

Part of the Richard Nixon Oral History Project

An Oral History Interview with RICHARD GILL

Interview by Timothy Naftali
September 30, 2011
New York, NY



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Descriptive Summary

Scope and Content

Biographical Note

Richard Gill served as a Senior Associate Counsel for the U.S. House of Representatives Impeachment Inquiry Staff in 1974, focusing on the role of the “Plumbers” unit. A graduate of Vanderbilt University (B.A., 1962) and the University of Virginia School of Law (J.D., 1965), Gill also served as Vice-Chair of the committee which wrote Alabama's Appellate Rules (and is author of the Official Commentary to such rules), as a disciplinary judge for the Alabama State Bar, and as a member of the Eleventh U.S. Circuit Court of Appeals Disciplinary Committee. Gill also became the senior partner in the law firm Copeland Franco.

Administrative Notes

About the Richard Nixon Oral History Project

The Richard Nixon Oral History Project was created in November 2006 at the initiative of Timothy Naftali to preserve the memories and reflections of former Nixon officials and others who had been prominent in the Nixon era by conducting videotaped interviews. Naftali insisted from the project's inception that it be a serious, impartial and nonpartisan source of information about President Nixon, his administration, and his times. A second goal of the project was to provide public domain video that would be available as free historical content for museums and for posting on the Internet. Donors to the project neither requested nor received a veto over interview questions or interviewee selection. Accordingly, the project includes interviews with former staff members of the Nixon administration as well as journalists, politicians, and activists who may have been opposed to the Nixon administration and its policies. Taken as a whole, the collection contributes to a broader and more vivid portrait of President Nixon, the Nixon administration, and American society during the Nixon era.

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Suggested Citation

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The following is a transcript of an Oral History Interview conducted by Timothy Naftali with Richard Gill on September 30, 2011 in New York, NY.

- Naftali: Hi. I'm Tim Naftali. I'm Director of the Richard Nixon Presidential Library Museum in Yorba Linda, California. We're in New York. It's September 30, 2011. And I have the honor and privilege to be interviewing Richard Gill for the Nixon Oral History Program. Dick, thank you for doing this.
- Gill: Well, I appreciate you recording it.
- Naftali: Take us into the early 1970s. What are you doing at that point?
- Gill: I was a practicing lawyer in Montgomery, Alabama, with a medium-sized firm by Alabama standards, 14 or 15 lawyers, and practicing civil trial law. So life was just on course. I had finished a stint in the army and come back to practice with that firm, and so that's where I was.
- Naftali: Where'd you go to college?
- Gill: Went to Vanderbilt.
- Naftali: And where'd you get your law degree.
- Gill: The University of Virginia.
- Naftali: Did you clerk?
- Gill: I did not. You have to remember that the time, it was the military requirements were pretty stringent, and so I had been an ROTC officer and had to serve in the military. And I was offered a clerkship by Judge Frank Johnson and had accepted it, and then I got an army assignment, and I couldn't get another deferment because I'd gotten one to go to law school. And so I missed that opportunity.
- Naftali: How were you recruited for the impeachment inquiry?
- Gill: Judge Johnson is the key to that, too. John Doar and Judge Johnson were friends. John had been with the Justice Department during the Freedom Rides and various disturbances in Alabama, in Birmingham and other places. And John wanted a national staff for the impeachment inquiry, as opposed to just a Washington group of lawyers or a New York group of lawyers.
- And he called Judge Johnson, who called me, and said, "Are you interested?" They wanted a young trial lawyer. They couldn't pay a lot of

money, so it kind of had to be young people for the most part. I guess I was 34 at the time. And Judge Johnson recommended – he said, "If you get a chance to work for John Doar, it's a chance of a lifetime." So that's how I got introduced to John.

Naftali: Roughly what period was this? Was it January of '74?

Gill: Right. It would have been early winter. And I came to Washington to get interviewed. And actually, I talked to John on the telephone, and he said, "Look, if Frank Johnson recommends you, you've got the job." And I said, "Well, what is the job?" I didn't know. And he said, "Well, come on up. We'll see where you might fit in."

And because I was far enough along in law practice, and I had a new child and was married, I didn't want to come up and do a clerical job, frankly. And so I came up, and John said, "No. What I have in mind for you is to head up two of the taskforces," he said, "When can you come to work?" I think I interviewed with him on a Wednesday – or he interviewed me, more accurately. And I said, "Well, I'd need to go home and arrange things with my law firm and my family." And he said, "I'd like you to come to work tomorrow." I couldn't, obviously, but I did actually the following Monday.

I went home and met with my partners and parceled out cases, and they said, "We'll take care of it. This is something you ought to do. You won't remember a lawsuit that you handled ten years from now, but you'll remember this for a lifetime. And go; we'll take care of it." So they said, "We'll supplement your pay because they can't pay you much."

Naftali: Did you have any idea, when you accepted the job, how long this job would last?

Gill: I didn't. It was open-ended. We didn't know how quickly the political process would move. And it was interesting. I was a lifelong Republican. John Doar, of course, is a Republican, was then and still is, as far as I know. But he said, "I want you to work on the majority staff." And so he said, "There aren't going to be any political affiliations. That doesn't matter within the staff. What you're here to do is to be a lawyer."

And so I went – actually did on that Friday go see Judge Johnson to tell him. And I remember being very cautious and saying, "You know, Judge, I voted for President Nixon, and I just think we ought to start with a presumption of innocence." And he said, "Well, that's good. You should do that."

Of course, at Easter time, after we had heard the tapes, Judge Johnson always told the story that I came back to see him and said, "Judge, we've got the bastard." I don't think I actually used that phrase, but that's what the judge reported in some talks.

And so we didn't know. And I had nowhere to live. My senior partner had a daughter and her husband, who lived in Alexandria, and they offered me an attic room in their house until I could find an apartment for my wife and son. And so that's how I got here.

Naftali: When you arrived, which two taskforces were you given?

Gill: I forget what the formal names were, but essentially, one of them was the Plumbers Units and the various wiretaps of journalists and others, that group of facts. And then the second one was the sort of political matters that were characterized as being associated with Donald Segretti. So the Political Dirty Tricks maybe had been the sort of semi-title of it.

Naftali: Now, did you get a chance to recruit your teams, or were the teams already set before you arrived?

Gill: Half and half. There were a good many people already in place. Dick Cates was an extremely skilled trial lawyer, and he was sort of assigned at the next senior level to help get the fact-finding parts of the taskforces organized. But then others applied for jobs, and we interviewed them. The assignment of people to the taskforces really was done by Dick Cates, John Doar, maybe by Bernie Nussbaum. So I didn't really recruit specifically for my taskforce.

Naftali: Can you tell me the names of the some of the people who were working with you in those taskforces?

Gill: Well, of course, the one that is the most unusual was Hillary Rodham. She had just graduated from law school the previous spring and was a junior lawyer and applied, and she was initially assigned to my taskforce. She later – because she could accomplish things quickly, she was spread out into other areas, but she was.

And Lee Dale from Colorado, from Denver, was on my taskforce. And the Republican – excuse me – well, he was assigned to the minority staff was a fellow named John Kenehan, who had been an assistant US Attorney in Virginia, I think. And then I'm trying to think who else in the structure. I don't know. It'll come to me.

Naftali: Let me ask you a bit about the structure. You mentioned minority staff. Was there a minority staff on the Plumbers taskforce?

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- Gill: There was. There were minority staff members assigned to all of the taskforces so that everything was covered politically, if you will, because the committee was structured into a minority and majority. And everyone wanted to have appropriate representation so it couldn't be accused of being a political focus, as opposed to kind of a legal focus.
- Naftali: When your taskforce would meet, did you caucus together, or did you have a separate caucus for the majority staff and one for the minority staff?
- Gill: No, we just worked seamlessly really. There were tasks to be done. Whoever was available to be asked to do it, did it. I know we asked to go to California at some point and interview the prosecuting attorneys in connection with the Ellsberg break-in, and John Kenehan and I flew out there together so that there was both a majority and a minority staff person present. But it really was not structured that the minority staff met and the majority staff met at all. It was meshed all along.
- Naftali: Now, when you started, the decision had already been made not to do more investigations, or were you there when that decision was made?
- Gill: Well, you see, I'm not even sure that that decision held throughout. In fact, I know it did not. We were confronted with a mass of materials that had been assembled by the Senate Special Committee that had never really been digested, organized, collated, integrated into the whole fact pattern. And I don't remember – I know the number was in six figures of pages of materials, and so that was the initial thing that confronted us.
- But, early on, a number of us pushed for further investigative work, interviewing witnesses – the business of going out to California is an example. But we ended up getting permission to interview most of the Plumbers people who could still be reached, who mattered, I mean, Liddy and Egil Krogh and then Charles Colson. And so we did that.
- And so I don't think the decision not to do further investigative work really held for very long, and I don't know how that decision was reached. To start out, it made sense. "Let's see what we've got and digest that." But it did grow from that.
- Naftali: I know it's been a long time, but what were some of the questions right in the beginning when you were digesting the Plumbers information? What were some of the questions that you had?
- Gill: Well, we always had to remember what our job was, and our job was not to prosecute the Plumbers or to be involved in that at all. The question
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was, was there evidence of Presidential involvement? And, if so, was it constitutionally and legally proper or not? And the "or not" was always there.

