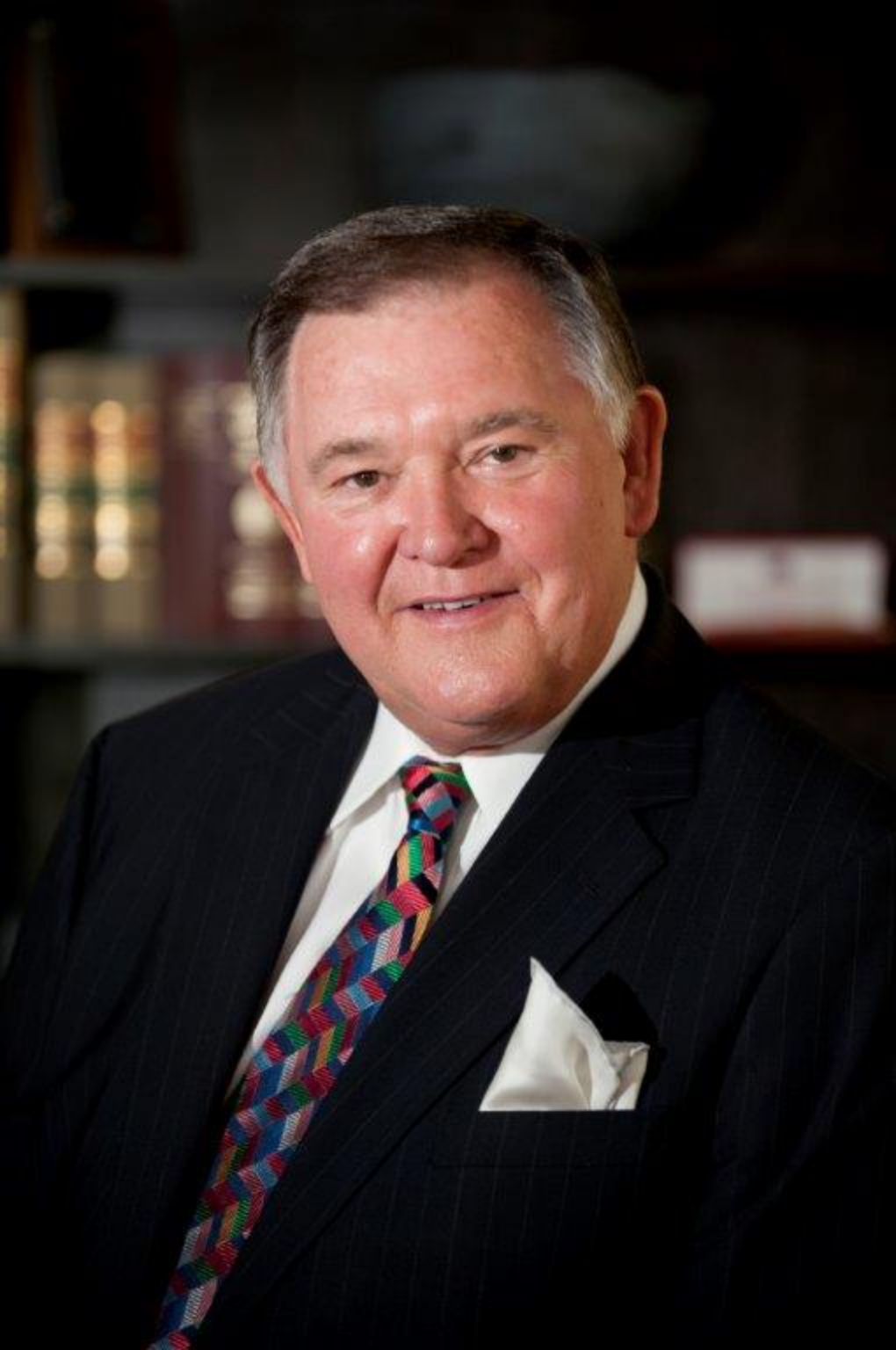
RUFUS EDMISTEN

Staff to Senator Sam Ervin, N.C., 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 Interviews
U.S. Senate Historical Office
Washington, D.C.
May 24, 2011-August 28, 2012



Deed of Gift

I, Rufus Edmisten, do hereby give to the Senate Historical Office the recordings and transcripts of my interviews between May 24, 2011, and August 28, 2012 .

I authorize the Senate Historical Office to use the tapes and transcripts in such a manner as may best serve the educational and historical objectives of their oral history program. I also approve the deposit of the transcripts at the Library of Congress, the National Archives, the Senate Library, and any other institution which the Senate Historical Office may deem appropriate.

In making this gift, I voluntarily convey ownership of the tapes and transcripts to the public domain.

Rufus Edmisten

Rufus Edmisten

6/12/2013

[date]

Accepted on behalf of the Senate Historical Office by:

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6/19/2013

[date]

U.S. Senate Historical Office
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Preface

As a young boy growing up in the Appalachian Mountains of North Carolina, Rufus Edmisten dreamed of a life in politics. Inspired by local politicians, Edmisten gave his first "stump" speech in the field of his family farm to an audience of squirrels, cows, and horses. When he graduated from the University of North Carolina, he moved to Washington, D.C., to attend law school and pursue his lifelong dream. It wasn't long before he was hired by Senator Sam Ervin of North Carolina. Edmisten learned the ways of the Senate as staff to two of Ervin's Judiciary Committee subcommittees, Separation of Powers and Constitutional Rights. Edmisten also served as Ervin's "body man," driving the senator to his home state on weekends and holidays to campaign and meet with constituents.

Senator Ervin used his subcommittees to investigate some of the pressing issues of the 1960s, including executive privilege, abuse of power, and freedom of the press—issues that would later be central to the Senate Watergate investigation. During this time Senator Ervin also championed civil rights for Native Americans. Edmisten traveled with the senator to the Southwest, exploring conditions on Native American reservations, and helped the senator draft legislation to provide tribes greater protections under the law.

When Majority Leader Mike Mansfield selected Sam Ervin to chair the investigation into allegations of improprieties and illegal campaign finance during a presidential election year, Edmisten leapt at the chance to work on what later became known as the Senate Watergate Committee. As deputy chief counsel for the majority, he worked closely with committee staff, securing the real estate that the committee needed to conduct a thorough and efficient investigation. During the hearings, he describes working as the senator's right-hand man, protecting his political interests back home in North Carolina.

In 1974 Senator Ervin announced his plans to retire at the end of his term and North Carolina attorney general Robert Morgan declared that he would run for the open seat. A general election would be called to fill Morgan's position in November of 1974. With the Watergate investigation wrapping up, Edmisten announced his plans to run for attorney general. Over the 10 years that he had traveled with the senator to North Carolina, Edmisten met a lot of influential people. He turned those connections into a broad coalition that helped propel him to a decisive victory, taking 60 percent of the vote in the general election. Edmisten served as attorney general until he won the Democratic nomination for governor in 1984. Though he did not succeed in his bid for governor, he came back four years later to win the election for North Carolina secretary of state, a

position he held until 1996. Edmisten now owns Edmisten, Webb and Moore, a law firm specializing in government relations and litigation in Raleigh, North Carolina.

About the interviewer: Katherine (Kate) Scott is a historian in the Senate Historical Office. A graduate of the University of Washington, she received a M.A. in history from the University of New Mexico and a Ph.D. in history from Temple University. Scott is the author of *Reining in the State: Civil Society and Congress in the Vietnam and Watergate Eras* (University Press of Kansas, 2013). She lives in Rockville, Maryland, with her husband and two children.

Illustrations:

Rufus Edmisten
Interview #1: From the Mountains of North Carolina
Tuesday, May 24, 2011

Scott: Okay, great.

Edmisten: I was born in an area of northwestern North Carolina called Boone, North Carolina. But we at that time were not into the city limits. We were in a little place called Perkinsville, which was just a little community formed a hundred years or so before. And there were five boys and one girl in the family. It was a farm family. My father was a wildlife protector from the time I remember, but he always held two or three jobs. We farmed in the off time, evenings, he was just a very industrious man because he had six mouths to feed. This sounds a little hokey, but I do remember in the old house that burned, where I was born, it had been covered, it was an old log cabin that had been covered with paneling and it was a creepy house in the wintertime. The wind would blow very hard and all five of us boys had one big room and three beds in it. So somebody always had to double up. I was always the runt and got kicked around. I can remember many times that the wind would blow so ferociously in Boone that little tiny undetectable-by-sight cracks would be there and there would be a little pencil line of snow coming down the floor, up over the bed, dropping down and going out. We just thought that was fascinating. You just bundled up. You just put blanket after blanket after blanket. My sister Betty, she had a back room but had to go through our room to get to hers and it was just, you know, a farm house sort of pieced together by my granddaddy, and I remember when I grew into adolescence, she'd have girlfriends who would come through there and I would try to peep in that door. I guess it was the start of [laughs] of a crazy world for me. [Both laugh]

There were three brothers older than me and my sister Betty was older than me. My brother Dave, David, had an illustrious career in law enforcement. He was with the [Bureau of Alcohol] Tobacco, and Firearms Division [of the Treasury Department] and rose up through the ranks to become, at one time, the national director of the ATF and came to Washington and lasted one summer here. I predicted, I said, "You'll last one summer. Being an old mountain boy like you are, your thermostat is set when you were born, I think." And our thermostat was set at about 73 and after that you'd blow, blow to pieces. So David—I was attorney general at that time, and I was up here visiting and I said, "How do you like it?" He said, "I can't stand it. Believe me, this is the armpit of America." So he went back to Boone. Then, unfortunately, about 10 years ago he was out playing golf and thought he had sprained his arm and he went to the doctor's office, which wasn't very far from the Boone Golf Course. And in that one visit they diagnosed

cancer almost all over him and so he went through all that horrible stuff and I miss him dearly today. He'd be about, today he would be close to 80.

My next brother is Paul who always claimed himself that he was the black sheep of the family. And I said, "No, I'm going to try to achieve that rank myself through my conduct in life." So Paul reigned strong as the black sheep of the family for years—and that's affectionate. So he worked around different plants and finally settled in Concord, North Carolina, at the Philip Morris tobacco plant where he and his wife Alice both retired with good strong pensions and has lived a good life. He's 80 now. And then my brother Joe is the next one. Joe is the crazy one of the family. He would admit that very strongly. He has a doctorate in plant biology. Got his degree at the University of Georgia and for years taught at the University of West Florida at Pensacola where I visited one time when I was in Watergate and gave a stirring Watergate speech down there that I found in my archives the other day. And Joe lives in Pensacola and has a little cabin in the Montezuma area, that's over in Avery County. A little settlement called Montezuma, I bet you didn't know that. So he comes up there along about the first of May because that's when you start making a garden in the mountains. You don't garden much before May because the frost will get it.

Scott: It's not warm enough!

Edmisten: My sister Betty has been a teacher's aide for years. They are about to wipe them out now, which is just a horrible, horrible proposition, I think. 'Cause I think that I'd rather have a teacher's aide than reduce class size if I were a teacher. I did teach one time and I'll tell you about that later, unbelievably. She is retired in Boone and her son runs a garage very close to where she lives and the old farm place is now covered with a Watauga County school. We have these bittersweet thoughts about going to visit down there because it's where we all were and then again when I think of those summers when I was hoeing tobacco and cabbage out there all day long, and then I, no, no, I don't want to even think about those days. I always said, if I can get off this durn farm I'll never come on another one.

Scott: What did your father raise?

Edmisten: We raised—it was very small, about an 80-acre farm, a lot of it mountainous—but you raised corn for the animals, you raised cabbage to sell commercially, and you had your little allotment of tobacco. In the mountains if you had half an acre allotment, that was a government-sponsored sort of a welfare thing, but the farmers paid for it, though. A half an acre allotment was nice Christmas money, around Christmas time, maybe $1000. Every little farmer had one when I grew up. They are all

demolished now and you see very few of them. You sold the cabbage and I remember so many times that that was a nasty messy job. You had a horse, old Bill, who pulled a cart. The cart would straddle two rows and you would have sometimes six cabbage cutters, those guys walking along with a sharp knife. They cut the cabbage, throw it in the cart, and you'd have two behind, and probably two on the side and old Bill would just walk along methodically, you didn't have to say "Bill, stop" or "Go." He's a smart devil, he'd bite you though. You'd load the cart up and then you brought it back to a station in the field where you had the scales and you had the bags, and you had somebody who was the bagger and somebody who was filling the bag, and you'd put it on there and you were hoping to get 50 pounds or somewhere around that. And then you'd stack those up ready to go to market. That was a tough job. What I would do—by the time I was 14 years old I was driving the tractor all the time and I would haul them up to J. C. Goodnight's, the produce company. Here I was 14 years old and you're driving around on the roads because there were unwritten rules that if you're driving a farm tractor, leave him alone! I used to rationalize in my mind that there was a law that you could do that, but there never was. I used to use it as my mode of transportation all those years, from 14 on up, before I got my license. Everywhere I went I'd dummy up something behind the tractor, put something in the trailer and go uptown to the movie, or go to visit somebody. "There goes Rufus in his tractor." That was just my way of getting around. Everybody knew—"There he goes, be careful."

That was the cabbage end of it, and then you had the stacking hay. We don't see haystacks now. You take post hole diggers and you dig a big hole and you use a locust or a, perhaps an old chestnut pole that goes up maybe 30 feet and just like setting an electric wire pole and you tromp it around and get it stabilized. And the hay is mowed on a good sunny day. Never mow hay when it's wet. "You make hay while the sun shines." There's an exception in the Baptist Church that if you had to get hay on Sunday you were allowed to do it. Just remember that. You got a dispensation from the Lord. To put up hay. And the process was that, and sometimes my mama would ride the rake. Another thing, pulled by Old Bill with the shafts and that rake, has these prongs back behind, and you walk along what you call the wind rows with that rake. And you get to a certain point and you dumped it and so these long lines of dumped hay are there to be picked up and hauled over to the stack. How we would do that was that, after these wind rows were made by the horse and the rake and you tripped a clutch, you caught back there and pulled up the lever and the tongs on the back came up to dump your load of hay. You would have two men starting at one end of the row and two at the other end of the row, depending on how long it was, heading toward making a hay shock, we called it. A hay shock was just a big mound, approximately five feet high and five feet wide, and then you took two poles, two long poles—I wish I had this at home now—and then you stuck them under it and one person on one end and the other person on the other end with the poles in each hand, you

hauled those over to the haystack and you dumped the shock there, the shock of hay, we called it. The worst job in the world that I ever had though, I was always known as the "tromper." The tromper's the poor bloke, the poor pitiful person, that gets to go around that pole and stomp that stuff and all these pitchforks are coming at you and you just have to learn to avoid them. [Scott laughs] But you have to tromp that hay down or it wouldn't preserve. Sometimes it would take an hour or more to do a stack of hay. And then there it was for the winter to haul in and either feed outside or take it in the barn. The chaff would get down in your clothes and it was not a fun thing.

Scott: I grew up with horses. We didn't have a big farm but we had to feed the horses. So we always in the summer would go out to farmers in the summer and pick up the hay bales. You didn't have a baler. Did you get one later?

Edmisten: In later years we called a guy in and we do shares, we called it. He'd get to keep a certain amount of the bales of hay and we'd keep the others. And boy did we like that. That was much easier.

I haven't seen a stack of hay in 40 years.

Scott: It looks like they roll it now.

Edmisten: They roll it. We never got—the roller wasn't invented when I was a boy growing up in the late '40s, mid '50s, there was no such thing as a roller. But I saw one the other day out at a farm where my wife keeps her horse and I was fascinated by it and I asked the guy to let me drive the tractor. He did. I got up in that cab and everything was computerized, air conditioning. I thought that little tractor I drove around—which is another little thing. When all this, this was about the mid '50s, my daddy finally bought a tractor, I think it was about a 19—probably '55, so whatever age I was in '55—

Scott: Fourteen.

Edmisten: Yeah, there you go. That's the magic year when I was the Casanova on the tractor. [Scott laughs] People always wanted their gardens plowed in the springtime. So what I would do, I would plow three or four gardens before school, just as soon as it got light, sometimes 5:30, 6:00. Go plow them, come back, get cleaned up, and Mama would say, "You don't want an accident to happen, you got to have clean underwear." Where did that come from? I don't know. [Scott laughs]

You're ripping your clothes off—what's it matter? "Don't you get …" [Both laugh]

I'd plow them and come back. After you plowed it up, this was a two point plow at that time. You could plow two furrows at a time. These were small plots behind people's houses, everywhere all over the neighborhood, and some as far away as up town. I had to drive uptown. That was a mile and a half. And you turned it over and I became so expert at it that I could do it with my eyes closed and I knew what garden was what. I knew in Ms. Goodknight's garden don't go over eight inches, you gonna pull that water pipe out. Every year though, I don't know what it was, it got closer to the ground. I'd get there and she'd start screaming and hollering, calling her son J. C. Goodknight to come fix that. I'd say, "Mrs. Goodknight, something happened. It's higher than it was." So that was just a yearly ritual for me to plow Ms. Goodknight's pipe up. You back up, you take a swath going forward, then you back that into the trench on the outer side and you back up and you plowed it that way. You couldn't get in a little plot and turn around and around and around. Being from the country, you know how that is.

So that's my little enterprise. I'd go back in the afternoon, if it was a pretty day, and I'd disc it. You know, that's cutting up the clods and stirring it up real good. I'd do little pretty jobs. Always covering my tracks, that's how you're—I learned to cover my tracks early on, with that tractor. And then the ritual of collecting the money. Sometimes they would pay me and sometimes they wouldn't. I had this little tablet that fertilizer companies used to produce and I found it the other day, it was my little account book. You know they are about that size [gesturing], a little bigger than that. I'd have in there: Earl Petri, $3.00. John Wilcox, $7.00. That was a big one. On Saturday night my brother David, who had a hot red '55 or '56 Ford Fairlane convertible, it was the most beautiful car in the world. He'd gotten well off one summer because cabbage was so high. Daddy had let all the boys sharecrop every summer. I remember cabbage was $5.00 a bag when it was usually $3.00. So he had got enough to get a car. So he took me collecting on Saturday nights, for a little while before he went out for his date. I'd clean up and go collect my debt. [Cell phone ringing]

I'm going to shut this thing off.

We got to a few of the things about living on a farm. Slopping the hogs, gathering the eggs.

Scott: I was going to ask you if you raised livestock as well?

Edmisten: We always ran 20-25 head of cattle. We always had a horse around the house of some kind to ride, as well as the dogs. We had beagles at one time. [My father] was a very strict man. He was not one of the emotional types. You know, if you grew up

in the mountains that are hard like he did, in a poverty-ridden family, they didn't know they was poverty-ridden, they probably would have called us that. Knowing now that it wasn't until—we didn't have indoor plumbing in that old house until, I remember it so distinctly, right where the outhouse was. On a cold winter night you didn't spend much time out there, I'll tell you that.

He was very strict disciplinarian. He could show emotion well, if you did something real nice. Like one time I came home with a report card that was all As and one B and he said, "Can't you do better than that?" Well, I knew he was saying, "Okay son, you did good." And he didn't tolerate any foolishness. Back in those days there was no back talk anywhere ever. Today I see kids running around in supermarkets telling their parents what to do. Sassing them, just incredible stuff that we would have been—you talk about being "taken to the woodshed." That literally was what happened at home. You didn't get a whippin' at home. Your mama would say that day, "I'm gonna tell your daddy on you. He's gonna take you to the woodshed." Oh my god, I dreaded that worse than the other day when they said the world was gonna end.[1] [Both laugh] At least they didn't interrupt the Preakness, I was real happy about that on the Rupture, I mean, the Rapture [laughs].

He literally would take us to the woodshed. My brothers David, Paul, and Joe, they got a lot more whippings than I did because I guess they were rowdier. I guess they would talk about a trench dug around in the chips where they would go round and round while they were getting whipped. That's just an exaggeration. They loved to tell that.

Scott: Were you the youngest?

Edmisten: No. I have one younger brother, younger brother Baker. I'm next to the youngest. And brother Baker is about five years younger than I am. He has had an illustrious career in law enforcement. We fought a lot when we were growing up, even though he was five years younger. We used to—in the wintertime, when it would snow—we had plenty of good tracks leading up to the old cow barn, as we called it. We'd pack it down with the tractor, that sweet little tractor and pull you back up.

One day I kept yapping at Baker that he wasn't doing it right and he had gotten to the age where he, I was at that time maybe 16, and he jumped off that tractor and just beat the hell out of me, just started fighting like a crazy man, whacking me in the neck, the head, hitting me about the head, face, and body, with a maniac force. I left him alone after that. I didn't taunt him anymore. He later, as all my brothers, they went to Appalachian State University. He graduated there.

[1] Family Radio Christian Network host Harold Camping predicted Judgment Day on May 21, 2011.

Scott: That's in Boone, right?

Edmisten: Yeah. He also entered the U.S. Marshall Service. No, no, not yet. The Bureau of Tobacco and Firearms. He entered that at an early age, then came the U.S. Forest Service, and ended his career as a U.S. Marshal for western North Carolina. Later on, when we get to it, there's a fantastic story surrounding that marshalship of how he got it, over the governor's pick. I told the congressmen that last night and they just loved it—hilarious. He lives in Boone now, he's lost in the '50s and '60s and I love it. He now cans everything like mama used to. He cans sausage. He has lard, oh god lard.

We used to have these—I remember too, hog butcher day. I never liked that really. It's the funniest thing in the world. I grew up not wanting to kill things. I could hardly stand to see a pig shot, or this and that, and I'll tell you why. Early on, maybe when I was 10 or 11 years old, I started going over to see my mother's mother who lived about three miles away. You had to cross over barbed wire fences to get there. Sometimes I would stay with Ma Holler's for a weekend. She had terrible asthma. When she died they did an autopsy on her heart and it was three times as big as it was supposed to be because she was gasping all the time and it made her heart get bigger and bigger because it was having to pump so much. Anyway, Grandfather Palige owned what at that time was called a butcher pen and later became called a slaughter house and then it became an abattoir today. Their house, which was a beautiful wooden frame thing, it had a wrap-around porch. I remember that the yard was no grass, she occasionally swept it. You know that was the custom back in those days with some farm families, you don't want some old yard out there to fool with, there would be turkeys, big old gobblers having his plumes all fanned out there. There were geese, there were guineas and just a whole menagerie in that yard out there. Course, they would all have their heads chopped off eventually. Anyway, you're probably getting more than you bargained for here.

