Rufus Edmisten
Interview #2: Senator Ervin and the Watergate Committee
Thursday, September 8, 2011

Edmisten: She finally came, did she?

Scott: No she didn't, but we did go to see her at the Senate appointment desk, which was nice.

Edmisten: Yeah, we saw her. And you are supposed to have that number so when you need something real special—

Scott: I've seen her a couple times since then and she always remembers me, which is nice.

Edmisten: How nice!

Scott: Welcome back. Thanks for making the trip from North Carolina and taking the time to come and see us.

Edmisten: It's my pleasure.

Scott: I wanted to back up, before we jump into Watergate and ask a couple of questions about the two subcommittees on which you served in the early 1970s: Separation of Powers and the Constitutional Rights Subcommittees. As we've talked about before, you were exploring all of these issues, surveillance, wiretapping, the executive's aggrandizement of power, if you will, and you had witness after witness coming and talking about that issue and confirming what you and Senator Ervin already thought was a problem. What did Senator Ervin conclude from these hearings about the problem and perhaps about how it might be addressed?

Edmisten: First of all, the way I got on that committee was I came up here in 1964 from Carolina or in the fall of '63. I had wanted to work for Ervin for years but couldn't get a job up here because there weren't any. Then I taught school for a year at the Ascension Academy out in Alexandria, Virginia, a shallow water Baptist teaching in a Catholic school. [Scott laughs] I entered law school at nighttime at George Washington. The call finally came from Capitol Hill that there was an opening on the Constitutional Rights Subcommittee. So I went in there as a low level staffer to begin with. Then, as time went on, I worked my way up to be, I got out of law school in 1968 and worked my way up to be the counsel, not the chief counsel, to that committee. We were doing things

that I had learned about in law school but they had no practicality to them. The reason that Ervin was so good on the Constitutional Rights Subcommittee of the Senate Judiciary was because he knew the Constitution so well. Ask him Article III, section so-and-so and he'd quote it for you, and all the major cases on that. I learned more sitting at his feet at a hearing than I did in all three years of constitutional law at George Washington, which is a good school. We had some very bright staff members there. One was Marsha MacNaughton. Marsha was extremely bright, not a lawyer. Marsha was really keen on individual rights and she always pushed the senator. She was always pushing to go into some area that he might be a little bit reluctant about.

Scott: Can you think of some in particular?

Edmisten: He was a little bit reluctant about the release on bail, because he came from a pro-law background and he was a little nervous about that. He was a little bit nervous about no-knock. But Marsha, more than anybody else, finally convinced the senator to hold hearings on the District of Columbia's no-knock policy that was occasioned by the Nixon administration because they ran the District of Columbia too, while they were at it!

Her big one was the spying on civilians. Oh my goodness, spying on civilians. At that time Paul Woodward was the chief counsel of the committee on constitutional rights. By the way, it was in 102B of the old Senate Office Building across from Senator Byrd's office. That's where I met a young staffer named Nick Rayhall who has been in the Congress in West Virginia for eons. We were staffer buddies together. I pitched him in pool one night. So Marsha kept pushing about spying on civilians and the more that we got into it, there was massive misuse and Ervin's eyebrows would just start going up and down. In his mind, what business did the military or anybody else have spying on individuals exercising First Amendment rights? We started holding hearings on it. Of course they stonewalled at the White House. They never responded to anything really, because they never paid any attention. I think one of them was quoted sometime saying "some foghorn unknown senator from North Carolina." We never could pinpoint who it was. I wanted to because I wanted to make sure they got fog horned because I could suggest subpoenas. [Scott laughs] We got them nervous.

They got very defensive about it where the hearings showed that and they were thinking about this for 40 years, Katherine. They got pretty nervous at the White House and started taking this seriously because here was Ervin that was gaining more and more of a reputation as "Mr. Constitution" in the Senate. He couldn't believe that his government, for whom he had served and was one of the most highly decorated people in the World War I, was doing this on civilians. He knew about wartime stuff. A lot of

things go to the wayside when you are at war, trying to keep terrorists from taking over the world. He said to me, many times, he said, "I can't believe that the government that I helped maintain is out there spying on civilians and helicoptering all over." Just crazy stuff like that. I don't think in those days they had all infrared and stuff they can do and GPS and facial recognition. I don't think so. Some of it was just intimidation. We never could prove that, but it was just intimidation. Ervin kept thinking , what in the world is wrong with these people to do that? Of course, we know now from history and your research that they were starting the paranoia binge, I call it a paranoia binge, maybe that's mine. [Scott laughs]

Scott: You need to copyright that.

Edmisten: Paranoia binge with the planes and valleys. As I recall, we caused some of that to cease. Am I correct in that?

Scott: The administration stopped officially allowing the military to spy on Americans because of these hearings and because of the information that became public and also because of the public backlash against the publicity surrounding this case.

Edmisten: I remember the *Washington Post* and several editorials around the country: Why is the military spying on individuals? Of course, they were looking for dissidents and people that opposed Nixon's war. I don't care what it was, if somebody opposed it, he felt like they were trying to get him, which would be a little funny anecdote I will tell you way down the road in Watergate. He had this "they are out to get me" syndrome.

Then, besides the spying [by] the military we were doing all kinds of other things there that nobody ever thinks about. The constitutional rights of military personnel. Part of the code of military justice today is based on those hearings. We had a great consultant, professor Robertson Everett who later became the chief judge of the U.S. Court of Military Appeals and is back in Durham right now. His mother was the first lady in North Carolina to practice law, Ms. Katherine. We were doing things, what was one of the other big things?

Scott: I remember a lot of civil servants writing to the committee saying that they felt like that some of the psychological tests that they had to take were infringing—

Edmisten: Rights of federal employees. Absolutely! I remember that very well. Marsha came up with that one again. They would see the word, walk by the room and see the word Subcommittee on Constitutional Rights and that evokes a certain thing if you

feel like your civil rights have been taken. Or if you are a big nutty. This committee got a lot of the cuckoos. I'm saying this advisedly because we don't want to treat with derision people that have mental problems. But there were kooky things like—I remember one time when a guy came in there and he said, "I've been told I've got to go somewhere in the country and I don't know where it is. You need to help me." I thought, now how am I going to get this guy out of here?

Scott: He came in the office?

Edmisten: Oh yeah. They would come by and they talk real social out at the desk. He got in there and he said, "I don't know where" he starts off with all this stuff about being fired by the federal government. He says, "I don't know where I'm supposed to go. This inner voice keeps telling me that I've got to go someplace in America." I just happened to have a big ol' map up there on the wall, of the United States. I said, "Close your eyes. Take about four steps and take your finger and go like that." He hit about Omaha, Nebraska, somewhere around there. I said, "That's it." And the guy left just as though he had been bestowed with the greatest thing in the world. I don't know whether he took off or not, but I got him out of there. [Laughs]

Scott: So you attracted all kinds?

Edmisten: The Constitutional Rights Subcommittee attracted hordes and hordes, if you ever look at the correspondence, I guess you have?

Scott: Yes.

Edmisten: That that committee got, just full of lurid tales from some people. Federal employees were being subjected to, weren't they psychological—?

Scott: They were psychological testing as a part of their application to become employed. Sometimes they would be subject to them, apparently, over a period of time while they were civil servants.

Edmisten: Correct. And Ervin felt like, okay, you've not been diagnosed as dangerous or anything like that. So why are you doing that?

Scott: And the test questions were often about sexual orientation or sexual habits, things that, according to several of Ervin's letters to these constituents, he said seemed well beyond the bounds of what has to do with your job.

Edmisten: And that is a perfect phrase by the way, of his, that was original. He would always use those phrases in his letters: "well beyond the bounds" and "it was fundamental to," and "from the bottom of my heart."

Scott: Did he write those letters?

Edmisten: He would write one, and then we would obviously—

Scott: But he would write one?

Edmisten: Oh Lord yes. If you didn't watch it he'd be sitting there writing them all himself. The man was just incredible about doing things like that. Which is good for history. As I recall, they stopped that. I believe they did.

Scott: It may have been phased out. I don't recall what happened. It seems to me that some of what you were looking at there got overcome by the military surveillance inquiry.

Edmisten: There's no question that the spying on civilians by the military was the prime thing, at least while I was there, from '64 until I went over to the Separation of Powers Subcommittee, whenever that was. Obviously, we're looking at a preface to the Watergate scandal. This is just a beginning. And then the Ellsberg papers, all this stuff.

Scott: What about the Pentagon Papers? How did that impact that work of those two committees? You were on Separation of Powers then. What kind of questions did that episode provoke for Senator Ervin and the committee?

Edmisten: He was just, first of all, a break-in is a felony. Let's forget about what it was for. A break-in was a felony. Even just as egregious for somebody whose personal thoughts about a particular policy matter was just to him unfathomable. This is getting to be a cumulative effect on the part of these people at the White House and those that surrounded Nixon who seemed to be in lock-step in creating the imperial presidency. You go along and everything that we did, the work on executive privilege, we really bore in on that. If you look back at the hearings during Separation of Powers you'd see Ervin asking the same questions then that he asked in Watergate.

Scott: It was a rehearsal!

Edmisten: Yes, from where did you get this notion that the president has the power to say he'll withhold something or not withhold it? We listed incident after

incident after incident of times when they were using executive privilege. Yes, it did go back. Our history in there showed it did go back to all kinds of presidents. Like the scholar that said to you, why is it so different? The difference is that it culminated in this case in a series of very serious criminal acts. Over 40 people went to jail over Watergate. Or got convicted. I'll put it this way, over 40 people got indicted, not 40 went to jail. You just look on that subpoena that I delivered down there, which you'll see when you come to North Carolina, over half of them, three-fourths of them went to jail on that subpoena. Ehrlichman, former attorney general John Mitchell, etc. Here you go, I've always said when I give a little lecture sometimes on separation of powers—and I need to learn some stuff from you—that the Separation of Powers Subcommittee was a rehearsal for us being the chosen ones to do Watergate. I don't know whether Mike Mansfield ever paid much attention to what we were doing, but he did really. He did. And so you just look and say, okay, these are the guys to do Watergate when all that stuff starts popping up and you think about what Ervin did with the spying on civilians. That could just have easily ended up in Separation of Powers as it could have been Constitutional Rights. Most of the stuff that we were doing on Separation of Powers had a lot of constitutional rights issues involved in it too. You track everything that we did: impoundment of funds, pocket veto. The impoundment of funds was just really bad because Congress would pass an appropriation and Nixon would just tell his crowd, I guess at the OMB, whichever one they were supposed to spend or not spend, "Don't spend it!" He would thereby forego the will of the Congress totally. What we were having was a very, very, planned systematic breakdown of balance of powers. There was only a semblance of the balance of powers.

I'll put it this way: I don't know whether scholars have covered it or not, had this stuff occurred under a Democrat, Ervin would have been doing the same thing, I promise you. Most people don't agree with that. Look, I know the man. I spent probably more time with him in 10 years than any other staff member. I drove him, I went with him. We ate together. We slept in the same room. We drank the bourbon and ginger ales. I can tell you that it didn't make a bit of difference. If it had been a Democrat sitting in that White House and they would have tried to do these atrocities, as he called them, he would have done the same thing. If I may step over bounds a little bit, Bush's stuff, while I say stuff, I'm talking about the same kinds of—the one reason that Nixon never got by with it was because you had strong leaders, albeit that they were Democrats, here in the Congress. I think President Bush overstepped tremendously. There were no Ervins around during that time in this body. I'm sure later on scholars will say Edmisten didn't know what he was talking about. Mine's not a very scholarly thing, it's just remembrances that a staff member has. A lot of these things occurred under Bush that were just repeats of the abuses under Richard Nixon. Up here there were no Ervins around, especially in the Republican Party, and they didn't challenge the man. They went along with this kind of stuff that he was doing. I'm not expert on the military. All these wars, Ervin would have

ben questioning them, under anybody. He happened to believe, he didn't think that we should have ever gotten into Vietnam. But once you're there try to win it. And then he changed his mind, not too much publicly, but after this thing got going he said either win it or get out of there. I'll give Sam Ervin credit. When all the protestors were going crazy. I would stand up on the balcony of the Capitol and look down Pennsylvania Avenue, I could see police using their billy clubs and putting people in their paddy wagons and taking them off. Ervin sat for almost two months and he heard anybody that wanted to come by from North Carolina and talk about the war. He would sit there and listen to him.

Scott: These were generally people who didn't support the war?

Edmisten: Absolutely. I don't recall anybody that came in saying they supported it. Of course, those were all in the letters that came in. He sat there for hours a day and hardly did anything else. I know that they came in. They would call me from somewhere in North Carolina and say, "We know that Sam Ervin's a war monger." I said, "Do you want to see him? If you want to see him I'll arrange it." I'd call up there to Pat Shore and I'd say, "Pat, we've got another one who wants to see the senator." And she'd say, "You know what he said, let him come. They've got First Amendment rights." He says, "I'll talk to all of them."

