the individual rights, particularly constitutional rights, on the part of White House personnel and indeed the President, it's just a convenient disregard of these rights and the failure of the President to respond to them keeps coming back to you in the abuse of power discussion. Righteous indignation is one of this great ploys in his public appearances but his private conversations are just devoid of that and you recognize, for example

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B the Houston plan - that was set off by the FBI - and there's the Elsberg sheraide or whatever you want to call it and then that was cut off by the mistrial which the Judge declared and the corruption of Judge Burn was cut off by Judge Burn and the illegal wiretapping - that was shot down by the Watergate itself and every single one of these things that this particular section - abuse of power is directed to - ~~is~~ it's clearly apparent that the real question, the real thing is the presidents failure to respond and then affirmatively, later, ~~by his conduct~~ by his conduct to endorse what has gone on. That had particular significance to me in the amendment by Chuck Wiggins, which was extensively debated on the floor, excuse me, in the committee, dealing with paragraph 3 - it was poor draftsmanship on our part, that we put in there and don't remember how this slipped into that cause I didn't remember seeing until it was read but it stuck out like a sore thumb and other matters. That was the president - as you read the rest of that sub-paragraph, you'll see that the president fails to act as he should have acted in response to ~~in~~ information about the breakin and then it says - and other matters. And Wiggins pointed out quite properly that this involved - that this was a license to mention most anything. Well, I think specificity has a basis here. Well, we were able to clean that up eventually. I was - and the interesting exchange then, I want to mention this now because Bob McClory tried in his own artless fashion, tried to clear it up, amending it to "other unlawful activities." That was progress of a sort but we'd ought to have done was spell out specifically the things that we were concerned with there: the breakin, the Kleindists and this , that and the other.

That goes back to the other thing that I mentioned - is the Kleindists and the ~~with~~ things that ~~the~~ president acted wrongly and Kleindists instead of calling him up and saying you clear up that story or quit - he said he's a great fella. And that's another one of the tings I wanted to mention before.

*Spied
with*

I'm getting away from my thoughts but we'll just have to put this together when we type it up. The thing that concerned me there was spelling it out specifically. Well, anyway, I immediately started jotting down the things I thought ought to be spelled out specifically, Bill Cohen started spelling his out and then I got worried about whether procedurally we wouldn't be letting the boat pass us so I got a ruling from the chair that we'd have time and then strangely enough, Jim Mann called me up and he had written in long hand, his suggestions ~~in~~ along that same line, in other words all 3 of us has kinda been working in the same vein - each in his own mind - we came up with pretty much all of the same thing except the - Mann had in his draft the Diem papers - you know, the forged papers that Howard Hunt had put together and they were in the safe and probably deep sixed or shreaded, we're not sure - that particular area of - we decided - John Doar came over and chatted with us. Bill Cohen went out and got it typed up, put all of in there and brought it back and we looked at it and I was stalling for time, and while we were stalling for time and everything, in the committee hearing and then I got a ruling from the chair that we could bring it up anytime before the final vote so that gave us an opportunity to relax so then we got John Doar involved in it and Frank Poke involved in it and they took a look at it and they brought their products in there and then John Doar came over there and said he didn't think we could sustain the Diem fact of it - so I finally ~~is~~ said pull it out - but I pointed to page 105 of the transcript where it said, indicates there that the president had seen that picture and he said well, that's true but he felt lik the papers and the picture were not necessarily together at the same time and we couldn't establish that. So Diem came out and that's the way it passed through. That's the way that particular amendment developed.

7/30/74

B Bill ~~Cohen~~ Cohen very kindly put my name on the amendment but I insisted that he go ahead and offer it and he gave me a credit for it in the course of it but I was pretty proud that we were able to put that together on that short notice cause I think it really improved that particular part of the article II. Passed by voice vote. No protest because after all it satisfied the requirements of the objectors and it was satisfactory to the chief patron ~~The other amendment~~ and Don Edwards paid me a compliment - said I was one of the best lawyers on the committee - that's high praise from him so I was pleased with the way that went - I was real pleased - cause I think we're - looking back on it and we've got - put together an awfully piece of draftsmanship in both article I and II and I think we can take some real pride in it.

Sumner Defeat Wiggins

The other amendment that we got into and this - I got diverted - but this is my style, I've decided, but anyway, we'll just have to put it all together later - ~~that was the amendment offered by Wiggins dealing with the question of - and it was directed both to sub-paragraph one and sub-paragraph three - directed the question of the president and we have in there acting personally and through his subordinates and agents. Wiggins wanted to change that around to say that the president was acting - that the president, personally and acting through his subordinates and agents and through his subordinates and agents acting with his knowledge or with upon his instructions. This would have cut the heart out of our ability - of the ability to prove much of what's involved - because it would have said, in my judgement, that - there are two conditions before you can prove that the president - prove anything and that is number one - that they acted for the president and number two - that the president knew about it or instructed them. Well, much, because of the nature of things is involved in ratification and that's the real problem in most all of this - is going to be the real problem in proof - like John Dean comes in and says we've been doing this with the IRS for years - the argument would have been made under that paragraph in the Senate - if they took the Senate amendment that, well, can you prove that the president knew that John Dean was doing it before he did it? If the president could have proved that ~~Dean~~ whoever is moving it - the prosecutor would have to prove a good deal more. Now, what, like Dennis, Wiggins, who are good lawyers, compromise their intellectual integrity a little bit here, by saying that wasn't their intention at all. And of course you can prove ratification. My view of it - and I'll stick to it is - they're saying that throw don't make it so and that we would have been in a terrible trap if we had let that amendment pass so I was greatly relieved when it didn't pass and I think that the promise that Cohen and I made during the course of the argument that if we defeated this one, we would clean it up by the other amendment I mentioned. - No you better not say that, that's not right. I got off the track - just strike that part.~~

Where I want to let off on that is we saved the whole article by defeating the amendment as far as I'm concerned because it would have made it - proof of these things next to impossible in the Senate.

- W You and Cohen indicated in the course of the debate that you would have...
- B No, now that was the other amendment that I talked about - that's unrelated.
- W This particular amendment, you felt like Wiggins - if he succeeded - that could have raised the difficult charge of proof in the Senate and could have gutted the article - is that the size of it?
- B That's about it. It would certainly have put themselves in the position that there would be an awful lot of argument about procedures that was not necessary,

B it should not be necessary in this sort of proceedings. So I think that was critical in today's debate - the Monday debate - and that's my view of it.