That so-called butcher pen had an outside chute where the cattle that were for butchering that day were waiting. Then they ran them up a chute and into the place of massacre, and I witnessed that several times. I hated it because if it was a big cow or a big bull, they all know what's happening, they know what's coming, I'm telling you. Because they get this absolutely crazed look that they have heard the moans from somebody before and they know that this is not pleasant stuff. You wonder why do we still eat meat, but I do, I had a good steak last night. If it was a big cow they use a .22 hollow point rifle. Boom, right in the eye. The cow would hit the floor like that, and of course, there were horrible sounds. And immediately, the old constant butcher was named Ode Watson, or maybe Ode Green, I know this, he would pinch snuff and chew tobacco at the same time. He slits the throat and then it bleeds out and you hook them up

to the single tree with hooks there and then the process with the skinning and the dressing out huge wads of guts dropping out, just all kinds of things that I just—

Scott: Did you do some of that?

Edmisten: No, I just would see it. And then if it was a pig or a goat or a lamb, or a little calf, it was just slice the throat, no bullet. Grandpa would say, don't waste a bullet. He had to use a—I virtually have nightmares about that to this day, but this is the way you did it. And there was something down near her home called the "gut yard." And in those days, remember this is the late '40s and mid '50s, there was a sled with a horse, and every day you'd drag out all the entrails and stuff and put them down in this thing called the gut yard and run the blood down into the creek. It's just the way things happened back then. And at night time, I remember sometimes when, down by the Palige's house there was a bluff and down below was the gut yard. You take a good strong flashlight and [you'd see] all the varmints in the world. Vultures, possums, everything that could move or crawl was down there in that gut yard. There's a trailer park down there now and I tell some of the people I know over there, "You know, that used to be a gut yard. You might end up with a big ol' cow's head coming out of there one of these days."

To this day I don't like to shoot things. I know that makes me, as far as my brother Baker goes, he thinks I'm a wussy. I don't hunt. I love hunters because they want to preserve wildlife. I'm very much—the National Wildlife Federation, and my father was a wildlife protector as I told you. Hunters are very good because they want to conserve. We do need to keep the deer population in check, but just don't use me to do it. Something unusual, 'course, my brother Baker kills four or five deer a year, and that sort of thing.

Scott: How did your father get involved in wildlife protection?

Edmisten: He was a smart enough man that he took a test way back there in the '50s and passed it and got hired. He had gotten a high school degree, from, at that time it was called the Wautauga Academy, and if I recall it was the predecessor to the current Appalachian State University. God, I used to love that—his uniform was so brisk. And we all worked so very, very hard. There was no time for frivolity. Except, he had these tender spots that he wouldn't show. We'd go to this place called Wakers Creek sometimes and the swimming hole in the creek there that was perfect. I remember my brother Joe would stand on this—he was the crazy one, remember, Dr. Joe—and he'd jump off way, maybe 30 feet up and hit it just right. He was a daredevil. That was sometimes just the nicest thing in the world, we'd finish up a day and he'd say, "Let's knock off about five o'clock." It was in the summer time and he'd say "Okay, let's go up

there." What would happen is that we'd go swimming there. I didn't swim much because those boys ruined me one time, they threw me off of a—down at the river we had something called big rock and little rock—and those three boys one time were going to teach me how to swim so they threw me in to sink or swim and I sank. And to this day I have a pretty bad phobia about water. I dog paddled my way through the exam at—you could not get out of the University of North Carolina unless you passed swimming—so I dog paddled and faked it and walked the shallow parts on my test.

After we had the swimming stuff and everybody screaming and carrying on, we would stop at Luther Wheeler's produce stand and get a watermelon. You didn't get it that night, this would be a Saturday sometimes, and we would soak it in cold water all night long 'cause you didn't have time to put it in a refrigerator. Especially because there was no refrigerator up there in the old, old house. You soaked it all night long in a tub of good cool mountain water and then Sunday, after church, was the time to have the watermelon. And sometimes homemade ice cream, if the ice cream maker would work and somebody had remembered to get some rock ice. So it was really hard work for everybody and we just despised that hard work. But even though my father was not able to show all those emotions he had those tender spots when he did. He got emotional as he was getting older.

My stalwart mother who was born to the Holler family, which was about three miles away from where my daddy grew up, on that same farm, he grew up. And they'd be at church and he was trying to court her and she told one time about, oh it was back in the—prior to their getting married in 1929—she had a little hat that had some ribbons sticking down in front of it. So he's sitting behind her in the pew, the church pew, behind her and secretly, unknown to her, he ties that ribbon onto the post of the church pew. Of course, she gets up and it jerks her hat off. [Scott laughs] Then she said she smacked 'im. They were married and she was just such an unbelievable woman. These mountain women can be so strong, kept her cool all of the time. I remember five boys and feeding work hands, Betty would help her around the house, Betty was a favorite of my grandmother. Mama never, never drove a car, but she could sure drive that horse and rake.

Scott: The tractor, did she ever drive that tractor?

Edmisten: No, she never did drive the tractor. She often said, "I wish I had my license." I would say, "Mama, look at it this way, you get chauffeured around. You don't have to fool with cars, insurance, repairs, and all that stuff." What a mama. She lived to be 91. The day before she died we were up visiting and she had some swelling in her legs and she went up to the hospital to have some fluid removed. I drove back to Raleigh. And

I'll never forget, her last words to me were, "Now you be a good boy." She had this kind of wave that wasn't exactly like Miss America. It was a cusping [gestures]—her wave was that. Not the wave, but cusping the fingers. By the time I got to Raleigh my sister called and said Mama had died of a massive aneurism, which was very, very sad to lose her, but my gosh, she never spent a day in a rest home or nursing home. She had had two shoulder replacements and survived them all. And was just a magnificent unbelievable woman who spent her whole life looking out after the family and growing, processing food and feeding food, when there'd be a big—sometimes we'd hire extra hands if you had a huge job to do that day, that time it was $.50/day in the mid-'40s. Here Mama would put out this huge spread and it used to be three meats on the table—three kinds of meat! We had canned everything in the winter and every kind of vegetable, especially in the summertime. Even one time, you know, you buried cabbage in the ground and we had a little cellar, root cellar, we called it. Mama, through all that she—my daddy listened to her. He was the authoritarian, but when Mama said it, that was it. [Scott laughs]

Scott: Was Boone primarily a family farm community back then?

Edmisten: Yeah. Bordering the town of Boone, Boone had its little stores and this and that. Back in those days the first plant to ever come to Boone was something called International Resistance Company. So that started employing 200-300 people.

Scott: That's a strange name.

Edmisten: Yeah. International Resistance Company. [Joking] Stop, leave me alone. [Scott laughs] And then the overwhelming majority of people that worked in the factory went off down to Lenoir. And they would say, you would say, where do you work? I work Ta-nore, at Ta-nore. And they would go down to the furniture factories, Broyhill. So drive down there every day, drive back, and were happy to get those jobs. I think with today's gas prices, what in the world would they do? Course, there's no work down there now. And the other thing was the college. The college was always there. If you could secure a job in some way with the college, man you had hit bingo because you got the good benefits—

Scott: Steady employment.

Edmisten: Yeah, and even with people who got to drive school buses were just extremely happy. Everything surrounding downtown Boone in the mid '40s, my memory into the late '50s, then I went to school at Carolina in '59, everybody had their own back garden. Most people had a milk cow! They had a milk cow back behind, almost everybody. Or they [would] come buy it from us. We used to have three Guernseys and

we sold milk to Colbol Dairies and you would milk the cows, which I did many a-time. In the summertime they would be swatting flies with that tail and often times, ka-whack right in your face. Maybe there was something on the tail. But you strained the milk into one of those big tin milk containers that people use for antiques now and shake it off. This is the most ironic thing today, the skim milk, we thought was awful, we fed that to the hogs. And people pay for it today. And there'd be enough, from those Jerseys the milk fat would be enough to clog up a whale's arteries.

Scott: Did you do your own cream and butter and things like that?

Edmisten: Oh yeah. When my grandmother was alive, there was a springhouse down there before we got fancy and moved into the new house, in 1957. The old one, there was a spring house that was built over a little spring. And you had a race, which is a three by eight foot cement tub where the water ran through and ran out. You kept your milk in there and you did your butter there. I remember grandma churning many times with the old plunger up and down. And you made molds, pretty things. You'd have a flower on the top and you'd seal up and put it down in there and there you'd have your—everything at the spring house. In the summertime in Boone, at that time it was a little walk down to the spring house. That's when we, I barely remember this, that's when we had the outhouse and didn't have the refrigerator.

Scott: That's how you kept things cold was with the cold mountain water.

Edmisten: Yeah. And I remember, I really wish that I had some picture of that spring house, I can remember every bit of it. I can remember the details of that old house. I remember the day when we cut into it and I first discovered that there were logs there. Cut into it for the bathroom. And then we were really fancy with that bathroom. Oh yeah. In the winter times, as I told you, it was so cold. Many times Daddy would be underneath the kitchen sink with the blow torch, trying to heat up the water, get it running. We had a warm morning cold stove. You stoked it at nighttime, the embers went down, and you stoked it back up. But I don't care if it was 10 degrees up top, nothing got up there. They wouldn't leave the door open because we'd lose that heat because we wanted it ready down there at three in the morning.

Scott: Yeah, and even in the morning it takes a while to get warmed up again, right?

Edmisten: Yeah, right.

Scott: So when you moved to the second house, built the second house, that's when you got electricity and indoor plumbing?

Edmisten: Oh yes. The whole works, we were fancy people, real fancy.

Scott: Did you go to high school in Boone?

Edmisten: Yes, at that time it was called Appalachian High School. The building is still surviving because it's made of that wonderful mountain rock. I could be talking about Ronnie Milsap's song "Lost in the '50s," you ever heard of that one? "Lost in the '50s" by Ronnie Milsap?

Scott: Sure.

Edmisten: A fantastic song and it was a pleasant time, although most of it I had to get all the chores done and you just hoped and prayed to God someday, "Let's do like some of these people upcounty, let's buy our milk!" No, no, it didn't happen. You had to do all your chores first and you could make it if you got up around 5:30 or 6. Milk the cows, go to school. In the springtime of course, I had my little enterprise, so I didn't play any ball there. And then in the summer, you're out. Back in those days, all this shortened school year made sense, it was all based on agrarian labor. Folks had a bunch of kids back at that time to help them on the farm.

And then I was elected class president, freshman, sophomore, junior, then student body president in 1958 or '9. I remember coming to Washington, D.C. I have a copy of that. I visited the Capitol and had bought me one of those little trinkets, it's the Capitol or something hanging on it. I've still got it. Had a picture on the steps of the House and our congressman at that time was Representative Hugh Alexander. I ran across a letter that I had written to him asking him if he could try to help me get a job at the U.S. Park Service during the summer. Wasn't too good, my prospects.

I started campaigning for things back in those days and I knew that there was a great advantage in population and geography of the geopolitical landscape, that there were a lot more country folks in Wautaga than what we call upcounty crowd. And they had their candidate for student body president and I had myself and my gang. We just, I remember my campaign slogan was "Make a Country Boy President." Make a country boy president. A little class envy there, starting out early. [Scott laughs] I played football, played right end, and my coach one time made me so very happy. He said, "To be no bigger than you are, you got more gumption than anybody I've ever coached." But,

basketball is another story. I was a disaster, unmitigated. I fouled out one night, four fouls in four minutes. I think that's a record or something!

Scott: The first four minutes of the game?

Edmisten: Yes! And then my brother Joe, the mad man, and the most caring fellow I ever met in my life, he said, "I believe you need to go into wrestling." So we switched out of the basketball team. My brother Joe at the time was at Appalachian coaching wrestling, you know, real wrestling. You know, no dumbed up whatcha call-ems. Professional wrestlers. It's a good show though. Professional wrestling is a good show, as long as you can keep that perspective.

Joe convinced me that my calling was in wrestling and so we worked and worked and worked and worked. Finally, I had been wrestling for about—they let me hang on for about two years in the basketball thing, but then my junior and senior year I really went after wrestling big time. I practiced and practiced and practiced and I won the first year, most of my bouts. Wrestling is a very lonely sport. You are on your own. Nobody there to help you. No teammates to pass the ball to. And you're there. And it's tremendously physically demanding. And what you want to do is get down one less weight class so that you figure you got somebody little. Well they are doing the same thing! [Scott laughs]. You walk around spitting. You ever heard of that?

Scott: We had boys at my school who used to wear kind of plastic suits so you sweat all day.

Edmisten: Really it's unhealthy. I got so I would get swimmy-headed. They do that. The other crowd is doing the same thing so why not—

And my weight was 154 so you can say today, well, in biblical terms that I've waxed and grown strong. But [both laugh] I've doubled, well not quite doubled. Anyway, I weighed 154. I'm claustrophobic. Nobody could hold me down. I would get up, no matter what. I was not good at riding someone to hold them down as other people. So I perfected this thing called the standing switch, which is you go over a person's—in my case it would be their left arm, and this has to be done in a flash of a moment or it won't work—and you grab their left arm and immediately your arm goes over theirs and under and up to the crotch. And then you fall backwards. Now if they don't go, their arm is going to pop right out of the socket. Or the elbow socket. I became an expert at that. Now I've got two points for the takedown. So when they get up, they got one point. So sometimes I'd just let 'em get up. And I'd take them down and there was nothing illegal about this, it's not like taking steroids or something. We wouldn't know a steroid back in

those days from a newspaper. I worked my way through and our team was usually state champion. But senior year, I won my weight class. I remember this boy in Ashboro and I see him quite often now with the legislature in North Carolina. And I said, "Mark, how are you doing? Do you still remember what I remember?" And he changed the subject. [Scott laughs] Wrestling was my forte. I never tried baseball 'cause that was spring of the year and you had to be plowing gardens.

Scott: What about politics? You said you ran for student government and became president eventually. Were your parents politically active? Where did you get that interest in politics from?

Edmisten: No, I remember my daddy was always—he was always helping at the polls. I know that. There was always a regular political discussion at home. And he'd be calling, the term at that time for the opposition party was "radicals." Rather than Republicans, it was radicals. And half my kin folk were Republican and I learned to live with their—you know this modern day stuff, most of 'em who are Republicans said that the Democratic Party left them. Traditional mountain Republicans were not that much different from the traditional mountain Democrats. We always talked it, but all my brothers, though, they had been very active in high school about class presidents and all that sort of stuff. And uh—what did you ask me?

Scott: I was asking about your politics at home? What influenced you?

Edmisten: I remember Senator [Sam] Ervin came by a couple times to give speeches. I would be just fascinated.

Scott: That would have been early in his career.

Edmisten: Yeah. That was '54, '56, I would hear him orate. He was the old-time orator, they sort of spoke in iambic pentameter, dada, dada, dada, and [made] references to the Bible and all kinds of history and that sort of thing. So I get out there in the field and literally get up there on a stump and practice. Yes, ma'am. There was another guy that I thought gave a fantastic speech one time, I was about 15. Mr. Wade Vannoy, of West Jefferson, he came over and gave a speech to the Watauga Democrats and my, he was just so good. I also, when I was in high school, was the president of the Future Farmers of America Daniel Boone chapter. So I entered speaking contests as well as other contests every year. I got to the state finals in that. And guess who—later I served with him, my old friend, his name was Jim Graham—at that time he was deputy commissioner of agriculture. And he was a judge and he favored me but he said that

because I did not have an FFA jacket on—I'd never gotten one, I'm pretty sure we couldn't afford it—

Scott: Sure, you probably had to pay for it and it was expensive.

Edmisten: And he said that cut [me] with the other judges. And he said, "I thought you should have won it." And so I did the speaking there and I would speak at various wildlife—my daddy would say, come speak over at this club. So I did a lot of talking, even at an early age.

Scott: Tell me about that trip to Washington when you were in high school. You went because you were elected class president?

Edmisten: No, that was your class trip. It was something. Oh gosh, yes. You rode buses up here and I remember we stayed somewhere over in Arlington. I think I would remember the motel right away. And then you come and visit the Capitol. And some couldn't come because it cost too much money. It was another thrill because we went into the House gallery, like nothing today, you just walked where you want to walk. Even when I worked here it was that way. That was another thing, that most of my appetite for political activity is that senior trip and Congressman Hugh Alexander, who could make a good stem winder, and then there was always Senator Ervin.

Scott: Did you meet Senator Ervin when the class would come? Would he talk to the classes?

Edmisten: The visit would be there and he would come out, yeah, come out and say hello. And I'm trying to think who the other senator was at that time. Oh my goodness. My senior year was 1959 so—Golly who? And Ervin came in '54. Everett Jordan, maybe? Maybe. Anyway.

Scott: So you'd meet them both.

Edmisten: They'd say hello. Sure, absolutely. And some mammoth today that so many classes you couldn't do it. That's the trouble about this institution is that you are on too many committees. I've always said that, it was a problem back when I was here. And you just have to—you shouldn't put people on so many because it just looks like they are not paying attention. And everybody is going to naturally gravitate to something that they want to take on as their own personal policy.

Anyway, senior trip and then I had gone back. I had always wanted to be a veterinarian, not a politician. I'd always wanted to be a veterinarian. Or be in animal husbandry and go to NC State University because I had grown up with animals. But I would have never gotten into vet school because I couldn't do all the chemistry. There's a thing called the Morehead Scholarship in North Carolina started by a guy named John Motley Morehead of the Moorhead Planetarium, which is world famous. Astronauts used to go there to train at Chapel Hill, named after him. So I got to be a finalist. You went through the county level, district level, then if you got chosen there you went down to Chapel Hill. And the Morehead Scholarship was the apex of all the scholarships in the world because everything in the world was paid for, now including summer enrichment. I got to the finalist and they discovered that I had not taken foreign language in high school so I thought somebody, and I'm not going to call any names, would say, hey you need to take a foreign language. So I was ruled ineligible to receive one because I wasn't technically eligible to enter the university. So I went to summer school one time and took Spanish the year before. My being exposed to the Morehead Scholarship and all the wicked ideas of Chapel Hill, I decided that, I got a consolation prize, that was $700/year, which was big, big-time money back in 1959. So it paid for some books and a few other things and I went to Chapel Hill.

Scott: Did you ever think about—

Edmisten: I tell people now don't ever fail to take—course you didn't have guidance counselors back then. You didn't have guidance counselors or I would have taken it. I like Spanish. I even know a little today. Hablo espanol?

Scott: No. Parlez-vous francais?

Edmisten: Oh, no, no. So, that's what got me to Chapel Hill.

Scott: Did you apply to any other schools then?

Edmisten: No, not after that Morehead visit, I didn't.

Scott: Oh, so you went to Chapel Hill to do the interviews.

Edmisten: Yeah, for the finals. And goofed around a couple days and did the, eh, oh, you don't want to hear this. I went—

Scott: It was a good time.

Edmisten: The night after it was over, the little country boy from Boone down there, and I remember going into the Tempo Underground and we got all beered up. At that time they let us stay in the dorms and before we got back I was barfing all over the place, just sick as a dog. I never had drunk beer, to amount to anything. Sick as a dog. And boy was that—I just wished I were dead, you know. [Scott laughs] Certain people will understand that, I'm sure not you, but they'll understand that, but boy oh boy, man alive.

Scott: So you did go to school at UNC Chapel Hill in '59, started in '59.

[Tapes end.]

Edmisten: Of course, I was very proud of my father and thought he looked so sharp in that green uniform. Back in those days, in the mid-'50s, they wore pith helmets, the wildlife protectors did, sort of a round thing like you think of a safari. Also they had a shoulder strap that went from one shoulder down and hooked onto the weapon, side arm. Yeah, this is a beautiful green uniform. So one night Mom and Daddy go off somewhere to something. They of course take the personal car, always an old beat up car. But this was a, I remember, about a 1955 car that had one of those little swinging antennas on it, big spring back there. And you would hook that up and if you wanted to put your antennae down, you had a little latch so that you could do it. Well, they got gone, we're in the new house by this time we called it, and I decide I'm going to play wildlife protector. So I go back there to his closet, I put on his clothes, the legs were about a foot longer, sleeves came down way longer. I think I'm 14, maybe 15, I don't know. I put the whole thing on, badge, gun, pith helmet. He used to leave the keys in this little saucer on the kitchen, linoleum cupboard sink area. So I said I'm going to go out and catch me some violators. [Scott laughs] So I had all this stuff on and I backed the thing out of the driveway, took a sharp right, I'm in the car and I'm pretending big time now, I turn the blue light on, start blowing the hell out of the siren. This is an old—

Scott: Oh, it had a siren too?

Edmisten: Oh yes. Yes, sir. Little push button on there, "wauw, wauw." And I'm going up this dirt gravel road by the house. I hit the ditch. I hit the left ditch. There I am, here's this kid, 13 or 14, I don't know which. I'm thinking, my days on this earth have just ended. I will perish if my Daddy comes back here and he sees this. Oh, what's he going to do to me? I said, the wood shed won't hold the thrashing. [Scott laughs] I'm mortified, terrorized. And providence spoke that night. Had this fella up the road, the Gregs, and ol' Bill Greg came around the corner in his Dr. Pepper truck, he was the Dr. Pepper route man. And he looked over there and he just started bellowing laughing.

Laughing beyond belief. I'm standing there terrorized with this pith helmet on. This beautiful—

Scott: [Laughing] You still had the helmet on?

Edmisten: Yeah, and these sleeves are six inches below my feet and my arms and I said, "God, Bill, just help me." Remember I'm in a garden plowing stage at that time plowing gardens all over the country. I said "Bill, if you get me out of this, pull me out of here, I'll plow your garden for as long as you live." And he just laughed like crazy again. "Wait here, wait here!" He jumps in that Coca Cola truck and spins off up the road. Comes rolling down through there with a logging chain, pulls me out of there. And I angled it and got it back over there and I thought, Oh god, it's got mud—it wasn't damaged, but it had mud all over it. I thought, what am I going to do? 'Cause he's going to say, what, how did that get on there? Well I got a hose and I washed and washed and washed and I just decided to wash the car. [Scott laughs]. Providence spoke again. And about 10 minutes later they rolled in. And he said, "What's wrong with that car over there?" I said "I just decided to wash it." "Oh, okay." I didn't tell the man until I was running for governor in 1984—

Scott: That you took that car for a joy ride?

