

An Oral History Interview with  
**JOHN DOAR**

Interview by Timothy Naftali

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MR. NAFTALI: I'm Timothy Naftali. I'm Director of the Tamiment Library at New York University. I'm the former Director of the Richard Nixon Presidential Library and Museum in Yorba Linda, California. And it's January 24th, 2014, and I have the honor and privilege to be interviewing Mr. John Doar for the Richard Nixon Library Oral History Program. Mr. Doar, thank you for doing this today.

MR. DOAR: Fine.

MR. NAFTALI: Well let's start by situating ourselves back in '73-'74, and please tell us how you came to be hired as counsel to the House Judiciary Committee's impeachment inquiry.

MR. DOAR: Well, I had been working since 1968 in Bedford-Stuyvesant. When I was in the Justice Department and decided to leave, Robert Kennedy asked me if I'd go up to work on this project in Brooklyn and I thought about it and decided I wanted to do it. And so my family and I moved from Washington to Brooklyn in 1968. And it was in 1973, in December, I believe, I'm really sure of it that someone from the Yale Law School, and I think it was the dean, but well whoever it was I didn't know him, and he said, "I've been asked to ask you one question." And I said, "What's that?" And he said, "If you were offered the

job of Special Counsel to the Judiciary Committee investigating President Nixon, would you do it?" And I said, "Yes." And he said, "That's all the questions I've got for you," and that was all he said. Then several days later I got a call, I think from Francis O'Brien, but I'm not sure, and asked me if I'd come down and speak to Congressman Rodino and I did.

MR. NAFTALI: First of all, I'd like to ask you had you followed the Watergate Investigation, you know, when you were in Bedford-Stuyvesant? Had you sort of followed it in the papers? Did you have some ideas about it?

MR. DOAR: Well, I'm sure I did, but I don't remember anything about what I thought or what I learned or anything. I just have a -- working in Bedford-Stuyvesant was almost like you had dropped off the face of the earth with respect to your acquaintance with friends or with the public. And so I had this six months, six-year interlude in central Brooklyn, and this was a pretty isolated tenure.

MR. NAFTALI: Perhaps you might, just for the sake of context, tell people a little about the project, the Bedford-Stuyvesant Project.

MR. DOAR: In 1967 or 1968, President Johnson's Poverty Program had been in effect for three

years, and Robert Kennedy expressed to me that he didn't think it was getting anywhere. It was only benefitting the people that ran the programs, and not the people who were supposed to be helped by the programs. And he had thought about it and decided that what would -- what was needed was a partnership between the leading business people in New York City and the community leaders in Bedford-Stuyvesant, with the understanding that the community organization would make the decisions on what to do. And once they made a decision on what they would like to do, the business people would help them go about doing it.

And although this was never said to me, Robert Kennedy must have believed, and I'm speculating, that he was the Senator from New York who's had the opportunity to influence the federal government on supporting Bedford-Stuyvesant. So that was the theory, that was the concept.

And the two corporations were separate corporations; a community corporation and a business corporation. Frank Thomas was chosen to be president of the community organization. I was asked to be president of Bedford-Stuyvesant Development Corporation. Each corporation had their own board of directors, but they worked pretty well together,

although, sometimes it was difficult to know exactly what everybody wanted to do.

MR. NAFTALI: And now why was Bedford-Stuyvesant selected? Why was Brooklyn selected and not Harlem as the location?

MR. DOAR: I don't know. He, Senator Kennedy, had a couple of young people who worked for him, but I don't know why it was selected, except to say that Bedford-Stuyvesant was a unique place because there you had in a limited area, 400,000 Blacks and Puerto Ricans, and things were bad out there in many of the areas, and it looked like an opportunity to test an experimental program in a defined geographical area.

MR. NAFTALI: Now, and you've been there probably about four years right?

MR. DOAR: Well, I thought it was six, but ...

MR. NAFTALI: No. Or but you started in early '68, right?

MR. DOAR: Right.

MR. NAFTALI: And so yeah, five years then.

MR. DOAR: Yes.

MR. NAFTALI: '73. How had it -- what did you learn? How well did the experiment go?

MR. DOAR: Well, I learned a lot, and I didn't know anything about the big cities, problems of race, when I came to Brooklyn. I thought that if you looked at the area, that it was a very attractive area in many of its -- of parts of it, that there was very good housing, five-story, four-story houses in Brooklyn. And that it seemed to me, because I came up to Brooklyn, and went off to Brooklyn and looked the place over by myself, before I said, "Well, I can do it." But I thought that there was construction going on, and with high, high level housing, and I think, but I'm not sure, that I formed a conviction pretty early on that what was being done and with respect to race in the big cities was that the white leadership believed if they - that's the Blacks - just had a clean room to live in, everything would be all right for everybody. Didn't make any difference who built the building. Didn't make any difference in who worked on the building. It didn't make any difference who made the money on the building. But if they just had a clean room, it would soothe the problem and of course that made no sense at all.

[TIME 0:10:11]

MR. NAFTALI: And you also -- the role of the corporations was that you were also creating jobs

too for it, right?

MR. DOAR: Well, I would not want to make a big thing out of that, you know? We were successful early on to get IBM to go out and put a plant there, but that was just one plant. And we were successful to get a couple banks to go out there and open branches, but we didn't get a rush of operators to go out there and bring their talents to reconstructing or rebuilding Bedford-Stuyvesant.

MR. NAFTALI: So and in 1973, as you're about to move on, were you optimistic about the future of Bedford-Stuyvesant?

MR. DOAR: Well, when Robert Kennedy was killed, you see, the project changed; that was there just was not the power to get things done that existed when Robert Kennedy was alive. He was an extraordinary leader as far as working with people that worked for him, and of course then he had the call to being a Senator from New York. And when he died that all left, and so things moved slower and required some of the directors, or one or two of the directors that had been fairly active to take more of an active interest and push the programs. But I would really think that you got to say that things slowed down as far as accomplishing anything, because of his death.

MR. NAFTALI: And that's a very tough initiative then if it's a project that can only work if you had a powerful, charismatic senator behind it. That would make it difficult to replicate across the country or other big cities.

MR. DOAR: Well it may have, but it wasn't that you -- you had to have the power of the federal government behind you. But the concept was that you'd have two corporations; one a community corporation made up of Black citizens of Bedford-Stuyvesant, the other, a small corporation made up of very -- leadership, a leadership in New York City with respect to the city. And if you thought about Bedford-Stuyvesant, the 400,000 people in Bedford-Stuyvesant, you've thought about them, I always thought of them about a city and how we could bring all of the assignments and functions of a city to work as though -- as a sub-city in Bedford-Stuyvesant.

And so we worked very hard to let the Black community board realize that we were for the -- we wanted to help them and I would think in fairness to say that we got along very well. But I also think in truth that the community board would just as soon if they did it all and we weren't there.

But on the other hand, they wanted us there



because they could recognize that they needed that help. And you know, when some board members from Bedford-Stuyvesant went to a board meeting and saw the people that were on the board of the Bedford-Stuyvesant, the white corporation, they couldn't have helped but be impressed about these men because they were all doers and they were all deeply involved in New York City. I had great respect for the people I worked for.

MR. NAFTALI: Were relations with, I believe it was the Lindsay Administration, were they good?

MR. DOAR: I don't have any recollection of there being much of a relationship at all frankly. When I went to New York, John Lindsay asked me if I would let him put my name into a committee that was interviewing possible candidates for the school board and that they came -- would come out with a list of potential persons and then he said, "I'd like to see you get on that list. You won't be chosen for the school board." He said, "I've got two appointments, but I've got to make a -- appoint a ... [woman], and I have to appoint a Puerto Rican person." And but he said, "In the future you'll be there on the list then and who knows what will happen in the future?" Well, what happened almost immediately was he found a ...

Puerto Rican [woman], so he filled the two positions with one person, so he had this empty slot and he picked me.

MR. NAFTALI: Wow. And okay. And then -- but how was it -- what was that experience?

MR. DOAR: Well, it was not anything that people thought was successful. And it wasn't too long after that, a couple years, that the legislature abolished the school board as it existed and put in a whole new team.

MR. NAFTALI: Oh, well that occurred, was that in addition to the Bedford-Stuyvesant responsibility?

MR. DOAR: Yes, yes.

MR. NAFTALI: You were very busy then. How long were you in the position? How long did you have two hats like that?

MR. DOAR: It's hard for me to remember, but I would think two years, maybe three years.

MR. NAFTALI: Okay.

MR. DOAR: I was -- it was, things were resolved before the 1972 presidential election. They were beginning to come back together, so I know I was out there then.

MR. NAFTALI: What was beginning to come

back together?