I mentioned before - I mention here that there were two thoughts that I had had during the course of debate that I probably should have expressed that I didn't get around to and the first one was the failure of the president to act affirmatively and cut off these things and somebody else always cut them off and the second - the argument was often made by Wiggins, Dennis, Hutchinson, Maraziti, that the climate prevailing in 1969 justified illegal wire tapping. I think we should have said (W-climate of the war, the leaks,) that's right, the whole atmosphere, well there's some argument about whether there was such an atmosphere - I mean, you know, whether that was the atmosphere or not - but assuming that it was - I think the basic thing that we ought to keep sight of - the point that should have been made and it was made by several but not with the force that I think it should have - is that the rights - you know, the Bill of Rights and the constitutional rights were designed for this very situation - that this thing of trespassing on constitutional rights of people just because they are unpopular is one of the most dangerous things that you can do and just because it's expedient in the end doesn't justify it in my mind and I feel like that - we made - we ought to have made that point a little more strongly. I guess, when you analyze it - and I may be a little bit of a coward here - the feeling that Daniel Elsbeg is still any kind of criticism of the administrations action and response to the Elsbeg situation does not meet - even now - with approval. Daniel Elsbeg in my judgement is a traitor and I don't see how you can phrase it any other way - and that's why - but - and when we are talking about trespassing on his constitutional rights, it just doesn't set too well - as Walter Flowers reminded us and sometimes in our deliberations - that and in fact all of us, I can go back to all of our drafting sessions, we were scrupulously careful not to mention Elsbeg's name. And I don't remember it creeping back into article II now. It just plain - we kept it out of there - that's all. And for that reason. But we certainly were talking about Elsbeg's - and that whole development.

Incidentally I thought Sandeman made his most effective argument during the course of the day when he pointed out that he went to a dinner with ~~Mr~~ Muskie and Elsbeg and himself and Elsbeg got a standing ovation and broke down the house - and he and Muskie just barely got acknowledged during this period and he said, he's a national hero.

B The point I wanted to make is, ~~we~~ ~~we kept his name out of the drafting of the bill but that was one of the things we were certainly talking about and I was just making the point that if we trespass on our constitutional rights just because the guy we are working over happens to be unpopular or even a traitor, why we, we are jeopardizing the freedom - in the long run, and you know, if we lose what we are - if we lose the things we value in our effort to preserve them then we really don't serve any useful purpose and has kinda bad implications in the long haul. And that was the point that I would have made if I had felt so inspired.~~

Fish
in
will
fish

EPHRAON

W this interview will be in conjunction with Nora Efron - in fact it will be ~~mainly~~ mainly her interview and, if they don't mind, I will pop in with a question from time to time.

N As I told you Mr. Butler, I'm doing a piece on Mr. Railsback. I'm trying to reconstruct the events of the last week and it's my understanding that on Monday - last Monday - he made contact with the other six people who became part of that group, is that your recollection?

B You know, I got diverted here by some things and maybe you'd better repeat that question... then I'll get on the same wave length...

N Well, it's my understanding that the group of 7 congressman - I don't know what we want to call them (B- they're congressman) but it started at 7 - first met Tuesday morning about 8:30 (B-that's about my recollection) and that Congressman Railsback went around the committee on Monday and said to you I'm having a meeting in my office Tuesday morning. Do you remember his first approach to you? And whether it was he?

B It was - I don't remember it that way.

N You don't. How do you remember it.

B It's like topsy - to use an expression from John Dean. It just kinda grew because, you know, Railsback and I and Cohen and Fish had been kickin' this thing around for some little time...informally...and meeting in twos and threes and ones...for some little time and, but I do feel like Railsback was always the most available of the entire group. And that was kinda the situation that developed and then my recollection after that is that I was talking to some Democrats along the lines of - in fact I believe it was Jerry Waldie - ~~about~~ if I remember correctly - along the lines - better not say Waldie, just I was talking - I had the impression from my contact with the democrats that they were looking for the lowest common denominator that could be accepted. And I said, well I would like to talk ~~with~~ to the man that's doing that cause I feel like there are republicans that could work into it and he said well, Jim Mann is the man that's probably doing most of this and so I'm not sure that I didn't speak - I spoke first to Mann and then I said - and I'd been speaking to Railsback and Cohen all along and ~~then~~ they had been speaking back and forth - and then it kinda evolved that the 7 of us got together. Railsback brought his - well, we knew who our group would be from our prior discussion. And Jim Mann brought his people along and that, I would say, would be the way that it evolved but certainly Tom Railsback deserves the most credit within the Republican party for endeavoring to get as many Republicans involved in it as he could.

N Now after this first meeting Tuesday morning in Mr. Railsback's office, do you remember that meeting at all - does anything stand out from it?

B I have to rest - no. Not at the moment. You trigger me.

N As I understand it, the meeting began rather tentatively...people were kinda trying to feel each other out and there was some discussion of whether the punishment fit the crime - should perhaps you all be thinking of censuring the president instead of impeaching him and a few possibilities were kicked around - do you remember this at all?

B I think I would have to review pretty carefully my notes and the record I made of that but there wasn't a whole lot of note taking to begin with, you know. But I would say that it was fair to say that there was some kinda feeling out of process - no feeling of distrust or hostility or anything of that nature - ~~was just kinda feeling out process~~ it was just kinda feeling out process by which we determined just exactly how sincere everybody was about the problem and I think it became pretty apparent that we were all troubled by the same thing. And ~~essentially~~ essentially ~~censure~~ was kicked around, I remember that, a little bit...

N Was there any point - did you all understand - was it implicit in this meeting that all 7 of you would vote an article of impeachment if it were acceptable or was there even some mystery about that?

B I didn't consider myself committed but I (N-you didn't) to the work product and I don't think anybody did but at the same time we all wanted to put something into shape that if we did vote against it, it wouldn't be for technical reasons.

Now, what I want you to do - is you tell me what you know about it and I'll affirm or deny it. I think maybe that's the best...

N When you had been seeing Cohen, Railsback and Fish but particularly Railsback in ~~these~~ these meetings of twos and threes, was there a ~~point~~ point where you became pretty sure that he would vote impeachment - was there ever a point where you didn't know...

B I never had any real doubts in my mind that Tom Railsback was going to vote for impeachment. I think he had doubts in his mind but my conversations with him - I was pretty much - could see that he was moving in that direction and I guess he was tentative there several weeks before hand but by the time this thing had come along, I felt like that die had been cast for sure.

N You were saying several weeks before - was that - do you remember why? (B- do I remember why) yeah, do you remember whether he was tentative because of concern about Republican voters or concern about whether the evidence was there or -

me
B Better ask/that w question ~~aha~~ again...

N Well, you said he was tentative several weeks before...

B Oh ~~yeah~~ well, yeah, no I just think that while ~~we~~ we were going through the evidence and listening a little bit that I had the impression that he had his moments of doubt - I just have that general feeling without recalling what circumstances brought that on - but I was trying to read everybody you know and everybody was trying to read everybody else, I guess, and nobody was really spelling

l.c.