Edmisten: Yeah, we were at a wildlife federation meeting in Winston Salem, North Carolina. For some reason my daddy was being honored at the head table and I was the speaker. I said, "This is true confession time. I want to confess to something I did" and then I told the story. The crowd howled. Daddy [gestures]—

Scott: He couldn't kill you in front of all those people.

Edmisten: No.

Scott: Who did he work for exactly?

Edmisten: The North Carolina Wildlife Resources Commission. He was a protector, a wildlife protector. Course, back in those times they called them snake wardens, possum sheriffs, all sorts of—

Scott: So people would call them up if they found something—

Edmisten: Oh yeah, some violation somewhere and you'd head off to go get 'em. That's why you had the blue light and the siren. It's a very dangerous job, by the way,

because many times you are out in the woods with only one other person and they have a weapon and no eye witnesses. I remember one time when I was attorney general I investigated this case of a wildlife officer down east was killed and there were two men in the woods and they both testified that it was an accident. And we never knew and his wife thought they murdered him, because they were hunting without a license and they said his gun went off. Here they are, their word, and I think they killed that man. Anyway, a diversion there. Let's talk to Chris, too, 'cause I want to go over there and show you that stuff in the visitor's center. If you've got time.

Scott: Sure.

Edmisten: Christine is my friend who, when people have serious problems at the Capitol about getting a tour or something—

Scott: She's the one they call?

Edmisten: Oh god, yes. Oh yes. I call her and if she'll have lunch with us, that'd be great.

[End of tape]

Scott: So when you moved to Chapel Hill, did you know—I know that you have a degree in political science—but did you know right away that's what you'd be studying?

Edmisten: Yes, after I got there. I knew that. Of course, I had all the notions that that degree would make you a great politician. To be honest with you, there's very little correlation between studying political science and doing it. [Scott laughs] Very little. But political science. Of course you take all the basic courses in the beginning. I lived in a place called 403 Avery dorm and I went back years later and there was a woman in there. [Scott laughs] In my day you sneaked them up!

Scott: That's right. And probably got in trouble for that.

Edmisten: At one time they were watching me, the dorm manager, I was sneaking in these girls. So one night, mine was—it said 403 but it wasn't that far down—it was based on the balcony so it was about two stories up. I threw me a rope out there and they climbed up the rope. My dorm room was like a cornucopia. I had this chest with goodies from back home and things that country boys eat when they live on the farm: sardines, potted meat—

Scott: Things your mom had canned.

Edmisten: No, this was ol' store bought stuff, the worst processed food in the world. But if you were an old farm boy you would go out and sometimes, if you couldn't go in for lunch, it's too far, you'd go and get sardines and potted meat and what we'd call wiener sausages. They were just old nasty stuff. I had a lot of that. I had a bunch of my mama's canned goods because I had me a hot plate. Had me a hot plate. I had a jar, always, two or three jars of the best corn liquor you could ever think of, because I had access to it.

Scott: Did your dad make moonshine?

Edmisten: No, no he didn't. My brother broke them up, remember that, my brother was the revenuer. And he, my brother David, the oldest one I talked to you about, he lived in Wilkesboro, North Carolina, which at one point I think it was *Look* magazine, or *Life—Look*, or Life, either one had a front page story on Wilkes County, North Carolina, which is one county below where I live, as the moonshine capital of the world. And it was, everybody was doing liquor back in those days. Really in the '30s and '40s it was what they did.

Edmisten: So my brother David was stationed there, and here I am in college, Chapel Hill from '59 to 63 and I would—at first I was very homesick. I would thumb up home, thumb, not hitchhike, thumb. And in those days, if you wore a coat and tie, a little jacket, they would say, "Okay, that's a college boy." They would pick you up.

Scott: And you didn't worry about who'd be picking you up.

Edmisten: Of course I'm going to tell you about a couple things that happened that—phew—anyway.

I would sometimes thumb up—it was hard to get from Chapel Hill to the main road. The main road was 421, there's a lot of traffic on it, which is now highway 40. But you sometimes had to wait quite a bit to get somebody, to get somebody going up that main road. Sometimes I could make the trip in five to six hours if you had a little bit of luck. And sometimes you'd go only 20 miles and get let off. It's kind of an adventuresome life. But today, just think about how horrifying that would be today.

I would end up in Wilkesboro on Friday night, here I am a freshman at Carolina. And my brother David and his colleagues would have planned a moonshine raid that night. And so what would happen is, and you couldn't dare take somebody who is a son

sworn officer today on something like that. Oh, no, you wouldn't do that. Oh no, it's not like a TV crew riding with the police department. Hell, I was part of the raiding party. Oh yeah. Here it is, always when they went to raid the still it had to be a good clear night because they are not going to be out there working in the rain. And maybe sometimes for weeks trying to find it, spotted it, not exactly like trying to find Osama bin Laden. [Scott laughs] They spotted the still place, that's what they called them back then, the still place, it's a word of art. And then David and his other colleagues would be sort of surrounding the place and he'd put me in a strategic position and he'd say, "Alright, now if one breaks, well, you get him."

Scott: Did you have a weapon?

Edmisten: No, hell no. This is what is the magic about it. That is so unbelievable to people today. He would let out the most blood curdling war whoop that you've ever heard and it would just scare the living daylights out of 'em. And they would break like a covey of quail going into flight in every which way in the world. I had—everybody was assigned this one, this one, this one, this one. And mine would be a particular individual. I would try to take the fattest one because I didn't run that hard. They would break and run and I'd take off and you're: "Stop! Stop!" and it was like playing tag football. You got to them, tagged them, put your hand on them and that was the deal. Nobody—and I bet you I went on 15—nobody ever tried to fight me, nobody ever tried to do this—they knew what my brother would do. See there was sort of a symbiotic relationship between the revenuers and the moonshiners. They knew David was after him with his crew. And it was okay, no horseplay, no nothing. David wouldn't even wear a weapon most nights.

Scott: Wow. No violence at all.

Edmisten: And today the drug people, and this and that. David would know a lot of them. He'd say: "Okay, Press, let's do this the right way. You know what the drum roll is. I'm not going to take you in tonight. Nine o'clock Monday morning at Judge Johnson J. Hayes' courthouse, you show up there. You got me?" "Yes, sir, David." You think of that. This would never happen. You have to haul them in, you've got to bond 'em. I asked my brother David, "Did anybody ever fail to show?" He said, "Only one time."

Scott: Really? So what would happen?

Edmisten: They would go in and they would go before the judge and bail would be set. And they would wait for the trial. Unless you had done it repeatedly, you'd get yourself a little fine. The federal thing is not paying your taxes and they arrest them on conspiracy to if you did a bunch of 'em you got sent to federal prison like Junior Johnson,

the very famous race car driver. Now David never arrested Junior, but David told me one time about—and Junior is my friend and one of my clients now, by the way—one time they raided Junior Johnson's mother's house because they had information that there was a huge stash of sugar there. They got down in there and there was just bag after bag, 100-pound bags of sugar. Obviously to make the—and David says that he asked Mrs. Johnson, "What are you doing with all this sugar?" And she said, "Well, you know it's been a good spring in the garden, I've got a big canning to put up." Oh yeah, right.

I would do those things, hitchhiking, I remember one time I had gotten all the way up to Wilkes County again and this is after David had left Wilkes County to go to this other assignment that he hated. My old high school, Appalachian High School, was playing West Wilkes High School in a football game. It was the fall of the year. I'm doing very well on the main road, and I get to where it is that I know that you go to West Wilkes. And car pulls over, vroom, vroom, vroom, vroom, [makes car sounds] which meant that the engine was souped up to unbelievable heights and this is 19-, probably '60. And there are two boys in this thing, these old country grits, nasty, slobbery, and I know something is not quite right 'cause they screeched the wheels. I said, "Boys I'm going out to a ball game." "Git in here!" Got in the back seat. Now I've never had anything so harrowing in my life. They go down there doing 80 miles an hour on a crooked road and they jump through the air you know, where you'd come to a little tiny hill, and land. And the more I said, "Please, please, let me out." They'd laugh, they'd just laugh maniacally. I thought, they are going to kill us! They were just boys intent on scaring the living daylights out of this college boy. And man did they get it done. They finally said, "You lek that ride there buddy, school boy." They called me school boy. I opened the door and got out and I knew I was in protection and I said [expletive].

Scott: Good thing they let you out.

Edmisten: Oh god yeah. By that time my parents were out there and spotted them. And I had another incident one time that I don't think is good to describe. I was molested by two guys for about an hour. Let's put it this way, when they finally let me out, and by the way I'm not traumatized over it, I was so mad, that I was within three miles of my home in Boone—

Scott: Your parents' home?

Edmisten: Yeah. My heart was pounding and my adrenaline was up so much that I took rocks and starting throwing them at them. I said, "I'll kill you bastards! I'll kill you!" I broke windows in their car and this and that. They knew I was just a mad man,

and they drove off with dents in the car. They'd have to think about that for a long time. Don't want to go into that one too much.

Scott: And that's why people don't hitchhike anymore.

Edmisten: And I don't want anybody to think that I'm homophobic or anything like that. It just happened. But that's just part of the college to me—

We're getting back there now. I had a job. It wasn't any time at all that when I got there that I had a job to help pay for, 'cause I said that the other little token scholarship would pay for a little something. So my first job was to pay for the *Daily Tarheel*. You'd have these little bundles that you put in, it was the student newspaper, which is actually a good paper.

Scott: It's a great paper.

Edmisten: And—are you familiar with that?

Scott: I am, yeah, it's a great paper.

Edmisten: Yeah, I would deliver the bundles to the dorm rooms. You know, you put a bundle on the first floor, second floor, every morning. My area—and it was also where I had a car because I didn't have a car at that time.

Scott: How did you get the bundles—

Edmisten: Well, they stacked them in one particular place and I'd cover Avery, the three dorms in that area, then I'd go to another area. I was stout, strong at that time. I didn't think anything about it. I had a second job at the university in the Wilson Library where I'm going to donate my Watergate memorabilia.

Scott: I've been in there, that's where the Ervin papers are.

Edmisten: Have you been in there since you talked to me?

Scott: Yes. Oh that will make a nice contribution to his collection because you'll have all the staff paperwork there, which will be nice.

Edmisten: Yeah, and the subpoena that I served.

Scott: Right, right. That will be great.

Edmisten: The original one. I guess you'll have to come to the office before we wind this up.

Scott: That'd be great.

Edmisten: I had that job in the Wilson Library filing stuff and going down to the carrels and get stuff for people.

My next job, that was my first year—during the summer I went home and farmed one more year. Then I remember coming back the next year and working something called the Dairy Bar. The Dairy Bar was a hamburger, barbeque joint there on the street. I did the—my classes were arranged that year so that I was off from 11 until—I didn't have any classes until two o'clock. Perfect. So I cooked hamburgers. I was the short order cook. I remember this one girl would come in there every day and she ordered a barbeque sandwich on hamburger buns with barbeque and slaw. And I thought she was so gorgeous. She probably weighs a ton now. [Scott laughs] I loaded up that sandwich. It looked like something Dagwood out of the comics would be eating at nighttime. That girl had these big blue eyes. She would smile and I've often wondered, I wonder what she's doing now? Like all those characters on MASH. [Scott laughs] I watch that and wonder, "What are they doing?"

So I had that job. Then one summer too, I don't know how I talked my daddy out of it. We were easing out of the dairy business. Not as much farming going on as it used to be back in the '50s. And I went to work at a place called Camp Sky Ranch in Watauga County, which was a summer camp where every two weeks they had probably 75-100 disabled kids, blind, deaf, all kinds of afflictions—[phone ringing] How do I turn that thing off?

End of tape.

Edmisten: We were at the point of Carolina—doing what?

Scott: What about your courses at Chapel Hill? Were any of your professors, in particular, influential?

Edmisten: Oh yes. No doubt about it. I took the normal courses in the first of the year. The basics, the English, and then I remember Western Civilization. I loved that course by that professor because he was so inspiring. And then, I think it was either my

junior or senior year, and—yeah, another one was Professor Ray Dawson, who was my political science professor and it's ironic that after I graduated and came back to North Carolina I worked with him quite a bit on political matters because he was the lobbyist for the university system.

Scott: Oh, okay.

Edmisten: And he would, Dr. Dawson, would bring his troops over there and they would park in my conference room because, as secretary of state [of North Carolina], my conference room was very handy because there was just no place for people to meet. We would strategize about what I thought here and there. So he was tremendously influential in my life. A lot of things about taking political science with him was it did help that a lot of these things that generally people believe in are just myths. I don't remember what those myths were, but that turned out to be true.

I took religious literature, the Bible as literature. I remember my grandmother would sit, on her lap she had these old reading glasses and she had never been to school but she could read the Bible and she would read me these Bible stories, you know, the Bible story book, a big ol' blue thing with Jesus on the front of it. So I knew all this stuff about the, every story about the Israelites leaving ancient Egypt. One intriguing thing was his explanation—scientific explanation—of how they all happened. I was a little taken back because if you grow up in a pretty strict Southern Baptist church, this gets you thinking a little bit. Like when the Israelites were leaving Israel, all the different plagues that occurred. Well, he pointed out how different forces of nature contributed to every one of those happening, the pestilence from the bugs and things that died. I was thinking of that the other night when I was watching that old Charlton Heston movie, it was sort-of retro.

Scott: Is it *Ben Hur*? Were you watching *Ben Hur*?

Edmisten: No, it was not the one with the chariot races, the—he was Moses. I think you call it Moses.

Scott: Yeah, I think that's the name of the movie, isn't it?

Edmisten: I just sat there laughing at their elaborate costumes and the lines were incredible. But anyway, I loved the Old Testament as literature and of course that, you talk about the book of Genesis, it's just perfectly written in iambic pentameter. I had learned that from my high school English teacher about iambic pentameter. The world was created in seven days and da-da-da-da-da. He was a very social, social conscience.

The right wing today would have just thought he was one of the worst people in the world.

Scott: Well, was he political in class?

Edmisten: No, the socialist views of how if somebody works too long and too hard and they are too tired and they have an accident and you can't take care of them. Every day he would end the class by saying, "Remember this, everything makes a difference." Dr. Bernard Boyd. And there was also an English teacher I had one time, an old, old man at that time named Dr. Adams who one time wrote on a paper, "You're the first one this semester that got an 'A' on all the tests. Every one of them." And the way that I talk sometimes and the way that I write, you'd think I never had a drop of English in your life. Chapel Hill was a—I had this little study habit, I'd cram like anybody else. Anybody that tells you they don't, they are lying. They are lying. What I would do, it's what everybody else does, but I had my little routine. I was a good note taker in class—I did attend class because this old myth that you don't need to attend class, well you did back then because they would spit right back what was in that class. I had all my notes. And I would walk up and down the hall, in the dorm room, first floor, second floor, third floor, just circling because there were lights in the hallway, until three or four o'clock in the morning, going over all the notes. I was honor roll there. What's the, whatever the Greek outfit is that says you have pretty good grades?

Scott: Is it the Phi Beta Kappa?

Edmisten: Yeah. I belonged to the Order of [?]. That was some kind of honorary thing. There was plenty of politics going on at Chapel Hill. When I was there you had two political parties, one called the student party and one called the university party. The university party was mostly frat guys and sorority gals. By the way, at that time, you had to be a junior to be, if you were a female, to be enrolled at Chapel Hill, unless you went into nursing, which is four years, or you could go to grad school. And the student party was normally dorm rats. At one time, when I first went to Chapel Hill in the fall of 1959, somebody from back home encouraged me to join the Kappa Alpha fraternity. That's the old South, this and that. I felt very uncomfortable there because I'm not a frat type guy. I came from a totally different background. Mine was a hard-working farmer/wildlife protector who was kind and generous, and never had—I'm not saying these weren't fine people, but most of them were from very privileged backgrounds. One day one of them criticized my clothing. I didn't have the right Madras shirt on. And he said, "That belt stinks, you need to go down to Melvin's and get you a new belt." It wasn't the uniform that you were supposed to wear in that fraternity. And so that lasted about six months—

Scott: That you were a member for about six months?

Edmisten: Yeah. But I never moved in over there. I was at the dorm, couldn't afford—my meager part-time work also didn't go into that either. None of those guys had to work.

Scott: Did your parents help you with tuition at all?

Edmisten: The tuition was covered. And most of the other—my daddy would send money when I had a little something going on. Because he had never had to—all the other kids, my brothers, had gone to Appalachian. And virtually no cost there at all because they lived at home. And it was not understandable to him at that time. But anytime I asked for it, I got it. They were nostalgic years. You get your haircut in the basement of Memorial Auditorium, Memorial Hall. That was one of the oldest buildings there. That's where the *Daily Tarheel* was, and my grades were pretty good. At a lot of ball games, I sometimes was the announcer at halftime, at the ball games. I wasn't good enough for any sports there. And I didn't wrestle because I didn't want to put out the effort to do it. [Scott laughs] And my claustrophobia was worse. Oh yeah, I worked in gardens too, by the way, because I'm a great gardener.

Scott: On the grounds?

Edmisten: No, just different people around town. I'd hear about somebody needs this weeded, or that weeded, and do it that way. So my grades were good, good enough to get into GW [George Washington] law school. I sure went to my graduation. I know a lot of kids don't do that now. My whole family came down, they were so proud. I had my times with the dean of students down there too, for—one night my roommate who was from Tryon, North Carolina, this was about 1962, I'm living in Avery dorm and he was the roommate, it was those suite-type things. And we'd had a little too much beer [laughs] and uh, he said something like, "Your mama wears combat boots," I'm trying to remember exactly what. And I said, "Alright, let's just go out here." And we started to fight in there. These were fights, fist fights. And it spilled out, down the side of the building. And we weren't mad when we were doing it. We got out there and we both had been beered-up far too much. I better not be running for public office again!

Scott: [Laughs] This shouldn't harm you, this was a long time ago!

Edmisten: This is what college students do. We got all beered-up. So the fight continued, down the stairwell, out, four flights down, got out on the flats at the end of the one dorm, and all of a sudden the word went through the dorm and they were out

cheering and making bets and this and that. We fought for another 35-40 minutes and I finally took up a pine bough and whacked him real hard with that one and I says, “Have you had enough?” Well, I was black, I was blue, for two weeks. Both eyes were just black as they can be. I looked terrible. The dean of student affairs is alive to this day. Once the word got over there to him, he called us both over there that day and says, “Boys,” he said, “I’ve a good mind to suspend you because this is just so un-Carolina like. So barbaric! What am I going to do with you?” I said, “Ray, he made me do it.” Or, “Dean, he made me do it.” Finally the guy broke down with this huge laughter and he said, “Who won?” [Scott laughs] I saw him three weeks ago at a commemoration for Bill, Dr. Bill Friday’s show, which is called the—every Friday night, for almost 40 years he has had a guest on, and I saw that dean at the gathering. He’s about 70-something.

Scott: Not too far from Chapel Hill in 1961 were the first sit-ins at—

Edmisten: I was there in the middle of it.

Scott: Do you remember what kinds of things were going on at Chapel Hill?

Edmisten: I remember that they chained themselves to the post office right there in the middle of town that still exists. My views were a little conservative at that time because I thought that—boy how they have changed—I thought that a restaurant ought to be able to serve whoever they wanted to serve. Then there was this place called Watt’s Motor Court and Restaurant. And they really went out there because they wouldn’t admit them to let anybody eat there. They had fall-ins out there, they didn’t stand, they fell down and Mrs. Watts poured water on them and all sorts of things like that. Have you read anything about that?

My roommate and I drove out there one time. I didn’t take part. I sort of clung to the notion that maybe a person should be able to serve whom they wanted to because it was a private business. Obviously your perspective changes over the years. And then I come up here, in those Ervin years, I’m seeing the southerners fight with tooth and nail. It was an absolutely amazing time. I’m sure you’ll get to that later. I did something that was unfathomable. I integrated the North Carolina Democratic Club. I thought ol’ [?] was going to kill me. She said, “Look what you’ve done. You’ve messed up everything.”

Yeah, I was there in the middle of all that. I was over there when Jessie Helms, who later became a dear friend of mine, he was inveighing against Carolina over at WRAL and said that ought to put up a fence around it. Not to keep people out, but to keep us in.

Scott: [Laughs] You guys were rabble rousers.

Edmisten: I was talking to one of my friends about it. I said, "Listen to that old fool." I said, "What's he talking about?" There was this commie who wanted to come to speak over there and they didn't want him to and they were considering the speaker ban law. Even at that stage I thought, "I don't need protecting from him. I want to hear what he says. If I don't like him I'll boo him or challenge him to a fist fight, or something." Since I was so good at that. All that sort of stuff was occurring. Chapel Hill wasn't all that liberal. When I grew up there weren't hardly any blacks in Boone. Those that were, one of them was my daddy's best friend, Neil Grimes, and when we have people working on the farm there was none of this stuff of the blacks eating out on the back porch. They sat right at mama's dinner table, and not just at dinner, in the middle of the day. I remember that my cousin Craig and I, I used to ride my horse over there to Craig's and we'd race on our horses, it was like really playing big time Roy Rogers and the little black kid would spend the night with us and we'd sleep in the same place. I didn't know anything about any kind of prejudice. I came upon it at Chapel Hill. Isn't that ironic?

[End of tape]

Edmisten: Did you get an hour out of him or so?

Scott: Don [Ritchie] interviewed Bobby Baker and he was here for hours over the course of several days—as we'll do. He would come and do long interviews and then not come back for a couple months because he wasn't in town all the time. Like what we'll be doing.

Edmisten: Yeah, yeah.

Scott: I think we left off with you coming to Washington, when you started at Georgetown.

Edmisten: I married Jane Moretz on August the 3rd, of 1963.

Scott: You had met at Chapel Hill?