MR. DOAR: Well, what I meant was coming back together, you had the unions on the one side and you had the Blacks and **Ocean Hill-Brownsville** and other places on the other side, and the unions were very suspicious of the Blacks and the local organizations. This is not the Bedford-Stuyvesant organization; it's a local organization.

And I don't know, I always thought about it and I thought that John Lindsay probably thought that I'd had this six years' experience in the Civil Rights Division dealing with Blacks, and my credibility was pretty big, pretty good and maybe they'd send me out there, that they would -- it would be helpful.

But I'll just tell you one thing, one of the members of the community board was a fellow named Al Vann, who was a very good person and a good legislator, ultimately, or (unintelligible) after that, and it seems to me as I remember, the school teachers who were the Black -- when the Blacks went out on strike, or maybe it was the union that went on strike, because they didn't like what was being done to their power.

[TIME 0:20:00]

And then they got back together for a few

days and school was going to open again, and somehow or other I was out there at the school opening. I assumed that the mayor asked me to go out there and I just understood that's what it was. And I met Al Vann in the corridor of the school in Ocean Hill-Brownsville and he said he wanted to see me and he took me into one of those mop rooms where there's a sink and a place to wash your mops out. And he shut the door and he said, "We like you John, but get out the way because we're going to run right over you if you don't." And then all the teachers went out again for 80 or 90 days.

MR. NAFTALI: Wow. Well that was before, I mean that was when the unions didn't have a lot of minority representatives in the leader ...

MR. DOAR: True. True. Well, the teachers union was a white organization.

MR. NAFTALI: Just to put this on the record before we move to the impeachment inquiry, because you raised it. Your experience in the Civil Rights Division was largely in rural, you know, I mean a lot of -- some of the challenges that the Kennedy Administration faced were in the South. They were not, with the exception of Birmingham, which is obviously a city. So you said that when you came to New York you

were really confronting for the first time big city problems, which you hadn't.

MR. DOAR: That's it, I hadn't. I grew up in a small town and I had that seven-year experience in Washington and really that was all.

MR. NAFTALI: So that Lindsay didn't understand that this, many of these problems were new to you.

MR. DOAR: Well, I don't know that he didn't. If he -- I'm not so sure about that. I think he did understand that, but at the same time, and now maybe I'm speculating, but he was attracted to the fact that I had credibility with the Blacks. And he thought that would, he must have thought that that could be useful.

MR. NAFTALI: Did it turn out that -- I mean you did have credibility with the African American community.

MR. DOAR: Yes.

MR. NAFTALI: But did that translate to you? Was it useful in New York? It must have been.

MR. DOAR: Well, it wasn't, well no because, you know, I didn't have any experience with the teachers union. I didn't have any experience with people like Al Shanker so I would say it was new to

me.

MR. NAFTALI: Well, you get this call from perhaps the Dean of the Yale Law School.

MR. DOAR: Mm-hmm.

MR. NAFTALI: Did you talk to your friend Burke? Burke Marshall was on the faculty at Yale Law at that point was he not?

MR. DOAR: Mm-hmm.

MR. NAFTALI: Did you talk -- do you recall chatting with him about this opportunity before you met with Peter Rodino?

MR. DOAR: No. I don't recall it. I don't believe it happened.

MR. NAFTALI: So the next conversation was with Peter Rodino?

MR. DOAR: Well, the next conversation was with his aide Francis O'Brien.

MR. NAFTALI: Which was Francis, Francis O'Brien.

MR. DOAR: And he, I think he called me and asked me if I'd come down and meet with the congressman.

MR. NAFTALI: What do you recall of that meeting with the congressman?

MR. DOAR: The congressman was holding the

hearing, I think in connection with the -- I think that President Nixon's Vice President had resigned and Congressman Ford was being proposed to be the new Vice President, and he was holding a hearing in the evening. I'm not sure if I'm right on that because I sometimes think maybe it would involve -- some hearing involving Governor Rockefeller, but I just don't remember. But anyway, I got to his office and went up, and O'Brien came up and said, "Well, as soon as the congressman finishes down there, he'll come up and talk to you." And he did.

MR. NAFTALI: What did he envision?

MR. DOAR: I don't remember him saying anything about vision.

MR. NAFTALI: Do you remember, did he leave to you the staffing of the -- I mean you did get some -- you did have some staffers that were already there, but you had to hire a lot of people, didn't you?

MR. DOAR: Yeah I did.

MR. NAFTALI: And did he leave that to you and say this is -- you -- or did he say I want a certain number of people? I mean, what if any guidelines did he give you regarding staffing that you can remember now?

MR. DOAR: Well, I don't remember any

guidelines he gave me and he may have given me guidelines, but I don't think so. I don't think we got into that. You're going to have to build a staff and you're going to have to do it.

And so I think sometime shortly thereafter I had a meeting with Brooks from Texas. He wanted me to show him around. It probably was in late January and I had already hired a few people, one of whom was a Black lawyer from Congressman Brooks's district named Rufus Cormier. And Congressman Brooks asked me to show him around and I took him down there and there was Rufus and another lawyer or maybe two lawyers in a workroom and I introduced the congressman to Rufus and said, "He's from your home district. He's from your district."

And when we got back to my office, without going into any detail, Congressman Brooks made it clear to me that I should never hire anybody else from his district without him putting his stamp of approval. And but then this -- so that I tell you that, but that didn't happen with anybody else with respect to hiring. And so I don't think that I got any instruction from Congressman Rodino.

I did have a strong feeling that the staff should be selected from across the country, not just



between New York and Boston and Washington. And I did endeavor to do that, to recruit fine people from different parts of the country so that we had a staff that was representative of the whole United States.

MR. NAFTALI: And it was also representative of the two political parties, the two main political parties. I mean ...

MR. DOAR: Well, I don't believe it did. I know I don't think that that -- I wouldn't have had that in my mind. I really don't. I mean when people came down there and I talked to them and I didn't ask them what party they were affiliated with. I didn't ask them about their politics at all.

I do remember that Lou Oberdorfer, who was an Assistant Attorney General, when I was in the Justice Department, later became a federal judge, that he called me and when it - well it was pretty close to when I -- was announced that I'd been selected and he said, "I've got a good man for you. His name is David Hanes and he's Republican, but he's very good and he's very careful and he's the kind of lawyer you need to support you." And that's really the only discussion I had with anybody about whether Dick Gill, or what Bob Sack's, or what Bernie Nussbaum's records were and their past lives.

MR. NAFTALI: But I'm sure you asked them if they thought they could be -- I mean you didn't -- you made it clear though, I'm sure that they had to have an open mind about the case.

MR. DOAR: Well, I don't like your use of the word, "I am sure."

MR. NAFTALI: I'm not sure.

MR. DOAR: Because it sounds like you're telling me what the situation was and I'm uncomfortable with that.

[TIME 0:30:02]

MR. NAFTALI: Okay, sorry.

MR. DOAR: But so I tell you that I don't remember if I hired people and I asked them about who were they affiliated with. I think later on we did have a rule that in my mind that I wasn't going to hire anybody that had taken an open position for or against the President. But that's as far as it went. But you can -- you've talked to all these lawyers on the staff and I don't know what they've all said, but I mean did they tell you that I was asking about political?

MR. NAFTALI: No.

MR. DOAR: Oh.

MR. NAFTALI: No, no, no. No, on the

contrary. No. My question was about how you, because I know that, I don't know, from what I've read, my assumption is that you tried to set up a non-partisan inquiry and I just wondered how ...

MR. DOAR: Well that was the Congressman Rodino, not me. He said it and I don't know who his advisors were in doing it this way, but it wasn't me. But he said, "We're going to be different. We're not going to have a counsel to the Republicans. We're not going to have a counsel to the Democrats. We're not going to have two different staffs working. We're going to have one staff and it's going to be integrated by everybody."

And some people will be picked by, come in in different ways, and some of them came in connected with the Republicans and some came with the Democrats. But I don't remember hiring anybody on that basis.

MR. NAFTALI: How did you, tell me, tell us about starting work with Al Jenner.

MR. DOAR: Well, he was a very attractive lawyer from Chicago. He was a very attractive lawyer from Chicago and he hadn't -- he was one of the leaders, if not the leader, of a prominent firm in Chicago. He had been active in the American Bar Association. And he came and he said he couldn't do it

full-time, but I don't think we ever had a disagreement while he worked there.

MR. NAFTALI: Knowing, in fact, the disagreements he had were with members of the minority members of the Committee.

MR. DOAR: Right.

MR. NAFTALI: It got very -- some of them were quite upset with him.

MR. DOAR: Right.

