

Part of the Richard Nixon Oral History Project

An Oral History Interview with ROBERT SACK

Interview by Timothy Naftali
September 27, 2011
New York, NY



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Descriptive Summary

Scope and Content

Biographical Note

Robert Sack served as Associate Special Counsel and Senior Associate Special Counsel for the U.S. House of Representatives Impeachment Inquiry Staff in 1974, focusing on the White House's abuses of power related to government agencies. A graduate of Columbia Law School, (LL.B., 1963), Sack first clerked for Judge Arthur Lane of the United States District Court for the District of New Jersey. In 1964, he joined Patterson, Belknap & Webb, eventually becoming a partner of the law firm. In 1986, he joined the law firm Gibson, Dunn & Crutcher as a partner, where he remained until his appointment to the Second Circuit Court of Appeals in 1998.

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 A second goal of the project was to provide public domain video that would be available as free historical content for museums and for posting on the Internet.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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The following is a transcript of an Oral History Interview conducted by Timothy Naftali with Robert Sack on September 27, 2011 in New York, NY.

Naftali: Hi. I'm Tim Naftali. I'm the Director of the Richard Nixon Presidential Library Museum in Yorba Linda, California. It's September 27, 2011 and I have the honor and privilege to be interviewing Judge Robert Sack for the Richard Nixon Oral History Program. Judge Sack, thank you for doing this.

Sack: You're welcome.

Naftali: I'd like to situate you in the 1960's and get a sense of what you're doing before you find yourself in the '70s involved in the impeachment inquiry.

Sack: I was a fairly recently minted partner what was then considered a midsized firm. Now it would be some sort of boutique but then it was considered midsized. And one of my recent, a man who became a partner even more recently than I did, I think was 1972, and now we're talking about early January of 1974. He was not only a partner of mine but became a tremendously close friend. We had interesting backgrounds that were alike in some ways and different in others and his name was Bob Owen, whose name you've probably come across in preparing for this.

And one day – Bob came in January – Bob came into my room. He had an office nearby. He walked into my office and shut the door and he never did that. And he came in and he said, excuse me. And he said, Bob, what are you doing for the next six months? And I said, nothing, why are you asking? And then he told me that John Doar was putting together a staff and what the staff was doing and he said he had recommended me to John for whatever reason that he did and was I interested.

To my eternal credit I said, let me ask my wife first. I said, I'm inclined to do it. I said, I haven't done any public service. I actually did say that at that time that I remember that my father had been in New Guinea during World [inaudible] for about 18 months and I said, if he can do 18 months in New Guinea I should be able to do 6 months in Washington. Went home, my wife – then wife – said that was fine and she was going to move the family down and we're going to do it the right way.

I went down, had an interview with John Doar, he offered me the job and I accepted it. At the time, I should say, that my specialty was becoming – in those days you started as a lawyer and they didn't even say that you were a litigator. They said you were a lawyer and I would do some litigation and masterful of none but I would do litigation. I did a fair amount of corporate work but I was increasingly centering my practice in press law, that is to say so-called first amendment law but it's representing the press

and throughout my career my principal client was The Wall Street Journal. And so that was my vantage point at the time, as I say, press lawyer.

Naftali: So it's because of the fact that Mr. Owen was a partner – was it Patterson Belknap and Webb?

Sack: Patterson Belknap and Webb at the time, yes.

Naftali: So that was your connections, the fact that...?

Sack: Yes. Partners.

Naftali: We've heard that Mr. Owen was what Professor Fiss calls were the Kitchen Cabinet of John Doar. He was quite close to John Doar.

Sack: Yes.

Naftali: He had been in the Civil Rights...

Sack: Oh, yes. I think he was the deputy. I think he was John's deputy. He spent a lot of time down in Mississippi, particularly, when it was burning.

Naftali: Yes. These Civil Rights workers died there.

Sack: Yeah.

Naftali: So, it's January, 1974.

Sack: Correct.

Naftali: You agreed to do this.

Sack: Yes.

Naftali: What did they say you were going to do?

Sack: I don't know that they told me what I was going to do. I seem to remember John telling me later that they didn't tell me what I was going to do. I went down, I said, you don't have to promise me anything. And I remember this very specifically because he later reminded me that I never made any demands as to what I would do. If he wanted me and thought the project needed me I would do it.

Naftali: What were your first tasks when you reached Washington?

Sack: Gosh. I really – it's hard to remember exactly what happened first. We were just being brought in, I supposed signed forms and I was sitting at a table with, I think, somebody – if you showed me his picture and told me his name then I'd know who it was. Behind me was Hillary Rodham, who of course I'd never met, and we started, I guess familiarizing ourselves with what had happened thus far. But it wasn't for a week or ten days or so. It could've been two weeks, it could've been the end of the week, that I started to – John began to develop a particular role for me.

Naftali: And this is the time when there is a discussion about the grounds for impeachment?

Sack: Yes.

Naftali: Did you participate in that discussion at all?

Sack: Very little. A word about the staff. John, on one hand, would stay in his office most of the time. He would receive instructions by reports. Constantly writing memos to John and he'd get back to you. Almost always, me at least, in writing unless it was actually something he was actually working on at the time.

But we, on the other hand, here we are, we're all there doing nothing but that. Most of us were not Washington people. We didn't have particular lives outside of this. We were under strict instructions as to not talking to anybody else about it. Instructions that were, particularly in a place like Washington, adhere to with remarkable rigor.

And so we talked to each other a lot and John had no objection to that and so in a way, talk about what I did, but what I really had were just two things which are memorable. First the people, as you're now getting to know them. Extraordinary group of people who are my friends. Not they were my friends but they are my friends all these years later and I had a ringside seat so that the experience as to what I did and was responsible for and my experience as an auditor are kind of blended in my mind.

But to give you the most obvious example – let me back up a little bit. That's my way of background, so I knew a lot of little pieces of things but mostly I knew the people who were working on them and when they were high and when they were low and when they were having problems and talking about those problems.

Very early in the process – you asked me what I did when came down there and I remember almost nothing at all. But pretty soon it became clear. John was, I don't know how far into the process, of dividing the staff up into a task. Basic overall tasks. And so some would do the

Watergate, some would do the Plumbers, and the Huston Plan and there was somebody, no doubt, doing the bombing of Cambodia. But I was a kind of etc. I was everything else and it started out, it was called, they had letters for each one of these various subtasks for the impeachment.

Mine was initially referred to as agency abuse and it won't surprise you, at least by the time you come to the midpoint in your conversations, that with John that was no good because it was much too voted so it turned to agency practices and agency practices was the use, or abuse, or relationship, between the White House and various agencies of government although it included the campaign finance things.

So I was given an office of my own and what turned out to be seven or eight people who worked with me – I actually had more people under my supervision than most people only because we were dealing with, at one time, about 35 different topics. And my understanding at the time was there had been so much said about the White House and alleged abuses; some of them absurd and some them turned out to be not absurd at all. And my understanding and my recollection was that my purpose basically was, or the principal original purpose, was to make sure that that didn't get through. That is, we got it on a list somewhere and we had a lawyer who would check it out as best – I was going to say he or she but I think in this case it was he, as best as he could.

So I had a kind of a – we were taking over the second floor of the old Congressional Hotel, catty corner across from the Rayburn Building, I don't know which one of the – House office buildings. Not Rayburn, but in any event, so we had the whole floor but I got what used to be the truckers suite, the lobbyists for the truckers. So I became the chief truckers lobbyist with the nice office in the corner and seven or eight people who were working for me and that's how I got to be where I was and what I was doing at the start within two weeks of the inquiry and we started to go down and go through all of those 35 different – depending on how you count – allegations and sets of mostly challenges of abuse.

Naftali: Now you were doing this before the Watergate Special Prosecution Force hands over its information.

Sack: Oh, yes.

Naftali: So what do you have to work with before they send you this information?

Sack: That's a good question and one that partly – memory fails precisely because at that time we would start with the charges. The charges always came from somewhere and always cited something so you had press accounts and in some cases there had been hearings on some of this in the

House and certainly already the Ervin hearings were essentially gone. So with the Ervin Committee, with press reports, with other activity on the hill, there was a fair amount of stuff about it and, in fact as you probably know, we didn't really do any original investigation.

We didn't have – as John Doar said, it was that we simply didn't have the time and the resources to go out and start all over again with something new. And we interviewed a number of people and I was involved in some of those, but we didn't do a basic investigation job. What we were doing was putting the facts that we had in huge boxes, some of them – I think we got a lot more of value from the Ervin Committee than we got from the Special Prosecutor.

This is a long way of saying, exactly what they were, I don't know. The people who – my assistants, I shouldn't say assistants, but people who worked on my staff were the ones who actually had this in their hands. So there was a lot of stuff there and there would not have been very much in that the Special Prosecutor was interested in this because it wasn't Watergate and it wasn't the Plumbers and it wasn't necessarily, in fact, it was unlikely to be illegal activity, which by definition is what the Special Prosecutor was doing and so we weren't in any particularly different shape after the Special Prosecutor brought over whatever he brought over before.

What I don't remember, and what was important all of this same as it was to others, less so perhaps, is tapes, and I know there were tapes, I think I know there were tapes in the famous bag the – who was it, Ruth who came over with them? Henry Ruth? Somebody from the Special Prosecutor, probably not Jaworski himself, but somebody came over and gave it to John Doar, they were right outside my window, there were cameras all over the place as he handed over that bag.