Scott: And he was patient with them? He listened to them. Did he argue, or disagree?

Edmisten: No, very rarely did he argue or disagree. He would say, "Look, I don't think that we ever should have gotten into that war, but we're in there now and we need to win it. And we need to let the generals do it." He was an old military man. Let the generals do it. Not run the thing from civilians. Although he always cherished and would protect civilian control over the military. He thinks that once you are in war and you are going to do something like fire MacArthur, let the military have great leeway. He was very kind to them and was a listener. That's one good thing about Sam Ervin. Hearing after hearing after hearing, he would never interrupt anybody. Except he started questioning them and he would get excited. He was just as animated when we would have these hearings, not in the public eye, during the Separation of Powers Subcommittee and Constitutional Rights Subcommittee, he was just as animated. He would have these wonderful debates with the world's top scholars on these heady constitutional issues. He loved to engage them in a debate. You could see why he made a good judge. You know, he did serve on the North Carolina Supreme Court, and would have made a wonderful United States Supreme Court justice. He was where he should have been, right here in this great institution called the U.S. Senate. I strayed, but we were back talking about—

Scott: I wondered what he concluded from those hearings.

Edmisten: He concluded that there is something terribly wrong down there. There is something terribly wrong going on here and I think that had Watergate not come along, he would have been doing some very serious use of subpoenas, he would have been doing some things—because he had the help, the backing of the leadership and not many folks, a few Republicans would try to dismantle him. They weren't getting anywhere. He would have pursued this with Watergate or without Watergate and he knew that something had gotten way off kilter. When you add all the cumulative effect of the things we discovered in the Constitutional Rights Subcommittee, the things we discovered in separation of powers subcommittee he said, "They are out of whack. They are out of whack and we've got to do something." You know, he did put in legislation on some of this stuff, I don't quite remember. When you've got a guy like me that's had to run so many times as I have and do other things, maybe you don't think about something for 40 years. It gets a little musty. But I remember the talks we had. I remember all those things. We would talk on those long road trips about the witnesses of the week and it was just wonderful to sit there and hear him talk about—I'd say, "What did you think about XXX today?" He'd say, "He needs to read Article so-and-so, whatever." At the hearings, [laughs] his love, his hobby was studying the Constitution. Now his interpretation might not fit a lot of people. We know about the civil rights battles in the '60s over here. I've read all the books and the things about Ervin's blind spot. I don't know whether we talked about that in the past or not?

Scott: We did talk a bit about Dabney's book and Campbell's book.

Edmisten: Yeah. He hated Dabney's book. Karl Campbell, or course he was not around with Karl Campbell, but Campbell's book, I think he did a good job. I argued with Campbell about a couple things. He thought that Ervin had once or twice used a racial epithet. Well he hadn't around me. He said that somebody told him one time that they would sit around and laugh about jokes about black people in the …

Scott: Cloakroom?

Edmisten: In the cloakroom. I think it was Senator Roman Hruska that said that. Those kind of jokes, back in those days, when you were growing up [in Ervin's time] you did dialects. Yeah, there was a certain amount of paternalism. That's why, I can't wait to go see that movie, *The Help*.

Scott: I haven't seen it.

Edmisten: I so want to see that. I haven't had time yet. The Ervins for years had a housekeeper and a cook. I know it sounds patronizing, but she was like family. She was like family. When Sam Ervin died she sat there in the front row with the family. Ms. Essie, I can't remember her name. He called her Ms. So-and-so. It was never Mary Jane or this thing when they would yell somebody's first name in a derogatory way. He left provisions for them, for their elder years. Sure, maybe you could call that paternalism, but it was like family. So I think *The Help* is going to upset me a little bit. I don't know what it's supposed to say, from all the reviews I've read it talks about wholesale treatment of blacks as modern day slaves and hateful, spiteful women of the South. It wasn't that way with Ervin. The one thing about me is that you get little asides are apropos of nothing but—

Scott: I like the asides. They add flavor to everything. Let me ask you—did you on any of these road trips, did Senator Ervin ever describe to you what he thought it was going to take to overcome some of these issues?

Edmisten: He thought that—

Scott: Could it be solved legislatively, for example?

Edmisten: He thought that sometimes it would have to be the court, but he still was wary of that because he thought the court had been injecting themselves into political matters which he thought occurring with some of those decisions that they made relating to civil rights and all that sort of stuff. He said, "I've got to get enough people to take me seriously." He would often say that. "I have to get enough of my colleagues to take me seriously to understand that no matter what kind of favors they were doing for 'em down at the White House that they've got to protect the Constitution." I said "Well Senator, you are the man to do that." He said, "Well I don't try to force my views off on anybody." He said, "I just try to express my views and hope that people will follow my sound advice." He'd chuckle about that. He was hoping legislatively that would happen. He got his wish in Watergate. Maybe not everything, but we know what happened there. The senator knew that something had to be done at that time because he thought that if Nixon got away with this something worse would happen. And you know what, it did! It did.

Scott: Let me ask you, he did propose, in the late '60s and early '70s he had a series of legislative proposals to protect civil servants for example, and he had a couple of early right to privacy bills that didn't get passed until after Watergate. But he did push a couple of those. He also, if I remember right, authored a couple of anti-surveillance

[bills] where it would at least limit in some ways the methods and frequency with which the executive branch could use wiretapping and other surveillance devices.

Edmisten: I remember that.

Scott: They didn't go anywhere.

Edmisten: No.

Scott: So in that case it sort of goes along with the story where you said that he's going to try to show people with evidence and get people on board and maybe at some point he would be able to get them to support these proposals.

Edmisten: That's correct. He thought that even though something may not have a chance of passing, if I put the idea out there, it might catch on at some point and do that. You know how it works around here, you've got to have a popular notion of something if it goes anywhere. Of course, nowadays, not much goes anywhere! [Both laugh] He knew that, it was to the extent like his colleague Jessie Helms—and I've often admired Jessie Helms. I didn't agree with him on too many things. He would just continually ask for a balanced budget amendment. He continually did this. Now they are getting around to that. Ervin's idea was, and he would draw up most of this legislation himself. I don't think there were probably five people out of 100 here that ever took a pen down. He had it on his yellow pages.

Scott: Would he write it out longhand?

Edmisten: He would do all the notwithstanding and what have you. Sometimes in Constitutional Rights, you know Marsha would map out something. I would in Separation of Powers, and we'd take it down to drafting and you'd give them the general idea. But most of the stuff Sam Ervin did because, the Watergate resolution, he drafted every word of it, setting up that committee and giving it its powers. We'd be holding a hearing on something else and he['d] sit there and be writing something out.

Scott: Would he?

Edmisten: Oh yes. He wrote every word of that. That was his, giving it the powers. It never got amended by Mike Mansfield or anybody else. It was exactly like Ervin wanted it and it was fair, it was fair to the minority, to Senator Baker. I'm sure we're going to get down to Watergate sometime and you'll get my theories on that. But the preface to the whole, I'm going to call it the great lesson on Watergate, started in my

opinion in those two subcommittees, Constitutional Rights Subcommittee and the Separation of Powers Subcommittee because of Sam Ervin. He was not searching for things to try to keep his staff busy. We knew that those were happening. In his mind, the impoundment of funds was just as bad as anything else because it was thwarting the will of Congress. He wasn't one to spend money foolishly, but that was not the way to cut out spending is for the president to say, I don't like that, I'm not going to spend it. Then if you really wanted to get him riled up, let the government start snooping on people for no earthly reason. If someone is accused of a crime and there is a reason to believe, to "snoop on them," yes you do if you follow the proper procedure. These things were just wholesale snooping because Nixon didn't like the policies that some of the protestors were protesting on.

Scott: Some of the other, let's say, conservative Democrats were more or less law and order folks like Ervin, they wouldn't necessarily have—he firmly defended that First Amendment right. I think some of his other colleagues would not have been willing to go that far. Where were the other senators? What was your sense of where the other senators stood on these issues that he was exploring? Before Watergate.

Edmisten: They sort of ignored them. Back in those days you had the stalwarts of history, I call them, Senator John Stennis of Mississippi, Fulbright, everybody had their own little sphere and nobody is going to go back to Arkansas or go back to Mississippi and say that they were supporting a no-knock provision in the District of Columbia. They are just not going to do it, why bother with it. They just thought that some of his stuff was veering away from southern conservative law and order concepts. I do think—I'll never forget it. I don't remember what time frame it was but he was over there on the floor of the Senate arguing about the proposed amendment to the school prayer amendment, wanting everybody to pray like crazy. He got up and made this beautiful [speech]. I sat there on this old leather couch that was over there in the corner, in each corner, and I notice they are not there now, it's sad 'cause those were the best things to snooze on.

Scott: They have been replaced by fairly rigid chairs.

Edmisten: Oh yeah, they were so comfortable. If you had a real boring filibuster going on you could just snooze there. He was making this speech about why we did not need to put some amendment in the Constitution to say you could have prayer in schools. After it was over I remember Senator Wayne Morse of Oregon walked up to him and said, "Sam, I listened to your speech. I've changed my mind, I'm not going to vote for that amendment." You'd never see that happen now! It would never occur! We know why appearances are on the floor now, it's for TV time. Nobody else in the room except the parliamentarian and a few aides scurrying around. The reason we don't have the

camera flashing around. We know what that's all about. Occasionally they would come listen to one another. One of the problems today is that they have too many committees. Everyone wants to get on a subcommittee because you have more staff. Maybe if we hadn't had that I wouldn't have been hired.

But anyway, Ervin could be extremely persuasive if he could get people to listen to him. He had this cadence, a storyteller, I call it an iambic pentameter and he sometimes would trip over his words as you saw in Watergate because his mind was racing faster than his lips and his voice would carry. Back in those days he just could not get enough support because these things were … not so much that they were controversial, but it's just, "Oh, that's Senator Ervin, he's got his stick in a kick." It's just sort of like, that's his thing, great. He was not the kind of guy to go buttonhole people. He would not do that. He wouldn't go up and grab them like Lyndon Johnson. [Laughs] Pull somebody up off the—"get up there and—" Gosh. That Caro book just tickled me to death.

Scott: And those photos. Leaning into [Senator] Theodore Green.

Edmisten: It took a long time to get through that book. This is, what, Lyndon Johnson, the Senate years?

Scott: *Master of the Senate*.

Edmisten: He was really concerned about Ervin back in those days because of the civil rights things and Ervin leading the filibusters. He would give credence to Ervin's constitutional bills. He would say, you know old Sam is using the Constitution there pretty much and we got to watch him. Credence, Ervin was getting credence back in the days of the fighting civil rights bills. The same kind of thinking later for a while about some of these ideas may not have seemed like they were keeping in line with the hook line and sinker law and order stance that you are supposed to have if you are a conservative southern senator, and other things, you know these guys in the South. This is so different from these guys now, both sides.

Scott: Do you remember when you first heard about the break-in at Watergate? Where were you?

Edmisten: Yeah. I remember I read in the *Washington Post* a little story about the break-in, I don't remember having any real significance to it.

Scott: It was [a] little metro story. Came out on the metro page because it was just a little Washington story.

Edmisten: I don't remember that we said anything about it because at that time I was over at separation of powers and we were still gung ho about all those violations going on and nobody much heard about it.

Scott: When did you really start talking about it?

Edmisten: When Woodward and Bernstein started. It's funny that he didn't talk that much about it. Well, not to me at least. I'm sure he did to his wife and others. It went on for a while there before they decided to have a Watergate Committee. Then everybody up here was excited because lord of mercy for some Democrats it was their chance to get Nixon, just to be honest about it.

Scott: So there was a political motivation for some people.

Edmisten: Oh sure, yeah. Then when there was talk about forming a Senate committee, we all sort of thought that how are you going to have one of those kind of things unless you've got Sam Ervin who was put on to the McCarthy committee upon coming to the Senate in 1954? That was my thinking. Here's the man who made history his first part of his first term here. He was a ferocious questioner of Joe McCarthy. I wished I could find the whole televised—I'm sure it's somewhere. I'd love to see it. I haven't read enough on it, I've just seen too many snippets and TV reels and that sort of thing. As time goes on, everybody starts, when they hear that there's going to be a Senate committee to investigate Watergate, everybody wants on it.

Scott: All the members as well as their staff.