Edmisten: We had met at Chapel Hill. She was a hometown girl from Deep Gap, North Carolina (that's the name of the town). She had been up here for a year working at the Georgetown Center for Strategic Studies. And then we got married in 1963 and came on up and entered law school and that's when the opening for a teacher at the Ascension Academy occurred. And here am I, a Baptist, Southern Baptist member, having grown up

in the Three Forks Baptist Church, thinking about teaching in an all-boys Catholic School. But you had to have something. And actually it was sort-of pleasant because you wore a robe everyday over your street clothes. So I could wear a jockey strap and no one would ever know it!

Scott: That's funny. They put you in the gear?

Edmisten: Yeah, not in a mortar board, but in a robe, a black robe. I always wore a tie because that was just something about me, I grew up on a farm and you got one coat a year at Easter time and I never believed in this casual dress at work. I don't believe in casual Fridays right now. I don't put up with it. Don't like it. Don't ride an airplane casually because who knows, you might meet somebody that potentially might want to hire you. Are they going to hire someone in flip-flops that looks like a slob on there? No, they are not. Anyway, I was working there teaching during the day, third graders. A very rowdy age. Mischievous. The boys fought all the time. I broke up more playground fights. But I taught them a lot about life, about some of the experiences I had had. They were just little guys who had never grown up out in the country and I told them about how food got to the table, one time too much when I told them about how you butchered cattle and they ended up as steaks. I don't think some of the parents were quite happy with that. One time I semi-spanked this boy because he continually—mind you, this was 1963, going into '64—and he was continually picking fights with other kids, bloodying their noses and stuff. Reminded me of myself at Chapel Hill. And so one time I just whacked his bottom a little bit and he went home and told his mama. And I thought, boy, I'm [going to be] sued. But still today you would be, you'd be assault and battery and all that stuff. But I got his attention. His mother came in and asked me if I had done that. I said, "Yes, I did and I told him what I did." She seemed to be satisfied because she said that he deserved it. And I was greatly relieved and pleased to say the least.

We taught the basics of reading and arithmetic. I even taught them how to diagram sentences because nobody diagrams a sentence now. And it was going out at that time. We were still diagramming sentences when I was in high school in the '50s and a little bit in Carolina but not much. So that's the only time they ever got to know. Some of them told me later on when there was a 50th reunion and I came, and here were these kids out here somewhere in Arlington, Virginia, and the head master was still alive, I, you know I thought he would—he was too mean to die though. [Scott laughs] He was a nice guy though, Victor was a nice guy. He was just sort of set in his ways. It was a very casual atmosphere because even though we were dressed there in the black robe, and every day at three-something when it was out (?) I was headed to George Washington University law school, evening division. And the routine would be: arrive for class at six o'clock. You sometimes only had one, sometimes you had two, you were out at eight

o'clock, sometimes nine o'clock, go across the street, generally to the White Tower hamburger joint, which at that time was doing the sliders and they didn't know it was a slider, they were just small hamburgers. But you could get two for 50 cents. And come back and do a little bit of stuff in the library and then go home and start the next day's work over at the office. It was a pretty abusive schedule. There were times that we would treat ourselves by going to the symphony. We'd go directly from law school to the symphony, which was down at Constitution Hall.

Scott: So Jane was in law school with you?

Edmisten: Jane was in law school with me. My then wife and I took the same courses except when one time the forks diverged and we came to a fork in the road in Robert Frost's words and I took a left and she took a right and she wanted to take income tax law and I said no, I'm terrified of that so I took copyright law. What good that did me, I don't know. At least I knew what the Library of Congress did when I went to work over here on Capitol Hill. The headmaster never knew that I was going to law school over here at night. He found out one day and just exploded. I said, "Okay, Victor, so what impact does that have on what I've been doing or what I will do with a couple months to go?" He tried to think of some reason and he couldn't.

Scott: Because it wasn't affecting your work during the daytime?

Edmisten: No, not at all. I remember also during that tenure of that one year, this cataclysm occurred in American history, November 22, 1963.

Scott: Where were you?

Edmisten: I was in there teaching third grade at Accession Academy in Alexandria, Virginia. Mr. Summers, the headmaster, came rushing by the door and yelled in, "The president's been shot! President Kennedy has been shot!" You know, these kids who would normally be overjoyed about anything happening which might let them out of school a little bit, were very silent. I said, "Okay, kids, let's go out to the car." So we went out to the car. I remember I had an old Nash Rambler, it was a car that very few people had. We turned the radio on and kept listening and listening to it until the time came for either the buses or the parents to come and pick them up. It was just so incredibly sad.

Scott: The nation's first Catholic president, those kids must have felt that fairly personally.

Edmisten:Yes, it so happens that that year I lived also in the Key Bridge area in something called Arlington Towers. Yeah, I think Arlington Towers. And it was none of those high rises. There was a pawn shop and a little Italian eatery, that was about it. But from our window we had a bird's eye view of Arlington Cemetery. So all during that time when this week long of agony was going on, we could watch the horses pulling the caisson over the—and the riderless horse. And there he was, clear as a bell you could hear the canons being fired. It was really something else. It was amazing how everybody in America that was any kind of tender age of remembrance can vividly recall what they were doing at that time. I can think of no other event, except—I cannot tell you what I was doing when Ronald Reagan was shot. I just can't. I guess we were so numbed. The Ascension Academy days were—I'm glad I did it. It taught me that teachers have a heckuva job to do. You can mold minds. I come from a long line of teachers anyway, cause almost, well all my brothers and my sister went to Appalachia, which is a teachers' school. It used to be called Appalachia State Teachers College. So it was nothing new to me, but I had no education degree whatsoever. It probably made me a better teacher.

Scott: Probably, made you more flexible.

Edmisten: Some of the stories I told them, about, we used to have a period during the day when I would tell stories. I said, "Anybody know how you break a horse to ride?" Things like that. Told them about the methods my father used to break a horse. And it wasn't the torture kind like you see in the movies. Never hobble a horse 'cause you'll break their legs. My daddy would work the blanket on first. Next day he'd work the saddle on. Then the next day he'd tie five pounds of sand or something on the saddle. And then finally one of us would get to get out there. And some would buck like crazy and some wouldn't. For a horse that didn't the [?] of it, he would tie them to a limb of a tree and they could throw around and thrash and this and that, but not hurt themselves. He got them used to it. These kids got some teaching they wouldn't get anywhere else. You get it now on the Discovery Channel and this and that and the other thing. Back in those days you didn't have anything but three channels and the public television channel. The day came that I got a call from Pat Shore who was a staff member to Senator Ervin, and that would have been into 19—

Scott: Sixty-four?

Edmisten: Sixty-four, and said, "We've got a position over here available. Do you want to come over and interview for it?" I went all the way over and talked to her and Mr. Jack Spain, who was a long time AA to Senator Ervin going back as far as 1954 when the senator first came. Jack was an old crusty individual from Greenville, North Carolina, who was very traditional, set in the ways of the Senate and you didn't break

those rules whatsoever. I interviewed with him, with Pat Shore, who was a lady from Yetkaville, North Carolina, and her brother I later got up to many occasions when I was the attorney general because he became a judge. Shortly I got a call saying "You've been accepted, we've checked it with Senator Ervin. When can you come to work?" I said, "Just as soon as school lets out in June." Or something like that, of '64.

Scott: Had you interviewed with Senator Ervin when you came up?

Edmisten: No, I had seen Senator Ervin along the way and he never acknowledged it, but I'm sure he knew that's the boy that always, always was telling him at rallies that "Yes, I want to work for you." I was real, real proud of it. I had gotten about a year, not a whole year, of law school under my belt, or one session because we went to law school five days a week, four seasons a year. And I know the definition of cruel and unusual punishment. [Scott laughs]. That.

Scott: That! Was that just the nature of the program or could you have chosen to take it a little bit less.

Edmisten: You could take it a little bit less. But you are in it and it's misery, so why not get through it?

But unlike these poor kids today that get out of law school owing a quarter of a billion dollars or more, we were out of law school and didn't owe a penny. It was rigorous and sometimes you'd think you were going to ruin your health because you were staying up a lot of times until three in the morning and cramming for exams. I remember one time, on the weekends we did a lot of studying, and sometimes one would take a shower or bath and the other one would read to them while they were in there.

Scott: I was going to ask if it helped that your wife was also in the program?

Edmisten: Oh, there's no doubt about it. Because I was just always mortified that I would fail a course and she wouldn't. Because she was a lot brighter than I am. And she had an extremely high LSAT score, just knocked it out of the top and I was sort of mediocre. I probably couldn't get in today because most of us couldn't get into undergrad either.

Scott: [Laughs] The standards are pretty high today, that's true.

Edmisten: So I felt very, very proud and I knew good and well that I could make it. The stuff, in the beginning I was assigned to Senator Ervin's Subcommittee on

Constitutional Rights, which was in 102B Old Senate Office Building [now known as Russell Senate Office Building]. In other words, at that time, you only had two buildings, the Old Senate Office Building and the New Senate Office Building, affectionately known as the new SOB and the old SOB and all these carts and things rolling around all over the place: new SOB, old SOB. Funny, funny, funny. Where are you? Why, I'm in the old SOB. Well you son-of-a-HMM. [Scott laughs]. It took a while to learn the place but I'd be working on a particular project and I'd go over to the Supreme Court. One time I went over there and it was a sunny day and I was taking a nap at the Supreme Court. These Court cops came up and one of them whacked my shoe with his baton and he said "Get up out of here! Get away from here!"

Scott: Did he think you were a homeless person?

Edmisten: "You can't be doing that!" I had a coat and tie on and I said, "I was just sleeping." They said, "You can't be doing that over here." And so I never ventured back over there at all except when I became attorney general. So many times during those years [I would] drop by hearings, go to the floor of the Senate, you didn't have any televisions or those kind of monitors, you just had to see what was going on. There'd be many times, and I had floor privileges, at that stage I don't know how I got them, well, I did. We had a guy named Bill Cochrane, who was the chief counsel of the Senate Rules Committee. And Bill Cochrane was like the third senator from North Carolina, no question about it. He was from Chapel Hill, he had been here for years before Senator B. Everett Jordan got here, and Bill sort of ran things. If you are on the staff of the Senate Rules Committee, everybody else thinks they can assign rooms and do this and do that. Well these guys can do anything they want to do. If they say, "This is the rule, this is the rule." And the parliamentarian, the secretary of the Senate, the sergeant at arms can't do anything about it. So Bill did lots of things like that for me. And he, uh—

Scott: He was close with Senator Ervin?

Edmisten: He worked with Senator B. Everett Jordan who was the chairman of the Senate Rules Committee and very fond of Senator Ervin. So there were times that I would go over to the Senate and there would be Senator Dirksen, and I'd walk in there and sit in those comfortable leather couches and they sat in the corner at that time and I think they've moved them, the comfortable ones. They kept you spell-bound because the oratory wouldn't allow you to sleep. They were wonderful sleeping times. I heard so many great, great speeches over there by Senator Wayne Morse of Oregon, Senator Stennis of Mississippi, John Sparkman of Alabama, these were all great statesmen, and they were generally well-read. They had studied the classics. They kept getting elected because they were from "safe districts" back then. They were some very intelligent

people who later would become demigods because of the civil rights movement. There I was at a time in history here when there were just some great towering figures, except John Tower who was about 5'5". He liked to fight, he was a little abusive. I ran across him a couple times and he was just sort of a nasty fellow.

Scott: When you came up here—I'm guessing you didn't have a lot of experience working in the legislative branch, you hadn't done anything of this stuff before—so how did you learn how the Senate worked? Who were your—did you sit down and talk to Senator Ervin?

Edmisten: I watched people. When I went to the Subcommittee on Constitutional Rights, there were people there already who, Paul Woodard was someone the senator had on for a long time from Mayberry, North Carolina. I learned from Bill Cochrane. I learned from hearings. I learned what—I went over several times and corrected the *Record* back behind for Senator Ervin, a little fact of which the public never knew. Sometimes you'd see something come out of there in the *Congressional Record* that was no resemblance to what was said on the floor because they had fumbled it up and you could correct the *Record* any way you wanted to. And that got abused, I don't know whether they still do that now or not?

Scott: They still do it.

Edmisten: They still do it, yeah. I learned that way. I learned by just watching and listening, you learned how to write a committee report. Early on I attended all of Ervin's hearings. As soon as I graduated from law school I became, not chief counsel, but counsel to the Subcommittee on the Separation of Powers—no, no, to the Constitutional Rights Subcommittee. That's the time when we were doing all kinds of things that were really irritating Richard Nixon to pieces. Ervin was looking into spying on the part of the military on the general population because Nixon and Agnew didn't like the fact that they were getting criticized. We looked at that extensively. We were looking at things like—

Scott: Some of the early work. In the mid-'60s you were looking at Native American rights?

Edmisten: Rights of the American Indians and because of this excellent staff member from Tembrook, North Carolina, named Helen Maynar Sherbeck, who was Lumbee. And that's a group in North Carolina that some think are descendants of the lost colony. Helen brought to the attention of the senator that you had all these little quasi-sovereign nations all over the country and another very capable person named Marcia MacNaughton who was a great researcher, a great writer, you had all these Indian trial

courts where no due process was afforded whatsoever. Now this was not to take away from the rights of the Indians to run their own business as they did for centuries or to abrogate any so-called agreements or treaties between the United States and Indians. It was to make sure that Indians, being citizens, got basic rights. You know some of these things were if you stick your hand into a pot of boiling water and you yelled, you were guilty. And one was almost based on Judaic law, if you steal one sheep, you got to give ten up. Just a lot of disparate rules everywhere depending on where you were in the country if you were an American Indian. Now if you were out of jurisdiction of the American Indian court, you of course faced the rights and the penalties of American jurisprudence. But on the reservation it was hit and run hopscotch. If you got in certain places—We conducted investigations and did all kinds of field trials. I recall that we decided to go to New Mexico and visit the Pueblo nation. Mind you, this is 40 years ago, I'm stretching my memory. The senator went along for about a half of [a] day, this senator from [North Dakota] named Quentin Burdick, I believe that was his name, he was somewhat elderly at that time, doddering. And he accompanied us one day though we had been provided good people by his staff to carry us to—there were 19 pueblos, we didn't go to every one of them—but we visited several. We were out there about a week, as I recall. We had a staff member with us, Helen Mayar.

Scott: And you just drove from pueblo to pueblo?

Edmisten: We drove from pueblo to pueblo, somebody provided the transportation. And we visited and asked them about their situation, their laws, and there were a lot of individual Indians who came up and said, "I've been railroaded" or "bull whipped" or something like that. You learn a lot about the Indians. They all wear cowboy hats out there. We did some good visiting, too, because those pueblos, cliff dwellers, were just incredible people to do what they did.

Scott: Incredible history.

Edmisten: We got into Arizona a little bit too, there are some pueblos out there. That was a very interesting trip as I recall, I had to miss a lot of law school that week, but it was worth it. We did extensive hearings. Another thing, one time Averill Harriman appeared before the committee. We had a professor Bickell who later became a judge, I think he is on the court somewhere now. During that time we are getting closer and closer to the Watergate thing, so the majority of the work done in those years leading up to Watergate were on things that Nixon was doing that led to Watergate. Surveillance by the military of civilians, and led right into the next work that I had. It would have been, the date escapes me, it might have been 1970, about '70 when I—Ervin had a committee that was called Separation of Powers.

Scott: I'm looking at my paperwork here, Senators Mansfield and Dirksen co-sponsored the resolution creating that special subcommittee in 1966.

Edmisten: In '66.

Scott: In '66.

Edmisten: Yeah, in '66. So somebody had it before I did. Maybe it was that I didn't get it at that time, maybe mine was about 1970 when—well, memory slips me but, I became, named as chief counsel and staff director of the Senate Subcommittee on Separation of Powers. And then that's when a lot of the things started in earnest leading up to Watergate. A lot. We were studying such issues as pocket veto, impoundment of funds, Nixon was real bad about that. Congress would appropriate funds and he'd just impound them. What are you doing? You're defeating the will of the Congress?

Scott: Just the idea that there needs to be a committee to investigate the issues related to the separation of powers, can you say something about what this subcommittee was supposed to do? What's the purpose of it?

Edmisten: The purpose of the committee was to make sure that we kept the various branches of the government in balance because it had been slipping and sliding away ever so much because Lyndon Johnson was a prolific, let's admit it, let's not only talk about Nixon, let's talk about Johnson. He—and it's funny that people that come from up here are generally the worst about grabbing power from the Congress! Here you had Johnson—

Scott: Who had been majority leader.

Edmisten: A creature of the Senate. I just finished reading the Senate years by—

Scott: Robert Caro[2]?

Edmisten: Yeah, it's just fascinating. And there's just a whole bunch in there about Ervin, he was just mortified about Ervin's civil rights bill.

So here's Johnson just down there left and right violating the living daylights out of separation of powers, every time you turned around. Course, FDR was bad about it, too. When you've got crises, it's time, always a time that presidents just cut corners, I

[2] Caro, Robert. *Master of the Senate.* New York: Vintage Books, 2003.

don't care who they are because they say, "Look, I'm commander in chief," all this other stuff is subservient. Commander in chief means that this other stuff is okay, but if I'm named the commander in chief, if I say we go bomb somebody, we go bomb somebody. I'm not going to call it a war, I'm not going to call it an intervention, or something like that.

Scott: And Congress had also, to be fair, not been very assertive on some of these issues. Later some senators came to regret their vote for the Gulf of Tonkin Resolution, for example.

Edmisten: Over and over again, after it was over with.

Scott: So it seems to me that some of the separation of powers is also Ervin and other senators' recognition that Congress needs to get itself together—

Edmisten: Get some backbone. I agree totally. And Mansfield—the southern senators were very good about that. What had happened—what happens, too, there's this insidious favoritism that comes in, the executive branch will do something to curry favor. They'll appoint somebody's friend, or something, to the U.S. Attorney's office, or U.S. Marshal, something like that. If they are smart at the White House they'll keep very good notes about who is naughty and nice. And then a favor comes along and it's just like poor Robert Morgan. He later was U.S. senator from North Carolina after Senator Ervin and his vote for the Panama Canal, over the Panama Canal issue, where we ceded the Panama Canal back to Panama, cost him the election, there's no question about it. Now I'm sure he felt he owed President Carter some sort of something for something that happened. You got to look at it this way too, you've got 100 prima donnas over on this side and 435 over on the other side, and that doesn't add up to 1, which is the executive. The president, he's said it a million times, he has the bully pulpit. Except in case of a couple of them, they don't generally disagree with themselves. [Both laugh] It's always [an] inherent disadvantage to the Congress, if they are not willing, and the best time in the world to pick off the legislative branch are times like now when you have all this unlabeled animosity and turmoil and trenching in. That's a perfect time for the executive to do what they want to do. Especially when you have—if you have at least one party, one house on your side, you're okay. You got to remember this, back when Nixon was being investigated by the Watergate Committee, both houses were controlled by Democrats. All kinds of things that I think were as bad, or worse, maybe not worse, but many things as bad as [the] Watergate scandal occurred during George [W.] Bush's days and when he had a majority over here, nothing happened. And the Democrats do the same thing. It's a function of who's here. So the Separation of Powers Subcommittee did lay a good groundwork of what to expect when you started unraveling Watergate. It was

aggrandizement and aggregation of powers over and over again. I always thought that impoundment of funds was one of the worst. Not too many would get all riled up about that, well you voted so many millions of dollars to build something here and, "Nah, ain't gonna do it." That's just total—and you've noticed that more and more and more, the Congress has resorted to what other branch, the courts. That's why the courts have become so important to these parties. What did we do in Watergate when the committee subpoenaed the tapes and Nixon said do you-know-what with them, we went to court. I saw my name in a hearing book, my name signed along with other staff members in a petition to the court. He never turned the tapes over to us until after the Supreme Court told him to.

Scott: It was unprecedented for a congressional committee to sue a president.

Edmisten: Absolutely, I understand, I can't prove it, but I think I'm right. I think that I'm the—the subpoena I served on Nixon for the White House tapes was the first time that a committee of Congress had ever subpoenaed a president. That was the whole significance thing. Anyway, we were getting into this general discussion of the separation of powers.

Scott: Well, I do want to ask you something about how committees are set up and how committees are run. Particularly in this case where you are the staff director and you are the chief counsel, you have a lot of stuff to do. Can you describe that, what would a typical day be like for you?

Edmisten: Yeah. Well, first of all, your committee is going to be responsible for a certain amount of legislation that a senator wants to push. He had some legislation in at that time. He would have brought back some of this power to the Congress, leveled it out, and that's your job, to first watch out for that. Then you've got—mind, that committee was not that large, so I didn't have that many people to worry about—but some of these larger committees, you have all this kind of staff to worry about. The hiring and firing and that kind of business is something that I've always hated. Most elected officials do. Ervin was never a detailed man about finding out—there are little things, okay, you establish a Separation of Powers Subcommittee—where do you put them? Up here on Capitol Hill, as you are well aware, two of the most important things to a member of Congress is my space and my parking. [Scott laughs] Those are the two most important things. So little things like that, at least when I became the chief counsel, staff director, of the Separation of Powers Subcommittee, my friend Bill Cochrane again, who was the chief counsel of the Senate Rules Committee, found me some room over in the Dirksen Building with a nice office for myself and a couple committee rooms because there were about six or eight of us on the committee. You just got to administer the thing and keep it

going and then really be prepared, with appropriate questions and things like that for the hearings. Now in my case it was very easy because you didn't need to make up any questions for Senator Ervin. I cannot begin to tell you the times, and I would think about it meticulously for days, of questions that maybe we should ask. We called Rehnquist several times, he appeared before our committee just oodles of times when he was the office of counsel or something like that down at the justice department—you know, former Chief Justice Rehnquist. You know, I saw him one time and I did say, "Mr. Chief Justice, I do remember you very well because you used to come before Senator Ervin's Separation of Powers Subcommittee," and he didn't seem to, he certainly didn't recognize me, I was hoping to get some glimmer—[Scott laughs]

Scott: He didn't?

Edmisten: No, no. To be prepared for that because everybody who was on the committee had somebody that they were in charge of, that sat back behind and they got their questions there for the particular senator, unless you have Sam Ervin. Sometimes, though, the staff would have to go and it'd be some senator's turn and then you just turn some of your questions you had for Senator Ervin, that you knew he wasn't going to use, over to them.