I'm not sure what was in that bag, was it anywhere near as important as the symbolism as the reaching across from a prosecutor who was an executive, in the executive branch, at least in this case, but in the executive branch. And us. But I don't think you'll find it affected a whole lot of people what was given to us that way and dramatically. But it was other material that was around, that we knew was around, or we found out was around and I guess would be that the most reliable material we got was from the Ervin Committee.

Naftali: Tell us about some of the people that worked for you.

Sack: Oh, you're going to embarrass me because they were not high level hires. There's a guy named Smith McKeithen who I know quite well and I know he worked for me and he was a lovely guy and a very smart guy. He's became – very successful law career after that. He became General

Counsel – he went to California and became General Counsel, you know, corporation close to Silicon Valley. They were mostly former government workers. There was a guy named Stamo, there was a guy named Chris Gekas, but I can't say that we were – with the exception of Smith McKeithen – Fred Altshuler also had a variety of roles and he shows up on some of my papers and I'm sure that's not all he was doing.

One of the odd things, perhaps, I can't really remember who was assigned to what – if you press me I might be able – we were talking about things but I don't remember who was assigned to what part, what other part, but these people in my section, with one exception, were not social friends and I never got to know them very well, although they performed well.

Naftali: Did you hire any of them? Or were they assigned to you?

Sack: They were assigned to me. I can't say – in fact I know it was not true that I did see some resumes at the time. For all I know, I saw the resumes because they were being assigned to my staff but not in order to hire them. But I was involved in the hiring of Evan Davis, which is because I was the first to interview him. He was up the street from me and John asked me to interview him. And doing some interviews. But I think by this time, by the time I actually arrived there, which was, like I say, the third week or so of January, I think the hiring had pretty much been done.

Naftali: There was a decision made not to do investigations. Were you there or was it always assumed that you would just not do investigations?

Sack: It would be wrong for me to suggest that I made the decision or was really part of making it. It was clear to me at the time, and I know we refer to that decision either while it was being made or after it was being made, that the fact that we couldn't possibly, with 35 as I say as a rough number of the different events that we were working with, we couldn't possibly have done any investigation.

Now, I say that – it isn't as though we didn't talk to a number of people. We did. And, oh gosh, Walters, Johnnie Walters was the name of the head of the IRS and we talked to him and it was fascinating. I talked to George Shultz once probably – I could find out, IRS, probably, but it could have – probably, yes. So we did talk to people, interview people, we got some affidavits that were new. They were not shipped over to us. We did not get them by going across the street where we got a lot of our stuff. Again, that's the Ervin Committee.

But I certainly was not part of that decision. Absolutely not. I didn't have the expertise, on the one hand, and what I was doing, it was pretty clear, it was not going to be part of that investigation. If we had a dozen

investigators it's hard to believe that more than one – I mean, we had investigators on the staff. How that differed from a lawyer, I frankly don't know. But not the kind of original investigation. It would've been something other than what we were looking at, I think.

Naftali: How long did it take you to conclude that there were grounds for impeachment?

Sack: I'm glad you asked that question because it is a point in time. Usually you say, and it's true, I came to this decision over a period of time which is certainly in reality true. Particularly with a peculiar nature what I was doing was with all this wide variety of things. I remember very clearly at lunchtime once, there was the top of a garage across the street and I was walking around, I guess, counterclockwise with Bernie Nussbaum at or about lunch, and we were walking around – and Bernie had – he's certainly unlikely to have it now, he had this when he was kind of concerned, serious, he would, for some reason, take #2 pencils, I guess, and break them. It was his way for letting off steam. So he took it out on Eberhard Faber, I guess.

I remember him walking around and he would break a pencil. I don't know what he did but break a pencil. And I'm talking to him just about where we are and what we're going to do and I said to him, one of the things about this process? We might be greater patriots. I said that. We may do a greater job for the country, is most likely what I said. We're doing our job better. If we went through all of this and said, you know, these are the bad things. We've told you what they are but we don't think they're grounds for impeachment.

A metaphor that I used was, if you're told to look for a needle in a haystack, you're going to find a needle. You're out there and you say, you know I looked so thoroughly but there's nothing there. That's sort of against human nature and I think there are many people who would think that some of the special prosecutors afterwards tend to, including the ones ironically of Bill Clinton, approve that they are out to make a case; not to decide whether there's a case. So I was very much concerned about that. And it changed. It changed when I listened to the tapes.

Because I had a section of responsibility, I was one of the relatively few people who had access to the tapes. That is, John wanted me amongst these other people who had some kind of overall responsibility. To listen to see if there's anything in there that might be of interest to what we were doing. So I listened to all of the ones we had at the time. It was – I remember the room with the tape deck – I think we must've gotten them from the White House. I remember the room with the tape deck. I remember several people sitting around. I remember I was lying on the

floor, with my head on the floor, maybe some pillow with my hand over my eyes trying to concentrate because the tape quality was very poor.

And I don't know whether I spent two hours or four hours or five hours trying to listen to the tapes. And the first thing I remember is feeling, for me, kind of bad about it because I felt like such a voyeur. I didn't kind of like me. Before everybody knew what they were like, nobody had heard them. And it was sort of like being in his office and I didn't think it was nice for me to be in his office. I knew intellectually that he made them and I didn't feel like I was doing something bad but I felt a little funny.

The other thing is, at that time in connection with that experience, having just had a conversation, or recently had a conversation, saying, gee, maybe there's nothing here. But listening to those tapes, and having listened to them, I said, if there isn't an impeachment in here and we can't find grounds in terms of these conversations I've heard, I said, a thousand years from now people will look back and wonder what the hell we were doing here. So and that's hardly a legal answer, precise legal answer. A legal, legal answer. But emotionally and you make decisions without toting them up, that's what moved me to say something is just too remarkable and too bad.

Not to give into the focus of general public interest and what had happened with the Watergate prosecutor and so on and so forth, I was stunned and amazed and all those other words.

Naftali: Among the tapes, of course was the September 1972 tape where you have Dean and the President talking about the IRS.

Sack: Yeah. Yeah. That was one of them and absolutely very important. But there was also one, one tape at least, it was in the old executive office building where he meets with the milk producers and the question is whether there was an exchange for – they were going to hold up price supports and have something about import restrictions in return for money is the allegation. And it's all taped. And at one point the President – and we were all trained very carefully never to refer to him as anything but the President and I still do. I think I do. I tend to. And the President says, chortling a little in a way that might be familiar to you, it isn't as though we're having this taped, or recorded, when in fact – I think he had just had the taping machine installed in that particular office. So yes, I heard that one too.

Naftali: Were you part of the decision to retranscribe the tapes?

Sack: No, I was not specifically – the only responsibility I had with respect to the tapes, although we listened to them and they were a big deal, but the

only responsibility I had which fell to me, I think, as Mr. etc., was I wrote the portion of the appendix to the report – the committee report, I guess it is, the August afterwards was basically over, August of '74, I wrote that little appendix on the 18 1/2 minute gap. And so that was of great interest to me and I remember that. But other than that, the tapes were not...

Naftali: Why did that fall to you?

Sack: Somebody had to write it. Much of what I worked on ultimately came down, and as I say eight or nine people at least working on it with me, came down to a part of Article 2, nothing to do with Article 1, two of the articles of impeachment. One part of Article 3 and part of something about they're not delivering tapes – I'm sorry there's another one that I worked on which was voted down and that was the article on the Presidential papers. The President's personal IRS statement backdating of the papers of the San Clemente improvements. That's how I found out what a gazebo was. As I think was built by the government and now I know what it is.

But all of the effort at that point and after all the smoking gun tape, the tape that required the President to leave office within the matter of two weeks, or something like that, it was all about Watergate and cover-up and maybe with a sprinkling of Plumbers in it which arguably was more – one could argue with the Plumbers was the worst constitutional sin than Watergate itself, which was the cover-up, not the going in there. So the real effort was towards what has become known as Watergate and therefore I did what I had to do, it got done, and then I had a little spare time so they asked me if I'd do it.

Naftali: Tell us a little bit about how your team worked. As I see from the list you divided them up by agency. By department. What was their deliverable to you? What was the product you were asking them to?

Sack: They would deliver to me as best as I can recall, a memo evaluating what was there. Sometimes you go in with certain evidence, intuitions – intuitions is an unfair word to use. A judgment as to there isn't going to be anything here, frankly. Judges have been known to go into cases with that sort of intuition. It doesn't mean that you don't have to do it carefully. You do. But you know this is a relatively small amount of time that's likely to be involved. As you can see from the one thing I gave you when we started, which was the list, it doesn't have, by then, it doesn't have 28 or 35 items. They'd all been winnowed out and we were down to whatever were there, about 10 or 12, I guess.

But I would be surprised if I didn't have – although I've never seen them since, didn't have at least a memo on what should we do with this? How

should we go forward with this? Let's drop it because – there was an awful lot that was written there. As I said earlier, when I talked to John Doar from my province, it was almost always a short memo in writing and he'd get it back a copy from him.

Naftali: So what role did you play in deciding how this evidence would be presented to the committee?

Sack: That was John. As far as I know. I can't swear it didn't do with anybody else but I prepared some of those books, worked with others in preparing some of those books I worked on. Six or seven of them and they were big but I did the work. I did what I was asked to do. I did not participate in the decision to do it that way.

Naftali: Was there an editing process for the books?

Sack: There was. And I can't swear to you – sure there was. Sure I remember the fact that John Doar read it all and I seem to recall his coming and sending back some very detailed edits of his own. Who else was involved in the editing process? I'm not sure. One thing that is clear and it was the way John worked is that I reported – I and five or six people – well, it's hardly a boast but you would see it on the memos, reported to John. At least that was our understanding. We didn't report through anybody. My people reported through me to John.