Edmisten: Yeah, all the members want on it because they see something in this that is going to be a possibility for a lot of national publicity. I know for a fact that Senator Ted Kennedy wanted on it. I'm sure that's been written about many times. We know that he wanted on it very badly. You know more of that history than I do. I haven't read it all, I just know that when the senator, I don't think he was every reluctant about that. Not one time ever said, "I wish I'd never taken this." Never, never. I think that he thought he was destined to have that. Not as some personal play thing, but this was his chance to show that what I've been saying all these years has not been hokey. During this period of time, he was just consumed with—I'm talking about the whole of Watergate—consumed with getting it right and not appearing to be partisan. I think sometimes his excitement though, would lead people to believe that "he's out to get the president." The committee was eventually chosen and you know that the two shining stars were Ervin and Baker.

Scott: How much was Ervin involved in selecting individual members?

Edmisten: Not much.

Scott: So that really came from Mansfield?

Edmisten: Mansfield didn't want anybody on there who was going to seek the presidency, obviously. That's been written about several times. He didn't want anybody on there that was going to seek to be president. Sam Ervin wasn't. I think Howard Baker did play with after Watergate, if I recall. But nobody else did. It was probably the most diverse crowd that you've ever put together.

Scott: What did you know about the other members at the time? Did you know much about them?

Edmisten: I knew Senator Inouye because he had been around a lot. I had seen Weicker. I saw them all. I didn't know anything about Gurney at all.

Scott: Montoya?

Edmisten: I knew one of his staff members a little bit.

Senator Baker was always the guy that liked you. There were aides to all of them that I knew prior to their being chosen on Watergate. Very frankly, some of them were not chosen for their ambition to go very far.

Scott: Why were they chosen?

Edmisten: Well, there are certain things that I won't say because they are just too personal how Ervin viewed a couple of them. I know they would be good for history but I don't think that's kind to them. Put it this way: there are [some] he respected more than others on there because of their intelligence, or lack of intelligence. [Laughs] I know that sounds awful. He'd get so frustrated sometimes with the questioning. I guess I better tell you. We're still good for another half-hour. I guess I better tell you how I got on that committee.

Scott: Tell me how you got on that committee, I'd love to know.

Edmisten: This will be the first time ever that I'll really tell what happened. You read Sam Dash's book, you read all these other things, they just don't know.

When it was divulged that Ervin would be the chairman of this committee I knew that he had to have some staff assistant. There was fierce competition on Ervin's staff.

Scott: Because he had several subcommittees.

Edmisten: Yes, for this position. Bob Smith, Larry Baskir, others were all very interested and I don't blame them. Well, I was very interested because I knew that this was a hot potato and I wanted to be part of it because I had been in the middle of the two committees and especially Separation of Powers that had the most to do with it. I would talk with Ervin about it from time to time. Sometimes my then wife and I would invite the Ervins out to my home for dinner and I had driven him for all those years and been with him. He knew he could trust me. He was casting about for a chief counsel. We knew that none of us were capable of being chief counsel because this needed a very nationally known prominent attorney and one of the consultants to the Separation of Powers Subcommittee was a man named Arthur Miller, my old law professor at George Washington University. I mentioned to Arthur Miller, I said, "Arthur, are you interested in being the chief counsel and staff director of the committee?" He said, "No, no, no, I'm not. I'm not qualified for that with my temperament." I said, "Well, why don't you think of somebody because somebody is going to get it real soon and I'd like it to be somebody that you recommend because that will help me with him." I'm telling this for the first time. A lot of things get written about this and that. Me rolling around on wheels of the chair and all that kind of stuff. So he said, "Well, I've got this professor down here named Professor Sam Dash." I said "Arthur, let's take it up to Ervin."

He contacts Sam Dash and we arrange for a meeting with Sam Dash and Senator Ervin and I sat in on it. Dash didn't have that in his book. I'm not deriding him at all, I'm just saying that when people write books they do it favorable to them. It's like he was picked out of the air. By the way, there were just oodles of people that were calling Ervin and writing in saying they were the perfect person for this. Several from North Carolina, prominent law professors, prominent attorneys. It was just a barrage. Everybody knew that this was going to be a big thing. It's funny that nobody from around here was considered, it had to be somebody else, somebody away. Somebody with a nationally known reputation. Sam Dash had that in the legal circles. Ervin had heard of him and the interview went very well. I believe Sam had, didn't he teach constitutional law at Georgetown? Yes. Anyway, he went away and then Ervin had all these people hounding him to death about being the chief counsel. At the sub-staff level, others were very interested. I made my point to him, I said, "Senator Ervin I think we can trust Professor

Miller. You've seen how he works and what a good man he is to not send us somebody that's going to be very bad for the committee." I called Arthur back and I said, "Arthur, I think Sam Dash has a good chance. There's one proviso here though, you are going to help me." I said, "You're going to have Sam Dash suggest to Sam Ervin that I be the deputy chief counsel." Well, he did. And then that's the rest of the story. Ervin said to me later on, he said, "Well, I was going to choose you anyway." Here was the deal. My job as I viewed it. I had been with this man long enough to know him, for almost eight years at that time. I told myself, "I am going to be there to protect him."

Scott: Politically?

Edmisten: No. Protect him from all this in-fighting that will occur on this committee. That my job is to protect Senator Ervin from people trying to take advantage of him. In that manner I did not view my role as being a deputy chief counsel to Sam Dash. Sam had another view of that, which he later found out that this wasn't going to be because Ervin had me doing lots and lots of things. Sam mentioned in his book that I wasn't of too much assistance to him as his deputy. That was not the way it was supposed to be. I wasn't going to be out here interviewing witnesses and chasing people all over the country and doing that sort of thing. My job was to make sure that nobody messed up my boss and the man I admired most in public office. It fell on my lot to do the things that are the most difficult around Capitol Hill. We had no office.

Scott: Tell me about that.

Edmisten: The first office was the corner of my desk in the New Senate Office Building where Sam Dash sat for two or three weeks. Later, as time went on Sam brought some people on. I had a dear friend, the chief counsel to the Senate Rules Committee was a man named Bill Cochrane. And the Rules Committee, as you know, controls all the spaces. Senator Howard Cannon was the, no, Senator B. Everett Jordan was the chief counsel of the Senate Rules Committee. I think Jordan was defeated in 1972. Yeah, Jessie Helms—that is sort of the beginnings of Watergate. Senator Howard Cannon came to be the chair of the Senate Rules Committee but he kept Bill Cochrane on. We always referred to Bill Cochrane as a third senator from North Carolina because he wielded so much power. He was the one who put on the inaugurations. All that sort of stuff. Anytime anybody was inaugurated it was good for people like me—front seat! No doubt about it. You wanted to get a seat in the Senate Chamber when the biggest thing in the world was going on, come see Rufus because he would call his friend Bill Cochrane. Senator Ervin said well, we've got to find some space around here, you go to work on that. You know from being around this place—

"Rufus Edmisten, Staff to Senator Sam Ervin, NC, Subcommittee on Separation of Powers, Subcommittee on Constitutional Rights, and Deputy Chief Counsel, Senate Select Committee on Presidential Campaign Activities (Watergate Committee) 1964-1974," Oral History Interview, Senate Historical Office, Washington, D.C.

United States Senate Historical Office -- Oral History Project
www.senate.gov

Scott: There is never enough space.

Edmisten: What do you do? So Bill Cochrane and I start walking. I get Bill to move me out of the new Senate Office Building on the second floor over to the only building remaining on a parking lot that now sits where we are. There was no Hart Building here. There was a little four story townhouse that I started occupying and I had remained the chief counsel and staff director of the Senate Separation of Powers Subcommittee in addition to my role as the deputy chief counsel of the Senate Watergate Committee. Sam Dash got my old office over there on the second floor of the New Senate Office Building. So Bill Cochrane had taken care of me and I was the only guy on Capitol Hill that had a townhouse with four stories, full kitchen, full everything.

Scott: You had access to the whole townhouse?

Edmisten: Yeah, the whole townhouse was the Separation of Powers Subcommittee building. I called it La Petite Maison Blanche. [Scott laughs] Everybody was just very envious. He's got that whole townhouse over there! It was decorated up real well. They put telephones all over the place.

Scott: Now, did you live there?

Edmisten: No, you could have! That's where a lot of interviews took place for Watergate. A lot of the cuckoos, who wanted to work for the Watergate committee. Anyway, I haven't gotten to the point yet of finding any room. So Bill Cochrane and I start canvassing the Senate. You're not going to move anybody out of their offices, I can tell you that. I don't care what kind of committee is coming up. That is not going to happen. Nobody is going to give up their space in some kind of altruistic move to help the nation. We walk around there and Ervin would walk with us some. That was unusual. He never did things much like that. He was too busy reading the Constitution! [Both laugh] We came on the first floor where the Senate auditorium was, they have abolished it now, you come in the entrance off of the new Senate Office, i.e. Dirksen Building, you walk in at the corner of, oh I don't know what it is, you walk in at that corner, and you walk in and you take a left, there was no security check whatsoever, this place was like one big happy town of its own, and you went just a few feet to the left and there was this huge Senate auditorium. Bill Cochrane said, "I tell you what. Only thing I can think of is that you guys just take over this auditorium." I said, "Well, okay. How do you propose to do that?" He said, "We will make a platform,"—the auditorium was in steps, so that you had ascending levels where you sat for an auditorium. "We'll build temporary offices out over there and cover that whole thing." The Watergate committee took over the Senate auditorium. I bet you didn't know that, did you?

Scott: I didn't, that's a great story.

Edmisten: There's the deal of putting together the staff. Howard Baker would get over a third. They had their process. We didn't do anything about that, that's none of our business. Dash was busy putting together his top people and I was bringing a lot of people in that I sort of refer to as my Rufus mafia. They were very competent people from North Carolina. Phil Hair, Jean Boyce, Delacy Press Mill, just lots of people that I knew that Ervin could depend on, Mike Carpenter, they are all very prominent people now, prominent attorneys, one's in the state legislature. It's a heck of a job to put together something like that, from scratch, quickly. It grew up to be about 100 people. Oh my goodness, Katherine, it's hard to imagine and I've never thought about it until this day, what goes into doing something like that. There are all kinds of little power plays. Something going on. Somebody is getting out of order, somebody blabbing to the press, and we'll get into that later on. Everybody in the world from North Carolina came to see Ervin for a job. Some he would say, "Yeah, we'll take 'em." Some he would not because he didn't. He was real good about taking care of old friends. I remember one time when I was first here he had an old friend who was a court reporter that was an alcoholic. I remember his first name was Eugene. "He said, Rufus, I want you to find something for Eugene to do. He's down on his luck." For about a year there I [was] nursemaid [to] Eugene. He would stay down here, there was an old hotel at that time called the Bellevue, for $4 a night, this was in the early '60s and he'd stay drunk for two weeks. Oh, it was so pitiful. But when he was here [he was] a good note taker because he was a court stenographer. I veer.

So, I'm trying to remember all this right now. Everybody wants to forget that these things just don't fall out of the air, it has to happen. Somebody has to do it. I was the one because I was familiar. That's what Ervin would say. He would say to people, "Rufus is familiar with how things work around here. I just have to keep the bit on him occasionally." He knew he could depend on me to get these things done. A lot of these folks are out here planning big witness lists and all that sort of stuff while I'm making it possible to carry on a hearing.

This was put together very, very quickly. As I said, Ervin wrote the resolution himself that set up the Watergate committee. The pecking order was that you had Sam Dash as chief counsel. I was the deputy chief counsel, plus I was the chief counsel and staff director of the Separation of Powers Subcommittee. I never drew a salary from the Watergate committee. I kept my salary from over there and at that time it was very ample. At that time the salaries were good compared to other places. When I got out of law school I never owed a penny. That's one thing that is just phenomenal. Didn't owe a

penny. Paid for it all along working up here. Speaking of that I made a vow one time that all that misery and suffering, I went to law school five nights a week, four seasons a year, and I said someday the taxpayers are going to pay for this. And they did because I was elected all those many times to public office.

So Watergate finally gets around and you can read Fred Thompson's book, you can read Sam Dash's book, and there are various stories about how this happened, but I know how it got put together physically around here. The only reason that happened so nicely was because Ervin had this great friendship with Bill Cochrane, the chief counsel of the Senate Rules Committee. I think our committee would have been off somewhere in some forlorn building down here if that hadn't occurred. Of course, I used a little ingenuity here and there to make certain things happen. Every time that we would ask for money it came from the Senate. Nobody ever objected. You know, the Watergate committee staff got to be over 100 as I recall at one time or another. I don't think you've had numbers like that in a long time around here. If you knew how much bickering and inner staff warfare was going on during that time you just would be amazed at how it all got put together. I'll give it to Sam Dash, he was a very strong leader. He had some people that got out of hand at times. We'll talk about the hearings later, but the staffing is what I'll concentrate on now because that's never been written about. Everybody is too busy getting into questioning Dean and all that stuff. The workings around here are usually cumbersome because the two things that people are concerned about never change: parking and staff rooms.