Scott: Over to them and maybe they would use them?

Edmisten: Yep. And then your job is, a lot of times, to do very mundane things like, where can we have the hearing? You've got to get up with the Senate Rules Committee and see what room you can have for that particular day. You have to alert the press if you think there is any publicity you think you are going to get out of it. You can generally tell. If it's going to be Jennifer Aniston coming—

Scott: The equivalent of Jennifer Aniston in the 1960s.

Edmisten: Yeah, right.

Scott: So tell me a little bit about notifying the press. That is an important component of this committee work. If you don't inform the public about these issues then—

Edmisten: The typical way was that you have somebody who's in charge of the press on this subcommittee and that one was Polly Demint in my case, and: June 17, 1972, they are going to break into the Watergate. [Scott laughs] And a hearing will be held in the next week and they are little bulleted things. However, if you really think of

something that's really important, you have to have contacts, which I had with the Connie Chung's of the world, Leslie Stahl, Meyers at the Post. You give a personal call to them. If a guy like Averill Harriman was going to come up and testify before the subcommittee, you call up Meyers and say, "Look, we've got Averill Harriman." A great old guy. He's the one that said something like, "That's a helluva way to run a railroad." I have forgotten what it was. These hearings were not very sexy, they were more academic. This was an academic practice on the Separation of Powers Subcommittee. There were very few fiery, fiery things of anywhere. We had professors of Harvard. You look at some of the hearing books and I did a lot of questioning witnesses there myself and that was a completely wonderful precursor to the Watergate thing. We had been studying those very things. All the people who had been writing things on Watergate will tell you that it was heading more and more like a showdown with Nixon. They didn't know over what. Nobody was dreaming of a Watergate type of thing, but it was more and more headed toward a—

Scott: Constitutional crisis.

Edmisten: Constitutional crisis. Have you read the book yet that Karl what's-his-name wrote on Ervin?[3]

Scott: Yes, Karl Campbell. Yes.

Edmisten: Karl Campbell, yes. He and I were on a radio program together one time about that. And I thought he did an excellent book.

Scott: It's a great book.

Edmisten: He really did. Hell, it took him 14 years.

The part he got from me was back when I was a kid. I disagreed with him one time. He thought that the senator was inherently a little bit racist. I said, "Karl, I don't care what somebody told you." I said, "If anybody would know," I said, "I traveled, I ate, slept, and traveled with Sam Ervin for damn near 10 years and somewhere along the way I would have caught some kind of innate racism." Never the "n" word. And Karl had said somewhere in there that they used to get back in the cloakroom and they would joke about the "n" word and this and that. And that Roman Hruska had told him that. Well that dummy can—he was from Nebraska? He's the one who said we need a little mediocrity on the court. Yeah, coming from him. But I do not believe that, because southern gentlemen do not do that. Now one time they might have said the word "nigra" or

[3] Campbell, Karl E. *Senator Sam Ervin, Last of the Founding Fathers.* Chapel Hill: University of North Carolina Press, 2007.

something like that. That's not what I call racism. Yes, it was a paternalism that was around if you, if you grew up in, hell, the late 1800s.

Scott: He was born in 1896.

Edmisten: Right, and you go to WWI and all, it's just a different culture. The people that try to do revisionist history, to my mind they are just intellectually dishonest. To try to attribute things to people in the eyes of today when you have to go back and take the context of the time. It's just like—my wife does historic preservation. And she has to judge everything in the context of the period of time that you are in. You can't judge things in 1920 by the standards of today. Hell, I hate Frank Lloyd Wright's stuff but I don't have to live in it [Scott laughs] 'cause you can't stand up in it, in some of those places.

Scott: Let me ask you this question about Senator Ervin's, what some people have thought is Senator Ervin's sort of duplicity on the issue of let's say broadly defined civil rights. He did push legislation, wrote legislation, sponsored legislation, to support more protections for certain groups of people like the American Indians and even better treatment for people who were in prison. He famously was a proponent of—

Edmisten: He didn't like no-knock entries—

Scott: Right, he wanted to protect privacy rights and Fourth Amendment protections. So do you see any inconsistencies there?

Edmisten: From today's standards, I do. However at that time they were not. He was asked about this many times. I heard all the answers over and over again. And these other instances of building rights for people he thought that their rights had been taken away. In the case of the so-called civil rights bills he thought they were placing one race on an economic plane above another. And the quotas, I remember he was the first one to pick up the Philadelphia Plan. And guess who instituted that, by the way.

Scott: Richard Nixon.

Edmisten: When I tell all my Republican friends that, they just about drop their drawers.

Scott: Well most of today's Republicans don't think of Richard Nixon as a true Republican.

Edmisten: He was a liberal! He was an incredible liberal!

Scott: He was not a conservative.

Edmisten: No he was not conservative at all. He didn't care about that. He cared about foreign affairs and some kind of whacky relationship with B. B. Rebozo. That's not fair.

Scott: I can take that out.

[Both laugh]

Edmisten: Smart ass. I was there along with his other aides at that time. I knew the senator's situation then. They had a black lady that came in and cleaned and cooked. But she was like a member of the family there. They didn't consider that servile. As I said, I never heard the senator use the "n" word in my life. And I think that I would know because when you travel with somebody as I did and under the circumstances I did, you're going to hear a few things here and there—[phone vibrating].

I know this Karl Campbell was totally convinced that there was an inconsistency, but an honest one. All these other books written, there's another book written on him by somebody at the UVA. That guy, I'm blanking on his name, Ervin hated the book.

Scott: [Looking at bookshelf] I'm sure I have it here.

Edmisten: Yes, you've got to. He did an exhaustive search on Ervin. He did more on Ervin as a child than anybody else.

Scott: You're not talking about [Paul] Clancy, are you?

Edmisten: No, I knew Paul very well. Clancy's is not as good. It's a, this other guy was more of a scholarly approach, too. Geez, he was trained from UVA, I think, and he spent months and months and months with Ervin.

Scott: You're not talking about Stanley Kutler's *Wars of Watergate*?

Edmisten: No, what's that one anyway? I'm not even sure of that. Oh you've got to have read it. If you haven't read it.

Scott: I'm sure I've read it, I just can't—

Edmisten: [Dick] Dabney?

Scott: Oh! Dabney! Absolutely, I've read it.[4]

Edmisten: Yeah, Dabney gets into this too, and Karl is not. A lot of people are entranced with the Watergate era and Karl does the real job of being a full historian.

Scott: That's right, his is a much broader treatment of Senator Ervin, thankfully.

Edmisten: But I disagree with Karl on the fact that he thought that Ervin really had some racism in him. It wasn't racism, it was that, "Yeah, I grew up this way and these civil rights bills are designed to put people on an economic and social planes with no effort on their part." It's easy to disagree now. I would have done some different things. I think that some of the civil rights bills did go overboard. I remember back one time when I was a—it was early in the '60s. I was still in law school and we had an extremely active North Carolina Democratic Club and here are all these wonderful black folks around here. I think more people worked from North Carolina than any place in the world. I really do. We had this wonderful man named Weldon who was from down in Surrey County and Weldon kept—I know one time he had a really bad road problem but I knew the highway commissioner and I called him down there and that afternoon before Weldon could say "skat" he had three feet of gravel out his road so he could get in and out of there, his family said. You know, it's just the way things worked back then. They'd put you in jail over it today.

Scott: It's a little different now.

Edmisten: But you are doing something worthwhile. And Weldon kept talking, "I'd like to come to that Democrat Party meeting sometime." I kept thinking about that. I knew that the club had a policy of no blacks. This is in 1964 or '5.

Scott: Washington was a really segregated city. That was part of the context.

Edmisten: Right. I one time brought that up with the current president of the club who at that time was associated with Senator Ervin. They would switch around. There'd be somebody from the congressman's district or somebody like that. And she said, "No, no! You don't even think about that!" The more I thought about it the madder I got. Why couldn't Weldon be a member of the club? We wanted his vote all the time. I got real brave one night and I brought up the motion and it passed.

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[4] Dabney, Dick. *A Good Man: The Life of Sam J. Ervin*. Boston: Houghton Mifflin, 1976.

Scott: Did it? You remember what year that was? Was it still in the ’60s?

Edmisten: Yeah, oh yeah. Still in the ’60s. I’d have to look because I’ve got—you’ll have to come down now.

Scott: Okay, and look through the files. I’d like to do that. That’d be great.

Edmisten: You’ll have to do that. And then I can pinpoint the date. She calls me and she says, “You have absolutely ruined the club. You have ruined it. It will never be the same. And Ervin is going to be furious with you.”

I was a little bit worried about what she said at the first, but I wasn’t worried about the last one. Later that week, I knew she’d run and tell Senator Ervin and I went up to him sheepishly and I said, “Well Senator, you know, ours is not exactly a private club and we ask folks like Weldon for his vote and I don’t know why he can’t be a member. We ask him to vote with us all the time and then he can’t come to a meeting?” He said, “It’s alright, you did the right thing.”

Scott: And that was it.

Edmisten: That was it. Look, he had been a judge all his life. I’ve had stories told to me that were not in the Dabney books that Senator Ervin would bend over backwards with black defendants before him to make sure they got a fair shot. More fair, fairer, than maybe otherwise, if they were white. It might have been paternalistic, but when you know that a man is innately good, and you look at the speeches, you read the Caro book on Lyndon Johnson, Johnson feared Ervin more than any of them because he said he’s the constitutional man. And the rest of them blabbered and Ervin supplied the—

Scott: The actual meat for the arguments.

Edmisten: The intellectual background, meat for it. Those were heady years. That’s when so much of the stuff that I was, I would attend the Senate Armed Services Committee hearings where the senator was. And everything to do with Judiciary, I was there. I remember one time that there was this big fuss. This must have been after I got here, shortly, I wasn’t really in the leadership at that time, but there was a big flare up in a room back behind one of the hearing rooms where you had Bobby Kennedy in there, who was attorney general, and it was about a judgeship down in Louisiana and Senator Eastland wanted somebody to be a judge and Bobby Kennedy, I remember I was sitting there close as I am to you, and Bobby Kennedy says, “Senator, this is not going to happen

because he's absolutely racist and we're not going to submit his name." And Eastland said, "I'll be damned if you won't submit his name because I won't vote for any of the rest of 'em you've got if you don't." And it was about to get into a match. And Senator Ervin starts telling a joke about old Uncle Ephraim, or the two most cross-eyed men in Burke County. [Scott laughs] And so it breaks everybody up for a while. He would do that just a multitude of times. The book writers will pick that up but they didn't see some of the ones I did see that were in a place where they'd be almost to fisticuffs. Not really that, but just real nasty. It's funny that you couldn't use those kinds of jokes today. Sometimes he'd do a dialect. You can't dare do it. I'm not sure the one that I find so funny that you could use today about the two most cross-eyed men in Burke County, one was named Manly McDowell and the other was named Bob Hennessy. Manly and Bob were walking down the street one time and they bump into one another. Manly says, "Bob why don't you look where you are going?" And Bob says, "Manly it don't do a damn bit of good because you don't go where you are looking." [Scott laughs] I think that's so funny. But maybe you couldn't do it!

Scott: One thing that has changed is that all of the committee hearings, except for those in executive session, are televised. That does change the atmosphere in a room, right?

Edmisten: Let me tell you about Watergate! The first time, yeah, except a little bit of the McCarthy hearings, except not everybody had a television. It immensely, absolutely immensely changed. Ervin was a person that nobody feared in the Senate. They knew his ambitions were not beyond being a U.S. senator. Why did he get to be chairman of the Watergate Committee? By the way, everybody in the world wanted on that committee. They were pestering him to death. Teddy Kennedy really wanted on it because they knew as time went on that this was going to be something on a big national scale and everybody has written about it, but the truth of the matter is that Mike Mansfield wanted people on the committee that were not ambitious. Certainly Montoya wasn't, Gurney wasn't, Herman Talmadge wasn't, Weicker was. God, they thought he leaked all the time. They knew that Ervin wasn't.

Scott: Baker?

Edmisten: Didn't Baker one time talk about running for president? Seems like he did? It may have just been talk, was that it?

Scott: I think it may have just been talk.

Edmisten: Yeah, yeah. But the committee system, you had a lot of senators that took very, very much interest in the administration, they had to know everything. Ervin was the kind of guy who delegated to his staff because he was going to spend time reading law and doing these big arguments of history. He viewed his role in the Senate as being a defender of the Constitution, whichever line that fell on. And oftentimes he would tell me, "We had this thing divided up. Everett [Jordan], he's the businessman. He knows business. Now I don't know a thing about business. We are going to let—whatever Everett says on that, I'll do." That way when you don't try to be all things to all people you get a hell of a lot more done. A lot of people who didn't like Ervin would try to debunk his constitutionalism. Well, I can tell you one thing, I learned more sitting at his feet in a month than I did in three and a half years in law school. It's just amazing to me, people don't believe me when I say it, he could take exact quotes out of various cases. *Marbury v. Madison*, just on and on and on. One time when he went over there to the Supreme Court to argue a case—you know, senators could do that at that time. And they did often. This was the Darlington Mills case and the question of whether or not a company can go out of business to avoid unionism. I wanted to go with the senator and I asked him, "Can I go with you?" And he said, "Yeah." So I toted, there's a passel of books about like that picture that we saw today in the [CVC].

Scott: Yeah, like this [gestures to stack above shoulders].

Edmisten: I was carrying that. We got over there and we sit down and I sat with him there at the Supreme Court and I got there and there were all those characters there. And Earl Warren and he argued his case and of course didn't refer to the book at all. We're carrying them back and he said, "You now know the weight of the law." [Scott laughs] That's what they always talk about, the weight of the law, meaning more of it's in favor here and there. I learned the weight of the law.

Scott: Did he have a photographic memory?

Edmisten: Yep. No question in my mind. His mind would work so quickly sometimes. They always made, not light, but had thought about his stammering and his eyebrows moving up and down. His mind worked faster than his physical capacity to deliver the words. I've seen sometimes those eyes, eyebrows, just darting back and forth. Just ready to flow. Over there in the Watergate hearings, "What don't you understand? It's my mother tongue! It's English!" Whatever that was, with Haldeman's lawyer or Erlichmann's.

Scott: Would he say things like that?

Edmisten: Oh, yeah. "It's my mother tongue, it's English!" Yeah, he generally spoke in that kind of, sort of post-Victorian era iambic pentameter that I told you about. In a very choppy sort of way. He was not the kind of cool preacher type. He sometimes had a real jagged edge about his speaking. You could bet your boots that he was going to lace it full of humor every time.

Scott: He always injected great stories and references to people back in his home state and things that had happened to him when he was judge.

Edmisten: I found myself when I was running for public office—actually, in primaries and all I think I probably ran about 11 times statewide—I would find myself unconsciously doing so many of them. Doing Ervin, I had heard them so many times. I never got tired of them. He'd tell the same thing every day for three or four weeks at a time on the campaign trail. I just laugh my butt off. [Scott laughs]

Scott: Tell me a little bit about the process of writing legislation for let's say, separation of powers since you were the staff director and chief counsel there. For example, I know that you had some paid consultants on the payroll, like Arthur Miller who was a law professor. And his thing was privacy rights, he had written a number of books on those types of issues. One of the things we always like to know about is, how does a committee choose the experts, if you will, that they are going to have help them, either to figure out legislation or come and speak at hearings? How did you do that? Did you have connections to him?

Edmisten: Well, people get him confused with another Arthur Miller that used to appear on television all the time. He was my professor at GW.

Scott: Oh, no kidding?

Edmisten: Professor Arthur Miller. At one time I said to him, "Professor, would you be interested in possibly being consultant to a committee up here on Capitol Hill?" He was just ecstatic about it. I brought him up and introduced him to Senator Ervin and the senator liked him. He'd get real nervous when he got around the senator but the senator liked him. Then he helped us get all the rest of them because those were top scholars. He'd get you one and then you'd ask another one. It's like the domino effect. Just like [Samuel] Dash did on Watergate, he had that role of choosing most of them. I chose a lot of the staff. Then they would help prepare the legislation. Of course you took it to bill drafting, your general outline, just like you do in a state legislature instead of just coming back with some legislation to look at.

Scott: So you'd have someone on the committee whose role was just to write the bill, draft the bill?

Edmisten: Sometimes it's a joint thing. I never wrote it myself because I never figured I was good enough in that area to do it. One of the good things about being in any job that you've got is to know when you shouldn't be doing something. [Scott laughs]

Scott: Especially as staff director, right?

Edmisten: Yeah, that's right. Even though they might call you chief counsel—[phone ringing] let's see what Cheryl wants.

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—


SAMUEL DASH

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

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

(WX10)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

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!

Rufus Edmisten
Interview #3:
North Carolina Politics
Raleigh, North Carolina
August 28, 2012

Scott: Alright, Rufus. We are looking through some newspaper clippings and memorabilia that you have from your whole political career. But this particular one I wanted to ask you about. It looks like in 1972 you showed [Henry] "Scoop" Jackson around North Carolina, around the state. Can you talk a little bit about how you came to do that? Why you were doing it?

Edmisten: Senator Ervin was a great admirer of Senator Scoop Jackson. He liked him. He served with him on the Senate Armed Services Committee and he thought that Scoop Jackson was the best thing for America. He had seen him operate in the Senate. He was a fair man, a good man, and the senator said, "Would you mind going down and meeting with Senator Scoop Jackson and show him around a little bit to people here and there?" I remember I came down and I was there when he got off his airplane. He had known me from my days in Washington because, in those days, the Senate was a bit more chummy than today. It was still like a small southern town because it was controlled mostly by southerners. There was a civility then that we don't know today. I took him around to a number of different things, like the Young Democratic Club luau down in Wrightsville Beach.

Scott: What was the purpose?

Edmisten: The purpose was to introduce him to North Carolina to see whether or not he would make a viable candidate for the presidency. As I carried him around the Young Democrats, who at that time had very, very long hair and hot pants outfits and things like that [both laugh], they were more in tune with somebody who might be more liberal than Senator Scoop Jackson.

Scott: Probably particularly on the issues of national security and Vietnam.

Edmisten: The Young Democrats were for Senator [George] McGovern. They had also spoken at times that they would have accepted [Edward] Muskie or Birch Bayh but they wanted to go with Senator McGovern. I remember Mayor [Howard Lee], one of North Carolina's pioneering black mayors of Chapel Hill, said that "We like his soul and his spunk but we don't think he'll make it. So we are split right between Senators Bayh and Muskie." Senator Jackson gave a good speech. I took him to a couple more places. I

remember that the next thing I knew, the then chairman of the Democratic Party, whose name was John Church, from Henderson, communicated with me and he said, "Rufus, you know, this is a big union man. That will not go over in North Carolina. We don't support pro-union people here in North Carolina." Of course North Carolina was and still is one of the least unionized states in the nation.

Scott: Is this a right to work state?

Edmisten: Oh yes, it's a right to work state. So this was a short-lived campaign in North Carolina. I went back and reported, though the senator had already heard about it. He readily accepted that North Carolinians would not prefer Senator Jackson because of his very strong labor support. Coming from the state of Washington, with Boeing and all those industries, you are going to be very heavily labor-endorsed. I enjoyed being with the man. He was a real fun man to be around. He was just delightful. He remembered people's names. He would have been a great candidate. I think if he could have been nominated, he would have come a lot closer to winning than McGovern. McGovern was really a nice man. I met him again for the first time since the election a couple years ago as he was coming through Asheville. He stopped to talk to some folks there and he's just a wonderful person. His sense of humor is great. He wouldn't have made the kind of crazy left wing pinko president that everybody talked about. He would have been a good man. But I think Jackson would have probably, if he could have gotten the nomination, would have given Richard Nixon a run for his money. That is the trouble today with the parties. They generally nominate, the activists are the ones that go to the conventions. They are the ones that pick the primary candidates of both parties who are to the left or right of center.

Scott: The primary voters.

Edmisten: Primary voters are the most activist of all. We all know that. They tend to get people that are molded far from the center, far left, far right. I think you see that in today's contemporary setting more so in the Republican Party. The far right, it is the most right in ideology that I've seen in my career. I've been around for a little while now at the ripe 'ole age of 71 at this sitting. Henry Jackson was just a nice man. We all knew one another back in those days. I enjoyed being with him. But it wasn't his time.

Scott: I saw another clipping there that mentioned, a North Carolina reporter suggesting that given that you were escorting Senator Jackson around the state that you may have political ambitions yourself. This is '72 so you are still working, you are in Washington, you are working for Ervin. You are not on the Watergate Committee yet.

But even in ’72 people were suggesting that you were going to be heading for a political career here in North Carolina.

Edmisten: There was no secret all along that I had ambitions to be in the political world. I always had admired Senator Ervin. I had watched him when I was a younger person. He would get up to make these fiery speeches. I would always go to the campaign events where people make these very flowery orations. It’s no secret that I did get on the stump occasionally. You know how people make stump speeches? I remember when I was 12 or 13 years old I’d go out in the middle of the field and get on a stump and make a speech. [Scott laughs] Talk to all the squirrels and cows and horses. Some of them would stick their tails up and run! [Scott laughs] But talk about a stump speech, I really did give one to my imaginary audience out there. Sometimes it wasn’t necessarily just a political thing. I liked those grand ‘ole orators who had the cadence of my high school teacher, [Bill Ross] who taught us iambic pentameter. Da-da-da-da-da-da-da-da. If a young person today would hear somebody talking about iambic pentameter they would say, “Well, what nation is that?” [Scott laughs] Or if you were to say “Can you diagram a sentence?” They would say, “Do what?” I had it in my blood. During the time that I was in Washington with Ervin, remember that was in the beginning of 1964.

I first graduated from Carolina in 1963, ’59-63, the University of North Carolina. I was married that year in August. My then-wife and I went to Washington. My aim was always to work with Senator Ervin but it didn’t come to pass at that time; there was nothing available. But we had enrolled in George Washington University law school. I was searching for a job and I had contacted the senator’s office. Every time that he would be somewhere in North Carolina, in my early years, I would be there. If he were close around the mountains, Morganton was about an hour and a half away from Boone, my home town. I didn’t get a shot immediately. I got a job teaching school.

Scott: Right, you talked about teaching school.