Doar made it absolutely clear that this is not a witch hunt where we start out presuming the President is guilty of anything, and we're gonna start and try to prove our preconceptions. He said, "We're an investigation. We're gonna give the straight answers."

So we started out looking at the Plumbers. The wiretaps were the most sort of top of the pyramid thing that had reached public interest because it was known that there had been a number of people on whom domestic wire-tapping had been carried out. They didn't know who – there was a lot of speculation about that – and why, didn't know on what authority. So that was one. The break-in into –

Naftali: Let's just stop for a second, please. This room has its own set of noises occasionally. The break-in?

Gill: Well, the break-in into Ellsberg, the psychiatrist in the Ellsberg case, and it turned out there were – of course, the break-in into the Watergate itself was Evan Davis's taskforce and the cover-up of that. But it was carried out by the Plumbers Unit, so of course there was an overlap between those two matters. But we didn't know how much domestic spying and surveillance had been going on and how it came to be authorized.

And, of course, ultimately that misuse, if you will, of the CIA and the FBI to carry out political surveillance was one of the impeachable offenses. So that was a major focus.

I always thought the Segretti business was a sideshow. And, as it turned out, it really was. It was perhaps childish stuff. It was annoying, but it didn't amount to much.

Naftali: How often would you see Mr. Doar? Did you have sort of open-door access to him?

Gill: Yeah, you did. Now, we tried to respect the fact that he had important policy-level things and dealings with the committee to do, and we shouldn't annoy him with daily questions. He expected us to carry out the kinds of investigations and analyses that lawyers are supposed to be able to do.

We did need his permission if we were going to, for example, interview Gordon Liddy. Liddy was in prison in Terminal Island, California, and it took some maneuvering to get the Justice Department, the FBI, and the

Bureau of Prisons, and I don't know who all to transport him to Washington and make him available to us. And only John, frankly, could pull that off.

We had the same sort of interface with the Justice Department over getting the actual transcripts from the domestic surveillance. The Justice Department and the FBI didn't want to let us see the raw transcripts. There was a relevance reason why we thought we should see them. And we had to go to an Assistant U.S. – I don't know what his title was – named Silverman at the Justice Department that John knew and put pressure on him to do it and set conditions.

I couldn't have carried that out as a junior. I mean, my title was – and so was Bob Sack and Evans. We were, quote, "Senior Associate Counsel," but we weren't very senior. We were in our early to mid-30s, and we had no independent authority to force – and the committee tried not to issue more subpoenas than necessary.

I'll tell you the story when we get to it about the confrontation with the Justice Department and how John got that resolved, which is kind of an interesting story in itself. So we did have to involve him.

We wanted to interview the judge, Judge Matt Byrne, who had presided over the Ellsberg break-in trial, and who had been approached by the President. He didn't want to be known to be interviewed by us. John arranged for him to come to Washington on Sunday so no one knew he was here.

But, again, I had to tell him that I thought that was something we needed to do. And if he agreed that that was a task that ought to be carried out, then he had the authority and could make the arrangements to get it done.

Naftali: Before we go and talk about the subpoenas, you mentioned to me, it's important to understand the distinction between a litigator and a trial lawyer.

Gill: Yeah. I guess I've been a trial lawyer for now 46 years. Trial lawyers who actually spend their days in court or some of their days in court have a different view of how you get evidence and how you present evidence than people who engage in litigation but do it primarily through motions and requests for production and briefs and that sort of thing, who are litigators; they're in the litigation field, as opposed to a business lawyer or tax lawyer.

Dick Cates was a superb litigator. He knew how to analyze facts, knew how they would fit together, knew how they would present as a logical

sequence. I was a much more junior trial lawyer, but that's why I was chosen. I mean, Judge Johnson was asked to find a young trial lawyer.

The trial lawyers on the staff wanted to do interviews, wanted to get people's specific statements and testimony down if we could, not just go on the papers. And, as I said, ultimately, there was a good deal of that that was carried out. Initially, the thought was we can go on what is in the documents, the memoranda and the correspondence and all those things, but it didn't turn out that we could. I didn't think we could. And I think that, ultimately, the actual people matter.

Naftali: Also, you didn't know how much had been destroyed –

Gill: That's right.

Naftali: – of the document record. I mean, you had people under oath who had admitted to destroying material.

Gill: That's true. And I assume we'll get to it, but of course there's the famous incident of the recordings and the Nixon version of them versus the actual version. But the same thing happened with John Ehrlichman's notes, and I'll tell you that when we get to it.

Naftali: Why don't we do it now?

Gill: Well, John Ehrlichman, as I know you know, was a prolific note-taker at all his meetings with the President. And he had a kind of shorthand that allowed him to get a lot of information into small bits of paper, and they were voluminous, but he had a personal shorthand. We wanted to see those notes as they related to meetings with the President.

And you have to remember, we had access to just six tapes initially. And there was a – the rest of the tapes really were delivered after the President resigned. So there were clearly gaps in information on the tapes. And trying to piece together things, we said, "There's another source. John Ehrlichman was present and took notes." The White House did not want to turn them over.

And we actually – it was kind of a funny event. We asked the Special Prosecutor's Office, who was very careful to keep a boundary between the congressional side and the prosecutorial side, but they had subpoenaed and had custody of Ehrlichman's notes. We requested the White House to give them to us.

And Mr. St. Clair and his staff equivocated for a while, and finally they said, "Well, we'll give them to you." They said, "You have permission to

see them." I've forgotten. It was a funny phrase that was equivocal. So we took that phrase and asked the Special Prosecutor's Office to give us their copy, and they did.

And, at the same time, almost the same day – I'm pretty sure it was the same day – the White House sent over what they said were the Ehrlichman notes. And they found out we had the whole set, and there was a big hurrah, and they demanded that we return them and this, that, and the other.

They came to me. John was in a hearing of some proceeding before the committee. And this demand came that we return them. And I didn't think I was going to return them, but I certainly wanted him to know because it was clear that the two didn't match, any more than the two versions of the tapes matched. And so I sent a note over to him in the hearing room, and he sent back a note that we were not to return the full set.

And when you analyzed the Ehrlichman notes, Dick Cates said, and I think he's right, that without the tapes and without John Dean's version, you could have made the same case using the Ehrlichman notes. They didn't play as big a role because you had tape recordings of many of the same meetings, so the tape recording was better tool and easier tool than the notes themselves.

But there were lots of meetings recorded in Ehrlichman's notes that we didn't have in the tapes that were then available to us. So they were very important. But we did get an altered set from the White House but had this coincidence of getting the full set –

Naftali: From the Special Prosecutor –

Gill: – from the Special Prosecutor's Office.

Naftali: I'd like just to walk you through this a little bit, if I may. When you say an altered set, are you saying that there were omissions, or are you saying that there appeared to have been notes that they had –

Gill: I think omissions is the more accurate word. There were clearly pieces taken out. I don't think there was any fabrication of entries. I never saw that.

Male Speaker: Tim, could you just shift a little to your right? I'm just getting a little bit of your shoulder when you just shifted. Sorry. Thank you.

Naftali: Okay. Tell us a little bit about your relationship with Dick Cates, please.

Gill: Well, I'm a great fan of Dick Cates. I have to tell you, he's just a fabulously funny and bright man, had great, great instincts about evidence and trial.

I remember he predicted to us what would be in the tapes that we didn't have, when we finally got them. He said, "I can tell you from the events that happened here and the events that happened there what has to exist in between." And, sure enough, there it was, once you've got the rest of the tapes. Those gaps followed Dick's analysis that it had to be there in order for the second event to have occurred the way it did.

And he was a charming man. And he almost charmed Gordon Liddy into giving us some information, but we didn't quite succeed. That's a funny story, too, but –

Naftali: Go ahead.

Gill: Well, we wanted to interview Liddy. He was head of the Plumbers Unit. And clearly, he was more knowledgeable about the connections to the White House. The people who were known as the Cubans really were not. They were the workers and the door-openers and all that.