MR. NAFTALI: Do you know the circumstances under which he was -- how he left and was replaced by Sam Garrison?

MR. DOAR: No, I don't know.

MR. NAFTALI: Please tell us how Burke Marshall gets involved.

MR. DOAR: Well, he was my friend and I'd met him when I went to Washington and I was the first assistant in the Civil Rights Division at that time, and it was either late January or early February, and he asked me, I guess it had been the time that the President had finally had announced that he was going to nominate Burke Marshall to be the Assistant Attorney General. And he called me and asked me if I'd take him down and show him around, and I did, and told him what we were doing. And I didn't have any --

nobody made any promises to me and I didn't make any promise to anybody how long I'd stay there. I didn't have any appreciation how rigid the rule would be that you were going to put -- that persons that were chosen for political positions would be from the party of who was elected President.

But I soon came to realize that this was a guy that really had a mind and really had extraordinary judgment. And so if he said he thought we should do this, I tried to do it. If he said I don't think we should do this, I didn't resent that because I thought he knew a hell of a lot more than I knew about how to run a Washington operation.

So now I worked with him for almost four years. We never had a harsh word or any resentment. And there were times when he would say to me, you're not going to handle that appeal. Harold Greene is going to handle that appeal and it was one of my cases. But I accepted that probably better than a number of things I haven't accepted in my life.

And I remember once, you had to get the permission of the Solicitor General to take an appeal. And then the practice was that you'd go up to see Mr. Cox and explain it to him and he would say, "Yes I approve it," or he'd say, "No I don't approve it." Now

I didn't know anything about that or didn't understand it all, but one day when Burke was to go up to see Mr. Cox, he got called to the White House. And he went to the White House and he said, "You do it. You go up to see the Solicitor General." So I went up to see him and he sat in that big chair with the Washington Monument behind him in the window, and he asked me, "Why aren't you up here on, up here on Tuesday?" And I said, "Well, because it's Thursday." And he said, "Well, I don't consider hearing applications to file an appeal except on Tuesday." And he then gave me a gentle lecture on that he as Solicitor had to think in terms of the law 50 years going down the road and he had to be careful about what he did and what he did not do. And so I didn't get to persuade him.

And I came back and Burke came back down from the White House and asked me, "Well, how did it go?" And I said, "Well, we didn't -- it didn't go any -- it didn't go good." And Burke said, "Well, I never should have sent you." And so he knew what I was good at and he knew what I didn't know, and he was just a marvelous person to work for.

MR. NAFTALI: Do you remember when you met him?

MR. DOAR: Well, as I say, I met him

sometime in February. I suppose I'll see -- you'll have to look and see when the President announced him as his selection. And then he called me and asked me if I'd come -- maybe come down to the Justice Department and show him around. That meant show him what we were doing.

[TIME 0:40:14]

MR. NAFTALI: So, and you were -- you came, went to Justice in 1960, did you?

MR. DOAR: Right.

MR. NAFTALI: And how did that happen?

MR. DOAR: Well, I had a friend who was in the class ahead of me at Princeton named Tyler. He was from New York City and what I had been told was that in 1959, the Assistant Attorney General for Civil Rights Division had been organized and created in 1957. There was a man named Wilson White from Philadelphia, but I didn't know him at all. But I'd been told that the Attorney General Rogers and Senator Nixon decided that they needed more of an emphasis, an action in the Civil Rights Division. And I think they persuaded, I'm speculating, but anyway Wilson White resigned and they appointed Harold Tyler from New York City. He was a friend of mine in a sense, because although he was a class ahead of me, he was a good

friend of a -- in his class, and I was a good friend of the same person so we got to know each other. And he had a heck of time trying to find somebody to take the job of being his first assistant and it was four months before an election. It wasn't a presidential appointment. And finally somebody said well when he gotten turned down by all the hotshots in Columbia and Harvard and Yale, and two big law firms, he was somewhat panicky and he talked to somebody that I knew and that fellow said, "Why don't you call John?" And he called me and asked me if I'd take the job of being his first assistant. I said I would, and that's how it happened.

MR. NAFTALI: Right. You said Senator Nixon. Do you mean Vice President Nixon?

MR. DOAR: I meant Vice President Nixon. Yeah, excuse me.

MR. NAFTALI: That's all right. No, I'm -- because that was, you know, Vice President Nixon's civil rights views were actually a little bit more progressive than Eisenhower's so, and he was of course thinking ahead to the '60 election.

MR. DOAR: Mm-hmm.

MR. NAFTALI: No doubt. So you in a sense are the veteran at the Justice Department when Burke



Marshall arrives. I mean, you had been there a year.

MR. DOAR: Well, no ...

MR. NAFTALI: A little less than a year.

MR. DOAR: A little less than a year. I was not the veteran. At that time the Civil Rights Division had maybe 25 lawyers and between four and six worked on voting rights and a portion of the 1957 Act. They had other jurisdictional responsibilities. And when the Division was set up, a considerable proportion of the lawyers were moved -- were not hired. They were just moved from the Criminal Division or some other division, and put in the Civil Rights Division. So there was a lot of jurisdiction besides just Voting Rights Act.

MR. NAFTALI: So, we move ahead and your friend Burke Marshall is at Yale Law School and you are now putting together staff. Is it Mr. Marshall who suggests Hillary Rodham to you for the staff?

MR. DOAR: Well, it is but it isn't the way you put it.

MR. NAFTALI: Okay. How did it go?

MR. DOAR: Sometime before that, he called me and said, "Would you judge a moot court up here at Yale Law School?" They had these third year students they had participating in mock trials and I said I

would. And then someone called me and asked me if I'd come up and talk to him about it. And so I went up to Yale on the train and when I get off the train there was Bill Clinton and Hillary Rodham and they took me to lunch and we went out and judged the moot court. And they went I went back to New York and then some time later, I don't remember exactly how Hillary was hired, but there were two or three or four of the lawyers that had come from, graduates of the Yale Law School.

MR. NAFTALI: Michael Conway.

MR. DOAR: Right.

MR. NAFTALI: Did you try to hire Bill Clinton?

MR. DOAR: Well, I would have liked to but he made it pretty clear to me that he was going back to Arkansas so I didn't, but I did know him.

MR. NAFTALI: Tell us how Dick Cates gets involved.

MR. DOAR: Well, he was a lawyer from Madison, Wisconsin and had a fantastic reputation for being a very attractive, competent lawyer. And I always thought, but I don't know whether this is true or not, I always thought that the Democratic Party in Wisconsin had a kind of a nucleus in Madison between

the public officials, their elected officials, and the university. And he was a friend of Congressman Kastenmeier and somehow, but I don't know what went next, but he was hired three or four months before anybody talked to me about it. And I think that he may have, or people may have, thought that he was going to be the person that would be the head of the investigation.

He didn't get the job, but he didn't hold any resentment about it and he still kept working there. And he was very, very good and he was -- he could -- all the young lawyers that were there fell in love with him, because he was attractive, appealing, careful, conscientious, hardworking, everything that are talents that a good lawyer has. And I don't remember having any talk with him about staying or being part of the inquiry, but he did -- he had just assumed that he was going to stay and so he stayed and worked as a senior counsel to the Committee, I mean to the staff.

MR. NAFTALI: Now to people listening or reading the transcript, they may have forgotten that this is the first impeachment inquiry in a century.

MR. DOAR: Right.

MR. NAFTALI: Of course there will be

another one involving President Clinton afterwards. So, I'd like to step back a bit and ask you, to the extent you can remember, since your only precedent was the Andrew Johnson impeachment, how did you school yourself to think about doing this? What did you, I mean when you get this huge assignment, how did -- what did you read, whom did you speak with, how did you think about it? Because really you basically had to start from scratch. You had precedent, but it was a century old and I just want to know, try to help us understand how you thought about it.

[TIME 0:50:00]

MR. DOAR: Well, I didn't think about the President Johnson impeachment at all. I mean I had to, I was hired to be the counsel to the chairman of the Committee and I had to figure out how I was going to do that, and I didn't go back and look and see what they did 100 years before.

MR. NAFTALI: You -- and so that's helpful. And so how did you, from the memos that I've seen, you did ask the staff, Joe Woods and he worked with Hillary Rodham, to think about issues such as would you have witnesses? Would you do interviews? How much investigation would you do? These were questions you had to think about.

MR. DOAR: Yeah.

MR. NAFTALI: And I'm just interested to the extent you can recall, how you worked through these problems in those first few months?

MR. DOAR: Well, what we did was decide we weren't going to conduct any independent investigations. We were going to draw from what other agencies or committees or anybody else had developed about the issue of the President's conduct. That was one thing.

MR. NAFTALI: How did you come to that decision? Do you remember?