So I have no recollection of there being anybody else unless they have to be familiar with the subject who edited that for a living but if you told me John Labovitz, anybody, name a staff person, was in fact editing my material for John I would be neither surprised nor upset.

Naftali: Well, of historical importance wouldn't be changing a predicate so I'm interested in whether someone was substantially in a sensitive way in editing or having you look – say well, maybe you're not looking in the right area or the right...

Sack: The answer is my best recollection is absolutely not. My best recollection is no, not absolutely not. My best recollection is no, no one was pushing it one way or pushing the other. So long as it seemed to be neutral. Sometimes I'm sure to readers, I've seen them very recently because I knew we were going to talk today and I can't say I combed them over, I've seen them and they were neutral to the point of absolute boredom, the way we did it. And it was meant to be that way. It was meant to be flat statements that could not be said to be argumentative one way or the other.

Would I swear there weren't something where they said, this really isn't part of this story? I imagine that was done but the decision had been

already made, of course, by that time before we invested that kind of time in this. The decision had already been made that these were things we were going to report on. I don't remember ever to use a Watergate term, ever deep sixing one of those black books, statements of fact, because we didn't like the way it came out. That decision had already been made. We're going to present these, here are the ones I'm responsible, you and your staff or you write them and as far as I recall that's what I did and I don't remember, as I say, by that time at least, I don't remember anybody telling me anything but that your grammar is lousy or that's too strong a word.

I don't remember it all but one thing John had picked up from somebody was he hated the word "endeavor" and he would write me these long memos about it. Not long memos. A very long memo was three sentences about, take out the word endeavor and you'd wonder what he's drawing at, depending on whether it's a verb, I guess. And it was kind of that sort of thing which you would do if you were editing a brief that an associate had written and you were a partner. But less so. It was putting stuff together as best you could and coming up with these statements and the evidence to support.

Naftali: Did you help give Mr. Doar a sense of what you might want from a subpoena?

Sack: I'm sure we did. I'm sure we did. I'm sure we sent memos. He would say we have to make a report. But subpoena specifically. I remember saying, what tapes? If you could subpoena any tapes at some point, which tapes would you subpoena? Again, the focus of the inquiry from this point of view with minor exceptions here and there were, after all, were cover-up. Because the tapes were there. It's the tapes that would show the cover-up in the White House. You didn't need a tape to find out what was being said to Johnny Walters. What he was perfectly willing to tell you what was being said and for good reason because he was very proud of what he said in return.

So when we're talking about tapes, by and large, no. I can't tell you that none of my thoughts about what tapes would be useful were used or the thoughts were already there. One thing that was very important, a tape that I was doing, told you about milk tapes, but was when the President was sitting there with two people, either Haldeman or Ehrlichman and another person, and they were talking to Kleindienst and he says, this IT&T thing, he says, I want you to drop it. The words "drop it" I remember. And that was an abuse of an agency, if you will, and it was something that was on tape and, for what it's worth, what I remember about it is, not just drop it, but I kind of thought the President was showing off for the other two people in the room to show how decisive he was.

Usually, he wouldn't make these phone calls. Somebody either Haldeman or Ehrlichman but he made this one and I thought the reason he made it personally wasn't because he so much cared but I thought he was showing off a little that he's decisive and he could do this himself.

Naftali: What effect did seeing this information or listening to it have on your understanding of government?

Sack: It's like being at a parade and seeing a couple of horses go wild and running through the grandstand and knock people over and say – much closer the recent incident with this plane flying near Reno and hitting the ground and killing people. It was a little bit like, ask me, what did that teach you about aviation, right? It was not typical – my access to it wasn't typical. With one enormous exception and it may have mistaught me and that is what our role the fact that you could, to quote Archibald, to paraphrase Archibald Cox, that there was a way that you could legitimately have a person who was elected removed without another election and it be legitimate, that legitimacy the way it worked.

And John's ultimate point was to do it that way and a lot of people, they say, I've read since, were angry as hell at him because he wasn't fast enough and he wasn't hard enough and he wasn't partisan enough, but I think that what it said about the ability of the Constitution to work, one of the very few things I have, relatively few things I've looked at – I got a cartoon from the day after, the articles of impeachment, either first or second, from Tony Auth at the Philadelphia Inquirer which shows somebody, obviously one of the framers of the Constitution running into the Constitutional Convention with something that said Impeachment Articles and he comes running in and he yells, it works.

And the notion of the process the way Congress sometimes works while it sometimes doesn't, if I can use that as a fairly good excuse to raise the question of secrecy because we were people. We had been referred to by The New York Times as, everybody other than John Doar at least as being "ciphers". Fine, we went down there to be. I did. We did. I was no better than anybody else. We went down there to do a job. But we weren't part of Washington establishment and we had nothing really to gain and we were scared as hell of what we had to lose if we talked to anybody about what we were doing. We just didn't. We talked to each other. That's why we became so close because we couldn't talk to anybody else. We talked to each other.

But we found that worked very well when we were all by ourselves. That is to say we were doing our work within our own quarters. As soon as we started to send things across the street, my recollection is, as soon as we

started to do that it would be in the paper the next day. And I had an experience that I don't think I've shared with anybody recently and I'll be a little careful to protect the guilty, but it was just given – mind you, we're coming from this atmosphere of nothing gets out, right?

And a fellow named Tom Bell who died tragically young thereafter who had come from John Doar's firm in Wisconsin and was very much, as far as I remember, mainly doing was getting records from the Ervin Committee and bringing them back. And Tom and I went across to this little ransacked theaters, the only way I can put it, where their offices were, the office of the Ervin Committee staff had been put together inside of what had been an auditorium. We were sitting with one of the lawyers or investigators and I think I know who it was but better not to say.

And this person got a telephone call while we were there and he said – I'm trying to think whether I should use the Senator's name. I think I will. He said, excuse me, but I just got some information on the phone from somebody. He didn't say who it was. He says a little added thing about the tape system and how the tape system works. I better go up and speak to Senator Weicker's office about this. So he disappears. He leaves for 15 or 20 minutes and he does whatever he does, wherever he does, and he comes back and talking to us about the papers again.

He isn't there for five minutes when the telephone rings. I would like to remember it being Sy Hersh but it was some reporter saying, gee, I hear there's a new development. That's the way it works. And that wasn't the way it worked for us. We were very proud of ourselves that it worked for us the way it worked. And that side of government, we were proud of what we did as a government process and entity but in terms of the overall operation of the government it was just too unusual for it to have been a civics lesson.

Naftali: Why was the inquiry criticized for being too slow?

Sack: You know, it was, after all, it wasn't political and my assumption is that people – I remember referring to it as with John early on as being a Super Bowl of journalism connected with this very thing. In the week before Super Bowl, probably still, there was two weeks and then it was about Super Bowl time. Instead of the usual week between games there's two weeks and the amount of ridiculous newspaper coverage during those two weeks of absolutely nothing because they had nothing to write about that's new drives some readers, like me, crazy.

And it was a little of that. The more there was silence the more it was, what on earth are you doing? And the people at home would say, what on earth are you doing? How could it possibly – we know everything. There

are tapes. How could it possibly take six months or seven months to get this done? I deduce that, again, we were very cloistered and didn't hear any of that ourselves. I don't remember reading particular criticism of other staff. Things I've read about criticism I read in Stanley Cutler's book; not by being there at the time.

So my assumption is because it was a political animals – I don't mean that to sound the way it isn't – I didn't mean it was a political people, politically answerable, having to constantly answer the question, what the hell are you doing?

Naftali: Were committee members permitted to actually talk to any of you?

Sack: Yeah. Yeah. We had briefing sessions with the congressmen at their request and I remember doing one – oh, gosh. You are right. There are some things I will remember that I had forgotten a long time ago. I was doing something at IT&T. Not only the settling of the case because of their providing \$400,000.00, or something like that, for the San Diego Convention. It's close. From memory that's close enough. And the drop it comment. And also the fact that Attorney General later, Attorney General Kleindienst, during his confirmation hearings, after that statement he was there, he was on the recipient, he was asked if there was such a conversation just before the tapes were out and he said, absolutely not.

And the question was whether he was instructed to lie. He was lying. In fact, he may have been – I don't know what happened to those charges against him but I'm quite sure it was – I know it was the Kleindienst hearings and I think it was his testimony. And so – I'm getting a bit – I was answering a question. IT&T. I know where I am. I know where I am. So we had that story and we were talking to members of the House. Three or four, there weren't a whole lot of people that would show up but there were three or four of them and it was kind of interesting to me because it was always the same.

We were just sitting there talking – we could've talked to people around here the same way. Maybe one staff person and one congressman and I always thought it a little funny that automatically that congress people would sit right up front with us the others would take seats in the back even though they could've all been there – particularly in the House of Representatives is supposed to be so egalitarian. Anyhow, so they walk up and we're talking about IT&T and at the end it was Paul Sarbanes from Maryland, later a Senator, and he said, I think, my best recollection is that is asked me did I think, did I personally think it was so, that there had been a quid pro quo.

And reports to him, something that somebody knowledgeable about these matters I think in an interview said to me and it was – I said I really kind of didn't think so. It didn't make a lot of sense to me and I said that this person who reported to me that if the President and the administration were selling it, they would've sold it for more than \$400,000.00. But that was the kind of interaction that we had and we had two or three sessions like that and they were – I don't remember anybody sitting there and listening to what we were saying or saying you didn't say that right or wrong. They had full access to us at that point.