And so we did ask the Justice Department to bring Liddy from California. He was awaiting his appeal. He had been convicted on a number of things and had appealed his conviction but was not released during the appeal. And so he was brought to Washington. And I thought, you know, they put him in the D.C. jail that everyone referred to as the Black Hole of Calcutta, and we thought, "We're trying to get the man's cooperation. This isn't helpful to do that."

But, anyway, they let him out for a day and brought him through the tunnel system under the Capitol to our offices in the old Congressional Hotel so the press wouldn't know he was there and all that. And he signed in – we had some security, and he signed in, it said, under protest.

So when we got back to interview him, and it was Dick and me and Liddy, he said – Dick asked him, "Why did you sign in under protest? What's the nature of your protest?" He said, "Well, you're government agents, and I'm being interviewed without my lawyer, and that's a violation of my rights."

And we said, "Well, we're not interviewing you for purposes of prosecuting you. We don't have any authority over you at all. And, in fact, we're not even prosecutors in the ordinary criminal sense of the word."

But if you want to call your lawyer and see whether you can talk to us, we'll give you an office and a telephone." His lawyer was in New York.

And Dick Cates says, "And then we got some lunch for you, you know, get you out of that D.C. jail and got you some cigars," because Liddy's always seen with a cigar. And Gordon Liddy said, "Oh, I don't smoke those things. That's just a prop." He said, "It makes me look tough," but he said, "I don't actually smoke cigars."

And so he went next door and called his lawyer and came back and said, "Well, my lawyer says not to talk to you, not to give you a statement." And Cates said, "But Gordon," he said, "just think of what you could do for us. You'd make me famous." He said, "What do you mean?" He said, "I'd be known as the man who cracked Gordon Liddy. Now, don't you want to help me?"

And so that kind of – and I remember asking Liddy, wasn't he frustrated because his appeal had taken so long and he was still jailed? And I said, "You know, if I were waiting in jail, and I thought I had a valid appeal, I'd be just sort of beating my head on the wall in frustration." And he gave his sort of Zen answer and said, "There's no point in beating one's head against the wall unless you have a reasonable expectation of knocking the wall down." And I thought, "Oh, boy."

But, anyway, we said, "Well, you're here. You might as well have lunch. You might as well enjoy the day out of the jail." And so we talked to him about the New York Yankees and this, that, and the other, just trying to get him to – he's a pretty clever man, and he's a lawyer, and he worked as a prosecutor himself. So he really couldn't be fooled or conned into giving us anything.

But the next day, he filed suit against us, named Cates and me as having violated his rights to be interviewed without counsel and wanted all the charges against him dropped. And it was assigned to Judge Gerhard Gesell at the District of Columbia Federal Court.

And so Bert Jenner, who was head of the minority staff, said, "Well, I'll be their lawyer." He said, "Cates and Gill don't need to be their own lawyers." So he got an appointment with Judge Gesell. And he told me, he said, "Come on. We're going to go down there and get this foolishness dealt with."

So we go down to the courthouse and meet with Judge Gesell, and he says, "I'm gonna throw this thing in the trash. Don't worry about it." He and Jenner were old friends, and I think Jenner had probably been head of the

ABA and gotten helped with his appointment. But I'm just sitting at the back of the room. I'm the junior guy on the wall.

But he said, "Don't take up any more of your –" he said, "That thing'll be in the can tomorrow." He said, "Just go on back to your work." So we marched off, and that was the end of Liddy's lawsuit.

Naftali: Dick, we were talking about Gordon Liddy, and you also had occasion to interview Bud Krogh.

Gill: Yeah, I did. Krogh, as you know, was sort of second in command of the Plumbers unit, and he was – my recollection is in Allenwood, Pennsylvania prison, and we made arrangement with the bureau of prisons – again, I think it's required, John's intervention, to have Bud, or Egil Krogh was his name – brought to us, and I wanted to get his cooperation. So I asked them if they could have his wife there, and they did arrange that, and we met at a facility, I think in Baltimore or somewhere, and he was brought down, and of all things, he was in shackles. They had leg irons and wrist manacles, and I thought, "This is not the way to get his cooperation." So we asked them to please un- – they didn't want to. They wanted me to interview him in irons, so to speak. But anyway, they did, and Krogh was an interesting fellow, because I think I described him as a boy scout. He really was a true believer that anything he was asked to do by the President was almost by definition proper and in the best interest to the country.

But once this all blew up, he took on this sort of guilt complex, and blamed himself for not stopping it, not seeing the direction that the Plumbers were going, the break-ins they were conducting couldn't possibly be legal, and so on, and that he should have recognized that, and put an end to it. I think that's an unfair guilt load, but of course, we were interested in whether or not he received instructions from the President, so that the link was there. And he never got direction from President Nixon, "Go break in something. Go do wire taps." He just didn't get that kind of instruction. I think it was obvious from what he told us that in some of his – and he only had a few conversations with the President – that the President knew at least wiretapping was going on. I don't know that he knew about the break-ins or when he knew, but Krogh, when he finished his sentence, I know that he applied for readmission to the California bar, and several of us on the staff asked John Doar if it was okay for us to write kind of letters of recommendation, because I do think he's sort of a clean-cut character, and if anybody in the world would never go astray again, would be way on the other side of the line, it would be him. But it was an interesting experience. He did get a little bit of time with his wife, so maybe that gave us some goodwill.

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- Naftali: How difficult was it for you to determine Presidential involvement in the Plumbers?
- Gill: Well, some of it was inferential. Some of it you could tell from the tapes once you heard them was that because the President commented to Dean and to others on the tapes about activities that the Plumbers had been doing, that he knew about it. Some instances – of course, it ran through John Mitchell, that is, the Plumbers activities – and others, collateral figures, like Dr. Kissinger who’s signature or initials are on the authorizations – or I say that. There’s a set of authorizations from Hoover for these wiretaps, and they recite that Dr. Kissinger called and asked me to do this, and then he puts his sort of had a funny little scribble that was his mark. And obviously Mitchell and Kissinger were at the very highest level of the Nixon administration, so I don’t think Dr. Kissinger was interested in the political side of it at all. I mean, that is the wiretaps degenerated into that. He was interested in what he viewed as national security leaks, and that was the original cover for the wiretaps, but they certainly expanded into something quite different. But it’s clear from the tapes and the testimony of others that the President knew about that, and he was receiving reports through Haldeman and the others about what the wiretaps were generating. So – but to say that you could find a direct order from the President, “Go break in somewhere,” there never was that. You couldn’t find that.
- Naftali: You mentioned that Dick Cates has this uncanny ability to predict what the tapes would say. Was that because you and he were developing a theory of Presidential responsibility?
- Gill: No, the query was whether or not there was Presidential responsibility. But Dick was able to say, from both his skills and his experience, that, Look, if the parties here on tape number one are discussing this or doing that, and over here, this event occurs, there has to be a connecting set of events, and you could – I don’t know whether it’s inductive or deductive reasoning, you could say necessarily this had to have happened in-between. And it did; it turned up on the other tapes that we got later. So that’s the process. But it certainly was not with a preconception, but that was our charge, was what was the President’s involvement? So we had to make the query, is Kennedy to be found or inferred?
- Naftali: How did you come to the conclusion that the Segretti story was a side-show and irrelevant?
- Gill: Well, we actually interviewed Segretti, and he was almost a college prankster. He did things like ordering hundreds of dollars’ worth of pizzas delivered to the Republican headquarter – I mean, to the Democratic headquarters and charging them so they spend money and be confused. It
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was really silly stuff at the end of the day. We never found anything of consequence, frankly, in his activities. I don't want to say he was a prankster. It was a little more than that, but it just didn't have the gravity, and certainly not the Presidential level involvement that other things did.

Naftali: Did you interview Charles Colson?

Gill: We did. Dick Cates and I interviewed Colson twice I think. Maybe have been three times, but I have to tell you – and I probably, in the public eye, this is a minority view I guess – we concluded that what Mr. Colson was doing was a kind of a scam. He was a very high-ranking official of course. He was publically known to be high in administration, and he had made an announcement that he had decided to tell all, to unburden his soul, so-to-speak, and we concluded – what he told us in the interviews were not matter of consequence. And we concluded that it was deliberate. That by saying, “I'm going to tell all, and I had the ear of the President,” it all doesn't amount to much. It infers that there wasn't much there. And so we actually recommended at the end of these to the committee that he not be called as a witness, because we didn't think his testimony was going to be truthful, and we thought it was deliberately misleading in the sense that I described.