Scott: How did you solve the parking question?

Edmisten: I never had to worry about it, and to the rest of them I said, "Get here the best way you can." [Both laugh]

Scott: So you weren't able to provide parking for all the folks?

Edmisten: No, we did for Sam Dash and Fred. Mind you, at that time, there's a lot there. I keep pointing over there, but it's where this building sits today. You don't remember that do you? It was a big parking lot. And my office was over there.

The staff keeps growing and keeps growing. There was controversy at times. Sam would hire somebody from his past and somebody would leak that he got in trouble one time. These things just occurred time and time again. As I said, I viewed my job as to keep this stuff away from Sam Ervin so he could concentrate. Something would come up about staff, I said, "Bring it to me." Many times I had an administrative nightmare because everybody wanted to question a witness. Everybody wanted to come and sit at

the hearings back behind that beautiful thing. At least I get to set the record straight for the first time.

Some of the books, and a lot of the folklore is that I had a chair back behind at the beginning and Sam Dash says he had me behind him. I was never behind Sam Dash. I was there for Ervin. I kept jumping up because Ervin would turn his arthritic neck around like he wanted me and I would jump up in that chair. Somebody suggested that I have one of those chairs right there [points to office chair with wheels] so that I could sit right there behind him and get to him quickly. This thing arose that I made some kind of a deal with the press to shoot me in the camera all the time. I got me a wheelchair so I could get up there quicker to get in the pictures. If you were anywhere in that room for 10 seconds, you are going to be shot by 100, there were probably 50 photographers in there. I'm setting the record straight here for the first time that Ervin is the one that suggested that I get one of those chairs because he said, "You are going to run yourself to death getting up from that chair-like thing back there." Of course there were only room for a few people on that bench. So yes, I did have a rolling chair but it was so that I could get to Ervin. And yes, every time that they would make a picture one way or another of Ervin and Baker, I was in it! I didn't mind that. Quite obviously, I didn't mind that. It helped later on when I was running for attorney general. We had to accommodate a lot of people. See, I'm not getting into the meat of the thing right now. I'm just trying to tell you how this thing worked administratively.

Scott: That's perfect.

Edmisten: When the hearings opened, there was always a line of people (if it was a pretty day) out the corner and going 100 yards down Constitution Avenue. You can see pictures. I've got several of them in my scrapbook of people waiting to get in there before the hearings would start.

Scott: Don Ritchie was a grad student in Washington at the time and he used to line up with everybody else to get in here.

Edmisten: You're kidding!

Scott: No. He got in a couple of days.

Edmisten: Has he seen the pictures, any of them, ever? I've got some in my scrapbook, I just can't wait! I bet you I can find one with Don in it somewhere! That would be so funny. He would die! I got to ask him.

The requests that we got from people coming from North Carolina: "You got to get us in, you got to get us in." Where do their requests come? They came to me. I am trying my best. These are great friends to Senator Ervin. I pulled off some of the biggest stunts you've ever seen in your life about getting people in there. The cops took their orders from me. I remember that Lieutenant Pete Blackstone. He was in charge of the hearing and Pete said, "All right, what do you want?" Once in a while we'd get somebody who would yell and raise hell and we'd drag them out.

I always reserved a seat for Mark Russell. He was a local comedian who held forth at the Shoreham Hotel. He was an institution. If you came to Washington for any reason, you went to the Shoreham to see the comedian Mark Russell. We had Barbara Streisand one time visit the committee. One time Robert Redford came by the committee. Then there was the constant parade of Sam Dash's wife, Sarah, who more than gently demanded of me that I make sure that there were several seats reserved for her and her party, every day. Let's put it this way, it's difficult to say the least. In addition to that, while Sarah was a very decent person, she would demand things that only a senator's spouse could get. I would try my best to do them because I wanted to let Sam have some peace at home. I'm not supposed to be saying stuff like this.

Scott: This is great administrative history.

Edmisten: So the hearings would proceed with occasional protest, with people clamoring to get in. I'm the person in charge of all that. I could give the word, "Yeah, that one's in and that one's out." Because the cops knew that I was Ervin's man. That was just sort of—you see Fred Thompson's book. He doesn't have much to say about me, but he said, "Everybody knew that Rufus was put on there to look after Sam Ervin." He's right.

Scott: Did that create any problems with the other members or staff?

Edmisten: A little bit, yeah. These are very well-known attorneys and other people that Sam had brought on and Sam thought I was his deputy and of course, I was not. I was there for Senator Ervin. Sometimes I would talk to Ervin about things that I thought Sam wanted to do that I thought were not right. I would get them canceled. Sam did not really have a problem with me. He didn't understand how things work up here. Ervin is not going to be his confidante when he hadn't known Sam a day before he hired him to be the chief counsel. He is going to rely on the guy that grew up in the mountains, that had driven him down the road in that old rickety Chrysler for a number of years, and in whom he would confide and knew he could trust, who drank the bourbon [and] ginger

ale with him. Sam didn't quite get that. There were times when he would say, "Who do you work for?" I said, "Sam, Senator Ervin."

I always backed Sam. One time I remember they hired a man named Terry Lenzner. Have you heard that name?

Scott: Um, hum.

Edmisten: Alright, so you know Terry's history. Sam hired him and he had been with the legal aid around the nation and has made history since Watergate, as you know. Senator Herman Talmadge, somehow, somebody got to Herman Talmadge, and Talmadge called up Senator Ervin and said, "Sam, he's got to go. He's got to go." Ervin wanted to accommodate the wishes of his fellow committee members. He called up Sam Dash and said, "Sam, you got to let Terry Lenzner go." Sam went into a purple panic. He called me. He said, "You've got to help me. You got to help me." "What is it Sam?" He says, "Senator Ervin says I have to fire Terry Lenzner." I said, "Why?" He told me the story. I said, "Alright, Sam I'll go with you." We marched over there to 337 Old Senate Office Building. I said, "Senator, this is not exactly like you. Terry is very outspoken. He's got a background that some people don't like." Of course, the Nixon people hated him. Legal aid? They didn't like Legal Aid. I said my piece and Sam begged. Ervin thought about it over the weekend and he called Sam back and he said, "Sam, I was wrong. I'm not going to do that. That would be punishing Terry for something that—he's done nothing to harm me or the committee." And Terry stayed on.

Sam forever thanked me for that. He always admired me for doing that. I was glad to do it. I hadn't thought of that thing in years either. In fact, this is awful that I haven't thought anything about some of this stuff. You're getting it raw. Of course during the Watergate hearings I did question certain witnesses. I did my preparation. Maurice Stans, I questioned Patrick Grey, I questioned lots of folks. I was going to question Colson and Senator Ervin decided that he wasn't going to hear Colson because he said, "He'll just make a disruption." One thing I admired Senator Ervin on, too. Everybody was all gung ho to bring Martha Mitchell up there to testify. Sam Ervin said, "No, we're not going to do that. She will add no promotive value to the hearings. That would be only for show and we don't do that to ladies." That was that. That was the end of that.

Of course, I was disappointed that we didn't do Colson. I wish we had. I later saw Colson. I had done my homework on him. I got the staff to do me up all the dossier and I was going to ask him questions about some of the irreverent and irrelevant stuff that he had done at 30 years old. You don't know anything until you are about 50, I think in my case 60. I missed that one because I later saw him in later life when I was attorney

general. He came to Raleigh to make a speech to the Christian Prison Ministry, or something. Somebody asked me to go down there and introduce Colson. I said, "I don't know whether he will like that or not." He knew that I was there. We had, in fact, talked, prior to him being dismissed as a witness. He was so glad to see me and I introduced him. I said, "This is the man I was going to question." I made a lot of funny jokes about it and this and that. Arm-to-arm there is a picture in the *News Observer* with "Edmisten, former Watergater with Watergate conspirator and convict," whatever his name was.

Getting back to the staffing, constantly, little things would pop up that were very hard to handle because in a short period of time we had put together over 100 people with vast powers. And staffers would want to be very helpful but they would do things that probably would get the committee and Ervin in trouble. I would spot them occasionally. "No, you are not going to prepare a subpoena for so-and-so because that's not been approved by Ervin and Baker. Don't put it on there." I didn't control any of Fred's staff. Fred Thompson and I got along with very, very well. He knew that I was there to protect Ervin and he viewed the same way for Howard Baker.

Scott: Did you know him prior to the Watergate committee?

Edmisten: Who, Fred?

No. I did not. I just admire Fred all to pieces. They accused Fred of being a flack for the White House. Hell, they got the right to have a conversation with someone on the committee. This is not like you have indicted somebody and you are trying to obstruct justice. This is just inquiry of a Senate committee. Yeah, we knew that Fred was talking to the White House. So what? Sam was sort of distrustful of Fred. But they got along very well and he did his part and Sam did his part and I did my part. There were times when there would be heated discussions inside between staffers.

Scott: In the auditorium?

Edmisten: Yeah. They would be in some place. Some of the people like Terry Lenszer would want to get into something that I'd get wind of and I'd say, "Sam, you don't really need to do that." Sometimes Sam would know that I would probably go to the senator if I thought it was going to harm him. Yet Sam and I had a very cordial relationship the whole time. Fred and I had a very cordial, excellent, relationship. There were other staffers that they were not political in any manner whatsoever. They were young, go-get people, a couple of them from North Carolina, some of whom stayed here and did very well. They at times would have, I could tell they had a problem with me because they thought I was too political in that I was "Ervin's man." I always backed

them up though, and that in the end, we still have that contingency of very competent people down there. But how it held together at times I'm totally amazed. You have a group of three or four people chasing Bebe Rebozo. They'd be off down in Florida. Another group was chasing that guy out in Texas. Everybody had to come back and write it up. We had the theory that a lawyer uses. You don't ever put somebody on the stand unless you know what they are going to say. So every day before a witness came on there was a dungeon room, I'm telling you, it was a dungeon.

Scott: Where was it?

Edmisten: The basement of the New Senate Office Building where that was the interrogation room for most of the people. Now if it was somebody like John Mitchell, we didn't bring him in that dungeon. But I remember one time when Barker and some of the original Watergate break-in people down there. That's another room that I had gotten from Bill Cochrane. I had a telephone installed in there. It's a bleak room, no pictures, no nothing! Just a room—

Scott: What was in it? A desk and a chair?

Edmisten: A long table and a couple chairs and desks. It was like an old 1930s police interrogation room. That's where Butterfield was and everybody else in the world went in there the day before. One time Bernard Barker and that bunch, all that crowd, Sturgis and all that bunch, as I recall, the break-in guys, which one was the Cuban?

Scott: Was there a Martinez? [Eugenio Martinez]

Edmisten: Well, one of them was a Cuban. Anyway, he whispers to me, he was crying, with tears in his eyes. I'm in there that day for some reason, I didn't normally go in that room because I was busy trying to put some fire out. He whispered to me, "Will you let me call my mother?" He was in jail! They were brought up from jail. "You think they'd let me call my mother?" We're sitting in the corner there and I'm sitting where the phone is and I say, (we were sort of away from the rest of them) "What's her number?" Ding, ding, ding. I call her up. I said talk slowly and go quickly. He got on the phone and he just started bawling. That was one of those touching moments. He says, "I will never, never thank you enough. I will never, never thank you enough." I said, "Okay. Go do your thing." I never forgot that! It was just a tender moment where he was talking in Spanish to his mother. I think it was Rodriguez or something like that.

I've lost so many brain cells since then. It's harder than ever all this unless you write it down immediately. I was too busy to do that! I would get home at night. I don't

know how Dash and all those folks did it. You get home about eleven o'clock, maybe twelve, we were a little bit paranoid, too, because we thought people might be watching us from the White House. We were a little bit paranoid. No doubt about it.

Scott: Were there security precautions taken?

Edmisten: They did for Senator Ervin. Capitol Hill Police stayed with him.

Scott: I mean in terms of your paperwork.