Naftali: But you felt differently about the milk fund?

Sack: In the sense of...?

Naftali: That there was a deal. What did you feel? Did you feel differently about the milk fund?

Sack: Not necessarily. I don't remember. I don't remember feeling – that's a good question. I should say about IT&T, I knew that he had said to Kleindienst what he said to him. Drop it and indeed went on to say something about, I don't like antitrust law, he said. And then he said, but against the networks it's different, which is also interesting.

But I knew that so I believed that. The question was how important how important is it, how serious is it, but I believed that it happened. And the milk fund, I don't remember – it was very clear what was going on that he was seeking money but it wasn't – he didn't say to all of you, you give – it was not a conspiracy there. There were too many people there and the head of the milk started to believe – but the head of the milk fund – this is all from the last couple of days – the name was Butterbrot. Butter and bread.

Naftali: So regarding IT&T, you ultimately concluded that there was no deal?

Sack: I think that's right. I think, we think, we thought, either we thought or I thought that he was saying it – he wasn't saying it in return for the payment. That he was not saying this to Kleindienst in return for the payment.

Naftali: I ask because, if you read the Statement of Information you don't really, I can't tell what you were thinking. I just see the intention.

Sack: Yes, yes, yes. Oh, gosh. That's what my answer was, no, and ultimately, as I said to Congressman Sarbanes because it's not a good business deal. It just doesn't make sense as a deal. It isn't that he wouldn't do it, it isn't

that I think he would do it, I can't believe he didn't do it, there's not enough there that you would really want to go after, the quid pro quo.

Naftali: So, where were the abuses that you found?

Sack: My recollection was certainly the enemies list, I think was the most serious of them. That is also in the tapes. I said there was nothing else. That was in the tapes. That was sitting here. In recollection, that to me was the most serious and genuinely – what's the word for it – to me, plainly an abuse of power of significance. It's all in Article 2 and there were other things as well but I would have to go back and look at Article 2 and there are three or four things, or look at the list of the...

Naftali: Do you remember the Daniel Schorr case?

Sack: I do. I do very well, having been in the news business but I don't remember – I remember in generalities. I don't remember working on that myself personally. I may have. But the question was – but it was such a whole broad string of remarkable abuses that it was journalists – there were enemy's lists. The very fact that they were called enemies and the thought that there are enemies who really are beyond the pale. They get no protection from the law or anything else because they're enemies and they would do what they could, where they could to get it done. And the IRS, I guess, was kind of looked like the easiest way to do it. They had Larry O'Donnell...

Naftali: O'Brien.

Sack: O'Brien, I'm sorry. That's probably some kind of bias, on my part. But he was willing to use – and the FBI, who exactly they were. Obviously, I have to go back and see what the FBI was being "used" for.

Naftali: Did you work on the wiretapping issue?

Sack: I don't think so. I don't remember working on the wiretapping, although it was part of the abuse of power but I don't remember personally working on the wiretapping, no.

Naftali: As part of this, how did they give you responsibility for looking into San Clemente?

Sack: I think that was an add-on. Again, as things got close – and Bernie Nussbaum worked on that with me. In fact, I think he did the report to the committee itself. San Clemente I remember because I remember gazebos. I remember we had a lot of conversations back and forth with the people on the – the tax committee people. It was a very famous, important staffer

who headed up their tax committee. I don't remember an exact name. We did a lot of talking about that. I remember somebody saying about the papers which we had were indeed backdated, although as usual it's hard to say what somebody knows about his or her tax returns.

But somebody saying that he had told – the expression that I remember is, the train had left the station. Meaning, once they had changed the law, the applicable rule, it was over and nobody should've gone back and it was – everyone was advised not to do it because the train had left the station.

Naftali: This was the 1969 deed, deeding his vice-Presidential papers to the U.S. government in the person of the National Archives.

Sack: Correct. Exactly. I think so yes.

Naftali: Judge Sack, you were going to say something about Bob Owen.

Sack: No, it starts with Bob Owen, but the story, which means a lot to me, is I have thought, of course, of Bob's coming into the office – my office – shutting the door, and saying, "Would you like to?" And I counsel every person – every young person I know and get a chance to talk to, tell them the story, and tell them how important it was. It was lucky that he came in, and a whole bunch of things had to happen for him to walk in that day. But I could've said, "No, I have a young partner here. I've gotta – representing *The Wall Street Journal*. I'll lose my connections."

The result you know historically, but the other result for me personally is I never would've been a judge had I said no because it was Bernie Nussbaum who would then been Counsel to the President. And to some extent, it didn't hurt that Hillary had been there, and I had known – I had stayed over at Bill Clinton's house and, indeed, his state house, one night, so I was close friends. But all of that opened up to me because I just said, "I'll ask my wife," or in other words, "Yes." And from that, these other things flow.

Naftali: So you mean if you had said, "I'm not gonna ask my wife," that would've been no?

Sack: I prefer not to think about that as an eventuality, but – or a – whatever a past eventuality is. No, but if –

Naftali: Are you saying she encouraged you to take it?

Sack: No, no, no, no, that's not what I'm saying. She did encourage me. I'm absolutely not saying that I went to her and asked her. I was clear I wanted to do it, but I don't know what I would've said if she says, "Not on

your life." I guess I would've said no, and I know people whose families have said that to them, and I know what they, in some cases, suspect, in other cases, know what they missed because of that.

So I'm just saying, A – it's what I tell them. I say – them – this is my kinda "message" to young people: A.) You gotta have a break, B.) If you show up enough – Woody Allen's, you know, showing up is 80 percent, which is – of success. But A.) You have to say yes, B.) You need family support to do it, you know, some kind of usually family support, and C.) You never know, until it happens, what's gonna come out of it and where it's gonna lead. But that's just my lesson to young people.

Naftali: Let's talk about the "not knowing how the movie will end" when you're in the middle of it because that brings up the point you were making off camera, which we're gonna talk about on camera. It's about your occasional concern about your insignificance.

Sack: Yeah. As a judge, I think I have three suits to my name, so you have a robe.

Naftali: It doesn't matter what you wear.

Sack: Yeah.

Naftali: Yeah, it doesn't really matter. You can be like those correspondents who just wear shorts when they're on TV.

Male Speaker 3: Now we're back to –

Naftali: Okay. We're good to go. Tell me when we're ready.

Male Speaker 3: Speed.

Naftali: Okay. You and I were talking off camera about insignificance.

Sack: About insignificance.

Naftali: Yeah.

Sack: I think we've got that. I was gonna say that I sometimes talk about people's well-deserved lack of self-esteem. So I don't want this to be too much about how one feels about oneself. That's for psychiatrists to worry about, but you do. I was 34 years old. I had just become a partner, which was very nice. I didn't have a great deal of experience in this, so I was taking my family down there.

There were risks, and I knew that. I mean at the end of *Peter and the Wolf*, I think it's the grandfather says to the grandson, "But what would you have done if the hunter hadn't come out of the woods and shot the wolf? What if it had all gone badly in some way or another?"

I didn't know John Doar. I mean there are all kinds of bad things that you don't know what's gonna happen, and there's necessarily risk. It could've been entirely inconclusive. We could've taken the blame publicly. So you know there's a risk there. Very early on, I went with Bob Owen, and I think – I don't remember what the subject was, but – maybe it was Terry Lenzner. We went across town one evening to talk to him, I guess, about how the Ervin Committee worked. I'm guessing. That's a guess.

But I know John Doar and I went across town to just have a little chat with somebody else, and I didn't know whether maybe we were being followed, that people – you know, we could be enemies, too. There were people, when it was over, who were – people in the street, I would listen, talking to one another, that the tanks never came down Pennsylvania Avenue.

Now we didn't think they would, but there was a lot at stake, and it just – I mean what would've happened if the President had said no? At the very end, supposing the President had said, "No. No more," would he have been impeached? Would he have – all kinds of things that we didn't know, and everything that you don't know, has some element of risk involved. I mean it involves – so there was risk of that sort.

But the other thing is there you are, and as I described, my role in this was I think I was very useful. I'm glad I was there. A bunch of things I worked on did become a part of the historic record and were reasonable important. But I know perfectly well that there were a lot of people who could've done that job, and I knew it when I was there. And I knew it was possible that one of us, we were doing, as I've said many times, we started out with 35 things that we'd blow one of them, and we could, and maybe we did.

And I did have a sense that, of many things I've done in my life, when you're practicing law, you have a pretty good feeling of control over what's going. When you're a judge, you have a pretty good feeling of control over what's going on. I had no control. What I was doing was literally – and I knew it – literally much more important than I was, and I believe that to this day, that it was much more important than me, and that's scary when you really believe that. That's scary.

And as I mentioned to you, I now remember that at that time, the image I had in my head was those old World War II movies showing – or newsreel

footage – showing a flight taking off – if that's what they call them – from sorties – whatever – the flight taking off from the top of an aircraft carrier. And my recollection is that if one of those planes stalled – that is, they couldn't get the engine to turn over, couldn't get it going – they would have to take it, and literally, two guys would take it and push the airplane off the edge of the carrier so that the flight could continue.

And I kind of felt about that important, as somebody who really didn't – I didn't really matter, and when you're confronted with that in a risky situation, I suppose – you know, if somebody told me, I don't know – that there are a lot of jobs like that. That policemen, maybe, have the same feeling that, "If something happens, I go, and nobody will care."