But the political pressures were terrific. The committee wanted to not only get a full picture, but certainly to be seen to be getting a full picture, and if you don't call the highest ranking official in the administration who has said, “I'm going to tell all,” and you don't even hear from him, it doesn't look as if you're getting the full picture, or even interested in it. It looked slanted. So he was called as a witness, and I remember Congressman Huntgate got a break after Mr. Colson had testified for the morning, or some period of time, behind the committee chamber there, there was a break room there where you could get coffee and things, and he turned to me, and he said, “Well, you and Cates told us about this. I understand though that Mr. Colson says he's found the Lord.” He said, “After all that testimony in there, under oath, that he's given, he better hope the Lord doesn't find him.” So I don't think Mr. Colson's testimony to the committee ended up accomplishing what he hoped that it would, and I think it was an effort to exonerate the President through this appearance that I've told all, and all is not of an impeachable quality. But he did testify, and I don't think the committee believed him.

Naftali: What was it that gave you a sense that he was trying to scam?

Gill: It's a long time. More than 30 years ago. Partly it's you observed it. And the pieces didn't fit together. They didn't fit with some of the information that was on tapes, they didn't fit with some of the memos and things that were in possession of the committee. It didn't – the story wouldn't hold

together under careful cross-examination, which is what a trial lawyer does, and so you had to ask yourself, “What is he not telling, and why?” And so that was the conclusion we reached from it. And I suspect – I guess he’s still alive – I suspect that he would adamantly disagree with that.

Naftali: It was always interesting, wasn’t it, that he found the money for the break-in?

Gill: Yeah. And the money for - I don't know if it was him alone, but the money for the lawyers for those people. And of course, this is the sort of thing – Dick Cates and I went to interview the lawyer for –

Naftali: Bittman? Did you interview Bittman?

Gill: Yes, we did.

Naftali: The lawyer for Hunt?

Gill: Right. And he had plead – he had agreed to plead Hunt guilty to all the charges, and I think he got the maximum sentence, and Dick asked him, he said, “You know,” and he was paid three hundred thousand dollars – and he said, “Mr. Bittman, let me see if I get this right. You paid three hundred thousand dollars to plead your client guilty on all charges, and get sentenced to the maximum.” He says, “What did you do for three hundred thousand dollars?” He said, “I could have done that for three hundred dollars.” And so it was pretty clearly a funnel for the money, as it turned out after everything else has become known.

Naftali: But Mr. Bittman didn’t say it was a front.

Gill: No, he did not. He did not.

Naftali: Tell us about what role, if any, you played in deciding how this information would be made available to the committee?

Gill: Well, I didn’t play any role on that. John Doar’s code, if you will, was we’re not going to make any statement of something as being a fact unless we can document from sworn testimony or documents that it is a fact. If it is an inference from facts, it’s got to be clearly identified as such. And so he wanted – he’s the one who – and I say he; he may have consulted with Bob Fisk and others, you know, I mean Owen Fiss – Robert Fisk who is dead now, but about the structure to call these Statements of Information, and if you look at them, there is just that. It’s a statement of what we believed to be a fact, and then underneath it is the source, or sources, and either testimony of somebody – document of this, recording of that – so I

didn't have any role in that. We were told to structure and write our reports in that format, and it was a way to test whether what we thought were the facts. Alright, where can you prove it?

Naftali: How much time did it take you to prepare your volumes, because your work is covered in at least one volume that I recall.

Gill: I think it's two, but I don't know. I've got that set of those great books. I can't tell you that. I mean, it's not that I won't tell you that, I just – it was an ongoing process, because we were told to do that, and facts came in, you had to go back and plug them in so that the story made sense, the Statements of Information were a story as well – chronologically and connectively put together all the facts about a given thing, and – for example, the wiretaps. You start with the question of how were the wiretaps authorized? And then what did they – who did they wiretap, what did they get when they wiretapped them, how did they collate that, because only small bits of the wiretap materials went upstream to Haldeman and to the President. They culled out a lot of it that was not deemed relevant to why they were wiretapping. I mean, that's one of the ways that you could tell why, was the selection process. It was a – if there was four pages of a conversation, and they only reported a paragraph's worth, then the rest of it wasn't what they were interested in, and so you could pick out the pattern of why they were doing it.

So all that was told in a story, and with the supporting materials, and other aspects of it, which told – but it had to be able to be read through and make sense, and so that was always an on-going thing. You were writing it and filling in the supporting materials for over a period of weeks and months really until the process ended.

Naftali: When did you start feeling comfortable that you were getting – did you get a sense that the puzzle was coming together, or the picture was getting clearer for you?

Gill: I know I went home and the only time I went back to Montgomery during this was at Easter, and I think Easter was in April that year, early April as opposed to March, and I went to see Judge Johnson who wanted to see how it was going, and he had been, after all, the pathway as to why I was there, and talked to him about it, and it was clear that we had gotten the first group of tapes, and those of course we had to listen to, and I forget, there was six or seven of us that were authorized to actually hear them, and we had a close room that was soundproof that you couldn't have somebody who was across the street with a mic pick up, and you had to listen to them through a headset, so it wasn't broadcast in the room in general. And there was a lot of elaborate rigmarole.

But those certainly confirmed much of what the written materials had suggested, and it certainly gave a tone that is so clear in there, and reading the tapes is pretty shocking in some ways, but hearing them is more so. And but I know by Easter I reported to Judge Johnson that I thought the President was in trouble. And I had no idea what the Congress – that wasn't my level. We got to know – and we did this – there's an incident when we get to it about Hamilton Fish who was one of the members – but I think certainly by mid-April we were pretty clear where it was going. Now, there were things being thrown overboard that we never had any charges associated with Segretti. In reflection, the Cambodian bombing business shouldn't have been in there. It probably had political overtones. It just didn't seem to us. At the end of the day, it was included, but it was not adopted as one of the arguments. That was one of Bob Sack's categories, so we like to kid him that some of his didn't get the same vote. But I think that's accurate. Because we started presenting the materials by the end of May, June is my recollection.

Naftali: Beginning May 9th, actually.

Gill: Okay.

Naftali: The tapes that you were listening to had been brought over by the White House Special Prosecution Force, they'd been given to you by them?

Gill: That's right.

Naftali: So you started listening to them in early April?

Gill: That's right.

Naftali: Before the White House issued its transcripts?

Gill: It's the Dirty Blue Book as it's called.

Naftali: So you had this experience – not you necessarily personally, but at least the staff – having listened to these tapes, and then having the White House issue its own version of the transcripts of the same tapes you'd been listening to.

Gill: That's right. And it's funny, the Supreme Court decision – and I can't date it; I'm sorry, I should be able to –

Naftali: July 24th.

Gill: But we – Bob Sack and I were dispatched to the Supreme Court as the representatives of the Congress to hear the Supreme Court deliver that

opinion, and it's got to be one of the most peculiar days in history. I mean, very solemn occasion in the court, and we didn't have anything to say, but he and I had both been admitted to practice before the court, so we were entitled to sit inside the rails, so-to-speak, as representatives of Congress. And we – they had a little gold eagle that we wore on lapels that gave us access. It was sort of a pass key to ask government officials things. And when we came out after hearing it, and listening to the rationale of the court, there were all these demonstrators out in front of the Supreme Court building, both pro and against the President. Some of them had on those masks of the President. A lot of them had signs and they were marching around about, "Impeach the President," and "Pro-Nixon," chanting. And we didn't want the crowd to know who we were. They wouldn't have recognized either of us, of course in any way, unless they realized we had on – so we kind of hid those, and the committee may have started the vote or the committee statements from the representatives that night, because there was a threat of a kamikaze plane coming – this is of course long before 2011 – was going to crash into the capitol, and it was a rumor; I don't know where it came from, but there was a lot of alarm about it, and there were questions, should they hold the session? Because they were held in the evenings. And then I think a number of very profound things were said by a number of the Congressmen. They didn't all speak that same night. I mean, it went on over more than one evening. But that all occurred in a single session, and it's just an astonishing piece of history to have been there.

Naftali: Well, you said there was a threat that was reported?

Gill: There was, that someone – and they called it a kamikaze, a plane was going to crash into the Capitol, and I don't know anything about the source of the threat. Obviously there was enough credibility about it, there was a lot of buzz and running around, questions about whether we ought to adjourn the session, that sort of thing. It didn't turn out to amount to anything.

Naftali: Tell us about the subpoenas. You were going to tell us a story about the issue of whether you should – I guess whether you should issue subpoenas.

Gill: That's right. And a number of members of the committee – and of course you have to understand the partisan politics were ongoing. There were some members of the Republican minority who we felt that it had been put on there for the purpose of being true partisans. It didn't matter what the facts. They were the President's men on the committee, there were a couple of them. Didn't want subpoenas issued. The subpoena process was cumbersome. If a person disobeyed a Congressional subpoena, the enforcement was cumbersome. It wasn't as if there were court

proceedings readily available and a judge could snatch them in and cite them for contempt. You had to go through a process of contempt of Congress. So it was an awkward process. I know it came up in connection with getting the wiretap materials, that is the actual transcripts. Justice Department, FBI did not want to turn them over. They professed to have concerns that they were an invasion of privacy of the people who were wiretapped, and we said, "Well, it's a little late to be thinking about that. It wasn't an invasion when you did it, as opposed to us getting it." And we said, "Well, we can subpoena them." They said, "Well, that will take you weeks to sort that out."