- B IT OUT but I had felt that Cohen and Fish were pretty well committed and that I had reservations about Railsback in there but I thought he was wrestling with the same thing that I was wrestling with.
- W How does that process work - that process of trying to read other people - is it kinda like a poker game ...
- B No, I didn't have that feeling about it. I mean I was just - not trying to feel them out just trying - as you have conversation and reflect on them from time to time - you wonder how they are going and I felt like - well, I didn't read Larry Hogan very well and I didn't read Harold Frolich very well so I don't have much expertise in that field.
- N Do you remember on Tuesday - when Hogan announced - where you were when you heard about it - were you in another meeting with this group .
- B I was sitting beside him and somebody said Hogan has announced a press conference for 3 o'clock or whatever the time - and I turned and asked him what he was going to do and I don't believe he told me then. I didn't know what he was going to do until he announced. He kept his counsel pretty close. And his questioning from time to time didn't indicate how he was going - and but once he made his decision, he sounded like a reformed alcoholic - he was full speed ahead.
- N Do you remember where you were when you heard that he had announced -
- B Where were you when we heard that he had announced... (N=yes) Yes, I was in Washington, D.C.
- N Were you in a meeting in Railsback's office...
- B No, I don't think so. No, I think I was probably on the floor.
- N What was the effect of Hogan's announcement on your group of 7?
- B I don't think it had a whole lot of impact.
- N You don't.
- B I do not. Do not remember it that way. And he really didn't get involved with us until several days after that.
- N That I know but I do have the impression that it kinda took the heat off - to some extent...
for
- B Yeah, Tom felt that. I was there when Tom saw him. I remember now Tom told him that - congratulated him - thought he did a good job and that it took the heat off of him. Tom said that to Hogan - yes, I was there when he said that - that was at the end of the row of the Judiciary Committee...you go from the lower level to the upper level on the Republican side.
- N That was about 4 o'clock that day when you met...
- B I would think it was - yeah - whenever we started our meeting on that day - that was when that conversation took place. I had the feeling though, I had the general feeling among many Republicans that it was an opportunist thing about Hogan sort of thing about Hogan - I hadn't read his statement. I had just heard about it. I had a copy of it and I really hadn't had a chance to read it when I first saw him.

B But I told him I thought he had done a good job and my response to the press was - you know if you feel lonesome, if you're worried about being lonesome then this objection is gone and that was pretty much the thought that Tom Railsback gave him - he said I'm proud of you - it's a good job - and it sure does take the heat off me. And I think all three of those things are true.

N In the course of the week as Mr. Mann went between your group and the Brooks-Sarbanes-Edwards-Conyers group...

B Brooks-Sarbanes-Edwards-Conyers - ugh - Mezvinsky - Mezvinsky, I think was in that group - but you know more about that than I do. Brooks - there was some freshman.

N As Mann went back and forth, as you look at it, what were your major accomplishments as a group in terms of the language of the article or the mood of the article?

B I felt like the article as finally drafted was a product of our group refined and - a common refined to - a common refined by - and accomodated to the Democrats - that the product was ours. And I feel that way about ~~ixand~~ Article I and Article II both. That the principal draftsmanship took place in our ~~group~~ group and that Tom Moony and Jim Mann deserve most of the credit for that with Railsback and myself and others pitching into it. Tom deserves the credit for keeping us moving - I mean, Jim Mann was an old maid about the thing - that's the reason I think it's a good product...

N Jim Mann was a what about the thing...

B An old maid -

N An old maid -

B Didn't hurt your feelings did I?

N No. I'm not an old maid.

B Do you know what an old maid ~~ix~~ is?

N The one that nobody - I don't understand what you mean in that -

B An old maid is very nit-picky, sort of very k careful - a draftsman and that was - which is quite valuable - in the legal profession - to have somebody that's worried about details and the niceities of language particularly.

N But you mean if it had been up to Jim Mann you would have spent more time debating the language...

B No, not necessarily debating it - No, well, yeah, no, I just - I'm not critical of him at all, I ~~x~~ just think he was - it was very valuable that he had it and very valuable that he wasn't satisfied with a half way job and the inclination of the rest of us was - you know - get something together and not worry too much about it. If the question came up why we'd kick it around but these things trouble Mann for ever but Tom kept us moving.

N What were some of the things he did to keep you moving?

B He just called us together.

- N Was he the one at the end of the meeting who would say okay, now you do this and you go talk to so and so and get back to me on that and...
- B Well, you know, there wasn't any generalisimo but it worked out - well, everybody just said, I'll do this and I'll do that. My feeling is that it just fell together and there really wasn't that much - the only real liaison problem was between the Democrats and the Democrats in our group and Jim Mann was handling that and Frank Polk, you know was the draft for the minority counsel who seemed to be holding his hand through much of this.
- N Frank Polk was...
- B Frank Polk - he's the minority counsel. I say he was sort of going along with Jim Mann in many of these sessions. Now I'm telling you things that I thought you already knew - am I
- N Well, I'm just looking for details...
- B alright, okay - fine.
- N Friday night after that day of - the day you all had dinner at the Capitol Hill Club -
- B Several people had dinner, yes. Now, have you talked to Railsback about that?
- N I haven't talked to him yet about that meeting. I have talked to a couple of other people who were there. I understand that was a fairly caotic meeting.
- B What are your sources on that?
- N I can't tell you that.
- B Huh? (N-I can't tell you that) Well, I wouldn't describe it that way.
- N You would not describe a kind of confused - what-are-we-going-to-do-now - should we postpone for the weekend - should we...
- B Well, it was indecisive in that regard but I didn't feel like we were making that decision but to say that it was caotic - well, I'm not sure that's a very good word. That's what I want to know. I'd kinda like to know who's using that expression just to...
- N Well, that may be my expression. Someone else ~~talked to~~ - Tom Moony told me on the record that he thought the meeting was in disarray.
- B Yeah, that's a fair statement. But ~~it~~ - yeah - I will not affirm that caotic is a very good word or disarray but certainly there was some feeling that the lack of plan - it was at this moment that it became apparent to me - that they hadn't worked out a strategy too well for the Committee debate but - and we had an effort to accomodate to the argument about specificity and I feel like that Tom and I both resisted any efforts to mess up the pleadings. Well, you know, that's the word I used.
- N To mess up the pleadings...?

- B The articles. Sandman was making some complaints and it was indecisive as to what to do and I really don't think we accomplished a whole lot - that's about as much - ~~as~~ and I wouldn't like to be quoted on ~~it~~ that - one way or another.
- N. Oh, alright.
- B You can keep that in mind but that's basically where we were.
- N You did consider in that meeting actually putting the specific things in the articles...
- B There was an effort made to do that but I thought that was a crazy thing to do.
- N Can you tell me - off the record - who was behind that?
- B I'd have to check my notes to make sure - wouldn't like to say now. You'll have to find out from him.
- N From that person...
- B Yeah, whoever.
- N Well, I probably will - as next week as you know.
- B Yeah, I just...
- Nq Was there ever any worry that the Democratic groups - there were, you know, subcommittees, whatever we want to call the Sarbanes group - would not cooperate with you - did you ever to ~~to~~ your knowledge have ...
- B I didn't worry about that one bit. (N- you didn't) Jim Mann assured us that and Thornton and who was that other Democrat - Flowers, assured us that those folks would have to go along in effect. And I think they might have had internal problems but as far as we were concerned we felt like - well, ultimately I think _____ the word - it's worked out very nicely.
- N On Wednesday - which was the day when most of the drafting went on - before the first meeting - everyone that I saw from your group, which is not speaking of a great many people -
- B On Wednesday, now which Wednesday are we referring to...
- N We are talking about last Wednesday which was the first day of the debate - it started at 7:30 at night and it was ~~ter~~ tremendous pressure to get some article on paper - a couple of us bumped into Cohen and I guess it was Tom Railsback before ~~the~~ 7:30 meeting and they were so wound up and so tense - Cohen snapped at two people in a row which I have never seen him do in my life and I just wonder what was going on that day...
- B Well, I think you gotta make some license - some concession to the fact that Cohen is still kinda young -
- N Well Tom was pretty upset when I saw him about 4:30 - it was outside of his office - and he was trying - you know, we want to vote for our articles, we don't want to vote for their articles, I mean that

N * kind of tension building...