Soldiers – I don't know if it's the same or not. All I know is that in my experience, it made for troubled sleep. And again, it's also why we were so good to each other, the staff of people. Please let me tell you a story that's –

Naftali: Tell us one.

Sack: – that goes to this precise point. I'll never forget it. Joe Woods was the chief, old friend. I don't even know from where, but an old friend of John Doar, and he was the chief lawman, and John Labovitz was, of course. Bill Weld, I think, was also on the law – pure law staff. And Joe Woods, sometime relatively early on, Joe had me in his office, and Hillary was there and Fred Altshuler was there, and he dressed me down for some idea I had or some piece of paper I had, and he just – he really – he was very openly critical of something I had said or something I had –

So I went – it was probably 9:00 – 8:00 by then. I went over, packed my bag – if I did that – and as you may know, you get parking places assigned to you based on seniority. As a result, I had no seniority at all. I had a parking place, but you had to practically go halfway to the Potomac to get to it.

So I was walking along the street there – whatever the name of it is along the back of the House office building. I got about two blocks down towards my car, and I was indeed feeling awful. And I hear this pitter-patter of feet, and it's Fred and Hillary running down after me and saying, "Bob, Bob, Bob, it's okay. Don't let this get you down." Whatever they said, it was a, you know, "Don't be upset. It was really good," and to comfort me, just to say, "Don't worry about it."

That was so sweet. It says so much to me about Hillary. Fred, you can expect, but Hillary – or the way Hillary was 35 years ago – and it says so much about the staff but also about how difficult it was for chiefs, as I was

supposed to be, and Indians alike, to be under those circumstances and how much we, therefore, meant to each other – at least they meant to me. I think we meant to each other.

Naftali: What was Hillary's job at that time?

Sack: I don't know. That's the funny thing. I don't remember exactly what her job was through all of this. I just don't remember and –

Naftali: But she was there.

Sack: Ooh, no, no, she was very much there. Hillary was not a lady in waiting even at that time. She was a smart, young woman from Yale, classmate of Michael Conway's. You should know if you don't – but as down to earth and supportive – in my having described how things were, she, as were other people, just as down to earth and supportive as you can imagine.

And so when I go back – like a hypnotist, take me out of myself and back to '74, I'm drawn back to the – "melancholy" is the word I use when I start to get really into where we were. First of all, my feeling about the facts, the historical facts, and my feeling about these people and my own personal feelings, they don't entirely overlap. You know, there's an intersection, but they don't entirely overlap.

The thing about the people is things I remember without having to look at a note or think about it. The big thing about what were the agents we were dealing with, it's probably a pretty good idea to have a list of them because I don't remember that, but that was the human drama. And why I say it's not easy to go back there, even though this – I've been able to save the sweet things with these people. That is to say they're still my friends.

And we get together, and when we do, we almost always – there are two kinds of old friends: Those who you get there, and you talk to them. I start talking to them wherever they are, and it's just as though no time at all has passed. And there's the other kind where you sit down, and you haven't seen them in a long time, and you just don't know how to get through the first three minutes. We're friends, and that's very much a part of my experience.

And I also – in a way, this is related – I was the odd-jobs person, and that's how I got to do tape gaps and the gazebos and the trains having left the stations. And sometimes I would be returned to do odd jobs. One of them, one of our staff members got into trouble on the street with a – a verbal fight with a woman, and they wound up turning it over to the District of Columbia police and the prosecutor, and I had to – he hadn't done anything wrong.

And I managed – my greatest cross-examination was in the – ever – was in the chambers of the office of the District Attorney or whatever he's called there. So they called on me to do it. John called me. "Please take care of this," and so I took care of it. I don't wanna say I was a bagman, mind you, but odd jobs.

But my best recollection, and the one that I think is worth recollecting, was we came out with our own – and you mentioned this earlier about the tapes – we came with our own version of the tapes, and they became public, I guess, after we released them to the House Committee. And one of the things was they were much, much better transcripts than the White House provided us – some of the reasons being technical.

We got a very good sound guy who made them work properly and made them sound better. I mean you could put the head of the tape at a different angle or something like that, and you could hear things that were startling compared to the unprocessed tapes that we had heard. And one of our transcripts – and I could figure out what it was – but one of our transcripts came out, and it was what – this is hypothetically stated, but it's the same point. And the President said something like – somebody said, "What will we do about – how will we keep 'this' from coming out?"

And the President – and it may have been the President who asked, somebody else who says it – but he says, "Our nash –" and he's cutoff. He's saying, "Our national security," was what he was saying. Well, our staff had put together this tape, this transcript, and on the transcript it said "Earl Nash" instead of "Our nash."

And so Maureen Barden, who I remember very well, she came kind of hustling up to me. "Bob, Bob, we have this problem with transcript." Bernie says – Bernie – I shouldn't say this for him, but he's – later told me, "Boy," he says, "I really understood the impulse to cover it up," he says, but it didn't. And then she comes. She says, "We got a – who is Earl Nash? We don't know who he is. All the papers are calling. Who is Earl Nash?"

So she says, "You call him." "Why me?" "It wasn't agency abuse," so I said, "Okay, I'll call." So we found either an E. Nash or an Earl Nash, indeed, out in suburban Maryland, I think – maybe Virginia. So I pick up the phone, and I call, and a woman answers, and I said, "Earl Nash?" I said, "I'm calling from the Congress," from however we introduced ourselves. I don't know – assistant to – however – I made it clear I had some official interest.

And she just starts to bawl, said, "I don't know what he's done. I don't know where he is, but people have been calling me all afternoon wanting to know who Earl Nash is." So I guess somebody finally had to get up the gumption and point out that that had been a transcription error.

Naftali: So you told her that it was a mistake and – well, did you –

Sack: Oh, I assume – I know that we did clear it up right away. I'm sure we did. I mean the thing that proves it's fine is nobody remembers this story but me, and I –

Naftali: And then the family of Earl Nash.

Sack: And yes, they have. They've survived. Yeah, they, occasionally, I will disturb – I will needle by my former colleagues by arriving at a dinner or something and asking whether – I know what I did. I once put a placemat there for Earl Nash for one of these things.

Naftali: So I'll have to ask Maureen about – because was she overseeing the transcribers?

Sack: You know, I can't – she was very much involved in the process. Maureen's – was very much involved in everything. I mean it was all about, as we've talked, it was all about documents and tapes and transcripts, which are documents. And she was just in charge, and she was there. She was famous. I can't swear I saw it myself, but she was famous for being there, after everyone left, at 2:00 or 3:00 in the morning with a vacuum cleaner, cleaning out her library space.

Mike Conway, who you will interview, I, particularly remember, fairly late into the process of putting – I can't swear what it was we were putting together, whether it was a final report, more likely it was Statements of Information, but he looked kinda beaten up. And he says, "I've been up all night four times in my life: when my son was born, when my daughter was born, and twice last week."

Naftali: How did you feel when the committee members reacted not completely positively to the Statements of Information that they felt they needed a little bit more help to get through them? And that's when seminars began, I believe.

Sack: I'm hesitating because I'm not sure how much I'm thinking about what I would've thought then, now, or what I'm thinking what I thought, then. I don't remember being upset about it at all because – now this is the part I know is retrospect – I think that's kind of what they were supposed to be.

They were supposed to say, "Here are the facts. Okay." And we weren't supposed to put it together. We did not put those facts together.

Now I think that that was John's thought, that let them put it together. I'm sure that's his thought. In fact, I seem to remember his saying something like that to me about the Statements of Information. "Don't put it together. Let them do it. Let them ask questions." But if you do at that stage of the proceedings, you're being too argumentative. You're taking one side. You're looking for an impeachment.

Naftali: So again, to help the viewer and researcher your job was not to make a case, or was it to make a case?

Sack: It was to put all of the evidence out there upon which a case could be made. That's exactly what it was. We knew what the case would – we knew – we knew? I'm sure we knew – I'm sure John Doar knew that some – you know, recollections pop up – but that someday he would make the case, which he did. But the first stage was to get this out because we had – we didn't want people – the point was to be as neutral as we possibly could, put it all in, and then, as I've seen very fine liars do elsewhere, string up these beads. But you had to get the beads out first, and then you string the beads up.

Naftali: And he would string up the beads in presenting it to the committee?

Sack: That's my understanding. He obviously did, in fact, at the beginning of the actual proceedings, the public proceedings, he did make an opening sentence – excuse me – opening statement and he did string up the beads at that point. But he was getting the evidence to them first before telling them what he thought the evidence means.

He said, somewhere in this process – and I thought it was so meaningful – this is a great insight. He said that Congressman Hogan of, also, I think, from Maryland – Republican – this was well into the process. This was in March. It couldn't have been. It was later when we had become or were becoming argumentative, and there was a lot about Renata Adler, and if you've read any of her stuff, and I don't know anything about what was going on in John's head. I don't know if he started out saying, "I'm going to get the son of a bitch." He surely never, never, never, never let us know if that's what he did.

But he said that, "Hogan," Congressman Hogan, "is a Republican, and he's gonna vote for this," he says. He said, "That's because he's an FBI man, former FBI man, and he responds to facts. He cares about facts," and that's the way he worked.

Well, talk about John Doar, something of interest, which you'll get elsewhere, but while we're running, the most extraordinary thing that John did was to make his case beginning on June 23, before we had the tape. He made his case beginning in June 23, 1972. That bag – you will have people who know better than me – that bag that was brought over from the Special Prosecutor started in February or March of the following year.