MR. DOAR: I don't remember, yeah, I just don't remember.

MR. NAFTALI: And then there was a discussion over whether to have witnesses before the Committee.

MR. DOAR: Well, what I just said was that at that early stage there was no discussion about whether we were going to have witnesses. In my mind was we weren't going to have the witnesses.

MR. NAFTALI: We'll get to why that changed a little bit later on. Would you like some water?

MR. DOAR: No, I'm fine.

MR. NAFTALI: Okay. So please tell us about

your relationship with Leon Jaworski.

MR. DOAR: Well, I had known Leon from a case down in New Orleans where he had been retained by the Justice Department to handle some civil rights issue. But it was always, you know, I was always an enlisted man and he was an officer. And when I came to Washington, I never had any problems with him. But I had sometimes a little difficulty getting information from him that I wanted to get, but I wouldn't have remembered it.

MR. NAFTALI: Please tell us what you remember of the materials from the grand jury that the grand jury passed to your Committee, your staff. How important were those materials? They included the tapes, seven tapes, I believe. What do you remember of that moment in the inquiry?

MR. DOAR: I don't remember anything about that moment. The only thing I know that we wanted, every bit of information that we could get that had been generated by some other agency or committee. And so we were interested in trying to get the grand jury minutes, but just what happened, and what was the history of how it came about, I can't tell you.

MR. NAFTALI: Can you recall how that information shaped the way you began to think about

the case?

MR. DOAR: No. No.

MR. NAFTALI: Do you recall the role that the tapes played?

MR. DOAR: Yes, the tapes played a very significant role. I don't remember the chronology of when we got this tape, and when we got another tape and when we got a transcript of the tape from the President. But they were very powerful documents from the standpoint of tying things together I think.

I remember more about the procedure by which we listened to the tapes than I do what was in the tapes. And I can't tell you what tape was important or what wasn't particularly, I just can't remember.

But I had a friend named Henry Ruth who worked for Mr. Cox and then Mr. Jaworski. And he told me that the tapes had important information and that it was hard to discern what was said and so that in selecting the lawyer or lawyers who were going to listen to the tapes, pick people that had good ears and had a good feel for music, because theoretically you heard better if you had a good feel for music and a good ear for music.

And when the tapes came, and they came over a period of time, I asked Bob Shelton, I believe, to

kind of take responsibility for that and he did. And in my mind he did just a marvelous job in managing that, and he tried this and he tried that and tried something else until he got the best system. And briefly, he first heard of somebody, I think his name was Halverson, but I don't know, was an expert at listening to tapes. And so we retained him and then he also investigated which would be the best machines to use to listen to them. And Halverson came but Bob was concerned that he was listening -- he was hearing things that weren't on the tapes, and so we decided we couldn't use him anymore. And what we finally came out with, and he finally came out with, was that there'd be three people that would be charged with the responsibility of transcribing the tapes. One was himself, one was David Hanes, and one was, I think, Jeff Banchemo and he, Shelton, had an understanding with the other two people that all three of them had to hear something before they'd agree that was what was said. If they didn't get three in agreement, if there was a dispute or somebody couldn't hear it, then they wouldn't put it in. And he, I think he or I don't believe that there was at any time during the investigation that anybody said that the transcripts that the investigating committee created had errors in



it.

MR. NAFTALI: Do you remember the challenge of duplicating the tapes, getting the tapes as close to the originals as possible?

MR. DOAR: I think Bob Shelton went over to the White House and asked them if he could make a transcript of the tape.

MR. NAFTALI: A copy?

MR. DOAR: A copy and I think he did that, and they let him do that. But my mind is not clear on just what the chronology of that is.

[TIME 1:00:09]

MR. NAFTALI: Fred Buzhardt, the lawyer ...

MR. DOAR: Right.

MR. NAFTALI: ... allowed it and then stopped, at a certain point said, "No more." But you were able to get better copies of the tapes.

MR. DOAR: Right.

MR. NAFTALI: Particularly the "cancer on the Presidency" tape and the "save the plan" tapes, both from March of '73 which I think helped. I mean, my assumption is it helped because they were closer to the original than some of the copies that Sirica had were not -- were a little bit muddier apparently than the ones that came over from the grand jury.

MR. DOAR: Well, you're really testifying now, not me.

MR. NAFTALI: No. No, that's just from having interviewed members of your staff. Please talk to us a bit about -- and Maureen has done that on her behalf, but it's really important to understanding how you prepared the materials for members of the Committee. Please tell us about how you envisioned the library and how your own experience shaped the way in which you wanted information to be collected.

MR. DOAR: Well, I think it was, the vision was just luck. Maureen was -- that was good luck when she came and applied for a job. I think her role spread over the actual creation of the statements of information, and then how those books were put together. And she was able to get everybody working together and assembling that material with the chron cards and with the statements of information, first a statement and then the backup. At the next part of the book, it showed why the fact we set forth in the statement was accurate.

MR. NAFTALI: But this structure, didn't some of this draw upon your experience in the Civil Rights Division or actually more importantly was it the Neshoba County case? Didn't -- they're some -- for

people who want to understand the way in which you organized information, didn't you draw on some of your previous experience, the chron cards?

MR. DOAR: Well of course I did, of course I did. I mean all I had was my previous experience. But I'm not going to sit here and tell you that I thought something that I can't remember and that I'm not confident that I know enough about it. When you're getting questions like that, I like to be able to go back and just discern just what happened from the records. And I don't have the records.

MR. NAFTALI: Okay. That's perfectly understandable. Do you remember how you came to the idea of having Statements of Fact? I think they were called that in the beginning and then they were changed to Statements of Information.

MR. DOAR: No I don't. When you referred to the experience of Civil Rights Division, we had to be organized with respect to presenting a case in court. And I had several rules there that may be helpful to you to understand.

The first thing was that voting cases turned to a very large extent on documents and where our assignment was to have the FBI photograph all the documents in a particular county and send them to us

and they wouldn't analyze them. Oh, I remember Mr. Marshall asked them if they could give us some help in analyzing the records and they said, no they couldn't. They were just -- so we had to figure out how to do it ourselves. And once we got into it, once some of the lawyers who were there very early got into it, then they -- that's how this came about.

But we learned that the way to analyze voting records was that you subjected the record to three tests which were just reduced for selection, assistance, and grading. And once you got that rule in, then a young lawyer, look at these records and see what you find on selection of constitutional provisions. And once all those selections were made, was a white person being given a very simple one and a Black person was given a very bad or a difficult one. Assistance, how much assistance was being given to the whites and I can give you the examples of that.

MR. NAFTALI: This is for the written test right? This was for the...

MR. DOAR: Yeah, yeah, yeah and then grading, how are they going to look at the grades and do all that I could do to be fair. That was one thing.

And the other thing was that we had to be very, very careful with the facts because we were

appearing before some hostile federal judges. And if we exaggerated anything, and were inaccurate about anything, the judge was apt to stop the hearing and say, "I want an investigation of this witness for perjury." And we were asking Black citizens to help us prove our cases, and we didn't want to expose and we couldn't expose them to anything. There couldn't be any guesswork, and that was the second thing.

The third thing was, and this didn't have any connection with the impeachment inquiry except at the first part of it, I would say to the lawyer who's going to try the case, "number one, you can't talk to a reporter in advance and educate him on what your strategy is, what your proof's going to be, who's going to be the good witness." You can't do that. And you got to cut square corners in the courtroom as to how you present the case. But when you get through, you will only get a high mark if you get the quote in the *New York Times* the next day about what a witness said.

And so I guess I would say that I'd been trying cases long enough to understand the importance of emphasis on the key points. And maybe that came across to the lawyers who were preparing the summaries of information. But I think I left it to Dick Cates

and to Joe Woods and to Bob Owen, to Bernie and Bob Sack to kind of work together to develop just what the -- how the notebooks or the books are going to be assembled.

[TIME 1:10:02]

MR. NAFTALI: What was the goal of the notebooks?

MR. DOAR: To educate the Committee.

MR. NAFTALI: Were you the one who decided that the notebooks would be read to the Committee?

MR. DOAR: I think so.

MR. NAFTALI: Why?

MR. DOAR: Well, you have -- you're sitting there and you have 38 persons that you have to educate. You don't know any of them. You can't talk to any of them. You can't say, "did you get that, did you get that?"

MR. NAFTALI: May I stop you for a minute? You're not -- you can't talk to any of them.

MR. DOAR: No, you can't go talk to them about, "well, pay particular attention to paragraph 13 or pay attention to paragraph 15." They wouldn't have liked that. As a matter of fact, and I forgot what your question was.

MR. NAFTALI: The question was your decision

to read, to have the Statements of Information read to them.