Edmisten: The third grade. Did I tell you that before? At Ascension Academy?

Scott: Yes. You got a phone call from Senator Ervin’s secretary.

Edmisten: I got a phone call from Senator Ervin’s office and they said, “We have a vacancy.” And it worked just right because that school year was over. I know that the headmaster of that school was aghast when he found out that I had been going to law school at night time because there were no activities after four o’clock in the afternoon. No basketball team, none of this, none of that. He was just aghast, Victor Summers. I saw

Victor here a couple of years ago. He's quite a guy. Where I heard that President Kennedy was shot was at Ascension Academy.

I went over and Pat Shore of Senator Ervin's office, who is now deceased, said, "There is an opening on the senator's Subcommittee on Constitutional Rights. He mentioned that he knew you and your parents and would like to see if you want to come over there." I said, "Oh my god, yes. Do I want to come!" Let's see, it would have been early in '64, I went and I was named a staff member of the Subcommittee on Constitutional Rights. In the beginning, I did a lot of things that young people do and it didn't hurt my feelings at all. I ran errands and did this and did that. Within about six or eight months I was working very closely with chief counsel staff director Paul Woodard, Marcia MacNaughton, who was the real expert on using the military to spy on civilians.

I also worked with another North Carolinian named Helen Scheirbeck, who was a Native American, we call them Lumbees, sort of the lost tribe, on a bill of rights for American Indians. Senator Ervin had gotten into his true self looking out for the rights of individuals as it applied to the Constitution. I continued my law school at night. At some point there, I don't know exactly what year it was, the senator suggested that I might want to drive him to different places. Of course, I was extremely happy about that. I knew I would have to miss some law school to do it. I went to law school five nights a week, four seasons a year, and there were times that it would involve being away. Generally we went places on the weekend.

Scott: I know he kept a townhouse in Washington, right, with his wife?

Edmisten: No, I wouldn't call it a townhouse. They rented space in the Methodist Building.

Scott: Right next to the [Dirksen Office Building]. Sure!

Edmisten: He could walk out his door, cross the street, and go a couple hundred steps into 337 Senate Office Building. It was a very Spartan apartment. I mean, the furniture was just really something that you would find out in some very plain home in the '50s. Very plain furniture because this was just a temporary roosting place. He had his old 1965 Chrysler. I always thought of it as the Willa Cather Ship of Fools. He wasn't a fool, I was! But it was such a big 'ole huge thing. I would drive that baby down the road and she'd wave along there, US Senate#1 [on the license plate]. During those years that I was with the Constitutional Rights Subcommittee, when he would go somewhere sometimes during the day, I would take him also. You obviously got to know somebody very well. I met his family. His little granddaughter at that time, she could not say Rufus,

she called me “Rooshus.” [Scott laughs] The senator would affectionately call me “Rooshus.”

Scott: You mentioned a time to me that we hadn’t talked about in our last interviews, when you shared a bed with the senator. Can you tell us that circumstance?

Edmisten: We’ll get around to that as I’m going to tell you what would happen.

I’m getting out of law school. There are still trips back and I’m working on the Constitutional Rights Subcommittee doing substantive work, helping write a report on the Indians, helping Marcia MacNaughton, doing all kinds of things, being active in law school. I was president of Phi Delta Phi, a legal fraternity. I got three U.S. Supreme Court justices to come and honor Justice Abe Fortas. But all during the time that I was with Senator Ervin, beginning in 1964, I was making contacts in North Carolina.

Even before I started driving him around all over the place, people would come to Washington and I got to know them. I would travel to back to be active in the YDC, Young Democrats Club. Anytime I went somewhere to one of those I would represent the senator. I had a habit, when you go somewhere, they would get up and say, “On behalf of Senator Ervin, Rufus Edmisten is delivering a greeting.” That was the way I got to know about everybody coming and going in North Carolina and especially when Senator Ervin ran in 1968 for his last term. We were on the road. That’s when I graduated law school. So I had a lot of time then. In wintertime, when I didn’t have to go to law school every night—by the way, when I was going to law school, I said that someday somebody would pay for that cruel and unusual punishment to go to law school at nighttime. Lo and behold the taxpayers did for a long time, paid for my misery.

During the time when he was running for reelection, it was a simpler time. Senator Ervin never bought a minute of TV time, not a minute back in 1968. You just didn’t do that. They had a Senate recording office where you would do a recording and a lot of stations used it occasionally. When his usual interviewer Hal Smith wasn’t there, I would do it. I remember one day I was over there in the Senate recording room and Senator [John] Sparkman was there to do his. Well his guy didn’t show up! Senator Sparkman from Alabama said, “Well Sam, can your boy here do it for me?” So they handed me a script and I interviewed Senator Sparkman for his weekly radio show. [Both laugh] I’ve got a picture of it somewhere I’ll show you.

We got out on the road and this was traditional campaigning. Either Pat Shore, his secretary, or I would call ahead—remember no cell phones, no Internet, no nothing—you call ahead, you get one of Ervin’s buddies who was in what we call the “court house

gang" and you would head down the road in that 'ole Chrysler and you'd go to the county seat of where it was and you'd go through, you'd see the clerk, the register of deeds, the sheriff, the tax collector, anybody else that was around the clerk's office, because that's how you really campaigned in those days. The courthouse crowd is how you did it. You didn't have any of those wild crazy TV things.

At night, though, you'd always end up somewhere. There would always be a rally at some armory. For instance, one night in Concord, they might have had 300 people there. It was a very special night because that's where Mrs. Ervin came from. "Miss Margaret," as she was affectionately called. What a wonderful lady. She was just divine. So it was Miss Margaret night in Concord, where the senator met his wife. He truly just worshiped that lady. I was the only person that she would trust to drive her, too. But neither one of them could sleep while in a car.

I would go to these places. I kept a little book in my back pocket. I remember it very well because I got some of the names right now. When you were growing up on the farm you'd go to the seed store and they'd give you a little tablet just to take notes in. It was about 3" x 6". You'd stick it in your back pocket. "Bought so much fertilizer today." Etc., etc. I'd carry one of those little things and I'd jot down names of people and little things about them that would come in handy later on. I kept them all back up in a box in Washington. I continually came back and forth to North Carolina for events, Democratic Party events here and there. Everywhere. All over the state. I would leave on a Friday afternoon, come back Sunday ready to go. This is all before Watergate but I'm really hitting it hard.

I was amassing a huge amount of knowledge of people in the various parts of the state because I knew that someday, there might be a chance to run for office. I liked the thrill of it too. I was asked many times to represent Senator Ervin, not to stand in because nobody could ever do that. As time went on it was sort of an unusual thing to have somebody who was "the counsel" of a big committee up on Capitol Hill, the Constitutional Rights Subcommittee, so I got a lot of invitations to come speak to civic clubs, that sort of thing. I did as many as I could. I remember many a time I'd go somewhere. I'd drive from Washington. I know one time I had to do a Rotary Club in Shelby. I left the Senate office that afternoon and got down toward Shelby, it was King's Mountain. I was just dead tired. I had no place to stay because at that time I wasn't making much money. I went in and washed up. I slept in the rest stop at King's Mountain, North Carolina. Went in and cleaned up that next day, in the restroom, run in and did my luncheon meeting at the Rotary Club, hope I didn't stink too badly. [Scott laughs] And then I had to head back to Washington because you had things there you had

to do. I worked it, worked it, and worked it. I'm still doing full time work for the senator on the Constitutional Rights Subcommittee, still travelling with him.

I remember one time in the '68 campaign, we were traveling round about Pittsburg, North Carolina. I don't know, somebody messed up. We had been somewhere and he said, "Let's just turn in." So we started hunting for a place to stay. The only thing in town was this old Blair Hotel and it was a relic of the '20s. The person said, "We got one room up there and it got one bed in it." I [thought] "Oh my god." And it's no secret that the senator liked a little Bourbon and "ginga ale" as he called it. He liked a little Fitzgerald. I would always have the supply for us because he would like to have a drink at night time to relax. He certainly never had more than two drinks. So it was always "bourbon and ginga ale" time. I looked in that room and that room was about 10'x10'x10'. [Scott laughs] There was one 'ole saggin' bed in there with a bathroom, which was about 3'x3'x3' with a claw-footed tub in there. I thought, now what in the world am I going to do? Oh my god. I had been in the same room with him for many, many nights.

Scott: Sure, in separate beds.

Edmisten: Yeah, double beds. Two beds, yeah. It's getting late at night. I walked downstairs to where this little guy was and I said, "You got those roll-aways?" "Nah, we quit that." And so I went back up. I got back up there and he was getting ready for bed. He had finished his bourbon and ginga ale and he got in that bed. He said, "Well, I think I'll go on to sleep." I thought, okay, he's going to be mad if I try to sleep on the floor. Back in those days, when you grew up, a lot of people slept in beds [together] but you don't normally sleep with—

Scott: [laughing] —a U.S. senator!

Edmisten: A U.S. senator or God! So I feebly got just enough clothes off to get over there. The senator was real bad, too, to roll and he had adenoids and he did snore a lot. It was a building shaker. You are talking several decibels. [Scott laughs] This has started. I get in that bed and it started sagging big time. He was a big man. I put about a quarter of my body on that bed. One side of my butt is on there and I've got one foot on the floor and one hand on the floor. [Scott laughs] All of a sudden he whams over there. I go into a frozen "Oh my god, I'm touching this man." So he goes back over and this goes on for a while. I think "I've got to do something." The floor was an option, but the snoring was especially heavy that night 'cause he had adenoids. So I devised a plan. I would get up real quietly and thank god there was a blanket up in this little closet. The little door looked like small people could go in it. I get that blanket and sneak my pillow

out of the bed and I go in that bathroom because I know he never gets up in the night time. I go in that bathroom and I pile my butt in that tub [Scott laughs]. I get in that old fashioned tub and I closed the door. I slept about three hours in there, very fitful. There was no such thing as a shower in those days. Ervin he took him a bath. I washed up as best I could.

I have never forgotten that! I asked people today if I could take a—I've been threatening some day to take a tour of that Blair hotel. It is still there. It's got real estate offices in it. One time it had an antique place in it. I'm going to try my best to go up there and recreate that some time. But how do you do it?

Another time that we were traveling in the '68 campaign, we were in Burlington, North Carolina, and this was a fancy Holiday Inn. The only problem there was that there was a dog show in Raleigh beginning the next day. This was a place where you could put the kennels back behind the hotel. They welcomed the dog people. We rolled in there because we were supposed to go to Saxapahaw the next morning with Senator B. Everett Jordan. At that time there was a big plant down there that they owned, the Jordans. So we are in there and it has two beds in it. We have our Old Fitz, bourbon and ginga ale. The senator was arthritic and so he got up there messing with the air conditioner. He messed up that knob some way. He turned it to "subarctic." [Scott laughs] It kept getting colder and colder and I was in that bed over there freezing. He did that, fumbling with it before we really got to sleep. I said, "Sir, can I go down there and ask them to maybe come look at this?" "No, no, no, it's alright." This stuff goes on all night long. Dogs yelping out there like crazy.

Scott: And subarctic temperatures.

Edmisten: And this temperature's got to be nearing 45, at least. The next morning he never says a word. He gets up, he was obviously embarrassed. He did something to that knob. [Edmisten laughs] Who else in the world gets to drive around with a guy like that? No pretension. I heard his stories over and over again. I would laugh every time. I could stand at the back of a room where he was talking and I could mimic every joke he told about Uncle Ephraim and the two-crossed eyed guys. The jokes he told back then would not be appropriate today because somebody would say—you're going to offend somebody. One of his favorites was about the two-crossed eyed guys. Now I'm just quoting back. This is history. They were in the town of Morganton and one of them was named Bobby Hennessy and the other one was named Manly McDowell. These two crossed-eyed men were walking down the streets of Morganton one day and they bumped into one another. Bobby said, "Manly, why don't you look where you are going?" And

Manly said, “Well, Bobby, it won’t do a damned bit of good because you won’t go where you are looking.”

Scott: [Laughs] And everybody loved it!

Edmisten: He told it over and over again! I could laugh at it a thousand times a day. The stories were all wound around mountain living. A man who was born before the turn of the century, or was he? Yeah, I forgot what year he was born. But he would tell me when he practiced law, back in those days, when you practiced law in the early years, you either went by a horse and wagon or you took the train. So you held court week in these various little towns. From Morganton to Marion today is an 18-20 minute drive, but back in those days you took the train. All of the judges, the lawyers, the prosecutors, all stayed at a boarding house. Today somebody would question that. But he said that the woman that kept the house would have a big table and they all sat on the porch and chewed the fat. He said they wouldn’t talk about their cases. At court, he’d stay there the whole week. And when court would be over, he’d come back home. His father, as you’ve read in the [Dabney] book and the other book captured pretty well what he told me about his father. By the way, Ervin never liked that [Dabney] book.[5]

Scott: Dabney?

Edmisten: Dabney. He didn’t like that. He rarely ever said anything bad about anybody but he said, “Man didn’t do me right. Man didn’t do me right.” It all got back to the views that he ascribed to Ervin that he just didn’t think were there.

I think Karl Campbell’s book is a very fair and accurate reflection of the senator.[6] There was a contradiction there. He was very much against, at that time, the civil rights bills, because he honestly thought that you would take away rights from one set of people and give them to another. I know the books have been pretty rough on him, even the book on Lyndon Johnson, Johnson in the Senate years, he was known as Mr. “Go and see Sam,” he can help you block that on constitutional grounds. Lyndon Johnson saw him as an impediment. Senator Ervin was not for the Medicare deal because he thought it took freedom away from doctors. But then you get those later years, all those fights were in the ’60s. You get those over with and you lose those battles. He would never sit around and sulk about anything like that.

[5] Dick Dabney, *A Good Man: The Life of Sam J. Ervin* (Boston: Houghton Mifflin, 1976).
[6] Karl E. Campbell, *Senator Sam Ervin, Last of the Founding Fathers* (Chapel Hill: University of North Carolina Press, 2007).

Then the ’70s come, the early ’70s, and we’re talking about state power—you know, like this author I know, Katherine [Scott laughs] has so aptly caught with her book—he is starting to get into things that give him great joy because he thinks he can do something about it. You got to look at it this way. Most of the stuff in the ’60s and others were being against something, trying to kill it. If you think about it like I do, these years brought on a time when you could make something happen more than just trying to kill something. Make something happen. Of course, he was fighting against the encroachment of powers by the executive branch.

He would get so furious when he thought that people were ignoring the Constitution, especially when it came to individual rights. In the car he would say, “For the life of me I don’t understand these people.” He often quoted, “Richard Nixon is scared to death of freedom.” I guess that has been quoted in the public before. But he said, “Richard Nixon is scared to death of freedom.” He had a great group of young people at that time working with him on these committees, subcommittees, the Paul Woodwards, the Larry Baskirs, the Marcia MacNaughtons, Helen Maynard, others. I had a bright set of people over on the Separation of Powers Subcommittee when I became the chief counsel and the staff director. That was a committee that he got after Constitutional Rights because they felt that there needed to be some sort of a check on this government, this state intrusion on personal liberty. I like the term “state” better. So that involved a lot of things. He particularly liked holding those hearings on separation of powers because we had these bright professors that we had hired as consultants: Alexander Bickle, a couple of them are judges today.

Scott: Miller? Arthur Miller?

Edmisten: This wasn’t the Arthur Miller that is on TV. This was Arthur Miller, my old professor—I suggested Arthur—my old professor at George Washington University, who would later play a big role in some of the things that I did. The senator still traveled quite a bit. Before Watergate hit big time, i.e. going public, he still traveled and we went places. He’d be asked to go, if it was somewhere like Philadelphia, I drove him one time to Philadelphia. We used to always go down to Williamsburg. I loved that. That was three days, it was called the Business Roundtable. They invited people down there and nobody thought anything about something like that then. We would go to that resort in West Virginia, and the one in Virginia, those two, for business-type meetings where they would invite members of the Senate. They particularly liked Senator Ervin because he was a very strong supporter of the free markets. He thought that the government did intrude too much in business, although he knew that you had to regulate government when it came to personal freedoms. That’s some of that contradiction you get all the time with a man as complex as Sam Ervin. On the one hand he says, let business

flourish. And on the other hand he says you can't let government overpower the personal liberties of people. I guess when you look at it a certain way, that is consistent. I want to clear up something that Karl Campbell in his book said one time, I'm rambling now, he said that, I believe that he had asked somebody like Senator Roman Hruska of Nebraska—

Scott: You mentioned this story before.

Edmisten: I did? I've got that one covered. But I never heard one racial epithet. He would call them colored people sometimes.

Scott: That was typical language back then.

Edmisten: That's what you did back then. People that try to take history out of context are just crazy. It's like some dummy up here now who want to remove the Confederate memorial from the grounds of the Capitol. I'm going to fight that until I turn blue in the grave. It's hokey. Revisionist history is just dishonest. You got to take the context of the times. Wanting to remove names off of buildings, do that sort of thing because they owned slaves and this and that sort of thing. That's insane, just insane.

I guess what we are talking about, since we've covered part of how I traveled with Ervin and kept building all these names and names and names and names. I genuinely liked it though, it wasn't necessarily [work]. I just liked knowing people. I was the constituent person, too, for Ervin. People who had met me at different places would call me directly and I would try to solve their problems with the executive branch of government. Sometimes I wouldn't take the usual stuff where some staff member writes a letter like usual "inquire you about this and that." Sometimes I'd get so mad about something I'd take a cab and go see 'em, at the Pentagon or something. I would demand that I could get in the door because I was with Sam Ervin. When you say that you are the chief counsel and staff director of Sam Ervin's Separation of Powers Subcommittee, you could get in the door. Sometimes I'd get so furious I would go see 'em. Just say, "You've ignored this. You've done this person wrong." You know, they'd be doing that kind of stuff, mess up something here.

Scott: So even before Watergate you had been thinking about running?

Edmisten: Most definitely. I certainly had. I didn't know what exactly, but I had always wanted to be in public life of some sort. There is no family history there, by the way.

Scott: Right, we talked about that.

Edmisten: My father was a wildlife protector. No family history at all.

Scott: When did you decide to officially run, then?

Edmisten: Well, that was brought about by the constant rumors that the attorney general, Senator Robert Morgan—

Scott: Later Senator Robert Morgan.

Edmisten: Then [state] Attorney General Robert Morgan, later Senator Robert Morgan, was going to run for the U.S. Senate. If he did that, he let it be known that he was going to step down to spend full time running for the U.S. Senate. Now this was in 1974.

Scott: So Senator Ervin had already announced that he wouldn't be seeking reelection.

Edmisten: He wouldn't be running. The report was out. I left the Senate in—

Scott: July, we wrote. Was it something like your resignation letter was July 2?

Edmisten: I left there and came back because it was now very plain that Robert Morgan was going to run for the Senate and would, in such and such a date, he would step down, I think about July, from attorney general. So at that time there was a Republican governor named Jim Holshouser who was from my hometown. Nice family, he went to school with my brothers and sister. He was about four years older than I was. He appointed a person named Jim Carson to fill out Robert Morgan's term until the next, the law reads until the next general election, and that would be in November of '74. So here you have an incumbent attorney general named Jim Carson, a lawyer out of Charlotte. The way the law reads, it falls upon the state executive committee, of each party, to fill that spot with a nominee.

There were close to 400 people on the committee, and they were spread out all over the state, every little remote area in the world that you can think of. More and more people became interested in this slot for attorney general. Robert Morgan had done great things for the office. He had put a huge consumer protection, other things, and I had studied a lot about it and I thought this office, next to governor, it would be in my opinion the office that you could do the most to get things done. So I came back and I announced.

So here's what you got to do. I think that I announced that I was going to run sometime in July. I had not much time. But what you got to do though, you got to travel all over the state of North Carolina and you've got to see these people in person. You cannot just say, pick up the phone and say, "I'm Rufus Edmisten." It ended up that there were 10 people running. There were several members of the legislature, there were two judges running. It was a field of some very, very well-qualified people. One of them later became chief justice of North Carolina. One is now a superior court judge. Several are in the legislature, just a whole host of people that wanted the Democratic state executive committee to nominate them to be attorney general.

I had this thing mapped out before I even came back from Washington, as soon as I knew what was going to happen. I got a list of all the executive committee members and I looked at them. I personally knew probably 75 percent of them because of all that work that I had done all those years before traveling with Senator Ervin, traveling myself, being here. I remember one time there was an executive committee member down in Sanford, and I had been down there one time doing something with the senator. His name was Fletcher Harris. Fletcher had mentioned to me that his daughter had just gotten a little horse, so I put that in my little book, my little fertilizer book. So when I'm up there in my boiler room making calls, that little room in Raleigh with a big board up on the wall with all their names, warm, cold, what their comments were, I had one person up there helping me. I remember I called Fletcher, I said, "Fletcher Harris, this is Rufus Edmisten." I said, "How's that little pony your daughter got doing?" He said, "Well how did you remember that?" I said, "You told me when I was down there in Sanford." This happened quite a bit on things that I would remember, and I obviously got Fletcher's vote. So out of all these people running—and I traveled a lot. This was a year, too, that there was a gas shortage and you couldn't just call them up, you had to go see a lot of these people. "You haven't been to see me yet." One person! This is about as hard as running a state-wide campaign.

Scott: They are scattered all over.

Edmisten: I remember with the gas shortage some of them could not get anywhere unless they flew. I had an old Mercedes diesel. Now I had to hide it because I was driving a foreign car. I had a Mercedes diesel and I could get diesel fuel. So I went to some places that none of them could get to because they couldn't get gas. I'm not going to attribute that to my winning, but unknown to all these people I had done my homework for several years. Nobody had any notion that this boy from Boone that had been up there with Sam Ervin for 10 years was going to win this thing. Well the time came for—

Scott: What about Sam Ervin? Did he help?

Edmisten: I never asked him to on that one. It was very plain. A lot of them said, "You work for Sam, that's enough for me." He said very good things. A lot of these people were people that he had known for years, some of the older ones.

I remember the time came for the state meeting of the executive committee and that's when you go see who is going to vote for whom. I don't know the exact date, I think it was July 27, something like that. It's held at the old Sir Walter Raleigh hotel, down the street here, very close to where you are staying, one of those nice little hotels. They held the meeting in the Virginia Dare ballroom. The way it works is that there is a vote taken and every time, the lesser vote getter gets out. You eliminate somebody each time. Remember, there were 10 candidates.