B I wasn't conscious of all that. I didn't think...

N It was also a pretense that the two groups weren't working with each other...

B All that - well, you know, I didn't have that feeling. I mean I didn't ~~xxxx~~ think we were getting together and I didn't care much who they were carrying messages back and forth to. I knew what I was looking for and I felt like we all knew what we were looking for and we were getting closer to it and I didn't think we were very far apart and the deadline disturbed me but when we decided to let the deadline pass in effect, I felt like the pressure was off.

N Well, what was it you group wanted...

B Well, you ~~know~~ don't know - you don't know - how to express that, we just, we wanted Articles we could live with, be comfortable with is the expression I think Tom used. And I'll stick with that. It was a drafting problem that we wanted to solve. Well, thank you very much.

Well, what are you ~~do~~ doing now - how are you~~re~~ coming on this thing... are you trying to put this together for a magazine article this week.

N Well, it will be out next week - not next week but the one after. It's due Friday or Monday and it's coming out the following Monday in New York and it's just really focusing - it's probably exactly what you are doing here - focusing on one man.

B I kinda want to be consistent with what I tell everybody and if yours if going to be out before I have to tell anybody else anything, I'll wait and see what you have to say.

N You wouldn't happen to have any of those notes handy of those meetings so that ~~xxx~~^{we} could have some clearer idea of what went on...

B No - Yeah - I would happen to have but I'm not going to surrender 'em until I can read them over and interpret them myself because I just kinda jot - my shorthand is - requires explanation as I go - and so it wouldn't be very helpful to you and not to me unless I had some more things - even now - in front of me than I've got. You're saying - this is Friday - you mean like today is - what, Tuesday, Wednesday - today is Tuesday - oh, you mean Friday of this week. (N- yes) Well, you've got to get to work haven't you?

N Yes, I sure do. (B-okay, fine) Do you think there's any chance you are going to take those notes out and look at them?

B Yeah, there's ~~xxx~~ every chance in the ~~work~~ world.

N Because it would just mean a great deal to me to have what went on in those meetings to corroborated in some way.

B Well, I think I've corroborated - no, I'm not going to have any chance this week. No, that's why I was talking about your Friday...and my notes aren't that good. Thank you.

B Now, let's see, when was the last time we taped?

W Don't think we got here til yesterday or if we did it was brief...

B You know time - all of it has just kinda merged...

W Oh, I guess we did, we did get together yesterday ~~be~~ briefly - in the morning.

B Alright, let me ~~be~~ bring you up to date on this - let me tell you what took place...

W We really haven't gone into your notes - I don't think we've hit your notes since last Saturday - I think you've got a lot of your Saturday notes.

B Right - okay, well let me give you some run down on today. And I didn't have my notebook with me but I had a meeting of the 93rd Club - which is the Republicans who are ~~a~~ new members of the Congress - you know, in this current 93rd Congress - this is their first Congress - and we met with John Rhodes today in a session and I didn't stay for all of it but it was kinda interesting to me what took place. I came in when Rinaldo ^{FROB} Matty Rinaldo - from Jersey was speaking - and the subject was the ~~spy~~ plan which is now being kicked around under which the president was just abdicated his objections to impeachment~~s~~ so that no body would have to make that hard ~~be~~ vote. And Rinaldo was saying the situation in New Jersey was terrible for Republicans.

And I didn't like to quiz him about his hero, Charlie Sandman - but basically the Republicans seem to be in real trouble in New Jersey because of the president and I had heard this from other sources. I heard - the time man told me for example - that John Rhodes thinks that every Republican in New Jersey will lose this time.

W Even Sandman?

B Now that observation was undoubtedly made some little time before - I mean several weeks ago before Sandman became a national hero. So, that may not have a whole lot of validity except that even - New Jersey has been considered marginal territory for some time. But the substance of Rinaldo's - the thrust of what he had to say was - we ~~w~~ want the fry plan - we want to be pulled off the hook. And Moorhead made a very moving plea in defense of the president and he - and also - you know, keep your powder dry was the thrust of his remarks and he pointed out that the majority of the Republicans on the Committee did not want impeachment but he had high regards for his friends on the committee who voted that way.

Well, I didn't point to him - but as far as the freshman on the Committee were concerned - they were divided equally. Young fellows like Maraziti, Lott and let's see, one other - Maraziti and Lott voted against impeachment - Frolich, Cohen and myself voted for it and I believe...

W Is Latta a freshman - he's a freshman on the Committee but you mean...

B Latta, yeah, Latta is not a freshman though. I don't consider him a freshman. I'm trying to think - there's somebody ~~w~~ else down there. There's Moorhead, Maraziti and Lott - voted against it. And Cohen and myself and Frolich voted for it and so we were evenly divided.

B And so I had that observation which I did not make but I think that's a fair index on how our group is going. Although it's very conservative. Freshman are very conservative - those whose judgement is liberated a little bit = I think do not view us with a whole lot of hostility. I didn't have any feeling - don't yet have any feeling of hostility.

W Have you gotten any ribbing or has it been mainly good natured.

B Well, it's been good natured but yeah, oh sure, everybody's making fun and having a good time treating the Judiciary Committee like celebrities and all that sort of stuff. You know, I've offered autographs to several of them. But, yeah, but I think the good natured exchanges - everybody ~~express~~ respects your right to make a decision.

W But you haven't yet had anybody get bitter.

B I haven't been subjected to any of that - at all. I do not recall any - there have been some people really upset but they haven't turned on me in the process. Some people have not been ^{as} warm in their greening as they ~~have~~ in the past but they will get over that. I think I'm right. In fact, you know, I get more comfortable with my vote every day and it really doesn't worry me a bit any more.

W You said once - and I think you said it when we didn't have the tape on-that you weren't - about a month ago - you said you weren't too worried about error - the chance of error didn't weigh heavily on you in this...

B Well, I've changed my view of that - I mean, yes, I had some second thoughts after I did it - both as to the intensity of what I said and also the decision I made but as I've listened to the arguments against it, I'm more comfortable with the decision.

W You've become more firm...

B Yeah, well, not inflexible but comfortable - is exactly the way I want to express it. I mean it doesn't ~~mother~~ me anymore that - I mean I don't worry about having made the right decision in the light of the evidence and so I, quite frankly anticipate that the president has put forth his best case and as these tapes unfold - they are going to unfold far greater difficulties for him.

But getting back to John Rhodes' response to Moorhead - I think that was - and the substance of what he said - you know, you're exactly right - ~~the~~ and Moorhead said well, the Republican party is ~~going~~ going to be in trouble for a long time as a result of this - and John Rhodes said he wasn't sure about that, he thought the reports of the death of the Republican party were greatly exaggerated. And - but the view that he took was 1) that he had not made a decision and he's going to announce it, he was prepared to announce it earlier he said but, on reflection and other things, he said he has decided to announce it about Monday, the - whatever that is. But I had the impression that that date was kinda negotiable. But the important thing - his ~~fx~~ view of it is - the important thing, from the point of view of the Republican party, is to come out of this thing where we don't all hate each other that we've got to pick up the pieces and put the wheels back on the track

B and get running again after the election and after the impeachment and ~~after~~ I think that's what's really what's disturbing him which I thought was some new insight into it but I think probably the correct one.