MR. DOAR: Oh. Well I don't know why, it just made sense to me.

MR.. NAFTALI: Did at any point, did Mr. Rodino say this is taking too long?

MR. DOAR: He didn't, but a lot of other people did. And a lot of people thought I was the most boring lawyer in Washington.

MR. NAFTALI: Why?

MR. DOAR: Well because I read these without emphasis or I had the lawyers read them without emphasis. But you're on the Committee and you got - you're tasked with this, you don't spend your life thinking about it and you get material and you got to know the material. And now you don't know exactly how quick the people you're talking to are going pick things up or what they're going to pick up. So you give it to all of them and hope that if they believe that we were setting forth information that they could say it was a fact, then we'd served our purpose and they didn't want us going up and saying, "oh, this fact is this, and this fact is that." You just didn't use that language. You just said, "this is information and it's for you to decide what's fact and what's not

fact."

MR. NAFTALI: Could you please tell us what you remember of the C. Vann Woodward Project? How did that occur? How did that come about?

MR. DOAR: I don't remember very much about it. I don't, I can't remember. He had some contribution to make. I don't know how. I don't think it turned out to be what we used but that's all I can remember.

MR. NAFTALI: Okay. This was the investigation of abuses of power by other administrations in American history. Please tell us what you can recall of your own interactions. You mentioned a few of them with members of the Committee. Did you give them any -- did you brief any of -- were you available for -- I've read that Dick Cates briefed members of the Committee on aspects of your investigation as time went by. Were you briefing any members of the Committee?

MR. DOAR: I don't remember. I suppose that he had contact with the members of the Committee over that long period of time and they may have asked me for something or anything I could do which would be helpful to them, but I don't remember. I certainly didn't do this thing that Dick Cates did.



MR. NAFTALI: Please tell us about your interactions, what you can recall of your interactions with James St. Clair.

MR. DOAR: Well, I'm not sure but I think I may have read about him and he may have played a role as an attorney for the McCarthy investigations, but that may not be true.

MR. NAFTALI: I don't know.

MR. DOAR: So, but my relations with him were always friendly, businesslike. The thing that you had to do was, you had to develop rules as to how the Committee hearings would be held and what role would the counsel for the President play in those things. And there were some people on the Committee, and this is Committee discussion not with me, but with Rodino, who said, "Don't let them say a thing." "Don't let them come." And well you can't do that. "Don't let them say a thing." And then they finally sat down and worked out the process, how his role would fit. But it was a new role that was just worked out through the staff people and through the -- with the Committee and the Committee may have been afraid that they would be intimidated by Mr. St. Clair, because he had such an excellent reputation and was such a fine lawyer. And so they didn't want him interfering with their proof,

with the proofs that they were hearing. When they all got done, and all done, then he could have his say. But that was the way it worked I think.

MR. NAFTALI: Yes. This was the time when you or they had this, they reopened this issue of whether to have witnesses or not.

MR. DOAR: Right.

MR. NAFTALI: Do you recall how that issue was reopened? Were members of the -- I guess it was members of the Committee. I don't know.

MR. DOAR: I don't remember. But I don't think it was the members of the Committee. They may have wanted witnesses, but I think the witnesses that we produced were the ones that we thought would be helpful to the Committee. And the first one was the witness that knew all the mechanics of the taping at the White House.

MR. NAFTALI: Alexander Butterfield?

MR. DOAR: Butterfield, yeah. And I mentioned when I came to Washington that Lou Oberdorfer told me I should hire David Hanes.

MR. NAFTALI: Mm-hmm.

MR. DOAR: I also remember that Joe Califano said to me, "You interview Butterfield." Now he was an assistant to President Johnson in the periods '65 to

'67 and President Johnson paid close attention to what was going on in the Civil Rights Division, and when school was opening I can remember having meetings with the President, one or two times at least, with respect to how a school opening was happening and Califano was there and so I knew him. I can't tell you any more than that except that he had called and just said, "Go interview Butterfield."

MR. NAFTALI: We interviewed Mr. Califano for the library and he told us that he had encouraged the Senate Watergate Committee to ask about tapes.

MR. DOAR: Well he may have.

MR. NAFTALI: That was before. I mean it was a year before this.

MR. DOAR: I mean he may have, but I did talk to Mr. Butterfield as one of the first persons I talked to when I got to Washington. So I had to get, yeah, I had to get a lead from somewhere.

[TIME 1:20:16]

MR. NAFTALI: Oh that's good and it was a helpful lead I assume.

MR. DOAR: It was helpful. It was very helpful.

MR. NAFTALI: I'm just -- the reason I brought this up is that the Committee in the end did a

little bit of investigation.

MR. DOAR: Yes they did.

MR. NAFTALI: That's all.

MR. DOAR: Yeah.

MR. NAFTALI: In the beginning you thought you might not do any and then you did at the end and I was just ...

MR. DOAR: No. That's right. That's the way it happened and then there were a couple of, I don't, I can't tell just how productive those interviews were but they did, there were interviews conducted.

MR. NAFTALI: And the only reason I bring this up is for historians, who might ask themselves, when in the beginning the Committee didn't think it was going to do any investigation and in the end it did some. Why? Why did it change? That's why I'm asking.

MR. DOAR: Well because somebody made a persuasive argument that we needed it.

MR. NAFTALI: Help me please understand to the extent you can remember, how your thinking about the case evolved as this material started to come in.

MR. DOAR: I can't help you on that. I really can't. I mean how my thinking evolved. I was certainly not thinking every day, "Well he did it, he

should be impeached. He didn't do it, he shouldn't be impeached." I didn't ask myself the question, "Does this particular proof establish it or does it not establish it?" My mind just didn't work that way.

MR. NAFTALI: But you had been, I accept that, I'm just thinking that, you know, you worked on so many cases and I just wondered, how your mind did work about this information that was coming in and if you could help the future historian understand.

MR. DOAR: Well I don't know. I really don't know except that I had a -- I think I had a sense of what, if you were telling a story, what story would interest the audience? And so as we got further along, I think I relied on what my experience was in trying the cases in the Civil Rights Division - is how I went about telling that story and that's the best I can tell you.

MR. NAFTALI: Mr. Doar, when you're a prosecutor, you choose a story that reflects the facts, obviously, but it's a story that is leading somewhere. And the challenge for you when investigating a President was that you didn't know where the story would lead in the beginning. When did you begin to know, you know, when were you able to start making decisions about which story was the right

one to use?

MR. DOAR: I don't really follow that. I don't follow that reasoning of yours, frankly.

MR. NAFTALI: Okay. Well I apologize for the poor reasoning.

MR. DOAR: But I can tell you I tried my best to get every single bit of factual information that we could with respect to the conduct of the President. And I was fortunate to have very, very good people doing that for me and that means having good people on the staff.

But I don't remember anybody on the staff ever coming up to me and saying in April or May or June, "Well we've really nailed him now. We really got it now." They may have talked to themselves and I imagine people had some views, but I tried to be careful of not trying to make the Committee members think that I was really a hotshot and I'm making a determination on facts.

A number of people try a case in a different way. The way I was used to trying a case was, I had a case for a 19-year-old girl that was in a bad accident and had a brain injury and we had a pretty long trial on it. It was a rural county in Northwest Wisconsin. And I put on the witness, put on the trial and made an

opening statement and made a closing statement, and in one of the closing statements I asked the jury to return a verdict of \$256,000, and when the jury came back they had returned a verdict of \$256,000 and there were a bunch, not a bunch, but several courtroom watchers, all elderly people that were probably retired or they didn't have anything to do and they'd come and listen to the trials.

And then the jurors would -- well the jurors did two things. When they came out of the jury box nobody came to me and said, "Well, are you satisfied with this?" They went to the family and talked to the family and then they went downstairs to get their fee and there was a round table down there in the middle of the rotunda of the courthouse, and they were lined up to get their checks, and one of those trial watchers approached one of them and said, "Well that was quite a case you had." "Yeah, you bet it was." And they asked a couple more questions and they said, "What did you think of that young fellow who tried the case for that little girl?" "Well he wasn't much."

MR. NAFTALI: Mm.

MR. DOAR: And that's the way I believed you should try a case.