And so finally John Doar asked me to go with him, because I was the one that at least knew what we were asking for, and the details, so we went down and met with an Assistant – I don't know what his title was in the Justice department, but I think he's now a Federal Judge, Silverman, and he was a friend of Doar's, they had been colleagues – and John said to him, said, "You know, this is – you've got to consider what this is. We're not the criminal courts. This is a solemn constitutional proceeding, and we need this." They didn't want to do it, and finally I remember John saying, "Well, you know, if you read the Constitution, the articles of impeachment can be brought against any Federal official, any person holding public office." And he says, "Representative Drayman," who was one of the leading Democratic firebrands on the committee, he said, "he's got impeachment resolutions made out in blank, and you're liable to be the next one if you won't cooperate." And so they ruminated and decided to give them to us on the condition that we obscure the names.

So I was given that task, and I have to say that my code writing was not very skillful. I gave them letter designations and that sort of thing, and I think the press figured it out pretty quick who was who. But we did get them, and we were able to draw conclusions as I said about why were they doing this, and the materials they reported upstream to Haldeman gave us a clue. And what was omitted, and there was a lot of stuff on there of people's private conduct and things that nobody was very interested in, except sometimes it was used for political leverage, obviously, in the political matters, memoranda, you can see evidence of that. But anyway, that – we didn't subpoena them, they turned them over under this arrangement, but it was done under sort of coercion.

Naftali: So you concluded, therefore, that though they may have been begun for national security reasons, ultimately the wiretaps were used for political reasons?

Gill: We did. It was fairly evident that that's what it became.

Naftali: Tell us about the camaraderie on the staff. You're working so hard, you're under such pressure, and you're all supposed to be tight-lipped. How did you blow off steam?

Gill: That's interesting. The tight-lipped is fascinating because I think it's the only major investigation in Congressional history from which there were no leaks. Doar had told us at the outset that he did not want any, that we had a duty. Our client was the Congress. Lawyers don't discuss client's business, and we didn't. Nobody – although we got calls – several of us got calls. I got one from somebody on Jack Anderson's staff. We immediately referred it to our security officer, and didn't respond to them. But all of the lawyers were young, or youngish. Bert Jenner and John Doar were senior, obviously, and Bernie Nussbaum was maybe three years older than Bob and Evan, and Evan's actually a year or two younger than I am. And then many of the staff people, like Hilary, were younger still. But everybody was – it was an amazing group. They were clever people, they were bright people, they were dedicated people. But they also had – Bob particularly had a wonderful sense of humor and kept everybody kind of together, because it did get long. If you're there until four in the morning, day after day, and you're getting three, four, five hours of sleep and coming back to it, weekends included, it got wearing, but I think it's a tribute to the people John chose and how he reminded us that we had an important duty and a purpose of why we were there.

So it's been a – I told him – I had occasion to have dinner with him – he actually came to Montgomery on some business a few months ago – and I said, "You know, among other things that you did," - and I think he's a great man, he did great things – I said, "You forged a network of friends that exists to this day where we all regard each other as special, lifetime friends." And that's a tribute to him and his leadership. But we had funny things. We had a quasi Easter day – Easter weekend, because I went home for two days that weekend, but observance and – but it is interesting about camaraderie at the very end, when the President announced his resignation, and we realized that that part at least was over, and although we were going to stay to put it all into some meaningful form - and some of us had thought we were going to stay for the Senate trial – I wouldn't have been, I wasn't senior enough to lead any kind of counsel, but we would have assisted – we went around to a number of little places there up behind the Capitol, beer joints and things, and I remember there was a group of people that I would have described as hippies, long hair and beads and things, and they were whopping it up. "We got him! We got him!" All of us were kind of saddened about that, and thought, "That's not the right reaction." However you view it, it's a tragedy, and this outcome. It may have been necessary, and it may have been appropriate in the Constitutional system, but it's still a tragedy, and it's not the, "We

got him,” business. That’s wrong. And we didn’t stay very long. They didn’t know who we were, of course, we left.

Naftali: Let’s take a break.

Naftali: Okay. Dick, let’s talk about your experience with Hamilton Fish, please.

Gill: Well, Congressman Fish, as you remember, was a Republican member from New York, and came from about as patrician of Republican line as you can imagine. There’s been a direct descent from George Washington staff, there’s been a member of his – every generation of his family has served in government since the Revolution.

And he is as much of a blue stocking was, I mean, he’s died which I’m sorry to say but he was – blue stocking Republican as you can imagine. He was a tall, elegant man but he was open-minded. He really was concerned about this. He didn’t approve of what he was seeing and what he was hearing in the evidence. And he asked if – he asked John Doar if we – if he could send a couple of us out to his home on a Sunday to visit with him, to go over his concerns about the evidence to be sure he was right in his understanding of – where things led and so forth because every member of the Judiciary Committee was a lawyer, all 38 of them.

And so he – as a lawyer, was trying to analyze through and as a Republican he had, you know, he certainly was a lawyer but he also was a very, very principled man. So Judge Sack and I were sent out to his home in Northwest Washington and it may have been across a line in Maryland, I’m not sure whether it was still in the district but anyway, his wife had gone off somewhere for the weekend and so he had the house and he was using it to just try to think and study and look at stuff.

And so we spent the afternoon answering his questions and he went and invited us out to the garden. It was a real pleasant time, I mean, it wasn’t too hot and somehow or the other the press got a hold of the fact that some members of the staff were going to meet with one of the Republican minority and they showed up on the street outside and Connie Chung was the newsperson with a camera crew and all of this.

And they wanted to know why we were there and when we had finished our, you know, meeting with him, he said, “Well, we might as well as relax, how about a gin and tonic?” And so we were sitting in the garden and they wanted to come in.

He said, “Well, why not. Come on.” And it was at a moment in time really a part of the thing where the – there was sort of a split about the Republicans as to – because Bert Jenner became persuaded that the

President was guilty of many of these things and it almost became a co-majority council with John Doar and some of the Republican members of the committee felt that they had to have an advocate, if you will, and Sam Garrison was the designated person.

And so there was some speculation in the press about ill-will and axe jobs and was Garrison doing this and that. None of which had any real consequence to the more important Constitutional process but it was sensational and so Connie Chung came in and she asked Mr. Fish if she could talk to him on camera about what was going on and he turned to Bob Sack and me and said, "Look, these two guys know a lot more about this than I do. I'm learning from them. They've studied the evidence, ask them."

We said, "Oh, no, no, we don't get on camera, we don't make comments, we don't have anything--," and so we stayed behind the camera but she interviewed him and he had some very important and thoughtful things to say about the constitutional process and about the sort of -- what had happened in the politics to get to this and the duty of people, regardless of their political parties, to see the process out and then they asked the raw meat questions about, well, what's going on on the committee about firing Mr. Jenner and he said,. "We didn't do that."

And Sam Garrison's role and so he tried to knock down all that talk. On the evening news, they have a little segment about the fact that he was interviewed and that's all they put on. They completely ignored all the thoughtful things that he had to say, all the concerns he had at a real high and proper philosophical level. And I remember seeing -- went over to the hearing room the next day and ran into Connie Chung and I asked her, I said, "Why did you do that?"

Why did you select that, which was just passing, sort of gossiping trash versus something meaningful that he had to say." She says, "I don't do it. She said the editors select. I put the whole film to them and they choose it. I don't have editorial control." But I thought it was very sad and disappointing, you know, that that was the way it got portrayed but I do remember Mr. Fish -- he decided to vote against the President in the long run and Delbert Latta, who was a Congressman from Ohio, I believe that's where he was from, had been put on the committee as sort of the advocate, if you will, for the President.

And he was button-holing Mr. Fish and Latta was a short sort of stocky, bulldog kind of man versus Fish who was this patrician, and he was saying to him that you've gotta understand, us Republicans have to stay together and we have to do this and you're a Republican and so forth.

Mr. Fish drew himself up to his – and he was about 6’ 3 or 4” and looked down and he says, “Mr. Latta, do not presume to tell me what it means to be a Republican.” And his family had been Republican since Abraham Lincoln. And so we were – it was in one of those little chambers behind the thing and I thought, “Wow, is that –“ and then Fish of course voted in favor of the articles of impeachment.

Naftali You were there – you witnessed this?

Gill: Yeah, I was standing in the room. We all used the same break room.

Naftali And you are also a Republican?

Gill: Yes.