Stan ^P Harris, who is a political pragmatist, if there ever was one, was - I thought he was begging for the ~~Fly~~ plan - when he started off - he said the ~~least~~ leadership plan was what he was talking about - but basically he wants to be able to go back to his people and say the leadership - the decision - my decision was what the ~~the~~ leadership - had the blessings of the leadership so that if the leadership will vote for impeachment - he'll get out of it and if the leadership votes against it then he thinks that will help him. I think he's naive. I think the whole - and Rhodes said, well, you know, maybe this whole thing will work itself out - and I have a note that - I may, just jotted some things down - I don't see how he could say that.

Tennison Guyer from Ohio said regardless of how the things go you've got to go home and pick up the pieces and he said right now his feeling was that in the House there weren't but a hundred votes for the president - in favor of the president - and 20 in the Senate and that's his reading of it now and he's says the president is still isolated and is still facing his problems alone and he says he sees no way of him working himself out of it until he gets closer to the Congress.

Then Rhodes got to the question of the president's resignation - said he made a suggestion along those lines some little time ago because he thought it would be of service to the party and the country if the president would recognize that and he says he got a ~~terrible reactions~~ from membership and, at that time, that he wasn't/^{sure}going to stick out his neck again but he said that his reading of it was there was no possibility that the president would do that again. Said there was no possibility that the president would resign. Somebody asked him about his view of censure and he said well, it wouldn't fly but it might be a device where those that wanted to vote for the president could clear their conscience. But I don't believe that's going to develop either.

^{SARRISON(?)}
Sarrison - Ron Sarrison - suggested that he thought it would be a mistake to vote in concert as a party on this line and then Jim ^(?) Abner asked the question as a non lawyer whether the possibility ~~is~~ that your vote in the Senate would have to be based on different criteria than the House. And that was the first time I felt compelled to speak up, and I thought that that was true - that the ~~different~~ different standards and different evidence because the Senate is a trial and the House is not.

One other suggestion was made...

W What did you cite as different standards...

B Well, John Rhodes said first - he thought clear and convincing was the standard in the House and beyond a reasonable doubt in the Senate. I pointed out that he was probably right on that but the more significant thing was that the Senate would be a trial so there would be different evidence before you when you made that decision and the second thing was that impeachment regardless of how you stand - irregardless of how you feel about the facts - that it's still a discretionary thing with the individual person - is it in the national interest and that's one of the things I presented. Hanrahan, very able young fella from Ill. I believe, somewhere out there, (freshman - yeah) he wanted to know

B about whether there was a possibility of involking the 25th amendment during this period and the president could be persuaded to that, you know - temporary disability. (WFord would take over) But, yeah, Rhodes said he didn't think Gerry Ford would be much interested in that.

W He didn't think Ford would be...

B No, and I don't either. I had to go elsewhere - the way all things are in ~~the~~ this...

w Why would you think Ford wouldn't be interested in that...

B Because it would put him in such a compromising position cause - I mean whatever decision he made would be subject to reversal by Nixon at a later time and it just wouldn't work.

W Has he said anything to indicate that

B No, he hasn't said that. John Rhodes said it would be putting my friend Gerry Ford in a difficult position and I don't think we ought to do it. That was basically it so I don't think anybody considered that seriously. And I certainly would urge it.

This is just kinda of it - everybody in the freshman Republican class as everybody in Congress is - is concerned about it but nobody stood up and said stonewall it. Nobody stood up and said, you know, let's defend ~~protect~~ the president - I think his strength has eroded tremendously.

Any number of people have come up to me and said, any number of - no, that's not true - a number of republicans have said to me that regardless of how they vote they think my position, my view, that the republican party has a responsibility to do something is correct and they ~~x~~ think that should do something for the party in the long run... which interested me.

W Is this ^{good} a/geographic pspread of people who have been saying from the people who have been saying that...

B Yeah, I think so - mostly - yeah, the one that I mostly remember is Bill Armstrong from Colorado - the one that I spoke to today.

W Let's see - you were talking about the other members of the party who had agreed with your view that the party itself has to clean up this mess... You mentioned Bill Armstrong...

B Well, Bill Armstrong - and - well, ~~he~~ didn't go into that much ^{with} he just said the view you expressed with respect to the party ~~would~~ be a real service to the party. And I think - and I'm surprised - you know, that John Ashbrook -

tape was hung up - may have missed some...

continuing and he's about as conservative as they get...

W And that's fella Howard Phillips who voted the other way...

B But he's anut, thought I can't

W They feel the same kind of shame do they

B I judge so - I judge so

WB Well, let's see what else I wanted to mention about that - did I tell you about speaking to the steering committee the other morning... (No)

W No, this was yesterday morning - on Tuesday morning wasn't it

B It was one morning - yeah, Tuesday morning, I guess. Alright ~~welk~~ well, we'll get back to that again. Just following my appearing to the steering committee I got a letter from a conservative who seems to be from Lynchburg who he said he thought my view was the proper conservative view which is basically, you know, we got to clean up ~~our~~ our house and that sort

hung up again...

cornered by Joel Broehill and Bill Whitehurst and that interests me because as you say, Bill Scott was on the floor today when I was there but he didn't talk to me so he may have been lobbying. I have the view from...

W Incidentally I'm going to be writing a story on Scott and

B On Bill Scott

W Yeah, and I'm going to be talking to other members of the delegation

B Well, I have had no discussion with Bill Scott on Impeachment...except at that one luncheon - as far as I'm concerned you can tell them that I'm not going to make any effort to influence him - he's on his own - you can quote me on that.

Now with reference to Broehill and Whitehurst. I started out by talking to Broehill and I didn't take any notes on it of course - he still thinks it's very important for the party to - for the Virginia delegation to stick together - now I think that's something interesting - in this circumstance - he's a political pragmatist but he also - I would have thought that he was abandoning the - I would have thought he would have been against impeachment but Bill Whitehurst seems to have - not to be so concerned about the party staying together. Bill Whitehurst was particularly moved by the portion of my comment dealing with the president's lying - course when we had that luncheon the other day, he had mentioned - I can't help but think that that's one of the things I mentioned to him at the luncheon which was before I committed myself - that I thought the president just lied too much and he feels very strongly about that and I think that influenced what I - you know - some input before I wrote my speech - and it struck a responsive chord with him so my guess - is - from what he said then - that he hasn't made up his mind but he certainly leans towards impeachment. I would judge that ~~Broehill~~ Broehill is working toward getting the delegation together - and I'm not going to intrude in that... (Wtogether in the sense of some common) yeah, so I'm not going to bother the Virginia delegation. I judge - from the fact that neither Wampler nor Robinson has talked to me that they would probably prefer to vote for impeachment - against impeachment - even now - and that it's pretty hard for them - Stan Parris as I've suggested before is a total pragmatist - and Tommy Downing wrote me a very nice letter so I'm sure he's going for impeachment. Bob Daniel hasn't discussed with me or anybody else I'm sure - I mean conclusively - Dan Daniels, I believe he will be the last one in the House - he's very close to Sonny McGomery so I would think he would be the last one to do.

had

B Dave Satterfield, though, has/several public comments, favorable to ~~me~~ my - I guess the word is integrity - his approach but he hasn't taken a strong position either way at the moment but the fact that he is open minded on this issue, surprises me - not surprises me, I mean I just think by this time he would have concluded that the president was being railroaded and not - so - it's interesting to speculate on the Virginia delegation.