And John said – and this I remember personally – John said, "President Nixon is a man who is intimately involved in absolutely every detail of everything, and the notion that he didn't know early on that what had happened at the Watergate and what the problems were," he says, "It's impossible."

I'm oversimplifying because my memory isn't that good, but kinda the breaking point for the division amongst Congress was the committee was on – really starts on September 15 with a conversation with John Dean, which is earlier, I think, than – but that's kinda when – and did he know anything before then? And some people say, "No, he couldn't have. He didn't know what was going on at the Watergate. It was just afterwards that people were coming to him, telling him what was happening."

Well, John said, "That can't be true," and there were people on the committee who agreed with them, a majority, and there were people who didn't, and that was dividing line. Then comes along *United States vs. Nixon* and the Pentagon Papers. No, that was the year before – the Nixon tapes.

Naftali: That's three years before.

Sack: The Nixon tapes. And they ruled saying that they had to be disclosed, and one of the tapes was the June 23 tape. I guess it's June 23, and it has to be release, and it's released.

And that absolutely breaks the branch off underneath the people who said he – and they all changed sides because I mean they were on that limb, and that limb was cut off. But it was all – it became a smoking gun, I think, because of John's insistence, his willingness to say that it began then, and it didn't begin in September, and it didn't begin in March.

And between the time the tape became available – was it two weeks before the President left office?

Naftali: It was actually less than two weeks.

Sack: Two – yeah – well – oh, go ahead.

Naftali: I just wanted to ask you about that. You have that case that's making its way from the Court of Appeals. Was there ever any question – was there ever any discussion about waiting until that case was adjudicated? Because you would've received so many more tapes.

Sack: I don't remember any consideration of that. I don't know. I actually went over with some of colleagues and listened to the decision actually being read out loud by the Chief Justice Berger, who, as people often say – that used to say – that he was the captain's captain. That is, there's one captain who steered the ship, and one who came down and made an appearance in the dining room of a cruise ship, and he was the one who makes the appearance, meaning he looked like it, and he walked like, and he talked like a Chief Justice of the United States, and he made that.

But I don't think – there are any number of things that the court could've done other than that, any number of – you know, they could've asked for re-argument. They could've sent it back down. They could've split four-four. Only eight of them voted. It was in the middle of the summer. They certainly could've put it off until the end of the summer, which, by now, you know the kind of pressure we've been talking about. But I certainly don't remember anybody – I guess nobody had any idea that a ruling was gonna come down so quickly after we had done the bulk of our – the staff had done the bulk of its work.

Naftali: Now with your discussions with John Doar and Joe Woods, Bernie Nussbaum, since you didn't know what –

Sack: Joe was, by the way, was gone by then. In June, Joe went back to his firm and did not stay on after some – I think it was in June. I have reason to think it's in June.

Naftali: I'm hoping to interview him, but what do you remember of why he left?

Sack: He said – and I had no reason to doubt it – John Doar told us that he had his firm that he started. He had promised to come in for a month or two months, and he just he felt was neglecting his responsibility to his firm.

Naftali: Can you remember discussions about how you would prepare this case for the Senate? I mean obviously you were doing it for the House, and you were doing it for the committee, but were you thinking ahead to a Senate trial?

Sack: Only in the vaguest term. Maybe John was. Again, I remember talking to Bernie, saying, "God, this has been awful tough on us, awful tough on our families. If we were asked to stay for the trial, would we do it?" The answer, I'm sure I remember, it was, "Well, if they asked, of course, we'd

do it." But Bernie had left his practice. I had left a practice, but beyond our own personal reflections on it, we never did – you just said something talking about Joe Woods leaving.

Naftali: Can you hold that just a second – a moment?

Sack: Absolutely. Absolutely. Sure.

Sack: And we'll stop and change tapes because we're just at the end.

Sack: Yeah. Yeah. Sorry.

Naftali: This is great.

Sack: Okay.

Sack: Thank you.

Naftali: Joe Woods?

Sack: It just reminded me of something. It wasn't Joe Woods, but I was talking again about my role and the role of my people and the two things that I remember is that I actually, despite accurate description of the overall real importance to the outcome of what I did, the two things perhaps are intentional. First, I did get – one of the only people, I got a promotion. On the 18th of June, I know which is how I know it had something to do with Joe Woods leaving but I maybe wrong, I went from Associate Special Council to Senior Associate Special Council and the reason was that I had all these people working for me were still working – and she never told me this was the reason, but I think he wanted to make clear that they were my – to them, to the people in the staff, that they were my responsibility and that they in turn spoke through me and I had a – I was given a position that recognized what I was doing because I had so many people under supervision and that supervisory – a little late perhaps, but that supervisory role, being the intermediary between John and the staff. I think that's probably why he did it.

But, so I'll tell you the other story, that side just tumbled out while I was looking at some of my papers for the first time in all these decades and that was John – and I think it was in March, but I won't swear to it. March or April, John according – as I can see from this memo had given us a presentation, the entire staff. That was in the library; that was the only space that was big enough and about where the impeachment inquiry is and what people are doing, progress report, pat people on the back, and I went back to my office and I sent him a memo. And I said, John I understand what's important and that's fine, but you mentioned virtually

nothing about what my eight or nine people and I are doing. I said, would you please – I said, it's extremely important, and I think I probably even underscored extremely it was so important, please talk to my people one on one and tell them what a wonderful job they're doing and that gives you some idea of the sense of we're working awful hard and we were – use your own metaphor – but and that I truly didn't remember writing that, but it says what was going on.

Naftali: Does it give you – should interpret that there was a moral problem?

Sack: There was at that time for that reason only. Moral problem? There was a moral problem after that in my group because the express was heading over there – here we a train again - express **[inaudible]** a big deal and here we are sitting in the local station waiting for the local to come by.

Naftali: Why – but you were working on some of the most important issues.

Sack: It was not according to his – they may or may not be. As I describe them they were pretty important, but leave that aside. I'm not talking about substance here, I'm talking about the report that he made and everybody – John is a great General, but he doesn't do it by coming in and hugging his troops. He does it by being a General. He's – and they can sometimes not be so good for moral if you wondered what I am I doing here? Why am I here? Why have I done this? And when you go in there and you give a 45 minute presentation or a 20 minute presentation about where we are and we take this group and you don't mention what they're doing, this is not good for moral and I wouldn't be surprised if I used the word moral in there.

Naftali: And this is was the 45-minute presentation to all 101?

Sack: My best recollection is was to the whole staff. It may not have been, it may have just been to the lawyer, but it was yeah and –

Naftali: You had a room where you could put everybody in?

Sack: Yeah. Yes, I remember it was – that was Maureen's room. That's Maureen's room. We had a farewell sit around when we all talked and John Doar came in and it was just after the resignation week and everybody went around and said something. And I said, we've all been reading about how we are the unsung heroes of Watergate. I said, I don't know about anybody else, but Bernie and me we didn't come here to be unsung, but there was a little of this you were supposed to – you're supposed to be. You're supposed to be quite. You're supposed to be in the back and so what matters is – the General gets up there and says we're gonna head out to Omaha Beach and he said, Jesus I'm going to Juno

Beach and nobody wins in Juno Beach I'm talking about Omaha Beach. And yes, there was a sense of hurt. Yeah.

Naftali: What was the sense among your staff after the committee approved article two?

Sack: I think – satisfaction, I'm sure. But I think what was clear – I remember joking with John in the committee room about the fact that not only were we article two, but article two got McClory's vote. We got one more vote than article one got and I'm not quoting him accurately but he says, he looked at me and he says, this is all about Watergate or it will be remembered as article one. It's article one that this was about; it wasn't about article two and I said, okay. Sure, he's right, he's right. It was, so my answer is I was much more excited about article one than I was about article two. There was – it was – but having said what I said about our own individual work, at the same time we – I don't know of that – lack of moral is one thing, jealousies are another thing and what we do is important or isn't important. We weren't treated that way at all by other staff. We were never treated by other staff as being anything but a part of the operation and the operation succeeded and it'd be a terrible mistake for me to come away with the impression or leave with the impression that that isn't part of what John did. John Doar did was to make us all feel that way, but this wasn't – this particular incident says something about sensitivities generally, says something about sensitivities in my group and the need to worry about them.

Naftali: Presumably all of you had voted in a Presidential Election sometimes before you took this job.

Sack: Yes, I had.

Naftali: Was there some attempt to balance the number or to have a certain number of Republicans?

Sack: Yes, absolutely.

Naftali: How did you keep partisanship at the door? How did you park it at the door?

Sack: The question can be asked how successful we were at doing that, but John was, again, John was very good about that and if somebody said – I won't say who – but somebody said something that sounded partisan in a meeting or something and John got on them and said, don't do that. I know you have a liberal background and I knew when I hired you, but for heaven's sake don't do that. Don't do it, don't do it. I got caught in it once with partisanship. I had come home for a few hours – the place was

still here. We spent a day – I never spent more than a day away in seven months from my job. I spent a day away with my wife and kids presumably. And while I was there there's a partner, a young partner [inaudible], I may not have this right, but the point of the story is accurate. And I went up and I interviewed this guy – interviewed, I wanted to talk to him about something. I knew he was here and it was just who signed a deed or something have to do with IT and T or who signed a settlement or something along those lines, it's a minor point, but I wanted to nail it down so I went over.