Naftali That must have been a very interesting moment.

Gill: It was and I was very proud of Mr. Fish, obviously. I thought boy does that – he didn’t give a weasley answer, didn’t sort of say, well, you know, I’m doing the best we can. We’ll all – he just was not going to be berated about it.

Naftali Tell me do you remember at all what his concern – the concerns that brought you and Bob Sack to see him that day?

Gill: Tim, I – this is awful to say but I cannot. It was a –

Naftali That’s all right.

Gill: We spent probably three and a half hours answering questions that he had about is this established in the evidence and is this linked by error and are you satisfied from that the President really was involved. It was the kinds of, you know, things but particulars, I’m sorry to say, I cannot.

Naftali Now, one of the things – I want to get back to Dick Cate’s because one of his jobs, I’m sure in the same period, was to be giving seminars to some of the members, doing the same thing.

Gill: They did meet with various members. And interestingly, some members of congress, who were not on the committee but expected to have to vote on the articles when they reached the floor were asking for input. Congressman Bill Dickinson who was from Montgomery and knew me, asked Doar if I could be sent over to his office to talk to him about it and the path it was taking and I have a feeling that Mr. Dickinson was concerned as to how it would play politically back home.

I do know that Walter Flowers, who was a Democratic member of the committee, asked me to come to his office and he said, “Look, I want to – I don’t want to – he was going to make an opening statement as they each did – he said I want to be careful not to prejudge but I – there are some clear areas of concern and he says I think you, as a fellow Alabamian, will understand it’s got to – the people in Alabama are not interested in the Cambodian bombing, they probably favor it and they probably think they all ought to bomb them more so he says I don’t want to focus on that kind of thing.

And he said, “Do you mind drafting an outline for me?” And I said, “Well, of course I’m happy to.” And Doar said it was all right and so I stayed up all night writing out a statement that I expected him to use as an outline and I gave it to him at 6:30 in the morning or something.

You know, it was finished and I certainly thought it was rough. I mean, I – he read it that night. All he did was – introduced – he had a paragraph in advance about who he was, where he came from, what his background – he was trying to say this is where I come from and he mentioned that a fellow Alabamian was on staff and then he started in at saying I want to say what my concerns are and he went straight – I was sitting in the room, I was flabbergasted.

I said, if I thought he was going to write it, I mean read it, I would’ve written it in a – attempted to be as literate as possible but he virtually adopted it. I mean, it was his decision to adopt it. I didn’t – couldn’t put words in his mouth but he was satisfied with them and his remarks were generally favorably viewed at the time.

Naftali His statement was quite emotional, too. He was quite emotional when he gave it.

Gill: Yeah, he was.

Naftali It was difficult for him.

Gill: It was because he was a Democrat but he was a southern Democrat who really was sort of a Republican in those days and it was a hard thing for him even though politically he was on the Democrat side, he – you know, Walt Flowers died way too early. I don’t think he lived 10 years, 12 years past that. He had a great future I thought as a Senator but unfortunately.

Naftali What part of Alabama was he from?

Gill: He was up from up in Tuscaloosa. Northwest Alabama.

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- Naftali And you're from what part
- Gill: Montgomery.
- Naftali Montgomery.
- Gill: Which is central.
- Naftali You mean you were born in Montgomery?
- Gill: Yeah. I think I mentioned to you when we were just chatting, among the Democrats on the committee, there were several that – excuse me, among the Republicans on the committee, there were several like Mr. Fish who were really troubled by it and then there were some hard right pro Nixon people. I can't – I wish I could remember the gentleman's name, he was an older Congressman but he was very much of a – very hostile to the whole thing –
- Naftali Sandman?
- Gill: No, it wasn't Sandman. I – it'll probably come to me. But in any event –
- Naftali Moorhead? Well, anyway –
- Gill: Anyway, I know he sat on the lower right tier. I can picture it. But he was very rigid about his views on it and we kept saying, in private sessions, that you probably don't want to stick your neck out too far because the evidence is going to be pretty strong and that's what Bill Dickinson wanted. He wanted to say, look, if it's that strong, I don't want to come out and look like a fool where I just say there's not a shred of evidence or anything.
- And so we tried to caution members that at least keep an open line and I remember he – as I say, was very – but my office, in the congressional office building was on the second floor so it had a little height and there was a street between it and the Longworth Building and he came at the end after the President had resigned.
- I remember him walking out and he looked up and he saw several of us sitting in the office because there was a big plate-glass window and, to his credit, he looked up and he said, "You guys were right." And gave us a thumbs up signal. So that was kind of an interesting tribute to the work of the staff.
- Naftali I know it would've been very difficult for him.
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- Gill: Yeah, Daniels I believe was his name.
- Naftali Do you remember where you were when you heard the President would be resigning?
- Gill: Well, we were in the congressional office building because we set up some televisions to see the speech. And don't remember how we – certainly it was public knowledge that he was going to make a speech and that was the speculation but we were all clustered around the television screens.
- Naftali Were you surprised that he resigned rather than go through with the trial?
- Gill: A little bit. Certainly he had been very combative publically about it that I will not, you know, but by then it had all kind of come unglued with the tapes and with the Supreme Court's decision against him and the need to produce further tapes. He just didn't have any base left anymore.
- Naftali What was your reaction when you read the transcript of the – well, what became known as the smoking gun?
- Gill: That's one that Dick Cate's predicted what was in it and sure enough it was. Predicted almost exactly that that would have to have been there. So I don't guess I was surprised. I remember commenting to Dick that, "Well, here it is, this is your script."
- Naftali He was a great trial lawyer.
- Gill: He was.
- Naftali What did he teach you about being a great trial lawyer?
- Gill: The kind of deductive reasoning, you know, you can guess at facts that have to exist for one fact to connect to another. Now, you have to prove it as part of a trial but he was really good at that and he was really good at guessing at what witnesses would do and would say and trying to work with him to get them to tell the things that you – he just was a really skilled builder of a fact pattern and the logic that underlay it. And of course he was a great communicator.
- He was funny and charming and so – I can't be Dick Cate's. I'm just not of personality but he was certainly a man that I knew would've been a formidable person in a courtroom because of that. Jury's would love him, courts would accept because he was earnest and funny at the same time and –

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- Naftali Did you ever interact with Chairman Rodino at all?
- Gill: A little bit. He was gracious enough to come over to our headquarters and meet us all, you know, we worked for him, ultimately, through John Doar, and – but not – certainly not closely.
- Naftali What about Francis O'Brien? His chief of staff? Did you –
- Gill: Certainly met. Same sort of thing. More interaction there with Doar and Jenner than with us.
- Naftali Tell us though because it is important to the story. What can you, from your own perspective, what can you tell us about how Jenner changed or came to the conclusion that the President was probably guilty?
- Gill: Well, I don't know if I can describe his mental process but Bert Jenner of course was a very, very experienced, both trial lawyer and litigator, I mean, in the broadest sense he was skilled and I use political in the – I want to be careful about the word – I don't mean politics in the who you vote for sense but he had been head of the American Bars Judicial Selection Committee for many years.
- He – people knew him everywhere, they trusted him, he was head of a big Chicago firm. He was well-regarded. But he was a – certainly was somebody who would qualify as the honest man and his own – when he listened to the evidence, when he looked at the evidence, when he met with – he was one – he met with us with Judge Byrne, he met with Henry Kissinger.
- He listened, he solved and he just said I can see what's in front of my eyes and I can't be dishonest about it. I can't – I'm not here as an advocate to try to color the evidence or shade it or misinterpret it and so he – once he became convinced of that, he said it's my duty to – just as John Doar would've thought it was his duty, the evidence showed there was no involvement of the President. That Doar would've ruthlessly reported that. He wouldn't have been an advocate or partisan. And Bert, as I say, he functioned after that as a – almost a co-manager, if you will, of the inquiry.
- Naftali Do you – I know it's a long time ago but in order – if you think about sort of the evolution of the inquiry, do you think that Mr. Jenner came to this conclusion early on or are we talking about after the tapes or after the White House released the transcripts or its transcripts? Where was [inaudible]?
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Gill: Well, I don't know if I can place it precisely but I do know that when the White House released its edited version of the transcripts that Bert thought that that was dishonest. He said that's not candid and there's a reason for that. When people aren't forthcoming and they're clearly attempting to alter the appearance of the evidence. And that's a decisive fact to most trial lawyers.