Jim Broyhill - my wife was here yesterday - and he's from North Carolina and I would say one of the most influential members of the Congress in the South, certainly, this thing troubled him - he told me first - that - I guess I told you - when he mentioned it - he had been home for the weekend and came back and said I was a hero down ~~w~~ there where he was from. Surprised him and me. I saw him at lunch while leaving lunch on Tuesday and he had with him his college roommate and evidently that had been preceded by a conversation in which the roommate said how could anybody vote to impeach - so Jim stopped me and said - he asked me this question, I'll let you answer it. Well, I gave him a full load as quickly as ~~a~~ I could about the veracity arguments that has the most ~~vi~~ weight in the South and I ~~knocked~~ through in Peterson and that thing - and you have about 2 minutes and you grab what you can if anybody wants to discuss it - I don't know whether I convinced him or not but Broyhill - Jim Broyhill was obviously wrestling with the thing and he said the guy was obviously more flexible than he was when he came. Jim stopped me again on the floor today and I told him I hoped I didn't embarrass him with his friend and he says no he wanted him to hear it and he said - don't tell anybody ~~but~~ about your conversations with me but basically I can see that he's really wrestling with this thing. And I curious to see how it's going to come out and I shouldn't think he has any problems getting reelected so it's a real conscious vote with him and that's the way it's going to shape up all the way up and down the line.

The thing that's impressed me most about people having been home - I guess I told you this but I'm still getting comments - it's a universal view of the Congress - is that they are tremendously grateful to the impeachment - to the Judiciary Committee in terms of what it has done for the image of the Congress and that's amazing. And it must in view of the taxes the president made on the Judiciary Committee through Dean Burch, it must have reacted against him and the question is whether they have sense enough to realize that or not. That's one of the questions.

W You judge this from some of the mail and telegrams...

B Yeah, also, and the Congressmen who have been home and come back. Now they are the ones that are bringing the message back and I could sit here and tick them off - most of them Democrats. I'm getting a little concerned that everybody comes up and tells me I gave a good speech as a democrat - some republicans - but not as many as you'd like but Junie tells me that I ought to be able to expect that under the circumstances - that they're sweating - the democrats don't have any real problem. And I guess that's true. Southern Democrats are the only ones that have any real problem and that's Sonny Montgomery and I don't believe that there are going to be as many of them right now as I would have thought a week ago. Yeah - down to the Sequoia - And one other thing - Junie, my wife was here, and she didn't want to come back for ~~the~~ the hearings ~~at~~ last night when it turned out to be the last one so when she got downtown this morning and before she caught her plane I made a point of going over there and seeing the chairman, Rodino, cause I felt like - it was sort of a courteous thing - it was a pretty big deal for him and me - that I thought I ought to go by and tell him I thought he

Rodino

B had done a good job and I appreciated it. Well, it was a right movin experience really. He wanted to sit down and you know, I mean, he didn't - you know, as busy as he is, he was almost eager to talk. And June, course, she was - she's kinda got a grandfather feeling about him after ~~awhile~~ watching him on television for awhile - and I suspect a lot of American s do - but she told him she thought he was an honorary Virginian or something like that - that's the ultimate flattery when you're from Virginia, I think. But anyway, he chatted with us for a long time and of course he was complimentary of me and I of him. But the thing that still impresses me there - is how emotional he gets about the constitution and theresponsibility and really it's quite touching that ~~he~~ even - I mean - I think he's got a certain amount of humility even now and he still has that big picture of himself and Nixon - right behind him and he got out a letter he got from the president congratulating him when he had gotten some kinda award, just an award and a few things like that still impressed him. We brought Time magazine with us and Junie got him to autograph that - and he wrote a real nice little message on it - then I got back to the office and he'd also sent me another - see - his picture was on the cover of Time this week - and I got a little - evidently, either she suggested that to him or not - but whatever it is, he also sent me one and, I guess, every member of the committee - and a little message on it - which I - here it is - I had to get the staff together. He can talk but he can't write which is a failing of many. But you know, he's down right eloquent on occasion really, it surprised me but he really articulates these things very well. I think he's writing his own stuff.

W What does it say?

- pre-translated...

B Alright, I'll read you the message/ To Caldwell Butler, whose courage and conviction and sense of conscious and high purpose, at a time of testing has helped to ~~resp~~ restore confidence_w in our system - with the admiration of his friend and colleague, Peter Rodino. Which was, who ~~like~~ ever - it's - well I mean it's a nice thing to do - it's also a nice message. And he ~~ask~~ also expresses himself well = yeah, so

W Do you recall some of the things he said... when you were talking...

B We were chatting this morning, I get-the message was - you know - it was a hard thing to do - and Nixon was a great friend and he says I prayed every day and he had told me that before - he says I pray every day almost... that there will be some way to exonerate ~~him~~ him and - he said that - he said - I've prayed and you know - from the first - you know the funny thing - he had such a small hand, I didn't realize it and I shook hands with him - and his hands are small, like a little - like a violinists I guess because it certainly ~~because it's certainly~~ maybe violinists - I don't know any violinists - but he has small hands - delicate hands and that amuses me, I thought he would have big fat hands - like - well, anyway, that amused me, I hadn't realized...

W That's good stuff - that's the kind of thing...

B Well, shaking hands with him - he's just got a little hand - it surprised me - but its firm, a firm grip - it's not fat. That's the thing about him he's prayed all along that it wouldn't be - you know - we didn't get into procedure and we didn't get into anything other than evidence but that's - I think that's what we get out of it - and he was humble about it and had grown in his respect for the Committee and he was very ~~xxx~~ tolerant of the - he made a reference - somewhere, you know, in a news article, and my wife has told me I shouldn't have said it, I said I thought when I first went on the committee they were a bunch of crazies

B - he said = he laughed about that, he said in effect, that maybe that might be so but they had all risen to this occasion and he said he had ~~had~~ a hard time to resist it - made a real effort to resist lecturing his colleagues - he said we're all equal - so I couldn't lecture my ~~my~~ colleagues - which I think is true but committee chairmen don't often recognize that there are equals to them on this earth so I thought that was a pretty significant thing to say - but I think he's quietly persuaded them because he says, now John Conyers feels very deeply about ~~some~~ things and you have to give him an opportunity to express himself but he said he thought he'd done it with dignity and that was the only name he'd ~~mentioned~~ mentioned among these people. But I do - I've come to respect John Conyers' ability to express himself and I was - I thought all of those people that I would have ~~called~~ ~~called~~ crazies at first, was a little bit unfair. That I think they handled themselves - everybody on there very well - in fact the only thing that's really embarrassing to me is Charlie Sandman allowed himself to - what I thought insult Liz Holtzman - do you see that on the television...