MR. NAFTALI: I think, and let me walk back again. One of the things I tried to do to help people understand the complexity of Watergate was to ask people who were in different places in the story, how their thinking evolved as a result of new information. And I remember talking to Judge Sirica's law clerk, D. Todd Christofferson, and he related how Judge Sirica's thinking evolved as he recalled it. I mean he wasn't in John Sirica's mind, but he worked very closely with him, and his own thinking had evolved particularly after listening to the tapes. So, it's with that that, as you mentioned the idea of picking stories, you said that, you know. But to the extent that you can remember as this material came in, you began to know much more about what the Nixon Administration had been doing, and you became with the staff, the country's expert. And also the Watergate Senate Committee had also done this, and the Special Prosecutor, your friend, Henry Ruth and Jaworksi, you were all trying to figure out a very complex issue which involved obstruction of justice to some extent. It involved abuse of government power. And I'm just, because you're such an important player in the story, to the extent you can remember it, if you can tell us about how, you know, how your thinking may have changed



about the President's role in all of this as the material came your way.

[TIME 1:30:13]

MR. DOAR: Well I don't know if this is helpful, but very early on I had had experience in proving a voting rights case and in doing that you had to prove that the conduct of the registrar was a pattern or practice.

MR. NAFTALI: Mm.

MR. DOAR: And early on, the contact I had with Mr. Jaworski's lawyers, was that they thought that the way to prove the case was to prove that the President was guilty of a committing a criminal act and that what you wanted to do was find that one incident and then be sure that that's as strong as you could - pile up the strongest proof on that. I never agreed to that. I thought that you had to look at the President's conduct over a period of time and you had to look at -- think in terms of pattern or practice. Okay, then I suppose I tried to be accurate with respect to the statements of information, but I wasn't thinking about - as I was accurate about a particular statement or a particular bit of proof that that made it or it didn't make it. Okay, that's the second (unintelligible) during the times that we were reading

the books.

Then it came to a time when I was going to have to state my view and I suppose that I spent some time thinking about what I'd say to the Committee. No, I'm told that Francis O'Brien said that he urged me to take a position at the time that, at the day that it took place, at least as I understand it. Well I couldn't have put together what I said at the -- why I believed that they should vote favorably as to Article I, and Article II. I mean I did some thinking about that in - I would say July. And I don't want you to think I could get up there and read off what I said just verbatim without anybody asking me about it or without me thinking about it. I wouldn't have done that.

MR. NAFTALI: Were you reluctant to get to plead your case because that was an implication that Francis O'Brien had that he ...

MR. DOAR: Well reluctant is not -- it was neither reluctance or the contrary. I didn't think in those terms. That sounds like me, was I reluctant? I was not the trier of the fact. I was not the judge there. I was just there to try to help the Committee and if you want to know what my thought was, it was that we've got to get two-thirds of the Committee to

approve an Article. We can't have a 19 to 17 split. And how are we going to do that? What are the things we're going to do to draw those members in the minority to come along with the members of the majority when the vote came?

MR. NAFTALI: Tell us about writing the articles.

MR. DOAR: What?

MR. NAFTALI: What role did you play in writing the articles of impeachment?

MR. DOAR: Well I reviewed them. I don't believe I drafted any one. I think that, I think they were good articles. I wasn't so sure about Article III. But Article I, and II, I thought laid it out pretty, pretty good.

MR. NAFTALI: I was looking at the Burke Marshall Papers at the Kennedy Library.

MR. DOAR: Mm-hmm.

MR. NAFTALI: Um, from the papers it appears that Burke Marshall played a role in drafting the articles. Is that accurate?

MR. DOAR: I don't know. You saw it. I didn't.

MR. NAFTALI: I just wanted to see what you recalled of it.

MR. DOAR: Well, anything that happened that made it work, as you look back on it, and if you tried to figure out who's most responsible for making it work, and I'm not saying for convicting President Nixon or not convicting, but just the procedure. Burke might have had some participation, and if he does it would be very valuable. And I can remember, for example, I can remember in the Neshoba case, and we had to pick out what kind of an indictment, how the indictment should read, and there were suggestions from lawyers in the Civil Rights Division. There were suggestions from the lawyers in the Solicitor General's office. But Burke looked at those and he picked out the one that focused on the state-- state actions and it was, you know, hindsight it was the right one to pick.

Now I don't have the five or six of these put before me and say, here this, we have this and this one, but they were different. And I don't remember that happening with the indictment. I thought there was -- when we got to putting down the articles of course the Committee played the role and indicated what the article should be, not the lawyers.

MR. NAFTALI: I just wanted to know, I thought it would be interesting to know what role that

some people describe it as your sort of kitchen cabinet. What role that Professor Marshall played and Owen Fiss and some of the people that you, again, from the documents, it looks like they were very busy in those days in July with drafts going back and forth.

MR. DOAR: Well I did have these friends that worked for me or worked with me or I worked for them in the Civil Rights Division. Burke was the head of the Division for three and a half years. Owen Fiss was my special assistant when he came off being a clerk for one of the Justices of the Supreme Court. Bob Owen was a lawyer who I met when I first came to Washington. He was a young lawyer on the Honors Program and he had all the qualities of a good lawyer and I did get help from those people, and as a matter of fact, help is probably the wrong word, is that they really clarified my thinking. I just can't remember exactly but I'm awful glad. I don't think the investigation would have turned out as well as it did if I had not had those people helping me.

[TIME 1:40:29]

MR. NAFTALI: Thank you. We're almost done. I have a few more questions. Let me ask you a bit about the issue of the subpoena to the White House for more tapes.

MR. DOAR: Right.

MR. NAFTALI: What can you remember of that issue and what role you played in advising the Committee as to how to do this, whether to do it?

MR. DOAR: I think that, I don't think I took a position but I seem to remember that Burke was not, didn't think we should have an Article III because it was too much of a case of self-incrimination, which I really didn't understand to tell you the truth. I think Owen Fiss thought that by all means it should be one. I can't remember what the various lawyers thought but and I don't remember that there was too much argument about that because you know it was beyond us to decide what should be the articles and it was the members of the Committee to do that.

MR. NAFTALI: But do you remember, because there was -- I interviewed Senator Cohen. He wasn't Senator Cohen then, he was Congressman Cohen, but he related a story about the tensions within the Committee over the subpoena and the issue of whether or not the White House's transcripts, which came out in April of 1974, were good enough for these tapes as opposed to having the actual tapes. And I wondered if you -- because that was a very controversial moment

for the Committee.

MR. DOAR: Well, we got what we could get but, you know, I think the President's -- his people made a big mistake in trying to transcribe those tapes and then giving us the transcripts and saying this is what the tapes show. We wanted them, they wouldn't give us the tapes. I think that was a big mistake.

MR. NAFTALI: You think they should have just handed over the tapes and let you make sense of them?

MR. DOAR: Right. Yeah, I think that was a -- I can't -- I'd like to emphasize the point I have made and that was that I saw my role, if there was to be a vote to impeach the President, to have the vote of the Committee be at least two-thirds, and if you want to know what I thought about all that six or seven months, that's what I thought about. I mean I thought about -- I didn't think about what the vote would be, but I thought that if there was a vote, that we just -- we would not be successful if we just had the 19 Democrats.

MR. NAFTALI: And so how did you set about bringing Republicans into the fold?

MR. DOAR: I think by giving the Republicans the facts and by making the Republicans believe that

we were fair and we weren't trying to spin anybody. And I remember Congressman Froehlich for example and Congressman Fish and I think we -- I think after five months they came away with the feeling Doar is not trying to convince them to do what Doar wants. Now that -- what does a trial do, trial lawyer do? Doar tries to convince the jury to do what he wants.

MR. NAFTALI: Mm-hmm.

MR. DOAR: But we didn't -- I didn't do that. And I didn't -- my --the people who worked for me, I wouldn't let them do it. I would want to say no, don't even think that way. It's -- we got to get the -- if you're going to -- we got to get the mind of those minority people to believe -- from by themselves what is an impeachable offense and wasn't there enough proof for that. You must remember all that argument about specificity. And we were patient, deliberate, honest. We certainly didn't give the Committee -- I don't believe that anybody on the staff was ambitious to somehow or other make a name for himself in the Committee.

And so by the time that I made my argument in July, I thought I'd done the best I could. If they were going to decide that the President had violated the Constitution, I'd done as much as I could to help



the Committee to see all this and decide for themselves. But I didn't try, I didn't make any effort to have them think, "well we should do this because Doar says we should do it."

MR. NAFTALI: Well of course, because juries don't, as you said, you don't want juries to come out and say we did this because the prosecutor wants us to do it.

MR. DOAR: No. But that's different. You mean the prosecutors are trying to make arguments to persuade the trier of the fact that they should decide it the way the lawyer wants it. I didn't do that.

MR. NAFTALI: Did you know about Thomas Railsback's efforts to bring -- to put together a group of Republicans to vote for at least Article I?

MR. DOAR: I don't remember so I'm not sure, but I would think that that was a fact that he was one of the people that was important from the Republican side in guiding the Committee and what they did.