Edmisten: Oh yeah, we had all kinds of alarms set up. If you tamper with it, the place would start screaming down there like mad. We had an elaborate system. We were in such Neanderthal days as far as technology goes. They were using a Xerox machine to x-ray boxes that came in. You know the committee sometimes would receive over 40,000 communications a week. You've got to remember that most of them were telegrams or letters, no email, no cell phones, no nothing like that. You take an x-ray machine to x-ray a box and see if there was a bomb in it! [Laughs]

The letters were just incredible. I personally hired two people just to take the mail. Just crazy stuff, I mean lunatic stuff. For some reason, folks had this penchant, they wanted to tear pages out of the Bible and write things all over it, "God will get you" and this and that. I kept thinking to myself, if you believe that, he's going to get you for tearing out the Bible! A lot of hate mail for Ervin, just a lot. A lot of it coming from North Carolina because that's the way it always works when you've got somebody who's—'cause a lot of folks just thought he was out to get Nixon. A lot of nasty, nasty mail, from North Carolina. All of us got mail. I got all kinds of fan mail. I got some of it in my scrapbooks. Thank goodness I kept a lot of things. Back in those days you smoked. You smoked in public buildings. I smoked a pipe. Fred Thompson smoked a pipe. People smoked cigarettes. At one point there are a couple camera shots of me, Fred, Senator Baker and Fred Thompson all smoking pipes. The caption was, "All of them smoke." The mail was, we had set answers that Ervin always—we'd get one of them to see what he'd written. Then we took care of that. There were a lot of fusses about who would be subpoenaed and who wouldn't be subpoenaed.

But I wanted to tell you that nothing ever got to be, this is the only committee, in my knowledge, that has ever worked on Capitol Hill where there was such highly potential for partisan flair-up and craziness. Ervin and Baker, early on, made a deal. They would not disagree. They would both agree before anything would be done. No subpoena, no nothing unless they both agreed on it. Sometimes Senator Baker would say, "Well Sam, I think you are wrong." One of them would give in to the other. If it was

"Rufus Edmisten, Staff to Senator Sam Ervin, NC, Subcommittee on Separation of Powers, Subcommittee on Constitutional Rights, and Deputy Chief Counsel, Senate Select Committee on Presidential Campaign Activities (Watergate Committee) 1964-1974," Oral History Interview, Senate Historical Office, Washington, D.C.

United States Senate Historical Office -- Oral History Project
www.senate.gov

something that Ervin insisted, he would say, "You are the chairman, I defer to you." It's the only way it worked. It would have gone to tatters, like all the other hearings I've seen happen since that time. Even the one that Fred Thompson chaired on intergovernmental something, he and John Glenn, I think. The Iran-Contra thing was just a zoo. That wasn't a committee, it was a convention. I remember that hearing thing, I was called up to see if I'm not going to be one of the counsel, by this man named Arthur Lyman, because—It wasn't Senator Mansfield. It was somebody. Was that the Iran-Contra one, I believe? Who was Lyman, what committee was he in charge of? I know I got called to come up and interview with him. Senator Byrd of West Virginia said, "You need to call Rufus Edmisten. He was with Sam Ervin." I came up and it was obvious that he was interviewing me because Senator Byrd had asked him to. I was busy, anyway. He gave me about 10 minutes. I said, "Could I be of some help to you? I could come up …" "No, no. Thank you very much." I must say I was sort of glad to see that one flop. [Both laugh] On paper that will sound a bit vindictive. I don't mean it to. I'm laughing, I'm laughing on paper!

The mail was incredible. The crazy stuff that people wrote. We all had our little fan clubs. I mentioned smoking the pipe. I would receive each week 10 to 15 pouches of pipe tobacco saying, "You need to try this kind, or that kind." People would write about, "You look like Elvis." "Your hair is out of place." "That's a lousy suit you are wearing." People write things about you: "You're all clowns." "You're jokers." "You and your double-necked leisure suits." I remember that one letter, "Your double-necked leisure suits." Early on somebody wrote me a letter that they wanted me to send them a picture of myself. I wrote back a funny letter. I said, "Well, I'm just sort of getting out of my teens now. I don't feel like I'm much of a celebrity yet. Let's just wait and see whether I become famous and then I'll think about sending you a picture." Funny little thing. But the hate letters were just, they were incredible.

Scott: How about the letters of support?

Edmisten: Some of them were beautiful, almost tomes for some principle. You remember the hate ones more. The good ones outweighed the hate ones. Cartoons that people drew of Ervin, as well as the other real cartoons, just day after day after day. All of us appeared in papers all over the world. I remember during the heady times I could take a plane somewhere and people would walk up in airports and say, "Let me have your autograph. Let me have your autograph." It's funny that shortly after that was over, when you are on TV every day, we get accustomed to people, we feel like they are part of our lives. But it shows you the power of TV. About a month after that, nobody knew me anywhere except my friends. But at the airport, "I want your autograph." There I was on TV every day. It was a pretty heady experience. When I took over the deputy chief

counsel, I think I was 30. That's pretty young. Maybe a little footnote in history, I can think of thousands of other things. I'm trying to give you the flavor of what happened administratively around other things other than the substantive questioning and this and that. So this is a good time for us to go to lunch.

Scott: Let me ask you one question. Were you at all involved in working with the media? Getting them in there, making sure they had the things they needed?

Edmisten: Oh, yes. Definitely.

Scott: Can you say a little bit about that?

Edmisten: Oh my god. There was always the hassle about where they were going to be. Sam Dash in his book wrote that I placed them where they would cover me the most. [Laughs] Favors! Well, anyway, the place was so full all the time with media that there had to be a credentialing. Ervin had a person named Hal Smith who was his media man who was an old-timer. Hal would determine whether or not they were legitimate. They were from all over the world. It was just—everybody wanted in there all the time. You just couldn't get them all in all the time. I was in charge of where they would be. Originally, Sam Dash had said, they got to go back here in this corner. Well, they couldn't take pictures of people! I got to Ervin and got that overruled because they were furious.

Scott: These were the television cameras, even?

Edmisten: The TV cameras were always right there. But the photographers, they need to be able to sit down in front of the witnesses. They were stuck back in a corner, they couldn't get good shots. If there was something to have arbitration about, yeah, I would discuss it with Lieutenant Pete and he would decide because I didn't want Ervin worrying about where the media went and who went and what all. It was probably the—The McCarthy hearings were covered, but about one-third of the country had a TV back in those days, if that many. And it was so new. You've got to remember that these hearings went on sometimes Monday through Friday, from gavel to gavel. You think of the time today that anything would be given except on CSPAN or one of the cable things, for a little while, but not the whole day. Not the whole day. Only three, the three major networks, and public television. We had people who watched it during the day and they would watch it again in the evening and tell us about it. The one thing about it, there were all kinds of inconsistencies came—you had all kind of help from the American public about how you goofed up on some questioning. I used to receive a lot of notes from the press down there in, was it Mary McGrory? She was very famous, she must be dead by

now, Mary McGrory. Sally Quinn who is now married to [Ben Bradlee]—they would send me notes up where I was sitting to get me to have Ervin ask a question or something like that. I saved a couple of them, in my scrapbook stuff but it's probably awful what I threw away. I just wasn't thinking.

Scott: Did you ever pass that along to Senator Ervin?

Edmisten: Oh yes, sometimes I would. But not while he was questioning. I wouldn't put a note in front of him. I would whisper to him. I would say, "Senator, Mary McGory suggests this." He'd give me some indication of yea or nay. The way the questioning worked, it would start with chief counsel, Sam Dash. Then it would go to Fred Thompson, then Ervin, Baker, and so on until you got to the end. By the time you got to the end there was nothing left for anybody to answer. Poor ol'—I felt so sorry for Gurney and Montoya. They were the two on the end, as I recall. Gurney on the Republican side, Montoya on the Democratic side. By the time it got down to poor Montoya, he had nothing to ask. And he hadn't been paying attention a lot of times. He would ask the same thing over. Ervin would, one time he turned and whispered to me, "Write some questions out for that damn Joe Montoya! Write some questions out for that damn Joe Montoya!" I would stretch my mind. I would ease down there to the end, slip him a question, and it was a difficult thing for those guys sitting on the end. It really was. Just think of that convention they had called the Iran-Gate. I saw that on TV one time and I thought it was the Democratic National Convention. People looked like they were out of these little foxholes.

Another reason that the Watergate hearings worked this time was that it was so small. That was only seven people. There were lots and lots of problems with Lowell Weicker. He kept Baker upset as much as he did. Ervin never got upset with him very much. He'd been a judge all his life. But Weicker in a sense conducted his own little investigation. You've probably read that. And he did! Sam would just get irate about it, just totally mad. So did Fred Thompson. Baker would [say], "I don't know what we're going to do with him. I don't know what we're going to do with him." He was just determined to do his own investigation. It got things in turmoil. He was—everybody was leaking things to the press. I want to make that plain right now. They write all these things that said they never did, except Senator Sam Ervin. They were all leaking things to the press because every day—and Sam Dash fusses about that in his book—we all know that everybody leaked to some extent because here's somebody. The only person that never called me in that whole Watergate thing was Walter Cronkite. I mean it. I had calls from every news person except Walter Cronkite. I can't remember the name of the two people that were the anchors for one of the networks that both died. I just constantly had calls from every major reporter in America that covered Watergate: Connie Chung. They

all called you and sometimes you could accommodate them and sometimes you couldn't. But somehow out of every single executive session that we had, which was the one in the dungeon, the day before the hearings, something got out about what would be said that day. It was a huge race on the part of the press people to see who could get if first. Who could get what was going to happen the next day. The only time I know of that they did not get it was the time that Butterfield was there. One of my big regrets was that I was not in that room that day just to see that happen. The North Carolinian was there, named Jean Royce, and he could tell the whole story. But the question was asked by a Republican staffer named Don Sanders. Nicest guy you've ever seen. I think he was brought in there by Senator Hruska, Roman Hruska. I was out at a party, we were at a party, as I recall, at Senator Talmadge's house. I believe, yeah. That's before his wife kicked him out. Found all that money in an oversized raincoat and took it. [Laughs] I remember somebody ran into me from the staff and said, "There's a taping system in the White House." This is sort of a different story than Sam Dash, but the guy came to me. I whispered to Senator Ervin and his eyes just started going up and down like mad! You know what he said to me? He said, "Don't tell Lowell Weicker."

Scott: Because he thought he was the leak?

Edmisten: Yeah.

Scott: How often would the members go to the executive sessions?

Edmisten: They would generally go in there and swear—Ervin and Baker had to swear somebody in. They would swear them in and leave. The big ones? Mitchell, of course John Dean, Sam Dash did most of that. He kept Fred Thompson out of it, which was a mistake. The one with John Dean went on for days. I wasn't there, too many days to be away. It wasn't done over in the Senate side, they met somewhere else. That was to prove to Ervin that Dean was a worthy witness. He was. Rarely did they stay in those sessions. And then you had to go back and brief the senators about what had happened. Most of the time, somebody in the press had a little bit of what happened, every time. Headlines today: "McGruder will say so-and-so." True. What had been said in those things would be written up. Sometimes—it went through too many hands not to leak. But the leaks were not—they didn't kill the committee like in so many other things. They at times got to the point where they were just about to disrupt it so much that it was about to take a breather because they were just so rampant. These things passed so many hands because you've got the people in the interrogation room, then you've got somebody that goes from there to transcribe, to talk into a machine of some sort, I don't know what kind of machines they were back then, Dictaphone, I guess. And then somebody would have to type that up. Somebody would handle that afterwards to make copies. So look at how

many times there and you could become instantly a very, very important person if you were connected with the Watergate committee because you had something the press wanted. You had very vital information because Watergate made the careers of a lot of people, or set the stage: Woodward and Bernstein, Connie Chung. I remember Connie always ran. She was always running down the hallways to get somewhere. I've never seen her walking. I kidded her about it later on in life. I said, "Connie, do you remember running?" She said, "Yeah, I was a runner." Leslie Stahl was another one. A lot of careers were made on Watergate. So everybody who was on that staff at some point along the way, had a method of gaining information that they could give to a reporter to make them somebody special. It was a sort-of two-way street. The reporter gets a story to help their career and that person becomes very special. And it could be somebody just off the street in North Carolina or hired somewhere else. Nobody ever writes about that kind of stuff. Maybe at some point later we'll get to some of the Watergate stuff. But this, none of this stuff happens without this going on.

Scott: You mentioned before when you worked with Senator Ervin on the two subcommittees that you tended not to write questions for him because he did all of his own stuff. So how did that work on Watergate? Did anybody write questions for Senator Ervin?

Edmisten: No.

Scott: How about the other members?

Edmisten: All the time, all the time. I wrote questions for Montoya.

Scott: [Laughs] When he needed some help.

Edmisten: Well, I felt sorry for him. My god! By the time the little jigsaw puzzle got to the end there. Of course Gurney was just, he was sort of a mean fella. Not very nice to staff people. He was a very partisan Nixon person who was sort-of irrelevant to the committee. That's harsh of me to say, but I was there. Talmadge was very good, a smart guy. Of course Howard Baker was tremendous. He was such a kind, decent individual. I had a little birthday party one time and he came to it. Some outdoor picnic area. I thought well, that's just really nice. You're busy and you've come to my little birthday party. One time he was over helping dedicate the Ervin library in Morganton, North Carolina, and he came for the dedication and I was there. I was running for governor at the time. He said, "Alright Rufus. I'll either come out for you or against you, whichever will help you. What do you want?"