And when I came back that's the only time I really got myself into this sort of trouble because I hadn't taken a Republican along with me. I think it was vernally an understood that you had your – even when they were intermixed as they were working with me, that there was some Republicans there and they had been pointed through the Republicans in the committee and I'm quite sure of – although my recollection is not direct but indirect, that is I don't actually remember being told that we had to do that, but I knew that that was expected. And so to that extent, yeah you always did have that, but you get a lawyer and you say you're on this side prosecute. They'll prosecute. Once, and not only that, it's the wonderful thing about the legal system is that by the time they're three minutes into it they'll be sure the guy is guilty. The whole advocacy system is being – you get into it, you're told do it and you're told take a side and to advocate that side.

Naftali: At what point did the staff understand they had to take a side? Maybe I misunderstood you –

Sack: We're talking about taking sides and the fact of the matter is that they didn't. That the problem is, as we were talking about a long time ago, as a human being you're told to look into this matter and somebody you wanted to be big and to be important. Everybody feels that way and there's a certain sense that you want to find something there. If you don't, you don't, but that was not partisan and it was – that was just human and you had to not give into that and you had to be objective and if they weren't objective, I had to be objective for them and John had to be objective for all of us. But, there was no sense – I can't, if you read me a list of the people on my sub staff, I would be hard put to remember exactly. I guess I might be able to figure out who was a so-called minority and who was not member. It didn't – at that level it just didn't work that way. It did work that way when you get to the – Bill Weld – what was his name? Sam Garrison, who is not longer with us – there were Republican people – part of the Republican minority staff who – and that was different; they had their own office down the hall and they treated with one another, not with – they were really a minority staff and they were different. These people integrated into the staff and I wouldn't have been

able to tell you why – who was from which? And in fact, the whole burden ultimately the burden of my story making this mistake of going without a minority member to interview somebody is it didn't occur to me there's anything wrong with that because we weren't operating that way in any meaningful sense and the thought that some minority person that would be with me when I was mopping up a piece of this story would surprise me.

- Naftali: Just so we – and I promise in other interviews I will ask this so we have sort of a mosaic, but so that we understand the structure of the inquiry Joe Woods and Bernie Nussbaum were John Doar's deputies, right?
- Sack: You know I don't know.
- Naftali: Okay, well I'll –
- Sack: No, I just they were –
- Naftali: But you did not report through them, you were direct –
- Sack: That's the point, that's the point. They –
- Naftali: But, they were around? As you've mentioned them in a number of stories, are they there as senior colleagues, as advisors?
- Sack: Yes, senior colleagues is the way they would treat me and I would treat them and that's – it was something –
- Naftali: Ministers without portfolio?
- Sack: Huh?
- Naftali: Ministers without portfolio?
- Sack: They had plenty of portfolios. No, I'm kidding. I had the sense of they're being colleagues working on things that may have been more important to what the overall scope of what we were doing, but senior colleagues and we had exactly the same title. In fact, one of the ironies perhaps is that Bert Jenner, as you know, eventually turned down the role as minority council at some point and so when we were finished he had the same title as we had. There are five or six of us who had that title. He's – but I did not report to them. I would – look, we had to interview – it was a hard interview having to do with either the papers or the San Clemente property and Bernie did that. I didn't do it and Bernie was a real litigator as we like to say and I wasn't. If it came to a difficult constitutional question that was Joe Wood's bailiwick working and he did it and had some – Gosh,

Jon Labovitz is one of the smartest, best constitutional lawyers I've ever met, but he was in charge until the same memo that said I – John also got a promotion in the sense that he became the head of the legal staff when Joe Woods, the law men, when Joe Woods left. I don't know that they changed his title, but nor that that – as long as your title wasn't going down. It was kind of one of the Washington jokes whether you were senior – deputy assistant and assistant deputy, which was higher?

Naftali: Did you ever get a request from the minority council to look into something?

Sack: The answer is no, but the simple answer is no, but I don't know where that would have come from. I don't remember where these categories came from. They seemed to be pre-formed by the Ervin Committee and others. So, I don't – the simple answer is no, but the additional answer is I don't even remember John Doar coming – may have saying there are these three things that have been raised, maybe he did. But they would have come from across the street from some congressman, but I definitely don't remember any minority person saying look into this. No, I don't.

Naftali: Well, maybe perhaps just to find exculpatory or –

Sack: No, no again I would – there was politics across the street and there was truly a minority staff and they were there to represent the minority and the minority by and large was ask Bill Well. I didn't much pay attention to that. I had no responsibility for it. They were there; I was nice to them. I saw Bert Jenner from time to time and we did some things together and did some interviews together and as both Evan and Richard Gill remind me – Richard Gill himself was a Republican. Now, he was a Republican from Alabama where the Republicans were the great civil rights fighters. The white civil rights judges who did the most for the civil rights law were Republicans, I think. It was one of his partners. But, we were doing – banged into our heads over and over again and we believed it that this was non partisan. What we were doing all the jobs as lawyers and that we were acting as lawyers. Now, maybe I was – I'm not sophisticated about those. I'm not, I don't know what goes on in there or what I didn't understand. But, we really thought and the fact that we can have this conversation and the notion that Dick Gill is a – his being a Republican is an afterthought. We were great friends then, we are great friend now and it wasn't that kind of fish or foul atmosphere in terms of that group of us.

This half of the office that were dealing with facts and probably even law, although that would be more matter – that you'd have to ask some of these other people who did know. I didn't, but I certainly never felt from either side. We were never prosecutors until – where we ever? I guess there comes a point when you're arguing for impeachment and you're having

articles of impeachment, yeah you are a prosecutor or at least a plaintiff. But, we were told to do our lawyerly job and we wanted to and that's a background by in large. Our strength was that we were brought there as lawyers and young lawyers. John, I think – it's interesting to me that Bernie Nussbaum at 30 – leave aside Dick Cates who was a wonderful guy, but he was hired by the committee before and he was not part of the process that brought us together. But the rest of us Bernie, at the age of 36, was the old man and mostly they were younger. Everybody else was younger; I was a couple years younger and most were younger than that, late 20's. And people like – I don't know anything about why but he had his kitchen cabinet of Owen Fiss, Burke Marshall and Bob Owen who came back and would show up and as far as I knew at the middle of night the next morning we would have – I would see drafts that were – I don't know whether officially or unofficially they were dated – had a line on the top 4/15 2:00 am, 4/15 4:00am, 4/15 each successive draft. But he was close to them, but they were older. Older people – he liked having young soldiers and he could for the same reason that if you're in a battle you really do want 18 year old 22 year old and maybe a 23 or 24 year old. People go into battle for you and not think that they're Generals when they're not and are very, very, very talented and could be – were bound to become Generals. So, he liked having young people. I'm sure he did the same thing at the civil rights division.

He was in a great battle and I think he – you can argue he needs a great cause too. I think he had trouble – he needed a cause that's smart, effective – first line that's a terrible way to say, but the kind of person you'd want to hire whenever you were hiring. He wanted people for whom it was a – that they thought they were – A, they thought they were doing something terribly important, B, they would do it John's way. And that's what we all were. Doing it John's way, having a leader and respecting a leader, we couldn't send him an email saying let's – you didn't do those, excuse me. Strike that. Send him a memo and say, I don't think so. Can I talk to you? If you did it directly to him, that was fine but he wanted people who would – big staff, important things and they had to be willing to do that and kind of subordinate their egos a little bit. And I'm not sure he's been good in his life, even ask some other people who know about the rest of his life and the rest of his practice, but I don't think he's awfully good unless it's a big case and he's – I'm not sure he's as effective.

He would be great as a jury. He's the kind of the jury lawyer who the really good jury lawyers, lawyers who are used to arguing before a jury, the jury will acquit their client and say, gee he had a wonderful lawyer. The great ones are the ones who the client will be acquitted and the jurors will say, gee that guy he was innocent. His lawyer wasn't very good; that scruffy guy wasn't very good. John had that ability to get stuff across and

still be self effacing sort of and mumble a little bit and so the old jury lawyer – but, I’m not sure he had a happy experience when he took on the Eastman Kodak case after he left and I don’t know very much about it. I know that Bob Owen represented a fellow named Malin Perkins and Malin Perkins had worked for John Doar at the firm Donovan Leisure – no, maybe it wasn’t. Yeah, I guess it was Donovan – who was – and John had this army of lawyers going, but it was a private antitrust case going and Malin Perkins wound up with – in jail because he had withheld evidence. There was some evidence he should have turned over. I don’t remember anything – I know he’s in jail for 30 days and I know Bob Owen represented him at some point in this. He probably helped him get a plea and my sense about it was – maybe it’s unfair to say because I’m saying out of school and haven’t talked to anybody about it but Bob Owen.

My sense is that if you didn’t have something, kind of a war that people were going to, I’m not sure how good of leader he would be where he had to go in and tell these eight people were terribly disappointed he didn’t mention their work. The kind of politics at that level. They had to really be committed to a cause that they really believed in and they were very good. They could – the eight people in private practice were, what the hell am I doing this for? And they would have had their resumes out within the – by nightfall. So, in a great cause he was a great leader but it wasn’t fun.

Naftali: It wasn’t fun?

Sack: It wasn’t – well, it was not – I’ve had so much fun. I swore at the time, I remember saying that I will never tell anybody it was fun because it wasn’t. It was hard and it was late and it was scary and I swore not to read anything about it for five years just to let it pass way and then go back to, which I didn’t do until three weeks ago. But, and so for me no, it was hard. We had much too much to do. It was much too ego suppressing, nobody – we were at best unsung – we ranged from being unsung heroes to being ciphers. That’s the way and that’s what we were supposed to be and we knew that’s what we were supposed to be. That doesn’t make for great time unless you have other people who are talented and lovely people. I remember my camaraderie as being – my then wife said she understood the notion of being born again. She thought I had been born again just by being exposed. On the one side, the bad thing. The other side to these people and comrades.