MR. NAFTALI: As Senator Cohen recalled that -- Senator Cohen described himself as a sort of singleton that survived on his own trying to make sense of the case and that Railsback brings him into the process later. But he didn't realize that Railsback and some of the members, Republican members,

had been meeting and then they all met and discussed the fact that they would vote, at least for Article I. And I wondered since one of your objectives, perhaps your principal objective as you described it, was to make sure that if the Committee voted for impeachment that it would be a bipartisan vote.

MR. DOAR: Mm-hmm.

MR. NAFTALI: Whether you knew that you were -- that your goal was close to attainment, did you know that this was happening?

MR. DOAR: I didn't know about these meetings. No, I didn't know about the meetings.

MR. NAFTALI: So the day of the vote you weren't sure or were you confident the day of the vote that this might happen? What do you remember of what you thought?

MR. DOAR: I don't remember what I thought. I mean I'm just am uncomfortable with the way you characterize the -- there's too much, too much emphasis on staff and too much emphasis on the lawyers and not enough emphasis that should be on the Committee members and Congress. You haven't asked me any questions about Congressman Rodino, but his handling of the investigation was superb in my judgment. He was modest, patient, thoughtful, wanted

to be accurate, wanted us to do our job and our job was not to convince the Committee. The Committee had to be convinced themselves and there's a difference.

[TIME 1:50:52]

MR. NAFTALI: Yes. How did you, tell us a bit about the final report, please.

MR. DOAR: Well some of the lawyers stayed over and put the final report together. And it was an effort to tell everybody to make a record of what the whole investigation was about, but I don't remember who stayed over or who did what.

MR. NAFTALI: Did you have a sense that the House would probably vote for impeachment? Before the resignation, obviously.

MR. DOAR: I can't tell you what my sense was but I would speculate I would think that I saw the vote of the House Judiciary Committee as very important in an impeachment vote in the House. I knew that it had to go up to the House, but there again, I saw it as a report by the Committee that was -- had two-thirds of the Committee recommending that the President, if the House voted to impeach the President, there still was going to be a trial. I mean ...

MR. NAFTALI: And the Senate.

MR. DOAR: ... it's a long process. But I didn't think that the House would do something different than what the Committee finally did.

MR. NAFTALI: Were there some conversations with the Senate before you knew that the President would resign, were there some conversations with the ...

MR. DOAR: Not that I ...

MR. NAFTALI: (Unintelligible)

MR. DOAR: Not that I had.

MR. NAFTALI: What do you remember of your reaction when the "smoking gun" transcript was released?

MR. DOAR: Well I don't remember about that except that that was an important bit of information. But I tell you the truth, I don't remember. I should remember but I don't.

MR. NAFTALI: It's interesting, you were talking about how when you had spoken with the Special Prosecutor's Office with Henry Ruth and that they were looking for a smoking gun, if you will.

MR. DOAR: Right.

MR. NAFTALI: And you were focused on pattern of conduct. Am I correct in that?

MR. DOAR: Yeah, a pattern, a pattern and a

practice of conduct.

MR. NAFTALI: Practice. Which, and the statements of information showed that.

MR. DOAR: Right.

MR. NAFTALI: Then you have it, so that in a sense you had both the pattern and then you have the June 23<sup>rd</sup> tape which is in a sense what the prosecutors were looking for all along.

MR. DOAR: Well they thought they not only had what they were looking for but they thought they had it back in January.

MR. NAFTALI: Oh, they thought they had it?

MR. DOAR: Yeah. They thought that this was proof, and my recollection is they thought that the proof on March 22nd is that the date you used?

MR. NAFTALI: Well, there are two. The March 21st is the "cancer on the Presidency" conversation ...

MR. DOAR: Uh-huh.

MR. NAFTALI: ... with John Dean and March 22nd is when President Nixon is talking with his associates and saying we've got to save the plan and we've got to stonewall.

MR. DOAR: Right.

MR. NAFTALI: There are two different.

MR. DOAR: Well I think that it was the March 22nd, but they thought initially that we would be making a mistake if we didn't focus on facts that would establish clearly and convincingly that the President had committed a crime. And they thought the conduct of the President on either the 21st or 22nd was the best proof we had -- they had that he committed a crime. And I didn't agree with that because I thought that the country shouldn't be left with making a decision about impeaching a President on the conduct of the President on one day. I really didn't believe that. I thought that was not useful, not going to help the country get over this, and so we tried to pull everything together of the President's conduct over a period of time. And I think afterwards, I think afterwards when the Special Prosecutor's Office where they prosecuted some of the President's men they adopted pretty much the same reasoning to present the case as a pattern or practice.

MR. NAFTALI: Now isn't it -- if you -- now you weren't -- this is -- and I want you to help the future historian understand that you were thinking about this case differently from a prosecutor.

MR. DOAR: Yes. Yes. But the only problem about this is that I wasn't an experienced prosecutor

and to say that I was thinking about the case as a prosecutor is a little -- before the Neshoba case and the Liuzzo case, I had never tried a complex criminal case. I had tried some justice of the peace cases involving hunting violations but that's it.

MR. NAFTALI: But that's just helpful to that in this job in 1973, '74, or January '74 when you're having these conversations with the Special Prosecutor's Office, their mission and yours was different.

MR. DOAR: Yes. But we didn't have -- I didn't have any real conversations with them, they just thought -- made it clear that they -- I didn't try to persuade them that they were wrong.

MR. NAFTALI: No. But you didn't say that you had, I just -- I think it's interesting that they made it clear to you however they did it, this is in January, this is before the material comes from the Special -- from the Grand Jury, correct?

MR. DOAR: Yes.

MR. NAFTALI: That they made it clear to you that they had what they needed to prosecute if the President.

MR. DOAR: They made it clear that they had evidence on that day -- was the best way to prove to

somebody that the President had committed a crime.

MR. NAFTALI: Okay.

MR. DOAR: And that the commission of the crime was a high crime and misdemeanor.

MR. NAFTALI: And therefore it meant impeachment.

MR. DOAR: Therefore it meant impeachment. That's the way that they thought. I don't think anybody said anything different than that if you've talked to anybody around.

MR. NAFTALI: Oh, I'm not disputing. I'm just trying to ...

MR. DOAR: No, I know you're not. But I say I'd be surprised if anybody said that, because you know, I don't know why I was taught like this, but I think if I said if you had two glasses of water; one in a narrow glass and one in a broad glass, and you put the same amount of water in each glass, the narrow glass of water would fill up to the top. And if you put the water in this large glass, it will only fill up to half.

[TIME 2:00:00]

But that in a case like this, if you're going to take, which would you rather have? You'd rather have the up to a half. Now this half includes



water that's not in that glass, so half the goods that are in there is the March 22nd or March 21st. The half glass we had over here was the stuff that started before the Watergate and all through the Watergate.

MR. NAFTALI: Plumbers, included, to continue with the water analogy, the plumbers.

MR. DOAR: Yeah, yeah. And yet if you took and you put their water in the glass, it was up to the top. If you took the water in our glass, we were only up to half the top. But that didn't mean that what we had in there wasn't very persuasive. But, and maybe I'm not making it clear, because I just don't remember but I have a recollection about thinking of the different categories of proof and how important or relevant they might be.

MR. NAFTALI: But you know that there is a risk if you only fill half the glass that somebody looking at it will say, "Well you know it's a 50/50 proposition," as opposed to having the narrow glass that's full to the top where it looks like it's a slam, boy my metaphors are going crazy here, a slam-dunk.

MR. DOAR: No, my metaphor is probably going crazy too because I can see what you're saying but I want to be honest with you. I thought about that

analogy and I have no doubt that from the very beginning I was not persuaded that you should try this investigation which pointed at proving that the President had committed a crime on March 22nd.

MR. NAFTALI: Because the Republican, as I read the minority, you know, piece of the statement of facts, and a number of the Republicans on the Committee said that if you didn't prove criminal act that you didn't cross that threshold.

MR. DOAR: That's true. But I don't think that the people that voted for the impeachment said that.

MR. NAFTALI: Do you remember interacting with Congressman Wiggins at all?

MR. DOAR: Was he the Republican or the Democrat?

MR. NAFTALI: He's a Republican who changes his mind, who votes against impeachment and then after the "smoking gun" transcript comes out, he then very publicly says, "I made a mistake."

MR. DOAR: Well I don't remember except that he was a very active member of the Committee during the time we read the books to him.

MR. NAFTALI: Yeah. Tell us what you remember of your reaction to the pardon, please.