You have to ask why but I don't know why and – but I don't know exactly. Certainly he had access to hear the tapes and he was one of those – had access to everything, and I can't tell you exactly where in there but certainly for most of the spring, after we got the tapes, he was pretty clearly aligned with the majority side in the sense that – and many of the staff who were Republicans were also. Sam Garrison was an exception but I think Sam felt it was his obligation to be the raw meat man and to challenge everything and to say wait, that's subject to a different interpretation. Let's, you know, –

Naftali Do you remember some of the other Republican staffers about what they were thinking? You said that Garrison was an exception so –

Gill: Yeah. And I do think that the staff, certainly by the time we started presenting the evidence and before the Congress, was pretty unified that everyone said – of course everyone was a lawyer who said that's what's fair in the evidence. There it is. And unless you were just going to be willfully blind or partisan to the point of unreasonableness, you had to conclude that and I think it was across the spectrum of the staff. I think, you know, Hillary was a liberal Democrat but John would not – he didn't hire partisans.

I remember there was some people who came into be interviewed who clearly said a thought and expressed that they were there for the purpose of getting the President and that was their political view and they wanted him out because of – and John wouldn't hire those people. So –

Naftali Do you remember him make – giving a speech to the staff about the importance of non-partisanship?

Gill: He gave it to us individually. I don't know that I remember a general speech but every one of us was told that as part of the interview process and when he told – I know when he told me I could have the job and he really said, "If Frank Johnson recommends you, you got the job." But he said, "I want you to understand what the job is and what our viewpoint is." And –

Naftali By the way, for the sake of the viewers, just tell us a little bit about Judge Johnson.

Gill: Well, Judge Frank Johnson is one of the icons of the civil rights era in the judiciary in the south. He was the federal district judge in the middle district of Alabama and presided over a great many of the landmark decisions about public access, right to assemble, the Selma March, the Freedom Riders who were accosted by Klansmen and – all of those things were trials that went in front of Judge Johnson and he was a stern believer that the law was the law.

And he was as tough a judge in the courtroom but as nice a man outside it as you could've found and he and John Doar were friends. John was with the Justice Department, Civil Rights Division and was sent to Montgomery and to Alabama in general for those trials and they came to admire and respect and like each other and they remained friends all their lives.

Of course, Judge Johnson later became a federal court of appeals judge and served on the 11th Circuit for a number of years before his death but he's one of the great, great figures in American civil rights history. I say this and I don't have any relevance here but my two partners that hired – my law firms founders, Judge Richard Reeves, was another one.

He was on the 5th Circuit and the 11th Circuit, and Judge John Godbold who actually hired me to practice law, and who was chief judge of the 11th and 5th Circuits, they were icons, too, as were a number of them, Judge Wisdom and Judge Tuttle but Frank Johnson was a standout. He was offered the FBI directorship but he had some health problem and turned it down at that time. It would've been a great appointment but he was a great jurorist and a great man.

Naftali You mentioned when we refer to Mr. Jenner, you mention that he was in on the interview with, at that point, Secretary of State Kissinger, you were there, too?

Gill: I was because the interview focused on the wiretaps and why they were authorized and whether they really were for national security purposes and of course Dr. Kissinger didn't authorize all of them. He only asked for – or was connected to some of them but he was so senior that it wasn't appropriate for him to be interviewed by younger lawyers like myself but because that was in my taskforce area I sat in when Bert Jenner and John Doar interviewed Dr. Kissinger.

And I sat in the back of the room and kind of was on the wall but they thought it was important to talk to him, just as they did with Judge Byrne, that he was interviewed by John and Bert on a Sunday morning in Washington. He flew in from California. And, again, my job – because it

was in my area, was to sit in and to give the background to John and Bert for the questions they wanted to ask.

Naftali Were these viewed as – were these under oath?

Gill: No, they were not.

Naftali And were they – the transcripts of these interviews shared with the committee or –

Gill: They weren't even all transcribed. But they would've been – we could've converted it to a testimonial form but that didn't come to pass but it helped us interpret the documents, it helped us understand other things.

Naftali Did Secretary Kissinger agree that some of the wiretaps were not for national security purposes?

Gill: Well, he defended the ones that he thought were. He was very concerned about leaks out of the State Department. And that's what had initiated the contact with the FBI, to try to find out who was leaking sensitive material. He – and I suspect truthfully, professed, that he had no idea that the program had grown into other areas and that other people – that once the FBI was on board for wiretapping domestically, it would spread into the areas that it did. He said "I had nothing to do with that I did not ask for it I did not receive the reports I did not get the materials I was not interested."

Naftali Thank you. And what do you remember of your reaction to the pardon?

Gill: Well, I thought it was right. This didn't need to be criminalized. There was enough national tragedy and enough personal tragedy. There was absolutely nothing appropriate about trying to criminalize. That would've turned it into a really nasty partisan vendetta and exercise that just never should've happened. And I thought it was entirely appropriate. I'm sorry it cost President Ford re-election, it probably did but he did the right thing.

Naftali Did you ever do any public service again after this?

Gill: Not at that level. I do of course locally. I'm a judge, have been for 15 years for our state bar disciplinary process. And local boards and all but, no, I've not –

Naftali What did this experience teach you about government?

Gill: Probably some sense of patience and perspective that things tend to work out even though at the moment of political – of partisan fighting they

don't seem to be likely to. And that they're more good people there than the press would have us think. Hamilton Fish is an example.

If ever there's somebody who was the character type, who ought to be in congress, he was it. And there were lots of them, Walter Flowers was one. I mean, there were just plenty – Peter Rodino was one. It also teaches you there's a lot behind the scenes, a lot of jealousies, a lot of pulling and tugging, the unhappy story with Jerry Ziefman, you know, was one example of that. And that some people are probably not admirable and aren't going to be and you can't redeem them all.

And – but overall, that process, I think was a high point in American democracy. It was a low point from the sense that Presidents' people got traffic and into it and it kind of spiraled, you know, and it lost – I think they lost their perspective. But I think overall it was a cleansing process.

Probably people have too casually suggested, since then, that their political enemies ought to be impeached and none of that has happened – I mean, there were people who wanted to impeach George Bush, there were people, you know, that was the Clinton business, all that. All of that was, it seems to me, of a much, much lower level of gravity than what we had. And people behaved worse in these later ones.

Naftali You mean the politicians?

Gill: Yes.

Naftali You mentioned – what do you want to say about Jerry Zeifman?

Gill: Well, remember Mr. Ziefman was a staff attorney. It may have been the committee, general counsel, and when a special staff was chosen, he felt very aggrieved. He thought it ought to have been assigned to him as the committee's council. He was not very helpful, to put it mildly, toward the work that the impeachment staff was doing.

He became resentful about it and obstructive. And as – in the years since, written a number of unhappy things in journals and places about sniping at what he said was the work of the staff and how it went down. And as opposed to a cooperative thing. Now, I can understand the ego involved in it.

This was a moment in history when he was at a place where he had an expectation that this historical event would fall under his jurisdiction, and it didn't, and he did resent it and he made that very clear. And I think that's too bad.

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- Naftali As we conclude, tell us, give us a work picture of Mr. Doar. What was it like to work for him?
- Gill: John was – and I would expect still is, very demanding of the purity of the work. He’s intellectually rigorous. He expected us to be. I remember including a fact in the Statement of Information that I didn’t have proper proof for and he privately said to me, “Now that we can’t have.” And I felt it was a very low moment for me but it was the right answer.
- I mean, he’s a remarkable figure really in American history. Both this and the civil rights work that he did and yet he’s very unassuming, he’s very self effacing. He doesn’t like public – he doesn’t want to make himself the focus of the thing. I think history will write him down as a great man and I hope we’ll get him on tape with this because he has an insight that none of the rest of us have.
- And, truthfully, none of the rest of us would’ve sat for interviews but for his permission because he had a strong ethic that you don’t – and he at one time that we were talking about a commercial undertaking and he said, “You don’t profit from government service. You serve and you serve because that’s what you’re doing and that’s what you’re supposed to do.” And we all reassured that wasn’t our purpose.
- We wanted it recorded for historical; reasons and while it was personally important to us, to have it collected, it – we certainly weren’t trying to get any money and if there was ever some book out of it or whatever, we wouldn’t take any money for it. So – but John Doar is – he’s an iconic figure in his own right. And probably historically better known for the civil rights trials. He handled the Mississippi murders, as well as the Alabama business and – but I think he’s a great man and he’s – but very modest man.
- Naftali Why do you think he hasn’t gotten the historical recognition for his work on impeachment?
- Gill: Partly because he doesn’t want it. He viewed it as a task that was given to him and to do, and to do his best he knew how. He didn’t seek any publicity, he didn’t want it. I think he’s avoided it in fact but I don’t think it could’ve been done as effectively, as honorably, that is without the partisanship, without the leaks and the, you know, all that going on and certainly not as effectively and focused as it was except for John Doar and his leadership.
- Naftali I know it’s been a long time, but do you remember what it was that you wanted to add that he told you to remove?
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Gill: I don't. It was something – it wasn't that he objected – he said, "I don't mind it being in there but you gotta have the proof and you don't – these documents that you site as the proof, don't prove that."