Everybody had been predicting how many votes they were going to get. It was real funny. I often would say to people, "If everybody gets what they say they are going to get, then there is about 5,000 people on this committee!" There were only 400 people! Somebody said, "Well I got 230." And the next one said, "I'm pretty sure I'm over half of 'em." You know, there are 10 of these characters. Let me tell you what I did. That chart I had up there: "warm," "warmer," "absolute on blood." What I did, for some people that swore up and down that they would vote for me, if I knew a little something about their history I would put "doubtful." I would have had on the first ballot, one hundred and some, but I had excised enough down to where I predicted, I think, 76 votes. I came within three votes of that first ballot. That's a far cry from those, remember there are 10 people dividing up 400 people.

Scott: Right, it's not what you need but it's enough to keep you around.

Edmisten: I was number one. And the psychologist thing is that if you drop down any one time, you're gone. I remember the next day, after I had won the thing, the *News Observer* had an article which said, "Edmisten crowd hi-tech." We had walkie-talkies. All day long, you'd take a vote and they'd take about an hour. There were six ballots. And each time I'm leading. One time I get about four votes ahead and it was getting shaky. Then you start making coalitions. I remember one particular person, I said I will consider your brother being chief deputy. Consider. Back in those days you promise it. They came over with me. The black delegation after Mickey Michaux] got out, they got on my side. On the last ballot I won it against a fellow mountaineer, Herbert Hide. There were only two people on the ballot that year, it was an off year. You had Robert Morgan and I'm on the ticket. I'm the nominee. And I went about it campaigning like crazy for my first race. Nobody could touch me. The hands I shook, the things I did.

Here is something that the newspaper said, “The happy anointing of Rufus Edmisten.” So I campaigned like crazy against this incumbent, Jim Carson. I’ll never forget his campaign ad. He had been in the army and he jumped out of an airplane and he hit the ground and in this squeaky voice he said, “I’m Jim Carson and I’m running for attorney general.” The stupidest ad I have ever seen in my life. I didn’t have anything to say about it. I thought about what I had learned in law school, *res ipsa loquitur*, the things speaks for itself. This guy jumps out of an airplane and hits the ground and all this stuff falling around him and he says, “I’m Jim Carson. I’m running for attorney general.” Apropos of nothing. It’s like a huge mosquito jumping out of an airplane. So I whipped the stuffing out of him. Robert Morgan won his seat. Robert and I were the only two campaigning. I remember one time Robert got real mad because I was still smoking that pipe. He said, “Why don’t you put that damn pipe up?” I didn’t. Then he eventually quit asking me.

I got sworn in on the coldest day in the world, in November. I didn’t have to wait until the usual time in January when everybody is inaugurated. I got sworn in right away and I’ll never forget that there is an article here that says “Edmisten won by out-profession-aling the party pros.” I like what they said about that. This guy wrote that I got it down to a science: “Throughout the meeting there were legislators clustered around another candidate feverishly discussing strategy trying to figure out how to overcome Edmisten. In the face of this Edmisten remains strong, pressing firmly for more votes as the balloting progressed, never relinquishing the lead as the pros had originally anticipated.” I am paraphrasing.

Anyway, that was my first election, not with the people as a whole but it was a masterful campaign, if I say so myself. Masterful because I had planned it out. I decided that even though some of them swore an oath of blood on their mother’s grave, that I put them down as doubtful. I got sworn in—

Scott: You won handily with 60 percent of the vote.

Edmisten: Yes, yes. Sworn in on the coldest day in the world and my hometown Boone was so proud of me that all my aunts and uncles got on this old rickety bus and the blasted thing got as far as Winston Salem and broke down. They couldn’t get here. It was the coldest day in the world. I thought, oh lord, what have I done.

That was a lot of fun and I was on the road.

Scott: Tell me what an attorney general does.

Edmisten: Attorney general is the guardian of the people's rights. Not only does the attorney general guard the people's rights, it has to do some things that are unpopular. The attorney general of North Carolina condemns all the land, all condemnations for roads, public things, this and that. One thing that I remember, my name went on everything when you condemn somebody's property.

Scott: Eminent domain and those types of things?

Edmisten: Yes. I had a lot of threats. People would get real upset about that. I didn't like that part of it. But then I became very much going into the consumer protection. I had some rocky starts. My office filed a civil trust violation against Southern Bell telephone company. I learned some lessons from that. I just got blown out at a press conference. Should have been able to handle myself better, my staff didn't—I didn't require enough of them. I worked heavy on consumer protection.

I had a rule in the office, I'll never forget this. The day that I first got into the office, I was in the conference room and I looked around the room and there were these guys there that probably had a total of 250 years of legal experience. I had never really gone to court. I had done a lot of things they hadn't done. But it was pretty heavy when you're before a nationwide audience on TV and you're questioning L. Patrick Grey and hoping to not make a fool of yourself.

I was intimidated, but I couldn't let them know that. It was all gentlemen at that time, all males. I said, "Look, you got the experience here. I've done some things you haven't done. I'm going to defer to you. I want you to do a favor for me though. I've noticed over the years that when there is a decision between the state and the citizen, the attorney general's office always goes for the state. I'm going to change this." I said, "It may be hard for some of you to take, but I'm going to demand this." Trying to show them I'm the boss. I said "When we got a controversy here between the citizen and the state of North Carolina, and all things are equal, you rule for the citizen." Stone silence. They are looking at me like "You are out of your mind." Well it took about two years and that finally set in.

Another thing too, I said, "I'm going to tell you something. I've just been through a campaign and I suspect I'm a little bit better than you at the politics." I said, "You leave the politicking to me and you do the law work and the consumer protection and we'll get along just fine and you'll find the citizens of the state will prosper." They come by my office now and tell me "I'm so proud to work with this office." Somebody did that just two weeks ago and he's a veteran and he said "You know what. I never forgot that, you

telling us to leave the politicking to you." I rarely overruled anybody unless they were doing something that was gouging the citizens. I fired two or three people in my life. One of them was because a guy kept treating this nice old lady that ran the elevator, back in his early days he'd come in feeling bad and he'd say something ugly to her. I kept telling him, "You got to stop that. You got to stop that. I'm going to fire you if you don't quit it." He did and I fired him one day. He made her cry.

I enjoyed that. And then '76 came along and I was reelected, handily. Huge margin, I remember.

Scott: Sixty-eight percent.

Edmisten: Oh it was? And then we're into—see that's '76-'80. Then '80 we go again and that was a good election year too.

Scott: Sixty-two percent.

Edmisten: All during that time there were some things that I did working on that I was very proud of. I got consumers a lot of money. I helped save the New River, that was very important to me. The New River is the second-oldest river in the world. It runs from south to north. The Appalachian Power Company wanted to dam it up and supply power to Ohio. I didn't quite think that was very smart, didn't like it. Then we finally won that but it was because a lot of the contacts—I had this whole batch of letters where as attorney general I had written to old friends like Senator Kennedy and others asking them—and they put personal notes back, I knew this wasn't staff because some of the things they put they only knew. Kennedy had made a note somewhere about sorry we don't smoke cigars together anymore, that's in here somewhere, I think it went to Carolina, I don't know. Along with the help of Senator Ervin who went up there, the river got designated a scenic and wild river. My part of that was I got an injunction against the Appalachian Power Company that held all that in abeyance while that work was going on by citizens' groups and Congress. I was very proud of that.

I was proud of standing up for the little guy. I would always say to myself that these corporations have all the power. What's that word you use, populist? Lots of things like that. Business is always nervous about attorney general although you try to tell them that if you don't have a clean marketplace you can't do business.

Scott: Let me ask you something about how an attorney general decides to take a case. I'm sure there are many, many cases that you could take as attorney general.

Edmisten: Well, the way it works in North Carolina, in all cases the attorney general's office handles all the appeals, criminal appeals. You can't pick and choose on that, except once in a while, I did on one time. Hundreds of cases are appealed in the criminal system. Back in those days, everybody in there at one time or another gets to argue a case in front of the supreme court. Now they've got these so-called solicitors general. I think my system was by far the best. I remember one time the chief justice, Susie Sharp, was one floor above me and she was very, very old school. A biographer of hers later found out that this old spinster was having affairs with several people. A delightful book. We all thought, Susie Sharp? It came out a couple years ago—a fantastic book! She'd written all of these diary entries, but they were in code and this woman had uncoded them. She was having an affair with her law professor way early and then several judges, people that I know that were Senator Ervin's buddies. This book just came out a couple years ago. I knew almost every person mentioned in that book. You ought to get it. Susie Sharp. I wish I had it in here.

Anyway, she called me up there one day. She says, "Rufus"—she plunked a brief down in front of me, and it was a death penalty case. This lawyer was so bad—for the defendant—he's so bad he had copied the Constitution, a portion of the U.S. Constitution, something else and then obviously he should have been disbarred immediately. She says, "We can't let this stand." You know I have never told this before in my life. She said, "Your office is going to do the brief for both of them." That's unheard of. You can't—today, the judges would find that a terrible conflict. I got up to my chief deputy and I said, "You're going to write a brief for this guy, too, as well as the one that is being written for the state." So the chief justice and I conspired to write a brief for this poor guy that had this sorry lawyer down there. She reported him to the bar. His conviction was not overturned, but he didn't get the death penalty.

There were a lot of discretionary things, though. I brought some environment cases using the nuisance law, to close down a place one time that had all these chemicals placed in this one that was running out and polluting things around it. You use the nuisance law. I was trying to think of some unique thing to go after that. I was big on anti-trust. I was big on the environment. That's where you had all the discretion and the statutes in North Carolina give you very broad powers to intervene in any proceeding, state or federal, that you may deem necessary. That's why I got so involved in the New River thing, because the Federal Power Commission was doing that and it's a very powerful office.

Scott: The attorney general's office?

Edmisten: Yes, and the one frankly that I enjoyed the most.

Scott: In those cases where you do have the discretion whether or not you want to intervene, how do you decide?

Edmisten: Is it something that nobody else can handle? Is it something where some defenseless person is being unfairly taken advantage of? Does the state need you to do this? Is there eminent harm coming from somebody somewhere? When Roy Cooper was asked to intervene in this Duke lacrosse case—before the attorney general of North Carolina could prosecute something he's got to be asked by the local district attorney to do it. And also before the SBI [State Bureau of Investigation]—which is under the attorney general, that's a very powerful agency [to conduct] state driven investigations, extremely powerful—but they have got to have a request by some local law enforcement to go because you know the state police out here running around and the attorney's got to have some discretion there.

I used to ride with them a lot. I had a car that had more buttons and radios and stuff on it that I can probably send it halfway to Mars. My call number was 1100. I spent a lot of time in law enforcement because my background was in law enforcement from my father and my brothers. It was a hard job but an enjoyable job. Then, you know, here we're headed toward governor in '84.

Scott: When did you decide that you'd be running?

Edmisten: In those days, back when I was first attorney general, the governor served only one term. Well I think it was in 1980 that Governor [James] Hunt got on the state ballot a constitutional amendment to change the term from one to two. I know that Senator Ervin opposed it because he thought that one term is enough. A great history of me and Governor Hunt, I got along with him even though we were totally different people. See, the attorney general is separately elected. People always used to think, well, you work for the governor, don't you? No. You have what you call the council of state here. The council of state are all the elected officials—attorney general, secretary of state, labor commissioner, insurance commissioner, state auditor, lieutenant governor, superintendent of public instruction, nine of us all together, separately elected. But the one who works the most closely with the governor is the attorney general. Sometimes the governor wants rulings that you can't give.

There was tension there at times. One time I remember the governor wanted to form a department of public safety and crime because in those days the governor didn't have any law enforcement under him. He wanted to create one. He sent some emissaries over to see me while I was head of some agency. He said the governor wants the SBI to

go under the new department of crime and safety. I just flew—I said, "You go back and tell the governor that I absolutely will oppose that every step of the way. I'll fight it on every courthouse step. I will tell the people of the state that he wants to create a police force." I won that one, and lots of things like that. It would take me 20 days of interviewing to go into all the things that I did when I was attorney general.

About mid-way through the second full term I knew that Hunt couldn't secede himself. Everybody in the world wants to be governor. It piled up. You used to have one term only. So they all piled up for the '84 race. I had 10 opponents the first time when I ran for attorney general. Lo and behold, 10 again running for governor. Four or five of them were nuts.

I announced and started hard and heavy. That means you don't get to be attorney general again. When you are filing in January of 1984, you are still attorney general. I had been working at it for three or four years anyway. Every meeting you go to, doing things you can do. The same stuff I had done before. I'm just rambling.

Scott: Let me ask you about the primary here. Who gets to go into the runoff in a primary?

Edmisten: Back when I ran, any statewide office back then you had to have over 50 percent on the first go around. So that makes it very—not possible with 10 people—and five of them with pretty good name recognition, lieutenant governor, the commissioner of insurance, the mayor of Charlotte who had been a senator all those years, all those folks. Everybody knew that it was totally impossible. We all knew that.

Scott: So how do they decide who goes into the runoff? I see you got 30 percent of the vote in that first primary.

Edmisten: The next guy got what, 28 percent?

Scott: I didn't see that.

Edmisten: I think he got 28, I got 30 percent. Campaigning for governor is something in my life that I'd rather just push away. It was not fun. I hated it, to tell you the truth, because you are under such high pressure. I always disliked it very much when the press rode around with me. It was just unpleasant. "Gotcha" [journalism] was just starting to happen at that time. I made speech after speech after speech. I shook hands. I probably was the last guy in this state to go out and shake hands. They don't do that now,

it's all about money. You go somewhere and you say I've got to have a fundraiser. No, I can't come unless you have a fundraiser.

Scott: How did you raise money?

Edmisten: People just believed in me. I had prison guards give me a thousand dollars in those days. That was enormous. Some prison guards! I raised for that time a huge amount of money, a couple million bucks. We won the first primary. I got the 30 percent and I think the next guy up was 28 percent or something, was the mayor of Charlotte, Eddie Knox. That means that he and I headed into the second primary.

Scott: So it's the top two?

Edmisten: Top two. And then you have all of these coalitions to build with all these other candidates. The lieutenant governor hated me because he had been under investigation by my department prior to that and he always said I was out to get him so—

Scott: He wasn't going to join your coalition! [Laughs]

Edmisten: No, no. Senator Lauch Faircloth, by the way, was in that race. He was a Democrat then. He came in third. Then the lieutenant governor was four or five. He had been tainted by all these investigations. You had the primary in May, the first Tuesday in May. Then you had one month until June, a month later you had the second primary. God it was bitter. We even had times when some of my supporters got in fights with the Knox crowd. One time I was up in Asheville and I came back to the airport to get on the plane. I campaigned on a plane, a little Barron. I noticed some kind of a scuffle out there. Well some of these Eddie Knox people got out there to heckle me and one of them punched one of my fellas and they just got in a regular fight whacking on one another with posters and signs and this and that. [Scott laughs] The SBI always traveled with me. I said "I think I better go in there to the bathroom and you go out there and diffuse that." He got out there and got that straightened out and I said, "Let's get out of here."

That year we had a couple of near misses with the wheels not coming down on the plane. I lost my campaign manager in a plane crash. This is in between the first and second primary. I lost my long-time campaign manager Charlie Smith.

Scott: He passed away in a plane crash?

Edmisten: In a plane crash leaving Asheville. The plane had five people on it. They had been at a fundraiser up there when I was in Charlotte. They took off. The

pilot—we had leased the plane—thought he was cutting off the landing lights. He cut off the engines. The plane crossed the road and crashed, falling on the tail. He was in the back. They got him to the hospital. When I heard about it I rushed from Charlotte to Asheville. My agent was doing 100, 120 [miles per hour] with the lights on, going crazy. He got up there because they didn't say that Charlie was going to die but I got up there to the Hendersonville Hospital outside of Asheville. I walked into that waiting room and this doctor walked out and just in a manner that I have never found anybody to be that cold, said, "He's dead." I said, "Doctor, what, what?" He walked away. I never got his name, it's always haunted me. Here's my man, and I'm two weeks away from the second primary. I was so badly shaken up that I had to take two days and just go home absolutely—I remember the press had always liked my manager. Charlie Smith had been around for years. They eulogized the guy and then I got back out on the trail for the next two weeks. I remember we did a memorial for Charlie over in the [state] capitol and I just broke down all to pieces. I couldn't get it out.

Then we had the second primary and I eked it out, by either 51 or, what did it say?

Scott: Fifty-one, almost 52 [percent].

Edmisten: Fifty-two. I eked it out on him. The night of the victory I remember I was over at my hotel and I called where he was to say, "Eddie, I want to thank you." He was not cordial at all. Very mad. In the meantime Governor Hunt had been running for the U.S. Senate against Jessie Helms that same year that I ran. He lost that fall. When I beat Eddie Knox, Eddie Knox had become very mad at Jim Hunt. He thought the current governor, the sitting governor, should have endorsed him. That was a stupid thing to think because I had as many people of Governor Hunt's team that were for me as there were for Eddie Knox. It was stupid. I never asked Hunt to endorse me. That's impossible. He was running for U.S. Senate. I offered to help Eddie Knox raise some money. Jim Hunt made some overtures. Eddie Knox was madder at Jim Hunt than he was me. So Eddie Knox joined up with my opponent, he picked sides and endorsed Jessie Helms, my opponent, because he was bitter. Not many people have much respect for his politics now for doing that. Both Jim Hunt and I ended up losing in the fall. I lost worse than Hunt did because the Eddie Knox people would never come with me. I couldn't battle for independents and Republicans because I was trying to get those people. The governor thing was not good.

I had a really hard time when I lost. Real hard time with it because it's hard for the average person to understand right now that you put your whole life in it, you have devoted years to achieving this and you don't win and you feel like you let down a lot of people. For about two or three months I couldn't walk past the capitol, I was so upset. We

had bought a little building over here, a nice little building. I went over there immediately and I started practicing law. In North Carolina if you don't win for governor, they're not too good to you. You've got to force your way back in to society and the political world, which I did, after I got over my grief. I just popped right back up.

Scott: Let me ask you something that I like to ask people who work in politics. How have you personally balanced your personal life with your public life and the demands of being in public office and running a political campaign? How do you balance that with being close to your family and finding time to spend with your family?

Edmisten: You don't. Linda was not particularly fond of my running, but she was magnificent on the stump. She's a real articulate, beautiful woman. And smart as hell. She would appear at forums for me. She formed a historic preservation crowd that was for me. We didn't have any children. I don't recall in one year that I ever had a sick day. You just couldn't do it. You couldn't be sick! I was doing something every day. I was on that plane or in a car going somewhere and you didn't do as much. Nobody who is running for something can really continue doing their job full time anyway. You've just got to let the other folks do it. They understood that while you are running for governor and you're the attorney general somebody else is doing most of that work for you because you're—it's hard to admit—but you're essentially campaigning on state time. I don't want that statement taken wrong, but it's just the way it is. You continue to do your job. I was in contact with my staff at all times. You forget, it's so intense running for governor in this state, and now anywhere, that you forget the things that are important to you. You never get to put your hands down in the dirt, like I did when I was attorney general. I gardened a lot. That's one of my big things. You keep in mind that your head is so focused on "I want to be governor" that you will do virtually anything that you have to. I know that for one solid year I decided, "Okay, I'm not going to drink any whiskey because I can't afford for my mind to be cloudy." And I never did for one year. I made up for it!

Scott: [laughs] In those months after?

Edmisten: Oh yeah. I made up for it. It's hard work. You see these smiling faces out there. I want to tell you one time—I'll never forget this either—I was over in Durham after I had won the primary. I don't remember who had got me there but I went to this local chicken slaughter plant. This literally happened. I went through there and this guy with one of those chain gloves that's made out of steel because they are afraid they'll get cut. I saw that hand coming toward me and it was like I knew he was going to cut me if I did it. But if I jerk away this guy's going to—he wants me to suffer because he is in there in that chicken plant with guts and stuff all over the floor. Smell awful. Yeah, I take his

hand. It cut me obviously because it's made out of steel. I had them rush me over to the Durham General and got a shot.

Scott: Because of the birds.

Edmisten: Yeah, it could have been anything. That guy, I could see in his eyes, not the hatred of me but "you got this suit on buddy and you're walking in here and I'm working in these guts all day long. I'm going to show you what it's like buddy." He put that hand out there and I knew what was going to happen. He squeezed it. [Gasps] I remember that. I said, "We need to go get a shot." And we did.

Tough stuff. The toughest thing I ever did was run for governor. Then you have the loss and I think my political history is over. You can either stay there and wallow in your own problems or you get out of there. I remember the first political meeting that I went to about a month after I lost. "By god, there is Rufus Edmisten." Money is the thing. I owed money. When that race for governor was over, I almost owed $250,000 notes signed by me, my family, and a number of my friends who each pledged for $10,000. I'm the only guy in history who paid back every dime. I spent a year—I had a Christmas party one time after the election and people came in and they brought their pennies, they brought their sacks of nickels and dimes.

Scott: It's like that scene from "It's a Wonderful Life" when the town comes in and helps them out!

Edmisten: There they were. I would go to places and raise funds. I remember one time I went to this little place in Stanley, North Carolina. I had these guys that were good friends of mine. We were at this steak house in Stanley. Here I'm trying to raise a little bit of money. A steak house, when you owe money, is not the right place to go because I was paying for the food. It should have been something like nachos, and stuff like that. [Scott laughs]

The two of the biggest boys in Gaston County are at that thing. They eat a side of beef a-piece. I come back owing $27 and even taking something up there to auction off! I still came out in the hole. Twenty-seven dollars! [Scott laughs]

Other people paid, I cleared that up. When you lose, try to raise money then! You're not worth anything to anybody! [Scott laughs]

Scott: Let me ask you about something that got covered a bit in the press at the time you were running. I don't know how much of a factor it was while you were running, but I'd love to hear your opinion.

[Side conversation]

Apparently over the course of this campaign, you went in during one of these stops and said something about being sick of eating barbeque. Can you tell me? This is something that happens to people all the time and then gets caught up by the media.