MR. DOAR: Well I thought it was the right thing to do. I didn't have any doubt about it in my mind. I thought that before they go ahead and prosecute the President for a criminal violation, was like the old days when the Romans were dragging the gladiators behind chariots around and making the example of them. And what could be more crushing to a President than to be -- have to resign because of an investigation about his conduct. I mean that judgment and the consequences were so -- any commission of a crime is so insignificant compared to that, that I didn't see any reason why -- I didn't see any utility or purpose in laying it on.

MR. NAFTALI: Just for the sake of argument do you think the -- to the extent one wants to educate the public that because the public never saw an indictment against the President that the public may not have understood the extent to which there was a pattern of misconduct.

MR. DOAR: What do you mean the public didn't see what?

MR. NAFTALI: Well that what I'm saying is that I've heard people say that it's the timing of the pardon is what made it problematic. That if the pardon had occurred after there was an indictment, there

would have been in one place, in an easily digestible form, as opposed to 30 statements of information, all of the evidence that was available to Congress about the President's abuses of power and that might have had a salutary public educational function, and that just didn't happen, because there was the pardon.

MR. DOAR: Well I just can't speculate about that. I just don't. I never heard the argument you've made now; although, I certainly know that after the President resigned, there were some people that wanted to haul him into court again. And, but if what happened is what you say happened, is that some people thought if they put the whole thing before the public and then put it through a criminal trial, that that would have made the -- it would have persuaded the American people more clearly that the President should have been impeached. But I don't think that. I don't think the public was thinking that way.

MR. NAFTALI: You mean, you don't think the public had any doubts that the President should be impeached? Is that what, I'm sorry, I don't want to put words in your mouth. I just didn't understand what you meant.

MR. DOAR: Well Congressman Rodino said whatever the result, we always want to ever have the

public believe that we were fair and honorable and the thing I'm proudest about of being part of that, and I think all the members of the Committee or of the staff are proud of that, is that we conducted ourselves and were successful in doing what Congress wanted, Rodino laid out for us to do at the beginning, to have the results say there was no other course. There was no other way.

MR. NAFTALI: Two more, two final questions. One. Did you ever -- have you -- did you ever meet Richard Nixon?

MR. DOAR: No. No. I have a recollection that I had a dinner with Attorney General Rogers, I don't know if he was Attorney General then, and he said to me you should meet President Nixon. But that's all. I didn't meet him, didn't have any contact with him.

MR. NAFTALI: So that was when he was President?

MR. DOAR: Yeah.

MR. NAFTALI: Okay. And I didn't have a chance to ask you about Evan Davis. Tell us about working with Evan, please.

MR. DOAR: Well Evan was a very good lawyer and had good experience. He was practical, effective

in doing his job. He was - listen - those lawyers on the staff were just tremendous. I mean they were really led by Dick Cates. They were a terrific group of lawyers. I couldn't have been luckier to have that guy -- those kinds of guys working for me in this kind of circumstance. I'm very proud of the fact that I worked for them and that I, generally speaking, we've had good, excellent friendships ever since.

MR. NAFTALI: Do you have any independent recollection you could put on the record of working with Hillary Rodham?

[TIME 2:10:01]

MR. DOAR: No I don't. I don't. I really don't. The only thing I can remember about Hillary Rodham was she was Tom Bell's [office]mate. Tom Bell worked for the law firm that I came from in New Richmond, Wisconsin. And I remember that Tom established a good relationship with Hillary, but that's not to say that I don't hold her in high respect.

It's just that she was just out of law school and nobody picked her out as being somewhat more special than any of the other lawyers or smarter. I didn't ever hear that. She just worked hard. She had a good disposition. She got along with people. If

people asked her to do something, she did it. She didn't leak. So she was a fine young lawyer, but we had 10 or 11 of those people.

MR. NAFTALI: So, but you got to know her not really through Bill Clinton but then through Tom Bell.

MR. DOAR: Pardon?

MR. NAFTALI: You got to know her -- it was the Tom Bell connection that was important.

MR. DOAR: Well it was important not in connection with the work in the impeachment, but was the fact he continued to have a friendship with Hillary. And he's dead, and he died unfortunately at age 50, but I would have bet that if he stayed alive, that if there was a Federal District Judgeship came up in Wisconsin that he would have been carefully considered if the Clintons were in office.

MR. NAFTALI: I just wondered if you mentioned him because that was the route by which she came onto the Committee. That's why I asked you.

MR. DOAR: What do you mean?

MR. NAFTALI: Well you mentioned that they were roommates.

MR. DOAR: Yeah.

MR. NAFTALI: So was that how she was

selected?

MR. DOAR: Oh, no. You told me  
(unintelligible)

MR. NAFTALI: Yeah.

MR. DOAR: And I thought you wanted that to  
-- that -- oh. Well, Burke Marshall told  
(unintelligible) Conway and Cormier and Hillary that  
they ought to apply. And that -- and he didn't -- she  
didn't know Tom Bell until after she got on the  
Committee.

MR. NAFTALI: Oh, okay.

MR. DOAR: She didn't know Tom Bell at all.  
Nobody knew Tom Bell.

MR. NAFTALI: Did you provide any advice 20  
years later when the Clintons found themselves in an  
impeachment problem?

MR. DOAR: No. No I did not.

MR. NAFTALI: And how did you feel, what do  
you remember as somebody who had, you know, been a  
very important player in the impeachment inquiry of  
1974? How did you feel about what happened in the  
1990's and how impeachment reappeared on the American  
political scene?

MR. DOAR: Well I don't understand the  
question.



MR. NAFTALI: Well I just want to know what did you think of, I mean you had had an experience in '74. How did you react to the way in which Congress handled the impeachment of President Clinton?

MR. DOAR: Well I don't like to seem to be critical, but it was not the way we did it. It was much more a trial and thinking about who's going to cross -examine who in front of the television.

MR. NAFTALI: Two things. How did you prevent leaks?

MR. DOAR: I just said we're not going to talk to newspapermen. We're not going to -- and if you do, you're not going to be around and people respected that and I think that as people respected it they -- other lawyers respect -- got -- respected it, and so it just built from the first days of -- we had four or five lawyers working on the Committee and those lawyers accepted the way I thought we should work and three or four more lawyers came in and they see that five lawyers are doing it. Dick Cates had no interest in getting his name in the paper or in talking to (unintelligible) so that it all just built together and there was a spirit there that would have been hard to duplicate.

MR. NAFTALI: If you were to do it again,

would you have done anything differently from what you did at the time? Anything significant that is.

MR. DOAR: I don't like to answer that question because I say if I had not done anything differently it would sound like I think I did everything right. But I don't think that. I mean I think it was -- that what happened was in good part luck and the luck was that I had this group of lawyers working for me that I could depend upon and that were loyal and smart and didn't have any axes to grind and didn't have any ambitions to fulfill.

MR. NAFTALI: You've had a wonderful important career. Where would you put this experience with the Judiciary Committee in the context of your career? Are you as proud of it as you are of the years -- I know you don't -- I'm sorry to ask you to talk about yourself but where would you put this in the context of your career given the very important role you played in some very dramatic events in our history in the 1960's? Is it a capstone?

MR. DOAR: No. The work in the Justice Department, the Civil Rights Division was to me the most important part of my career. I'll tell you a funny thing that happened. Last night I got a large white envelope, a UPS envelope, carefully wrapped and

I opened it and it was a transparent piece of film over it and it was a picture. And it was of, I'd supposed I'd have to say, it was a flattering picture of me, but I don't know how the heck they do this. They put these pictures out for sale. Did you know that?

MR. NAFTALI: Yeah, Corbis Bettmann, yes there are a number of firms that -- they have the copyright now to some of these photographs.

MR. DOAR: Well anyway I thought that it was nice and I haven't quite figured out how that got to me but it didn't make me think that the work in the impeachment inquiry was as significant as the work in the Civil Rights Division.

I mean we changed the world in the 60's and we in the Civil Rights Division played a part in that with the Civil Rights Movement and that really changed our system of government from a corrupt system to an honest system. And well I really spent seven and a half years working on that and doing what I could and what we could to break the caste system, and with the Voting Rights Act of 1965, it was broken politically. I'm very proud of that, maybe that I had more personal involvement in the important incidents, but I'm not degrading the impeachment inquiry. That was -- nobody

could have been luckier than me. Nobody if they looked at a career as a lawyer would say, "How did he do this. How did he go from the Civil Right Division to an impeachment?" The answer has got to be luck, because it wasn't anything about me that caused that. So there you are.

MR. NAFTALI: Mr. Doar, thank you very much.

MR. DOAR: Thank you.

MR. NAFTALI: Dan, thank you and thank you Maureen. It's been wonderful and very helpful to historians.

MR. DOAR: Well I don't know.

MR. NAFTALI: Thank you.

[END TIME 2:22:24]