Scott: [Laughs] What did you say?

Edmisten: I said, "You can come out for me." Tremendous.

Scott: Maybe that's a good place for us to stop for lunch.

Edmisten: Yeah.

[End tape.]

Scott: Maybe you can start by telling us some dramatic moments that you remember from the Watergate investigation.

Edmisten: Well, I think the first big break that the committee got after all the turmoil of putting the staff together and doing the administrative stuff that makes the committee work, was the time when we had McCord, who as you recall had written a letter to Judge Sirica saying, "I've got a lot to tell you." So obviously, he was subpoenaed to come up before the committee. His lawyer was a very tough guy. He was barking out orders and demanding all kinds of immunity, and this and that sort of thing. I remember the McCord day very well because that's one of the few times I remember that we went to Senator Ervin's hideaway in the Capitol. For your readers, who don't know what a hideaway is, as you do, a hideaway is for senior senators who have a little beautifully appointed historic little office in the Capitol because before they built these Senate office buildings they had their offices in the Capitol. I'm guessing that, but I'm sure that's what it was. They are just beautifully done. There is some priceless art in there and probably not room enough for over 15 or 20 people. Meager furniture but very lush, lush historic stuff. Chandeliers, just magnificent. I had never been in that room before that day and I had been with Ervin for a long time. I had never been in to it. I was more stricken about that than I was having McCord there. McCord's lawyer was demanding all kinds of immunity, which we weren't ready to start giving immunity to anybody. Start talking. He did and he's the one that says you need to go on up the chain and he mentioned John Dean and a number of other things that were very intriguing.

This is the first time, as I recall, that the press really got rolling. The hallway out there was just covered with press, all over the place. I remember one of the prominent ones was Connie Chung who was always one of my favorites because she ran everywhere she went. She was a long-distance runner, Senate long-distance runner. No matter how far away she was, she would chase you. She would usually catch you. They knew that McCord had revealed some things to us and it was our next step, the first digging that I recall in Watergate and that was an event that I remember very well. You had Senator

Ervin and Senator Baker in the room and Fred Thompson was there, Sam Dash and I [were] in there. Maybe a couple others, I don't quite remember how many, but McCord revealed, yes, we've got presidential connections here. So, let's dig. The press smelled it. They smelled it. That's one time when they didn't get a leak too much, because we had other sessions with McCord. Obviously every time you had a big named witness, it was a big deal. There's just no talking about it because as I said, people would line up outside the Senate office building for a quarter of a mile to get in here. The person who was being interrogated would arrive with a plethora of press all around them. Of course you had—I could take each of those witnesses that appeared and tell you something about them but that's already been written about 1,000 times.

I remember one time a little anecdote that I had. We had former attorney general John Mitchell in my old office that was at that time in the New Senate Office Building, the one where the Watergate started out with the corner of a desk. Sam Dash had that corner of my desk. We had John Mitchell over there, not in the dungeon interrogation room.

Scott: [Laughs] He wouldn't have liked that much, would he?

Edmisten: No. The man, he was a pipe smoker. He was extremely nervous. He was just shaking. He was in this room that was my former office for a long time when I was the chief counsel and staff director of the Separation of Powers Subcommittee. John Dean, I mean, John Mitchell, was a pipe smoker as I mentioned and he kept trying to light his pipe. He just couldn't get it done. I'm a pipe smoker, I was then. I said, "Mr. Mitchell, may I help you?"

[phone buzzing]

Let's see if that's who I'm talking about. If it is, you don't have to leave.

[end of tape]

Edmisten: "Could I help you with that?" He was sitting in a chair and I was standing up and he looked around and went, "Uh, huh." I knew exactly what to do. I steadied his hand with my hand on his hand. I took the lighter and I held it because he was unable to light that pipe. I thought, this is—it had all kinds of human touches in it. And he kept the thing lighted up and he calmed down a little bit and there was this man who had been one of the most powerful men in Washington and he's there so shaken by being in the midst of the Watergate folks, Ervin, Baker and Sam Dash, Fred in the room. I wouldn't scare anybody, I was going to be nice to him. He got his pipe lit. That was

something that I remember. Of course, personal to me was, I don't know what the stage was, I think my first witness that I interrogated and I studied for it assiduously, was either Maurice Stans or L. Patrick Grey.

I know that Maurice Stans, we had discovered that he had huge sums of money tucked away and I said something about, "Mr. Stans, where did you get all that money?" He says, "Well, it's a campaign." It was something we found in a dish down in Archives, a box down there, that all these folks did these things and they were as incriminating as could be and they were so concerned about their place in history apparently that they didn't destroy them. Why would you keep—and I kept thinking as I interrogated this man—why would you keep a record of sending half-a-dozen million dollars or something like that down to that committee? He didn't know what went with it. He said, "I don't know what they did with it. Where I got it." But the reason we found it was that he had left some sort of a letter around in this box down in Archives. I kept saying to myself, this crowd never thought that they would ever get caught at anything. It added to that aura of imperial presidency, imperial followers, helpers, sort of like Santa and the elves, one for all, all for one. That was very personal to me and I interrogated several other people including L. Patrick Gray and others. Those were not the things that I remember the most, they were good campaign posters and things to put in a 30-minute film of me questioning L. Patrick Gray and asking, "Why did you deep six something?" I asked that question: "Why did you throw something over the bridge?" Was it Memorial Bridge, or 14th Street Bridge? Something like that, I don't remember. I remember asking that question and it caused a big stir in the room there. Of course, I was—when Sam Dash didn't do it, it would be one of us doing the first lead-off examiner. There were several people that I examined.

But the things that always intrigued me more were some of the things that happened behind the scenes of the interaction between two southern gentlemen, Howard Baker and Sam Ervin. It was a camaraderie. It was a respect of two people who were from neighboring states. Of course, the age difference was quite a bit. I think Senator Baker was a little bit older than I was, not much. But I know he had on the same kind of double knit polyester leisure suits we all had on. If you had struck a match within 10 feet of them we would have all blown up. You look along there and then here was Fred Thompson with the most god-awful, he had an ol', almost brownish-type thing he wore. Ervin had an old blue thing, double knit polyester. I had one that was lurid, lurid, in-between a chocolate and a tan. But there we were!

They would be in meetings and Senator Gurney would say, "I don't think we are getting enough attention," or something like that. Senator Ervin would say, "Ed, ask all the questions you want to." [Gurney would say] "Well, you never get to us down there."

I've often thought that maybe they should have mixed it up a little bit, just to give these guys a chance. But then, what would you have gotten if you had started out with Montoya? And I know this sounds mean, but I don't mean for it to be mean. But what if you start out with Montoya or Gurney who would be yelling about, "Well, you're just out to get the president!" I've often thought, well, let them go ahead. Give them some minor witness and let them have at it. They never did. They wouldn't break that cycle. Frankly, when Ervin finished and Baker, there wasn't much left. There wasn't much left except what kind of dressings you put on your hot dog last night. That's about the only thing left, so poor Montoya and Gurney. Of course, the senator from up in Connecticut, Weicker, he was off on his own investigation anyway. Didn't bother him what somebody would ask. [Both laugh]

Those little interactions were the things that intrigued me the most. I had my day in the sun doing the questioning but that wasn't the most intriguing thing. The most intriguing thing was how we kept it together. You had these disparate people from all over the country with different backgrounds. I'm trying to think, not all of them are lawyers. The only way it worked, I will reiterate, was that Ervin and Baker were the rare people that kept it together. I will repeat for this oral history. No hearing since that time has ever been that successful where you have any kind of possible partisanship. It just hasn't been that successful because you haven't had leaders that were willing, or could because of institutional problems, work. I'm sure that when Fred Thompson was up here and he was chairing that committee along with John Glenn, Government Affairs or something like that, and it was relating to the operations of government and it was supposed to be the thing to clean up things. From day one they started bickering. You just ended up with nothing. Nobody has seemed to replicate the Watergate hearings. I don't think they could because you couldn't put two southern gentlemen steeped in history who were from neighboring states, knew the same stories, and represented the same kind of people, they understood one another. Each would keep his flock, so to speak, under reasonable control. Sometimes you just couldn't control one. You are not going to demand that another senator say this or say that, or don't say this or that. You try to get some coherence and it was always at least no subpoenas were sent that were not authorized by both of them. Staff members were sometimes reined in. Sometimes I had to do it. Sam had to do it all the time with his crowd. Fred didn't have that big of a problem. The Democratic staff side was the one that Sam Dash had to wrestle with all the time.

Scott: It was larger.

Edmisten: It was larger and there were people that were more controversial, like Terry Lenszer. That always amazed me how, and I took a lot of my public career from the way Ervin conducted himself. He never involved himself much in staff stuff, he

didn't like that. Over my years in public service, I despised personnel matters. I hated them because they are people whining about salary, not enough salary, wanting some advantage over somebody else. At least I think that Watergate, I saved Senator Ervin a lot of that agony because if it was my crowd I would say, if Sam Dash came to settle it, talk to me, don't you go whining to the senator. I felt like I contributed a lot that way. Those things don't make headlines, they don't say that you were the great interrogator, that sort of thing. I'll have to tell this story that I have never told on paper. After the Dean revelations, no, after the revelations of the tape by Mr. Butterfield, Alexander Butterfield, in the dungeon room—

Scott: In the dungeon. I wish we had a picture of that room.

Edmisten: Oh yeah, I can show you where it is. If it's there or not. We can walk down there. It was on the basement of the New Senate Office Building. After that was revealed, now obviously you are going to talk about, we've got to subpoena those tapes. So the committee met in Ervin's office. Obviously before any subpoena goes out, that's pretty heady stuff. You want to talk to the president. So we are sitting in Ervin's main office, 337 Old Senate Office Building, old SOB. They are talking about, "Well, there is no choice. We've got to subpoena the president." But Howard Baker said, "Let's talk to the president first." Senator Ervin just instinctively turned and said, "Rufus, go get the president on the phone." It was like a farm boy growing up, "Rufus, go milk the cow. Feed the chickens." To him. I knew enough to have a number, we regularly call the White House when you need to provide this witness or that witness. We have this little anteroom beside the committee room. The committee is in there talking and jabbering around and I dialed the number and finally they get me to who I suppose is Rose Mary Woods. I suppose because I always thought that she was the one with whom I talked because she was his personal secretary. I said, "Ms. Woods, this is Rufus Edmisten. I'm the deputy chief counsel for the Senate Watergate committee." "Yes sir, Mr. Edmisten." I said, "Ms. Woods, Senator Ervin and Senator Baker would like to speak with the President." She says, "Hold on, I'll be back." So I'm waiting on her to come back on the phone. I'm just thinking of all the times that Richard Nixon had said that the Ervin committee was out to get him. "Sam Ervin's out to get me." All of a sudden, on the phone is the president. "Senator Ervin, this is Richard Nixon." That caught me totally by surprise.

Scott: You weren't ready.

Edmisten: Oh, no. [Scott laughs] Oh god, no. I was so just taken back that I said, "Hold on Mr. President, Senator Ervin wants to get you." I finally realized what I said, "On the phone." There was this long pause. I said, "Hold sir." I went back in there and I

told the committee, "Look, I just got on the phone," and I said, "I mistakenly told the president who is on the phone that Senator Ervin wanted to get him!" I thought they was going to die laughing! I thought they would die laughing. They were rolling on the floor! And then Senator Ervin gets on the phone. It's one-sided conversation. He is having the shaking eyebrows that I refer to as moving quicker than a windshield wiper. [Scott laughs] He was saying, "But Mr. President, we have a right to the tapes. You don't have anything to fear if there is nothing on them that's incriminating. We need to verify the truth of the matter, whether the things that have been said are true or not." Nixon obviously says, "No." Then that's when they vote. They voted there in the room and then they voted unanimously in public at one point to do it. But they voted in the room that day, as I recall, to subpoena the president. That was one of the funniest things. Later, I've thought about, here I'm telling President Nixon that Senator Ervin wanted to "get him" and then I finally remember "get you on the phone."

Scott: That was a good recovery.

Edmisten: Yeah. I know that a subpoena is going to be issued. I simply told the senator, I said, "Senator, I want to deliver that subpoena down there." Of course I beat everybody to it. I think he would have let me anyway. I took along with me a lady named Polly Demint. I decided that she would be a good one to go because she had worked for years over there at the Separation of Powers Subcommittee. Then Terry Lenzner decided he wanted to go and asked Sam Dash if he could go. It was fine with me. I don't remember the sequence right now. The subpoena had to be prepared and I remember the old gal that typed it was named Lydia Greg. There were two of them. One was the subpoena dictus tatum, which means turn over all your papers and books or we're going to take them. [Both laugh] That was for any number of White House officials. Since I have the original—or the University of North Carolina southern collection has the original—it has people for instance like John Dean, John Mitchell, Haldeman, Erlichman, Gordon Strong, you name it. It's the cast of Watergate, the basic characters of Watergate and most of them were indicted and went to jail over it.