W Yeah

B And I thought that was uncalled for and - (W - when he in fact accused her of lying...or libeling) yeah, ^{congratulations} that's right Mrs. Nixon - I don't think I mean, I agree with him that she had no business bringing it up but that's free debate and you certainly don't make a personal attack in a free debate and - ugh - it just irritated me that he would take that position. And I think it reflected on him and the party and that's the only thing where I remember where anybody really got ~~out~~ out of hand in the whole debate. We didn't discuss that - but that's the thing that occurred to me.

But Rodino's amusement in that - and he laughed ^{you know} like a little boy, he laughed, you know, when he ~~is~~ giggles kinda - (W - was that kinda of a cackle) no, you know, like a little kid laughs when he - ugh - you've caught him at something you shouldn't have caught him at - kinda, you know. But anyway, he laughed like a little boy would laugh and kinda of agreed with me but then he ~~said he thought that the committee had~~ - and he agreed with me - that the ~~committee had~~ committee had handled itself very well and it ~~was~~ was proud of it. And, well, we were there about 10 or 15 minutes - I was embarrassed, I can't - ugh - I felt that we ought to get on out of there cause ~~I~~ I knew he was busy. But my wife doesn't visit very often so I made a point of enjoying her company as long as I could. And then we left and she - he inscribed a Time magazine to her - and I'll get that inscription for you - she took it home - then we went to lunch in the Capitol restaurant and Jinks ~~Holtin~~ Holtin joined us over there - She was in town for a couple of days and we were showing off - Junie was showing off the Time magazine with his inscription on it and then we ~~were~~ left it in the -we went somewhere else and all of a sudden we discovered that ~~h~~ it had been left in the ~~Capitol~~ Capitol Restaurant and we panicked a little bit on that and I came back some 20 min. later to get it and the head waiter had, very thoughtfully picked it up and saved it ~~for~~ for us and sent it over ~~here~~ here by page. So we recognized that we valued it somewhat.

But that's about all I can say about my conversation with Peter Rodino and that's the extent of what I ~~recall~~ recall today.

W - Was Holtin at the lunch?

B. No, he was too busy playing with Henry Kissinger - so that didn't work out. I think those were the things I wanted to do except that I did - the New York Times Bureau wanted to come by and talk to me today about ~~bringing~~ together the pieces for this events surrounding our drafting

B - the fragile ~~collecion~~ coalition.

W Yeah, I think Railsback -

B Railsback had coined that...

W Was it that fragile...

B I never thought it was ~~that~~ fragile at all but one of hte things that I learned today and it's on the ~~xxxxxxx~~ pavement - I'll just fill it it because it's interesting is that in the middle of the first day we started working on this ~~xxxx~~ thing - you know - it's all falling together - it's all inabout three days that we ~~w~~ did ~~of~~ all of this - it's just fantastic. ^{when we were drafting this thing} It seems ~~like~~ like months ago but in the middle of the first day and we had three or four drafts of it, Lou Cannon from the Washington Post called up here and got a lead on it and Railsbach had sensed around in response to it but Rails was scared to death apparently that Ed Hutchinson would fire the ~~w~~ staff man - Looma - that was working on it with us if he found out we were doing it. I don't think Ed Hutchinson would ever do that but we were working on articles of impeachment. And that would have been a big story - that we were working on articles of impeachment cause the fragile coalition was meeting at all - what kept it from being a big story was Hogan's ~~x~~ announcement in the middle of the afternoon that he was going to vote for impeachment and we think, ~~xx~~ now, these folk, that that saved us from the kind of publicity that might very well have fractured the fragile coalition.

*Good
How Hogan
at A...
helps*

W Who ...question not clear ... thinks that way?

B Moony and Railsback (And yourself, or do you) Yeah, I think it probably could have but you know, I don't understand those things. It never occurred to me that a staff member wasn't free to work this thing - and it never occurred to me that what we were doing would be news until we had completed it so I just don't understand those things so that's the way that ~~worked~~ was.

W And their feeling was if it had been the news - unclear - that Hutchinson might have gotten mad and fired the staff man and then...

B Well, it might have created enough of a snafu that they, the democrats, would have had to retreat to their shell and we would have had to retreat to ours and we would have wound up with a bunch of resolutions that no Republicans could vote for and blown it right out of the water.

W Well of course the story did appear even though it wasn't...

B Yeah, but I didn't think it got much attention, did you? (W-I don't know) Well, I didn't consider that it was - my reading of it was - it was just a - the rumors out - that they're meeting but I don't think the story even then had the flavor of just how deeply we had gone into the drafting of it and the things we drafted were the things that were adopted - down to the last coma - and (back and forth to Mann - and what ya'll drafted was what finally wound up as being...) Sarbanes substitute as corrected - now that's another story. Sarbanes' substitute got screwed up in the drafting process so we had to change it a little bit in committee - we just added some amendments and _____

Alright - now - that's where we are. Now do you want to try to catch up on my notes while we decide - do you want to turn it off while we decide what we are going to do next...

W We'll get a little bit on your reaction to becoming a media hero for the past few days...

B Well, we can use some other word to describe it - but it is interesting. I'll say this now - they'd always told me - everybody around here is scared to death of Mary McGrory - but she's been real nice to me and come up ~~xxxx~~ several times and urged me - said I ought to be a manager and things like that which have amused me. She has a great sense of humor apparently and everybody enjoys her over there. She doesn't seem to be - the press seems to enjoy her - and I saw this guy standing over there when she came by - I came back after lunch one day after a break with a can of coke and I did offer her a little bit - in fact I offered everybody around but she was the only one who took it but I did this guy Von Hoffman whom I am scared to death of - he's a - I've seen him on television with Kilpatrick and so - did you see his comment in this morning's paper where he compared me to a kindly old judge - (W - kindly old judge, yeah) that's a new expression - I can't wait to circularize that in my home town, I'm sure that'll sell. Junie's reaction to that was - well, I never thought of him as Old Saint Nick either. But I was surprised at that comment that he was - I thought he was there waiting to interview Peter Rodino or something or just gettin' atmosphere but - the feeling in the press is that Republicans aren't so bad after all and that's - my reaction is that the press ain't so bad. They have been rude to me and the photographers, but they are elbowing each other out of place all the time and they are so preoccupied with what they are ~~xxx~~ doing I don't believe that they deliberately rude but the press - generally - in this whole thing has been an opportunity to get to know them and talk to them and they are all real nice - Roger Mudd, I ~~xxx~~ know only briefly because he went to Washington & Lee and I had run into him several places. You know, it's kinda, I'd met him on occasion but, he's been most cordial in seeing him and that - we ran into him after lunch the other day and he stopped and chatted and was very complimentary of what I had to say - in fact, he - several times he's been nice and said that. Art Buckwald, and Art Buckwald came over and, actually I think he was chatting with Bill Cohen and Bill introduced him to me and I didn't recognize him - made him pronounce his name a second time, and Buckwald - he spelled it out kinda like - but I was amused at seeing him and turned him around and since my wife is such a fan of his, that I hoped she would catch us on television but she didn't see it but, well, maybe the camera didn't, I couldn't tell whether that camera was on at the moment or not - but I read in Sally Quinn's column the next day that something to the impression that Art Buckwald was pleased to meet me and that surprised me and well, getting back to Art, I did get him to send a note to my wife, such a fan of yours, you better write her a note - and he said, "Dear June, where were you when I needed you?" which I thought was a great expression. When you are on the spot like that you wonder what ~~x~~ they might ~~x~~ say. The opportunity to be on Face the Nation was one I never thought I'd be burdened with in my first year but that was the most relaxed atmosphere and I enjoyed that tremendously and found the people very nice. Went down to the CBS studio on Sunday - the only Sunday I've been in Washington - and of course we worked late Saturday night so I guess I wouldn't have had the ~~xxx~~ energy to go home anyway. We worked late so Sunday and Jimmy was still here and got to the studio about 11:30, got made up by the lady and I've ^{never} been made up before in my television appearances and - pancake and everything - yeah, Ray Thornton, apparently, has an allergy to makeup so they didn't do much to him. But anyway, they were very nice to me and then they even washed your face for you when you got through. So that was pretty nice.