And I'm sorry to say, I cannot remember it but – I had probably done a little extrapolation and I'd drawn inferences and conclusions that he didn't feel were properly supported and he was not going to have – this wasn't an argument by us, we weren't lawyers summing up something to a jury. We were stating facts and that's what he wanted.

Naftali: How did your thoughts about President Nixon evolve over this period?

Gill: That's interesting. I don't know. As I said, I was a Republican, I voted for him, I still think, historically, he has many, many positive features and I think will be remembered for those positive features. I think he probably was among the oddest people who ever occupied the office.

Of course, I've never met him. No one ever interviewed him in our group and I think there's some strange people, probably, from a – I'm just – it's a historical thing, who occupied the presidency. Maybe you have to be to go through what you have to do to get to be President. But I think he – I think this was something that was such a colossal misjudgment and maybe they were just too close to it.

He had no chance and I think – he's – and I'm telling you something that's self evident. He was going to win that second election – there wasn't even a doubt about it. There wasn't any need to wiretap the Democratic headquarters, there wasn't a need to break in there, there wasn't any need – it was paranoia.

The – they just didn't have to do these things but once it got going, the impulse to protect your image, to hide it, to – and the sense of power that you can do that, you can fix things, you can – get people to clam up or to tell other stories, you know, whether you manipulate them with money or with pressure or with promises or whatever, just took hold and it became – it just ate itself up as it rolled on.

But I don't have any special insight about President Nixon. All of that is something that any number of people better qualified than me could've said.

Naftali: Well, I was just asking about your impressions as you did the work.

Gill: Well, all my impressions obviously are from paper and from hearing his voice on tape and I just – that's what I said about the tapes before. The tone of it. The conspiratorial, almost locker-room, talk about how to – and

I'm a prude about it but I don't mean the profanity, that doesn't make any difference but I'm talking about the sort of how do we fix this and we can get to him this way and it's something that you have to hear in the tone, as well as the words on the paper that are shocking in a way.

Naftali

Are there any stories that you recall that I haven't listed today?

Gill:

I would throw in – this is not a story but I'll look at my notes real quick because I know we've been here long enough but – this is a Hillary Clinton story as it relates to that. As I said earlier, Hillary was a very junior lawyer and she was obviously extremely bright and capable and she pretty quickly made herself indispensable.

If you had a task that you needed to run to ground and you wanted it done and you wanted it done right and quickly, you gave it to Hillary to do and she did. And of all the lawyers at that level, who were hired just out of law school and all, she's the one who became a central figure and we had a final night gathering.

A group of us stayed behind to write the final report because John Doar said that, look, there's no comprehensive final answer. We've got a lot of evidence and things in the transcripts and it ought to be put together into a summation, if you will.

And so we stayed past the resignation and had a dinner with the Monocle, which is on the Senate side, I don't know if the restaurant is even still there, but it was – the three it was Even, and Bob Sack and me and John Labovitz, who had done the legal research and the constitutional research about impeachment and John Doar, Bert was not there. Bernie Nussbaum was there and Hillary. So that you had the real senior people and the next senior, which would've been Sack and Gill and Davis and one junior, Hillary.

And – but she was – had made herself a part of the inner circle because she, as I said, could be relied on. I liked her. I didn't agree with her politics. We joked with each other. I called her a left wing pinko, she called me a right wing Neanderthal. And – but we stayed up – stayed over there and ate and drank 'til they closed the restaurant up and they're putting the chairs up on the table. They had to run us out we were there till midnight I guess the restaurant closed at 10:00 or 10:30. But they let us stay.

And everybody had had a lot of wine and things and we all walked back across the capitol grounds because Doar had an apartment fairly close and I've forgotten where Hillary lived but – and there was one last bus I could catch out to Arlington, where my wife and son were, from federal triangle.

But I just remember walking back, this group, that's all of us that were kind of left behind and it had – and it was a special moment with them and all of those people have been special friends forever. And Doar knit that group together. That doesn't have anything to do with the merits of the impeachment or anything but like I say, she was a player by then.

I hope you're going to interview next – in the next here John Labovitz because he did the – and I will give you that because I know you're going to. The last impeachment of anybody that had occurred that was in which there was actually a trial, was a federal judge by the name of Halsted Ritter who was impeached in the 1930s.

And the congressman who was the House Manager, which would've been lead trial council is really what he was, was a congressman named Sam Hobbs from Selma, Alabama, whose son was my senior partner, Judge Truman Hobbs, who is a federal district judge now. And so the research as how – number one, what's an impeachable offense and how do you conduct a trial in the Senate, because nobody had done it.

There just weren't – where in Judge Hobbs had his father's archives and he sent me those papers, the transcripts and the pleadings and how it went and they were made available. They wasn't identical, obviously a federal district judge is not the President but – which Judge Ritter was – I think he was from Florida but I'm not sure – but anyway, that coincidence was just a quirk that that was available to us.

But anyway, John Labovitz is quite a bright man and he really – I think did some important constitutional analysis. I do have in my notes about the political matters memoranda. I don't know if you want to mention that or not.

Naftali

Mention it. That's a very good story. It's important.

Gill:

The – Haldeman collected from his staff, people, and others who would send him things called Political Matters Memoranda and it was all kinds of – just that, political matters, but in them, they got reports from the Gem Stone files, which were the wiretaps and the break in reports from the plumbers and what they found and so on.

We published, initially, the entire collection and it's about that thick, of the political matters memoranda and there's a lot of political dirt and skullduggery and how do we get this congressman to vote our way and how do we get this person to do things and what pressure can we bring to bear on them and if somebody misbehaved, cut them off from access to the White House mess.

I mean, those kind of things. And the Republicans on the committee said it – they cried foul. They said wait, this not right. Those things don't have anything to do with the impeachment. That's just an embarrassment and that shouldn't be published. And that tug of war went on.

And the Democratic majority, I think, probably because they imagined that such things probably existed from Lyndon Johnson's administration and others, they said you're right, we'll withdraw all of that and only publish the – I think there are 19 of those that contain information about Gem Stone. And the rest of it should be destroyed and it had already been published in those brownish grey books and there were 5,000 copies that were made. Getting ready to put them in evidence.

And we were instructed to burn them all and have them destroyed. And we did almost all of them. There are five or six copies left. I think you probably have custody of the original documents now but this collection was saved by the senior members of the staff. Everybody had one of their own, took them out of the pile of 5,000 and kept them as sort of a treasure I guess.

And they're all not relevant now at this time – I mean, they're historically interesting but most of the people in them are dead and gone and all that but what was published was a little volume about that size versus the big volume. And I think I brought you, for the archives, both versions.

Naftali

Thanks. Did you ever think of interviewing Gordon Strachan?

Gill:

There was some pressure about it and I can't remember why we didn't. Maybe the pressure of time, there was a lot of obstruction thrown up, legally, about the ability to interview Haldeman and Ehrlichman and those people very close to the President on executive privilege and all of that fight.

And somebody like Dr. Kissinger's, I think he wanted to make it clear to us that he was not involved in the political abuse side of it and so he came but we didn't interview – if Strachan was interviewed, I didn't participate in it so – I know I did participate in Colson and Krogh and Liddy – and I don't know, some more of those but – let me just – just for fun. Since this is probably the only time we'll – I'll – I'll give you just one other quick – Congressman Huntgate.

Well, yeah, Bernie Nussbaum, who you – I guess going to interview on Saturday is a very rapid speaking New Yorker and partly he thinks so quickly and is trying to get it all out.

He was presenting some of the evidence to the committee and he gets – I mean, a thousand words a minute in and he was going so quickly and finally the Chairman spoke and said, “Mr. Nussbaum – and everybody eyeballs were kind of – said it’s approaching lunch. Said can you tell us – are you going to reach a stopping point and he said, “Well, Mr. Chairman, yes, I recognize that. I’ll try to be quick.”

And Mr. Huntgate broke in and said, “No, Mr. Nussbaum, don’t be quick, be brief.” And the distinction is about it – and I think you’ll be fascinated when you meet Bernie, but I think that’s probably the major things I wanted to – that I made notes about. Anyway, we were proud of what the – not the result, we didn’t have a result we were looking for.

We were proud of the product and we were proud of the honorable way we think the staff behaved in terms of conducting its analysis and no leaks and no politics and it’s all attributable to John Doar’s leadership. It really is.

Naftali Dick Gill, thank you very much for your time today.

Gill: Well, I appreciate the opportunity. I hope sometime my grandson might be interested in reading – all of – everybody’s stories.

Naftali I hope so, too.

Gill: Sure.

Naftali Thank you.