Edmisten: Well it gets more and more and more and more.

Scott: So what happened?

Edmisten: Bring the Bob Gardner barbeque book back here please. It will be up there, Bob Gardner. So the staple of food in North Carolina is what? Barbeque. You got east and western, you don't take sides or you get killed. You've got vinegar based in the east. Out west it's more of a ketchup, tomato based, different kinds. I'm out at a forum. I'm at a forum at the North Carolina Recreation Association and I give my speech. After it's over with, somebody said, "You get enough barbeque to eat?" I said, "Matter of fact, I'm sick and tired of it." I said, "I hope I never see another bite in my life." I was kidding! Firestorm! [Scott laughs]

Next day: "Edmisten Attacks Barbeque." [Scott laughs] I get a telegram from my manager, Wilbur Shirley, who says, "Have you lost your mind?" NC pork producers sent me a note saying, "We're through with you."

Scott: This is getting serious?

Edmisten: This is getting serious. So I call a press conference and I said, "I know I said something that was intemperate. Obviously, the devil made me say that. I have already been to one of these things you call an exorcist. I have been to one of those fellows and they have exorcized me out of my demonic notions about barbeque. I'm back on barbeque at least three times a day." Wherever I go now, a few of the old timers, it's like the day I judged the barbeque cooking contest for the Board of Governors barbeque bash. They say, "Guess who's judging barbeque down there!" This guy here, Bob Gardner, and every book that's been written about barbeque.

Just start right there: "While barbeque serves," start right there.

Scott: "While barbeque serves a useful political purpose it can also be taxing on the body and soul over the length of a campaign. Rufus Edmisten, a mountaineer, admits his 1984 campaign for governor began to skid after he was overheard calling barbeque 'that damnable stuff!' Some 30 years … no man has ever been elected governor of North Carolina without eating more barbeque than was good for him!" [Scott laughs] That's great.

Edmisten: So it's a standing joke. They still write articles about it. I got one right now that I saw yesterday about that barbeque thing. Cut that off and I'll go get it for you, the article.

[end recording]

Scott: One interesting thing about this article, which is really well-written, by Jim Jacobs, he does talk about the changing political climate in North Carolina during the same time that you are running for governor. In the 20th century, [James] Martin is only the second Republican to be elected governor. The politics of the state are changing at this time. What was going on?

Edmisten: It used to be that if you got the Democratic nomination, you were governor. The other time was in 1972 when McGovern was on the ticket. It just messed up things so badly. My colleague from Boone, Governor Jim Holshouser ran and won. It wasn't supposed to happen. I think that he was more surprised than anybody else that he got it. He's a nice guy, a good friend of mine now. Things were changing.

In 1984 Jesse Helms that year came ripping through North Carolina. We had Walter Mondale on the ticket. North Carolina was getting more and more conservative. Walter Mondale was seen as extremely liberal. I remember being co-chair of the NC delegation, the convention delegation out in San Francisco, and people here saw a lot of things out there happening that people had different lifestyles out there. One time my mama, I talked to her on the phone and she said, "What are you doing with those kind of people?" She saw something in the background where guys were holding hands and things like that, kissing. Just strange stuff to her. It was changing, and combine that with Ronald Reagan taking the state by almost 60 percent, I think, it was just a phenomenal amount. If Jim Hunt, governor for life, could not win, then I couldn't win.

This state was changing. The state is changing more and more. Right now you have four Republicans in the statewide office. The majority of the supreme court is Republican. The legislature is overwhelmingly Republican. The senate is veto-proof and the house almost, unless Democrats join. I think it will pretty well stand that way. We

have a governor's race right now that is very—I guess at the time when we finally get this thing done we'll know that it seems to be trending more and more and more toward—it was changing back when I ran. The old Democratic Party no longer exists. The old Republican Party no longer exists. That's nationwide. I lament that fact because it doesn't allow for any kind of cooperation. I think we discussed this in an interview about how people could get together and not be condemned. Now you get primary opposition if you say that you want to work with somebody else of another political persuasion. North Carolina has definitely changed. Of course I hated being the one to lose. It's a hard pill to take, but you get over things. There have been a lot of bumps in my life but it's all how I've handled them.

Scott: You paid off your debts and you were in private practice for a few years, but then you ran for public office again.

Edmisten: Yeah. Well my old friend, Thad Eure, who had been secretary of state longer than I had lived, he had been secretary of state for something like 52 years and when I ran for secretary of state I was 48. I think he was one of the founding fathers. He never made any mistakes about barbeque like I did! [Scott laughs] Plus I was only kidding, but I can't convince them to this day that I was only kidding. It makes too good of a story to say otherwise. Then I got back on the barbeque circuit again and got the nomination in 1988. I had been practicing law and lobbying a little bit and unhappy, not happy with what I was doing at that time.

I got the nomination. I beat three people, one of them is now Congressman Brad Miller. I think I won that primary by about 65 percent. Then I had a Republican opponent who was getting closer and closer to winning. He had a lot of money. We used to kid. I didn't beat him but by about 51 percent or something like that. Then secretary of state was a totally different role. You didn't make things happen like you did when you were attorney general. However, I took the office and I made a lot of different things. I got to regulate securities. Not that Mr. Eure didn't work hard, he was a wonderful man, he just did things the old fashioned way. I modernized the office. I became the vice chair of the economic development commission and traveled the world. The secretary of state's office has more to do with business than any other thing it does because it grants all the corporations and the filing of the UCCs and that sort of thing. It can have a lot to do with economic development. It regulates securities, ponzi schemes. I did those things. Obviously, having the experience of being attorney general, so I got to where I was enjoying that job. I traveled all over the world. The second term comes in '88-92 and you know we are getting to the bad part here? It's '92 and we're going along and then I had made some bad choices—I got everything I wanted past the legislature. Every single thing that I went for, I got done.

Scott: So you were drafting legislation?

Edmisten: Oh, yeah. We got all kinds of legislation passed to do different things. I was so perfect for the job. I had been attorney general, candidate for governor, etc. And then I'm going to admit on paper here that that old disease that gets people in politics, hubris set in and I hired some people that I shouldn't have hired. I was doing too much, letting it be a place where people in the legislature could tell me to hire certain people. I let too much of that happen.

Mind you, I'm taking the credit for some bad things that happened while I was there. There was a whole series of articles about that I had abused the office. I had people working at my home, that I had hired too many relatives. There were innuendos about this nice little girl who is still our family great friend. This was getting near the end of the term so they commenced an investigation on me from the old agency that I used to head, the SBI. Of course I was living in absolute misery hoping I wouldn't wake up some days because here, after this long career, the agency that I used to operate is investigating me. Thank goodness after several months of that I had a letter from the district attorney, and I carry it in my briefcase all the time, that said that after all this investigation, hours of investigation, so many agencies doing this and that, the district attorney finds no evidence of any criminal wrongdoing on the part of the secretary of state's office. With that I decided I wasn't going to run again. I'd already decided I wasn't going to do it before any of this happened because I needed to get out and make some money. I said "I'm just through with this." I actually left office in 1996 so that they could have a clear shot of somebody else doing it. I was extremely unhappy. I felt disgraced. I felt that I had let down my family, everybody. The thing about it though, I remember leaving that office on a Friday afternoon and with the strength of my dear wife, I opened up on Monday an office immediately.

Scott: A private practice?

Edmisten: Right over there in the Raleigh building. Here you had gone from being all those things in Watergate, you'd gone from being attorney general, candidate for governor, secretary of state, having the nomination—no other person in history had the three nominations. Lot of them had more offices than I did, but not the nomination for three of them. And then you are walking out of that building over there. I remember having an interview with Steve Ford in the *News-Observer* and I said, "You know there is no longer any room for characters in this business." He wrote a long article on that.

Scott: What did you mean by that?

Edmisten: In my public office I was always a character. I was always doing things that were not the usual person that is totally programmed. If I wanted to do it, I did it, sometimes with not too good of consequences. Then you have another one of those real dips in your life. I'll admit this was the worst one. But you know what? When I left I knew, Katherine, when I left that Friday, I remember the day. I remember the circumstances. I told my office goodbye and I said, "I'll remember all of you. Thank you." The governor appointed someone to take my place. I said, "This is not going to whip me. This will not whip me." So like that note from Bill Clinton that I showed you, that's what he was talking about. It was many years after that. He just gotten all messed up and he was talking about himself. It's not going to whip me. I said, "I think I have enough friends who will stick with me." I convened my core people together, I got about 20 people together. Immediately some of them started getting retainers for me. Within two weeks I had General Motors and Philip Morris as clients, making almost twice what I had made as secretary of state.

It took a long time to get over this. I again had to go back out and prove that "you can't keep this boy down." That was the hardest point of my life. That was the biggest challenge of my life, except whipping Guillain-Barré Syndrome, which last Thursday was five years ago. I'll tell you about that in a minute. My business just kept growing. I moved out of over there into a place that I had bought over here and still own. I bought this building. It's paid for. I have a thriving lobbying/government affairs office. I'm still very involved in a number of things. I've made more money than a person should. I'm very involved in the political life of the state, not as much partisan as before. I have a show out here that is called "The Weekend Gardener," quite often. It plays for 3 hours on Saturday morning. I appear in something called NC Spin, which is a TV program of current affairs and it's a non-rehearsed show about current events.

Scott: Mainly state-related?

Edmisten: Mainly state-related, sometimes national, but mostly state-related. I have the [NC] State Capitol Foundation that I have been a member of for almost 25 years.

Scott: How about Super Kids?

Edmisten: That is next. The Extra Special Super Kids will have its 18th season this year. It is the thing in which I am the most interested of all my charities because it started out as a Rufus Edmisten birthday party every year. It was actually a fundraiser. Once I was out of public office, I said we can't let this go because I still have, thank

goodness, a great and devoted following of people. We decided to make it a non-profit for kids who have overcome a tremendous amount of adversity in their lives. We say, if you stay straight, graduate from high school, we'll help you go to college.

It started in a very funny way. I was sitting at my desk in the secretary of state's office one day and I got a call from a principal that I had known throughout the years, Johnny Shepherd in Kinston, North Carolina. He was the principal of the state's poorest elementary schools, there in Kinston, North Carolina. Very, very poor kids. He said, "I got a real problem." I said, "What's that Johnny?" He said, "Tomorrow our group was supposed to come to Raleigh and somebody stole our bus money." I said, "Johnny, what is your group?" He said, "They are the extra special super kids." I said, "What does that mean?" He said, "Well, they have done something. They come from single parent families and they've overcome adversity and made good grades. One guy found a ten dollar bill in the hall and turned it in." I said, "I wouldn't have done that." I said, "Johnny, give me about ten minutes and I'll call you back." I picked up the phone and I called 3 of my friends and I said, "I want $100 from you, $100 from you, $100 from you." I made up $400 and I asked one of my boys—I guess they'd put you in jail for this today—one of my agents, I had sworn agents when I was secretary of state. It was all that hubris stuff. I sent the car down there with the money and they got their bus back up and came up here.

In the meantime Johnny had sent me the names of the kids because I was going to do a little surprise for them. We made up certificates to say that they were extra special super kids. It was on good parchment paper. This was good stuff. They came up here, I met them, too. I had an office in the capitol, which you'll see in just a minute. We went into the house chamber and these are, mind you, middle school kids. They had coats on that were six inches below their waist. They had shoes on that were way too big. They all dressed up. It was a big day. None of this sassy, nasty stuff. There were about 21 of them. I said, "March down this aisle here and I'm going to hand you this certificate and you shake my hand with your other hand." There were hands going every which way. I'd call the names and they'd walk down the aisle. Then I called up a buddy of mine who owned a Hardy's franchise downtown. I said, "You are going to feed 21 kids at lunch, and for free." He said, "What?" I said, "You are going to feed them."

So that was the genesis. I decided that that program made kids so proud, I started statewide and we've had a program for 17 years where we have kids who are chosen by their teachers and their peers. They have all overcome some kind of adversity, some of it really bad, parents being killed and all kinds of things. We lose a couple here and there. But we say, "If you stay in school, you stay straight, we'll help you go to college." We

can't pay the whole tuition but I do a lot of job hunting, leveraging, and we have about 27 very good stories. One of them is a dentist. One of them is a pharmacist.

We hold our annual gathering on the 4th Thursday in October at the Farmer's Market restaurant. I really put the heat on people to come. We raise about $40,000 a year. How far can you go with that? It's amazing what I do with it. I'm very, very, very proud of that. We've got a principle of over $400,000 that we don't touch. That's the—here I'm a lawyer and I can't even think of the word—that's our safe money. We don't touch that unless we have to. I worry about the thing continuing because I won't be here forever. The director is a wonderful man named Lloyd Hunter who is older than I am. That is a great pleasure to me.

I have the best life now that I've ever had because I have done these things. I can give the best speech on hubris that you've ever seen in your life. I've done all those things. I don't want to have to do them again. Providence, luck, fate, has a lot to do with everything in anybody's life. I don't want to go back and re-do any of that stuff. I would not do some of the stupid things that I've done. But the big lesson is that you are not going to keep me down long.

What about got me was five years ago, August 21, five years ago, I started feeling bad, like I had a horrible cold or something. I know it felt like the worst hangover I had ever had in my life. I hadn't had a thing to drink. I got to the top of these stairs up here in my office and collapsed. I went down to see my doctor who is just down the road and he said you've got Guillain-Barré Syndrome, which I had known about it. It's a horrible thing. It shuts you down, paralyzes you. So they rushed me to Rex Hospital where for one week they changed my blood, they gave me these treatments of hemoglobin, I think. Then I went through two, almost three months of rehabilitation to learn to walk again, talk again, it almost paralyzed my lungs. That was the most severe crisis I ever faced despite all that stuff. Here I am. So there you go, there is life. And there are many more adventures down the road, I'm sure. One of them, I won't be running for public office. Too nasty now, far too divisive. I've probably been vetted more than anybody.

Scott: What do you think are some of the biggest changes that you've seen in politics during your political life?

Edmisten: The absolute nastiness of the folks that are hired to destroy reputations. Both sides using the "dirt researchers" I call them. Consultants have totally ruined lives. It's not reality. It's not reality. It has taken democracy away from people. The worst decision ever handed down, next to *Plessy v. Ferguson,* was *Citizen's United,* which has altered totally the scope of America. If you are rich you get to buy somebody.

The biggest problem I have is that Congress is mainly bought now. I'm talking about your institution now.

It's mainly bought because most of the time those people who get huge contributions do the bidding of those that give them the money. As I said, *Citizens United* either has to be overturned or another Watergate is on the horizon soon. There's no question about it. You start back with Watergate and all the things that led up to it. It all comes back to lots of money lying around. I remember one time I questioned Maurice Stans and he flipped off $1 million like it was nothing in the Watergate hearings. Huge amounts of money. I think Woodward and Bernstein recently wrote their article that said we're back where we were. It's worse than we thought. Very few of the Watergate things are around except the Freedom of Information Act has worked pretty well. They'll drag it out on you but that's one of the results of the Watergate hearing and some of the other things that were mentioned in the Katherine Scott book.

Scott: [laughs] This is turning into a plug for my book—I love it!

Edmisten: [Laughs] It's been a good life, warts and all. Ringside seat and the question is, what's next?

Scott: Next year, for example, is the 40th anniversary of the creation of the Senate Watergate Committee. I know this won't be the first time that you've participated in one of these Watergate commemorative events. Back here you've got a really cool signed thing that is an invitation to come back in 1992, to bring all the characters back from the Senate Watergate Committee and just talk. I know you've done these before. One of my questions is, what are the lessons from Watergate that you want to keep reminding us of?

Edmisten: That huge unaccountable globs of money corrupts. As Ervin said, "Power corrupts, unless it's checked." That you cannot give government officials unbridled power because human nature is designed to control information to make yourself look better. Were it not for a goodly number of public servants, the press, independent groups like the ACLU, and other interested groups, then we would have a very different form of government now. I fear that we're headed, in the wake of *Citizens United*, that we are headed towards a plutocracy where the moneyed interests are going to control about everything. I remember back when I first ran for attorney general, a $50 contribution was really big. I was so happy about that! That was big money. And little people giving you money. I would have people send in $4.50 and things like that. Now, really, between the bundlers—the people who collect all the money and then go get credit for it—the little guy has no voice whatsoever. It's a charade. It's all about TV, the social media, who is going to listen to any kind of speech somebody goes out and gives now?

The lessons are this: you have to control the unbridled amount of money or you lose democracy. You have to make sure that you don't bridle the press because as much as they have annoyed the hell out of me over the years, they are sometimes the only way to let people know. There seems to be now, even if I say it and I know it's not true, if I just keep saying it, it will become true. Both sides get by with that. If you say it long enough, it becomes the truth.

I can give you examples on both side right now, it's ridiculous. There's this ad that the Obama folks have put on there about that woman dying. That's very tenuous. The absolute crap that Obama has now done away with the work requirement. That's silly! The governors, and most of them Republican, asked for that waver so they could do what they wanted to do. Obama deferred to local government, is what he did. I'm just listening to some of the things.

We're very excited about the 40th anniversary of the beginning of the Ervin hearings. We'll gather up a lot of people. The North Carolina museum of history is going to have something on it. We hope we can have some seminars and things that will interest the public.

Scott: Do people still have a sense for Watergate, do you think? When you talk to groups, how do they respond?

Edmisten: They do, if they are old enough they do. Even now, if history is taught to any degree whatsoever, even if it's from young people, but anybody who is over 50 years old and especially people who were in college, always remember Watergate because they say, when we got out of classes the first thing we did was go to the TV room. I remember when I was in college, you had a TV room, you didn't have TV in your own room. You didn't have a telephone, you had a pay phone in the hallway. Everybody that I've talked to says, "When we were in college that was our entertainment." It's amazing—I've talked to you about it before—average people were watching it. You had mechanics, you had others, being able to talk about Watergate. Nothing since can touch it. Every time they've had one, I remember my friend Fred Thompson and Senator Glenn tried to have a biggie about government intervention, but that didn't work. Iran Contra hearings looked like a convention of clowns to me rather than a hearing. They had so many people back behind the stage it looked like a bunch of owls looking out of the holes from a tree. That was a colossal failure.

Scott: Do you think Congress is capable of having an investigation like Watergate?

Edmisten: Not with the bitter partisanship that you have now. I don't know of another Howard Baker today that you could have where you had a party of the opposite of the executive branch. There were several Republicans who tried to stymie the Watergate hearings, but Howard Baker said, "No, you have to go where the truth is." I don't think you've got a Howard Baker today with the courage to do it. And whether they would do it on the Democratic side or not, I don't know either. I doubt it the way everything is so polarized. Different era, different time. Certainly there is no Senator Sam Ervin!

Your book best describes what brought all this on. There has been no event in government history that is any more important than Watergate because it took down the first president to ever walk away from there. It got the first president served a subpoena and the Supreme Court to say to the president unanimously that you can't yell executive privilege to cover up criminal activity. That's pretty heady stuff.

I think some bad stuff came out of it. I think that special prosecutor act was not like we wrote it, I can tell you that. The way that thing evolved, you had both sides out there running down people. That Whitewater thing was a disgrace. I'm no admirer of Ollie North, but that fellow who chased him all these years and spent millions of dollars. Ken Starr is a disgrace. Those things where you take people and you give them an unlimited amount of money with no ending date on it and tell them to go out and spend. They went out in Arkansas and put their children in school and joined clubs and this and that because they were after Bill and Hillary Clinton. And just as bad on that guy who was after Ollie North. He spent millions and millions. Congress has got to understand that you turn people loose like that and they've got to keep something going.

Scott: Is there anything that you think we ought to have covered that we haven't discussed?

Edmisten: When I read through this someday there will be about 15 million things that we should have covered.

Scott: We'll have an extra interview at the end.

Edmisten: I wonder what this was here [reading]: "Will judicial independence in North Carolina become the something dream?" I don't know what I wrote. I put it in the record, but I don't know why.

Scott: It was important.

Edmisten: It must have been.

Scott: Rufus, I want to thank you sincerely for spending this much time with me. It's been a real pleasure. You are a fantastic storyteller [both laugh] and we have learned a lot about the behind the scenes work in the Watergate Committee that we did not know. That's an important part of the institutional history.

Edmisten: I want the Senate Historical Office to know what staff people like me were doing during all these times, the tumultuous times, because we all know my having been a staff person and having been elected, run, eleven times, it is the proper staff that makes us get something done or maybe not done. When somebody's not elected because of bad constituent service, it's because the staff is not involved. That's why in any of my offices I had a rule that you are going to answer any letter that comes within two days. You know I'm using the term "letter" now. And you must answer the telephone that day. Now with advent of all this email stuff, I don't know what they do now.

I also want the Senate Historical Office to know that we had fun back in those days—a lot of fun! I think I told you about these parties, these grand parties of Senate staff. Fun times, there would be 300 or 400 people there. We would take buses to the races in West Virginia, just all kinds of fun, fun things.

Scott: That's what members lament now, the passing of the time when members and their staff would spend time together. That's staff from both parties, right? Getting to know your counterpart.

Edmisten: He shall remain unnamed, but there is a senator with whom I served in one of my state offices who is up there right now. I saw him about a half a year ago, he said, "This place is crazy. I don't see anybody. I walk from here to the floor. I go home on Thursday. I don't know much of anybody. No, we don't socialize." I told him what we did back when I was there. Oftentimes Senator Ervin would take us all downtown, he loved to eat at this Chinese restaurant downtown. He just loved it. Not a lot of that happens that I know of because they are having fundraisers. Nobody has fun. The other day I had the grandest time. I went up to see two of my friends, Congressman Walter Jones, Jr., and Congressman Howard Coble. We were just having fun, the three of us. Now they are Republicans, but we were just having fun and they are like that.

Scott: Let me just thank you for everything. It's been a lot of fun and we've learned a lot. We can always add more to this interview if you think of something as you

read through our transcripts that you'd like to add. Of course, our office is always open to you so you can come by and add something any time you like.

Edmisten: Thank you very much. I want to thank the Senate Historical Office for allowing you to let me ramble on. The word you use is "gab?"

Scott: You like to "gab." You are a good "gabber."

Edmisten: Yeah, gab. Thank you Senate Historical Office for allowing me to get a lot off my chest.

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