Then there was one that asked for the tapes. It was very sparse because they hadn't identified—they were interested in just two or three things because at that time they had not thought to ask to turn over the entire shooting match. So it was just, on that subpoena it said, "On a certain date, so-and-so-and-so-and-so." When that's prepared and I don't know whether that was the next day or what, after the phone call. I know that it was July 23, 1973, which this summer during this interview would have been 38 years ago. We alerted Lieutenant Blackstone, the man of Capitol Hill Police with whom I'd dealt so much, that I needed a ride to the White House. I guess the right word was phalanx of officers that I have several pictures of coming out of the corner of the Old

"Rufus Edmisten, Staff to Senator Sam Ervin, NC, Subcommittee on Separation of Powers, Subcommittee on Constitutional Rights, and Deputy Chief Counsel, Senate Select Committee on Presidential Campaign Activities (Watergate Committee) 1964-1974," Oral History Interview, Senate Historical Office, Washington, D.C.

(WXIO)WASHINGTON, July 23--DELIVER SUBPOENAS--Rufus Edmisten, deputy counsel, left, and Terry Lenzner, assistant majority counsel, carry the Senate Watergate Committee subpoenas for the presidential tapes as they arrive at the Executive Office Building Monday in Washington. (AP Wirephoto)(See AP AAA Wire Story)(sf21930stf-cwh)1973

United States Senate Historical Office -- Oral History Project
www.senate.gov

Senate Office Building, which most directly faces Union Station, that basement area there. We get in the police car and by that time everyone in the press had their ways of knowing. There were several that followed us down Pennsylvania Avenue. There was no formal blowing of horns, or sirens, or this and that. But it reminded me of Biblical days, it just seemed like the street opened up. We got down there and it was the Executive Office Building and nearing dark. There were hordes of the press down there. Hordes. We had called ahead quite obviously to tell them that I was coming. Lenzner and Polly and I step out. I had the subpoena in my hand and I went through the—there's a gate in front of the Executive Office Building—we went through that gate and we go up to the steps and we are met there by Professor Charles Allen Wright who was a consultant to Nixon at that time, and another man, Leonard Garment, who was a very prominent D.C. attorney and later in life became a law partner of Howard Baker. They were very cordial. I do my little spiel, "In response to Senate resolution so-and-so-and-so-and-so …" it was the resolution setting up the committee, "I hereby serve you with a subpoena. Would you take this back and make copies and please ask somebody to bring it back to us?"

I don't know what—but the smart aleck in me come out. I had grabbed me one of those little blue copies of the Constitution that's about three inches by four inches, the little pocket Constitution, and stuffed it in my back pocket. As a 31-year-old smart aleck would do, when I handed those subpoenas to Professor Charles Allen Wright and Leonard Garment, I said, "Here's one of these too. You all might need one of these down here." That was the snottiest thing that anybody could do. Here I am taking the subpoena down that I'm told is the first time in history that the Congress, a congressional committee, had ever subpoenaed a president. I thought, well, just give them a Constitution while I am at it. I came back to the fence and there was just absolutely full. I estimated that there were at least 100, 150 news people because this is a big day. We went back to Capitol Hill. In a few days, waited for the president to respond. "No, Hell no." Nobody ever got him except when the court demanded he turn it over. We were almost out of business by the time it got to us, so we never got one. It was the special prosecutor, as I recall, that Judge Sirica ordered that it be turned over to. But it was the first one they got. Obviously, that's the day that I remember more than any other in my little footnote in history with Watergate. It was all downhill after that.

Scott: The day that they called the president and had this conversation, what was the feeling in the room, after Senator Ervin hung up with the president and relayed to everybody that indeed he was not going to voluntarily turn over the tapes. Were people surprised? Did they expect him to say, "Sure, I'll give you those tapes of those three days you are asking about?"

Edmisten: No, it was real quiet for a moment there. It was like they were bewildered about it, "Ok, we really didn't expect him to. Now he's done it, what do we do?" The Watergate committee filed several briefs with the court during that time. I remember signing the things, I didn't read them, but I signed them as the deputy chief counsel. It's like, what do we do here now? We've got a full blown constitutional crisis. Of course it took the court to undo it. I keep harkening back to the Bush years. All three branches [of government] at one point there were controlled by one party. That's not good for democracy, I don't think, even if it were the Democratic Party, which I favor. That's not good for the country. You've got the worst of all worlds now. I don't think that's because of constitutional failure, it's because the pundits on both sides have whipped their factions up into a frenzy just like a bunch of jackals. They have driven everybody from the middle. You are either on our side or you are an enemy. I'm talking about both parties. Back during the Watergate years, the Democrats controlled the House and the Senate but they didn't control the presidency. And if Howard Baker had not been the man he is, you wouldn't have had any—they could have stopped it. They literally could have stopped it, by using procedures, by thwarting the committee system, in all kinds of ways. Especially in this body. You've got somebody somewhere that can find some arcane way of—

I wish that I had about one-tenth of the knowledge that Senator Byrd had about these matters.

Scott: Was there any resistance among the committee to issue the subpoena?

Edmisten: They grumped, Gurney. But they voted for it in the end. It was unanimous. I think. I know it was in the room that day. Nobody said much of anything.

Scott: Was it a tense situation? Were they worried?

Edmisten: It was tense. A lot of Washington was tense back then. It's hard to describe the atmosphere. Of course being in the middle of it like I was and all the people around me that had anything to do with Watergate, you probably think the whole country is tense. This is one public event that everybody, including the plumbers and the yard mowers and about everybody knew about Watergate and they knew something was going on because their favorite soap opera was—

Scott: Being interrupted. [Laughs]

Edmisten: Going back to that, we had so many complaints, calls, and letters and telegrams about the soaps going off with this primetime coverage. Another event that

preceded the subpoena episode was the Butterfield thing. I wasn't in there. I cannot capture the flavor of that anywhere near like I can something that I was right in the middle of. I was not in the room that day, not in the dungeon. Another North Carolinian, as I told you, was. There are just scores of other things that if my mind could ever concentrate on it enough, were there, but I have to do what was so personal to me.

Scott: It seems to me that the decision to issue the subpoena is a huge turning point for the committee. Because a consequence of this decision, of course, could be that the American public or other people in the Senate or in Congress in general could have said that the Senate committee had overstepped its bounds. This was going too far to challenge the president in this very direct and confrontational way. One of the questions I have is, how from your close relationship with Ervin, how did Senator Ervin, what was his understanding of the Senate as an institution? Was he protective of it? Was this a conversation that the members of the committee had? That we need to make sure that the Senate doesn't look bad in this situation?

Edmisten: No question about it. No question about it. He often had conversations with Senator Mansfield. He and Howard Baker talked constantly about it. I always thought that it was telling that Howard Baker later goes on to be the chief of staff at the White House.

Scott: And that he was also majority leader.

Edmisten: It was all these seemingly contradictory things. It was not a thing that you got yelled about on the top of the dome up here. But Ervin said to me one time, "If we fail on this thing, the Senate is useless." The other committee members didn't talk about it much. But he and Baker were very concerned about the institution here of the Senate and that it needed to assert itself and not back down if they knew they were exactly right. It couldn't have been done without Howard Baker. It could not have been done. I don't think he has had enough said about him in history. You want to praise Judge Sirica, and these others, but the Watergate hearings are the things that really compelled other institutions to do their job. Sirica sent a court up here. Sirica was really pushing things. But the average Joe out there could give a hoot about who is John Sirica. Some judge has ordered somebody to do something. But when they are looking at television three or four hours a day, non-stop, day after day for almost all of the summer, then it gets the country in the mood that when you do issue a subpoena there are going to be some that say you've gone too far. But they didn't because they had watched leading up to that in these hearings the arrogance of people like Haldeman, Erlichman, the foolishness of these people. They thought, "Who are these guys?" Obviously, a majority of the American people said, you haven't gone too far. Yes, we got a bunch of letters, a

bunch of very partisan people, saying the committee has gone too far, this is just too far. Well, hell, what about these special prosecutors? My god. That would be way too far, also, if you are going to say that.

That's why I keep saying—one time I was on a seminar a summer ago with a law clerk of Judge Sirica, John Dean was there, some other folks, one of those special counsel guys who never would never let me say a word. Finally I said, "How about a little separation of powers here? Let's talk about the Senate." Right on the end of the seminar. This was in Pennsylvania for the D.C. Circuit Court of Appeals, the one right below the Supremes is the D.C. Circuit. It was a wonderful seminar. I loved seeing John Dean again. When I got my few words in the two hour session, I said, "Well, I'll just put it this way, there has not been much separation of powers here today. Carl Sterns never got…" I was on the end, I felt like Montoya. [Scott laughs] He never got to me! I swear to god, there was 15 minutes left and the special prosecutor, somebody, kept interrupting, even when I was on, saying "That's not so." I said, "The Watergate hearings and the work of the committee really made this thing possible. We showed the American people that the Constitution worked. The beauty of this whole exercise shows that they weren't so foolish when they wrote this thing out. When they didn't spell out separation of powers but they made it very plain that there are three separate but equal branches of the government. All three of those played a very integral role in this thing. They call came together when they saw a massive wrong being committed against the American public. No one branch of that government could have done this. It took a little something from all three of them to do it." That's always been my take on Watergate. Every time there's a reunion somebody will call and say, "What's the lasting impact of Watergate?" I say, "Well that the separation of powers works and we go for about 30 years and forget it. It has to get back in whack some way." I think there were times when the judiciary went too far when they were running schools and prisons and that sort of thing. God knows the executive branch at times has been weakened. Nobody paid attention to those guys like Buchanan and all that crowd. There have been times when it has just been overwhelming because—and that's all relating to the character of the person that holds the position and the kind of people he or she has around them.

Scott: And the historical circumstances.

Edmisten: Yeah, that's exactly right.

Scott: When did it become clear to Senator Ervin that this Watergate investigation was going to go up to the presidency?

Edmisten: McCord. He never said it publicly, but he felt that there was something very, very wrong here. Very dangerously wrong. We walked back to his office

and he was saying, "That was very troubling, very troubling." Early on he thought something and nobody was really surprised when, after time went on, was it John Dean that said on 60 occasions that he had had conversations with the president when the cover-up was mentioned? Knew all about it. Of course not. We did not know of all the times until the tapes were read about. I still flutter in history that a man will sit in the Oval Office and say, "How much will it take to shut him up?" That's what gangsters do!

Scott: This gets to the hubris that you mentioned before that these people did not believe that this information would ever become public.

Edmisten: No, I observed that back there with that interrogation of Stans that they didn't let a thing go that they thought might somehow decrease their posterity. I've often said that Nixon could have taken those tapes and said, "Look, they are mine. I'm going to burn them." Sure there would have been a furor. It would have inflamed a number of people in the country. But I don't think he ever would have been indicted for it. It would have remained a he-said, he-said, as far as John Dean was concerned. But those tapes just backed up everything that John Dean said. The man was a genius. He had a photographic memory. He fubbed up one time that I recall. He mentioned that something had occurred at the Mayflower Hotel and it was the Mayflower coffee shop. Good god. Everything else was just absolutely meticulous. It's obvious the man had made copious notes the whole time because you don't remember that well, you don't write books that well, unless you have some reference. The books that most people write, they take a lot of sources to do things. I wish I had written down some notes. But I remember a lot of stuff. And they are my recollections. Somebody may come along, Katherine and say, "Edmisten is full of crap. It didn't happen that way." It's my way of knowing that something happened and especially when I was alone with the senator and things like that. I'm not saying that anybody is out to contradict me but some of us may have a different view of it. Anything that I am saying here is reflections of a guy who was probably the luckiest young man in the country to get to sit where I did and watch all this unfold and be part of it and be a tiny footnote in history. Anything that I ever do has got to be, "Who done it?"

For a while there all those Watergate books were about what was the break-in all about? How did that make any difference? I've run enough times to know that there is nothing in a campaign office that is worth spit. Nothing in there! You got some old lists of people that are eventually going to be published anyway. Somehow they thought that going into that building down there they'd find all this incriminating stuff on Lawrence O'Brien and this and that. None of those things you'd have. I never had a campaign office that had a thing in it that I'd throw a rock at. That hubris just [unintelligible]. The things that still amaze me is knowing that there were people who thought nothing of

sending out people to break in offices to commit what is a felony in every state in the union. Breaking and entering is at least a 10-year felony, starting with Ellsberg and no telling who else and then a president sitting there saying, "How much does it take? $100,000? $10,000?" My god. This is not counting beads.