Media

B But the nice thing about it was when it was all over they brought in Bloody Mary's for everybody and little hors d'oeuvres tray - and I made a meal out of it - I guess I shouldn't have - I was a little bit piggy but we had a nice chat in the studio there. I didn't - you know - ^{the feeling was} that this was the day after everybody had voted on the first article of impeachment so there was that let down feeling, perfectly apparent, apparently I think it probably translated to the television audience that we really didn't get into anything very controversial just - at least I didn't think so - and we talked about a few items and then we were ~~going~~ through and then we stayed around and I got to know those people a little bit and it was a very nice experience.

One interesting thing - while we were there - the man from West Germany was - came in to broadcast something that he's evidently beaming from the satellites so we listened to him give a news cast of about two minutes or maybe 5 minutes - I've forgotten how long it was - in German - of our proceedings and then we could see he was mentioning the Republicans and we could see he was - he started ticking off the names of the Republicans that had voted for impeachment - I heard my name go across overseas - but what was really amusing was when he got to the name of Harold Frolich - he really gave that a twist - you know - that had feeling and that was quite amusing and we all burst out laughing at that. And so that was a new experience for me and overall it's kinda hard to take in the sudden recognition that this television coverage has given us but - and it's given me a new feeling toward the press. I don't feel any hostility toward them. I don't feel like they have distorted our deliberations because they covered the whole thing and I don't get the feeling that what's been said or done is being reported poorly at all and so we'll have to take another look at this hard line we've had on that in the past.

No, I feel like everybody in there in the press corps has treated the committee with decorum - the most impressive thing is people like ^T Eddie White and professional cynics, he's not a professional cynic, he's quite a kindly old viewer of the political scene, but even the cynics - Von Hoffman - who I remember on another occasion wrote of our Committee about he thought the democrats looked brighter than the republicans - I remember that - I think that was during one of our impeachment things that was covered by the press, I remember reading that comment and resenting it cause I hadn't had anything to say that day anyway but I just thought that was poor. But he seemed to have a new view in his column that the republicans are different people and maybe they should be allowed to live after all and maybe the view of we've made friends for the republican party that we probably sort of needed. I don't know whether we are making friends with our natural enemies or not but I feel real good - still feel comfortable with my vote as I mentioned. I also feel real good about the fact that ~~there~~ - that there were enough republicans so that I wasn't ~~more~~ lonesome and that, in my judgement, the intellectual capacity of my cohorts who voted with me is demonstrably superior to those who voted against it. I feel like the more articulate members of our committee voted with me and that that has improved the image of the party across the country and I think in the long haul, it's going to be good. Course it could all go down the drain if we vote impeachment and the Senate doesn't vote to remove but that's a little bit further down the road than I like to think about.

W You talk about this hostility toward the press that you wonce felt or suspicion, I gather you felt this toward the national press...you've always gotten along with the Virginia press...

B Oh, yeah, the local press. Well, I guess the truth of the matter is anybody I know and work with on a regular basis never bothered me. Except the headline writers - the ~~at~~ headlines always disturbed me - but on the national press scene, the national press itself is always, I felt like, is distorted and misrepresented what's come to them. I do think ~~the time and the~~ that Time and Newsweek have given a very different ~~f~~ view of this thing. Well, they haven't quite given the balance to their ~~reported~~ reporting that I think is indicated but I could be wrong because they've been telling us that impeachment was a certainty for a long time and I never thought it was a certainty as you know.

One other guy - I was interviewed by a guy from the Christian Science Monitor - I don't know his name but he's a - Jimmy and I had lunch with him - Burling - he's quite the most ~~an~~ able interviewer I've ever met. We took him to lunch and we spent about an hour and a half with him. He's very ~~x~~ soft sell but he's the only guy who knew anything at all about me whenever - you know - strange - he researched me - called down in my district - talked to people in my district - all of that stuff is by way of background before he came to see me. And then we spent an hour and a half on it and he's going to run a column. I think he said he would send it to me. Maybe it's up there now but I just was impressed that a man of his calibre would take the time to interview me and when he is an admitted liberal I think he was trying to find somebody to tell him the real conservative interest ~~is~~ lies in getting rid of the President. Well, I didn't quite go that far but I think that will probably ~~w~~ be the line he takes. But that was interesting to me - that - well, it was surprising to me in a way - that my efforts had called the attention - had attracted the attention of a guy of that calibre cause obviously he's big time. Or maybe I'm - am I right? (W- Oh, yes, he's been around here for many years and is highly respected. He runs one of these breakfast groups and almost at a moments notice he can get ~~almost~~ Gerry Ford or- yeah, almost anybody) Really, like Ken Clawson does. (Well, maybe a little better than Ken Clawson.) Oh, you mean if he wants to interview a significant public ~~gix~~ figure - to have a press conference - he can guarantee him that he'll have prestigious representatives of the press will be there. (Yeah)

W This is an interesting process - kinda of a cross-fertilization of press and Congress. I think it's worked the other way too.

B Yeah, I don't think mine is a unique observation. No.

W In fact Flowers mentioned it you know in general debate.

B Right, he sure did. He had mentioned that earlier - as you will recall - in our first early meetings, one of our early meetings, he mentioned ~~ix~~ that - he said to us a week before he said it in his closing remarks. indicated you

W Except, as I recall, you ~~said~~ before you thought he might give them a tongue lashing.

B Well, I think he's too much of a gentleman to do that under those circumstances but I felt like that there was a _____ that he gave them...

W Sort of but, at the same time...

B It was tempered by a week of this mutual cross-fertilization you saw here.

- W I think maybe a lot of the press has also learned that/^{their}cliches - some of the cliches they might have of Congressmen are wrong.
- B I think the American people have done that - have learned that. Every incumbent in Congress owes a thousand - ought to send a thousand dollars to the Judiciary Committee.
- W But the tv worked out well...
- B The tv worked out well - the lights weren't bad - there were no problems with it and soon as we got over being selfconscious about half a day why, I think it's great. I'd say televise all of them. The only thing I would say is that selective televising still has a tendency to be unfair and that's about it.