Scott: This is one of my favorite exchanges in the investigation. When Erlichman is on the stand and he is describing the break-in at Ellsberg's psychiatrist's office. He's saying that it's not irrational because this was part of a national security operation that was ordered by the president. Therefore, the implication was, because it's the president's order and it's related to national security, it cannot be questioned. Senator Talmadge makes this great point: "Do you remember when we were in law school? We studied a famous principle of law that came from England and also is well-known in this country that no matter how humble a man's cottage is, that even the king of England cannot enter without his consent." Erlichman says, "That's been considerably eroded over the years, has it not?" Talmadge says, "Down in my country, we still think it's a pretty legitimate principle of law." [Both laugh]

Edmisten: Oh I remember that! Oh god, I remember that! I wish I had time to read these things again. Oh lord.

Scott: That gets to the heart of Erlichman's defense of this, and everyone in the room thinking, how can he be defending this type of behavior? I have to ask the question, did Senator Ervin ever mention to you the fact that Watergate was the event that focused the national attention on all of the issues that you guys had been working on and trying to make the public be concerned about?

Edmisten: I have to say that I'm the one that brought it up when we were driving down the road. I said, "Senator, isn't it funny that," and I don't mean to be taking his place, "is it amazing that all the things that we've studied led up to this stuff?" He started talking about it. He said, "You know, those things are just incremental. They are like giving a dog a little bit of gravy and withholding the whole slop." He used the word "slop jar" which is the slop you fed to the hogs. He said, "They are going to come after that bucket of slop." He kept using that thing "an inch of losing freedom is something that turns into yards and miles." He knew back when we were doing all those hearings, he was just as fervent as he was in Watergate except maybe not as animated. When he was having those great debates with some of those scholars about executive poppycock, as he called it, I don't know how many times he said that: "Executive privilege, executive poppycock!" [Laughs] One time he said to somebody, he said, "What cave did you drag that out of?" [Both laugh] He said, "Where did that come from?" Of course he knew every time that it had been used that they could justify it. Which one was the one that

Ervin got in that session with Erlichman and Erlichman came up and said something that prompted Ervin to say, "It's English! It's my mother tongue!"

Scott: A few witnesses asked him to repeat things, right? A lot of people at the time observed that they were just trying to diminish Ervin's power by pretending like they couldn't understand him. He would come right back at them with something.

Edmisten: Sometimes he would be hard to understand because he would talk so rapidly and try to catch up with his mind. We had such wonderful, loving—I've spoken already about the hate letters—there were so many loving letters about, "You're like a cuddly bear." We would kid him to death. "This woman says you are cute, Senator. Look at this." I would read some of the funniest stuff to him, on a Saturday morning, sometimes. We would go through and find some of the mean ones and some of the funny ones. Even during that Watergate thing he would be studying, still we were, even during Watergate, I would have this session occasionally with him where nobody else would come in. On Saturday morning he would come over there. I guess he didn't want to ask anybody else to come in. He would say "Can you dial up so and so?"

Scott: Over at the townhouse? Back home in North Carolina?

Edmisten: No, over at the Senate here.

"Can you come over and dial up somebody?" He would call old friends and just chat. He wasn't good at dialing the phone because he was arthritic. It was touch-tone at that time but he wasn't good at that, at all. We had a whole set—this is still such an ancient way of doing things—we had phone books from every town in North Carolina, so he'd say, "Can you dial up Clyde Knowland? Let's see if we can get Clyde Knowland."

Scott: Did he talk to them about Watergate? Or was he just catching up?

Edmisten: No, he would talk a little bit about that. But it'd be something about Chapel Hill. It would be some of those things. He said to me, and I've kept this all my life, he said to me, "You know Rufus, I don't need to make any new friends until I take care of my old ones." I remember that so much in my political career and try to say don't forget your old friends. They were there for you a long time ago when these new folks come trotting in. He was right about that. In my political career, my first supporters were a lot of the Sam Ervin people. Over the years they died off. About every 10 years I had to get a new set of people. This lady I was talking about, she just reminded me about campaigning over there in Union County. That was quite something.

Scott: Well, it's just about four o'clock. Did you want to stop off?

Edmisten: What else do we want to do? I know you're not through with Watergate.

Scott: No, I don't think we're through with Watergate.

Edmisten: Maybe I should read some more on it. If I read it I'm going to be aping somebody else's stuff. That's why I haven't read anything about this, Katherine, while we've been doing that.

Scott: I don't think we need to get into folks' testimony, that's all in the books.

Edmisten: And I'm going to be remembering something that somebody else wrote. That's not my purpose.

Scott: At this point, we could start to talk in our next session about your own political career because that's really your next step here.

What time do you leave the Watergate committee and start to campaign on your own?

Edmisten: I left in about July of '74.

Scott: So you were around with discussions about the president's resignation, potential resignation?

Edmisten: Oh yeah, I was here.

Scott: When did that become—

Edmisten: I was here during those hearings.

Scott: When did that become an issue? When did members like Senator Ervin start to talk about that possibility, or did he talk about it at all?

Edmisten: Look, in private with me, he didn't know how the president could stay down there. As more of those tape things got revealed, he was saying things to me in private like, "You know, Richard Nixon is just scared to death of freedom. He's scared to death of the term 'freedom,' for people to say what they want to say and do what they

want to do." Everybody up here on Capitol Hill knew that there was so much heat on that man at this time that somebody up here was going to say something to him. "Look, you got to go."

At that time we were just in the business of writing reports and that sort of thing. There are certain things that came out of the Watergate hearings, Federal Election Commission, a couple of the privacy things. I'll tell you something that I have been very outspoken about, when they started doing that special counsel business, I helped work on that a little bit. That's not what we meant when all that stuff came about, these people on both sides, under a Republican and Democratic that took that special counsel thing and had unfettered power to spend as much as they want to, stay as long as they want to and go after people.

Like in Clinton's case, the Whitewater thing. Some guy that got after Oliver North on the other side and spent gazillions of dollars. That's one bad thing that I think came out of Watergate. Our special counsel thing did not have that kind of mess in it. They were just exceedingly dangerous to freedom. That guy [Kenneth] Starr going out there in Arkansas. They never found a thing after all those years on the so-called Whitewater, but they ruined the lives of several other people there over some dinky little minor thing. Got a conviction for a very fine person who was the former attorney general and the governor of Arkansas, Joe—[James "Jim" Guy Tucker, Jr.] his name escapes me, I served with him. Just running roughshod. You had somebody here spent all that millions and millions and millions of dollars on Oliver North, like a judge, or something like that. That is worse than, that to me was just a travesty. That they could come and just ruin people and no sense of bounds on how much money you can spend, when is your determination. You don't have those things now. That's why you have a justice department. If that doesn't work you can use other extraordinary means. But for a while there, you just think of it, we had all these people that were rogues. They were rogue prosecutors on both sides. You notice I include the guy that got after Ollie North. I have often—I know that I was looking over something the other day that was in the Raleigh *News and Observer.* I put it in a book somewhere. I found it. It was the copy of the June 17, 2002, would have been 30 years. I was reading some things that I said then and some other things. I was ranting about the special prosecutor thing. You'll probably see a lot of things if you come down and look in my junk that I have mouthed off about before.

Scott: We can follow-up with some of those things next time.

One question that just occurred to me. The committee's decision to issue subpoenas, it looks like in almost every case in which you wanted to speak to someone who worked at the White House, other Senate committees, if we look at precedent, had

not always issued subpoenas for every person whom they wanted to call down to interview. Did you decide to issue subpoenas to everyone because you felt that that was the only way to ensure that they would come?

Edmisten: And ensure that they would not destroy them. This is a very unique thing. Let me tell you one tactic we would use, too. We would subpoena secretaries, clerical people.

Scott: Because they protected the files?

Edmisten: Who holds the papers? Who can get to them and destroy them the quickest?

Of course it would terrorize them and they would be afraid to do anything along with the primary person you would subpoena also. We called it the subpoena mill. They were all signed by Sam Ervin, either Sam Ervin or Howard Baker or both of them. There were a lot of subpoenas issued. I've noticed around town that there are some of them up on a wall. I went into this guy's office one day and I saw this subpoena from the Ervin committee, the guy knew who I was. He said, "Look what I got." It's a sort-of badge, if you were somebody you got subpoenaed back then. Of course, it wasn't much of a badge then.

Scott: Was there ever a sense among staff or members on the committee that the Senate was at a disadvantage challenging the president on these numerous legal fronts because they didn't have a kind of legal counsel, as the White House did?

It is one of the outcomes of the Watergate investigation that the Senate creates its own legal counsel. I wondered if there was ever a moment for you guys where you felt like, if we had a group of attorneys that we could turn to to ask—not that you weren't all attorneys, it's just you had your minds focused on so many different things.

Edmisten: The legal lawsuits filed by the Watergate committee, they were signed by all of us. But we got help on it.

Scott: Who did you turn to for help?

Edmisten: You'd go to expert in a particular thing and make them a consultant. George Washington, Georgetown, Dash knew them all. Some of it was done by some of our staff that were pretty good lawyers. But a lot of it was consultants. I guess this institution now has a bank of legal people now, don't they?

The Watergate committee filed numerous lawsuits. It sure made the judiciary busy for a while there.

Scott: Now at some point the Watergate committee winds down its hearings and goes into the report phase. There has been some scholarship that has described that reporting phase as an agreement with the House Judiciary Committee, that was beginning to look into articles of impeachment, and with the special prosecutor, and I think with Judge Sirica, if I remember right, that the Senate would go into this quiet phase in order to not get entangled with these other things that had taken off.

Edmisten: We thought of that. The main thing though is that we knew the public was ready to wind it down. Let me just be very honest about that. More out of a sense of, look, we've done what we're supposed to do, don't drag it on and desecrate what we've done.

Scott: Where did you get the sense that the public was tired?

Edmisten: When they start saying okay, we're not going to cover but one hour this week, you know, you know. It sounds like we were just craven for TV images. The truth about it is that Ervin looked at a congressional hearing always as a public education forum. He wasn't a camera hog at all. He believed greatly that it was the duty of the Congress to inform the public about misdeeds and shortcomings and breaches of separation of power. He even—you can see it going back to McCarthy, not afraid to take on somebody in the institution. From the McCarthy days on, Senator Ervin never desired to be on the court or the Supreme Court or anything like that. He loved this institution. He just wasn't as vocal about it as Robert Byrd. He was an institution man, totally. He used every rule in the book but never breached the principles of the Senate. Never. No. I would give him—of course Mike Mansfield was, Hugh Scott was, Dirksen was. These guys, I don't know if I can say that. Today it's the 10-second sound bite. I'm trying to think if the institutional memory's around here anywhere. I'm going to be 80 years old someday.

Scott: Senator Inouye is around.

Edmisten: Yeah, he's still around. I wonder when his term ends?

Scott: He just won reelection.

Edmisten: Inouye did? I thought he wasn't going to run again?

Scott: No, that's Senator Akaka, from Hawaii.

Edmisten: I love the man. I'm going to go over there sometime. He still remembers me. He's so nice. He remembers me. He's the only one in the Senate that was here during Watergate. Weicker's alive up somewhere in Connecticut. Talmadge is dead. Gurney is dead. Montoya, I assume is dead. Howard Baker is still alive and I understand doing very well. I think we've done pretty well doing these cycles about Watergate. I really do. You got back in eras all the time that, it's like you get over a cold and you feel so good about it, or you lose some weight and you get very confident about things and you go right back to your old habits again. Eating a apple crunch—

Scott: Apple crisp with vanilla ice cream.

Edmisten: Apple crisp with vanilla ice cream.

I think we've gone through these cycles. I think we went through one with the Bush Two [President George W. Bush] because all your institutions were fat and happy with their own part of it and just let things slide. I don't say that in a partisan way. Every president in some ways has abused a lot. There have been people up here that were abusive: McCarthy and others down through the years. I don't like it when somebody up here browbeats somebody at these hearings, makes fun of them, does that sort of thing at somebody's expense. I despise the special prosecutors that grab up innocent people on the way and they have to hire—I knew people during those years of special prosecutors that simply got subpoenaed and they would have to hire a lawyer and empty out their life savings. They were just a little above clerical people. That's when I came to despise that special prosecutor thing because then they get this god mentality in them like Starr and that judge so-and-so and the others. Crazy! What a spectacle in that Bill Clinton thing. Seeing them unload stuff up here on Capitol Hill. Wow!

Scott: I think that's a good place for us to wind up.

Edmisten: I think it better be because I'm about to get morose here!