Naftali: Given what would happen to them in their later careers can you recall that night when you spent with Bill and Hillary?

Sack: Yeah, it wasn't – sure, I had decided – I'm afraid there isn't that much to say, but yeah I decided to go. This was about – I was in Dallas and I decided to fly back to New York. I was taking the position for something. I decided to fly back, it couldn't have been later than '76, thought Little Rock and I call up Hillary. She said, that'd be great and it turned out the plane was four hours late, but I got in there and we went to a restaurant and I had met Bill before, but we had dinner and went back to his place – their place, excuse me, and they had a very nice little house. He surely had not run for Governor, he may have just – **[inaudible]** Attorney General first. I think he maybe was just running for Attorney General, which struck me as amazing. So, we went then and two other times. And conversation, I bought a nice bottle of wine. I think it cost me \$8 that was the most expensive bottle of wine I ever had. I gave him, we drank and it was very pleasant.

The second time I went was with Evan and I together and some others and we went to the first inauguration of Bill Clinton. '79, that'd be guess and that was utterly fascinating seeing our friend Hillary in this public role was utterly fascinating and we raided the kitchen – the ice box in the Governor's Mansion and the third time I was with a friend, in fact he was a friend because his partner was one. She was a paraprofessional, a very, very successful lawyer. A paraprofessional and a very – one of my two or three closest friends on earth, but she had a partner and her partner was flying – I was interviewing and he and I flew in this two engine plane together from Oakland Airport to Westchester County Airport and **[inaudible]**. And we went to Albuquerque for lunch then we stayed in the guest house for dinner while there were hurricane warnings out and I met a young Chelsea who was coming back from ballet lessons and that was the second time. And I've seen – even she was a Senator from New York. I didn't see her but twice on ceremonial occasions during and I sometimes wonder whether given everything that happened, her association with impeachment, is something that she looks upon with great fondness. But, whatever I haven't seen her at all, but we did have those three times in Little Rock. Or as they say, in Casablanca, there will always be Little Rock.

Naftali: Well, let's – can you change that? And we have just a few more questions and we're done.

Naftali: So I wanted to ask you, you told a little story about Eastman Kodak, and maybe it's just my inability to follow, but was Mr. Owen on the different side?

Sack: No, no, no. John Doar had done nothing wrong. He had a – He wasn't junior, he was a partner, who got off the reservation and got into trouble for it, and I speculate that it was difficult to take charge as a General of

many troops when you didn't have a real war going on. Malin was – I don't know enough about it because I wasn't involved in the job. Bob Owen was asked [inaudible] can't be chance that he was the one who was asked to defend or work on the defense with Malin Perkins. It's something that John Doar obviously would do given his respect for Bob and his concern about the well being of Malin Perkins, which he was, I guess Malin Perkins.

But I just came away from it with a sense that you couldn't operate in a peace time army the way you could operate with a war time army. And I think we and Civil Rights, were war time armies. I think that – I can't remember off hand another thing that John has done, which I could compare with a war time enemy, war time soldier, war time army, and I don't know how effective. What he used, I think with great success, with us in the war time army where we would right turn, you know, we made a left turn. I don't think he would be as successful trying that using that method of leadership in a peace time army.

It was probably wrong of me to bring Malin Perkins into it because it may have had to do with something completely different, but I do believe that from the top down, a non caudled the troops approach is something that worked particularly well there, but would be hard to adapt to another –

Naftali: Peace time.

Sack: Peach time.

Naftali: Just so, again, so that I just understand it, Perkins must've been a lawyer.

Sack: Oh, yes a partner.

Naftali: He was a lawyer in the firm and partner at the firm who'd gotten into trouble and Doar should've been watching what he was doing a little bit more closely.

Sack: No, no, I don't mean that. That's not likely to be John's problem. I think the problem was he may have covered up because he would rather cover up than have to tell John – I'm speculating, but there was something about the – Malin Perkins was an older guy, and if you're gonna lead a bunch partners, it doesn't work to tell them because they will start working it themselves. They're trained to do that. In a peace time army, you're kinda trained I guess, maybe not a peace time – there was just not this ability – it's not a question – I'm sure John was in touch with the details as he always is, but there were certain things that John – John would've assumed that orders were followed.

Again, I try to explain it, I get further and further away from the facts, which is really what I should be starting with and I'm not, so it's speculation. But I still – what I was trying to point out is that there are people – he was a Patton type I guess you might say, a General Patton, and I'm not sure what happens – it's tough to be Patton type in 1948 or '49, which he never got to be.

Naftali: Would you say that he was – you mentioned the fact that he preferred to receive information on paper.

Sack: Yeah.

Naftali: Was that because he avoided –

Sack: No, whatever it is, it was time. He was looking for efficiency. I never had the, at all, the sense that if I said John, can I come and talk to you that I couldn't talk to him. It was nothing about that. He didn't like the personal interaction. I didn't have that feeling at all. I don't think he treasured it. He's not the kind of person who wandered around like Henry V, you know, for amongst his troops before the battle. But on the other hand, I don't think he avoided personal contact. Had a whole lot of stuff to do, and he was – we should explain for the tape that for no reason at all we've been sitting here taping it –

Sack: The camera has come down and a screen has come down and we have no idea –

Naftali: We have no idea. And the camera continues to come down and it has stopped. And at a certain point, there will be a word from our sponsor.

Sack: That's exactly –

Female Speaker: There would be a switch on the wall over there that does that; right?

Male Speaker: Yes, somebody in the other room –

Naftali: Well, we will wrap up very soon because fortunately – but now we get a digital projection **[inaudible]**, it's actually getting worse.

Female Speaker: I think there's a poltergeist.

Male Speaker: We're looking at someone in another room

Naftali: Yes. Can we turn the projector off?

[Inaudible].

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- Sack: Well, we didn't do anything to precipitate it that we know of.
- Naftali: Can you see the projection? Okay, well, then let's not worry –
- Sack: This is a magic act. My camera has been on me all this time –
- Naftali: And now, there's a total distraction.
- Female Speaker: It doesn't make a difference.
- Naftali: Makes no difference.
- Female Speaker: The noise is the only problem.
- Naftali: Well, that was amusing. Well, there are always surprises in this business. To get back to – actually, the Ghost of Eastman Kodak, correct, but that's a different story. Are there any stories that we've missed?
- Sack: Sure, but I don't know what they are.
- Naftali: Well, that you've thought about and wanted to be sure that we included?
- Sack: If I can look at a note for second.
- Naftali: Sure you can, of course.
- Sack: Because I think – I can't believe we haven't done everything. Oh, yeah, really just one thing because it's about my mother and I would like to talk about my mother who, you know, my late mother. As I've told you quite explicitly, and I – in a sense, it really is kind of important to understand my comments in this context, and that is that my mother told the story – oh, no, it starts out just a little other than that. It starts out with the fact that as I mentioned rather recently, I swore that, I said it wasn't fun and also I wouldn't read anything about it for five years, ten years, and I didn't do anything except decide I should go back and look at stuff I didn't read at all, shuffle through my papers and look at the report and look at some Kutler, which I did, his book, *Wars of Watergate*.
- And all of these things were just words to me, like the Huston Plan and Operation Gemstone and Deep Six. Those are words that I remember, but it's the first time that I've ever been in a position – that I ever have, in fact, gone back and looked at – the first time I have ever looked at it and I've gone back, and first time I've ever looked at the whole thing from an early 70s and through the Special Prosecutor and Ervin and what we were doing, all at the same – I mean the whole story briefly, but the whole
-

story, including the whole story of what my, not my group personally, but the staff was working on.

Most of that, we would talk about it and words would come up and it was familiar, but not with that context because that's not what I was doing. And so for the first time ever I have some sense of the whole. And the story that came back to me I hadn't remembered in years, just a tale, is that my mother once talked about the tuba player in a orchestra in New York City, good orchestra. And a tuba player had a week off once, so what does he choose to do? He goes over to Carnegie Hall and watches the Philadelphia Symphony Orchestra at a concert.

He comes home and his wife says gee, how did you like that, and he says it was wonderful. Do you know in Mahler's First, and the place where I'm going oompa, oompa, oompa, they're playing very beautiful music in the orchestra.

Naftali: All right. So you tell us a way of speed are going to rescue the judge.

Female Speaker: Get back to another story.

Naftali: Okay. All right. You're still on.

Sack: I'm sorry. This will sound familiar to you since we were in the middle of it when the shade started going up and down. But I was saying about my mother's story about the guy in the orchestra who goes on his day off to see a Mahler concert, Mahler's First Symphony, and he comes home and his wife says how was it, and he said it's absolutely wonderful. I had a wonderful time. He says do you know in that Mahler, when I keep playing oompa, oompa, oompa, oompa, the rest of the orchestra is making this beautiful music.

And I have the same feeling that for me to remembered my oompa all this time, and then to come back and put it into context, and have it be a real story with my oompa is very helpful in the background. It's been kind of an usual treat for me. Thank you for making me do it.

Naftali: Last two questions. What do you remember your reaction when you heard that the President was resigning?

Sack: Oh, with me, I'll give you a slightly extended story because you'll see why, you can be your own judge. When I was five years old, I wasn't exactly five years old, it was the summer of 1945, my father was stationed in Fort Knox and I was there, and the A bomb was dropped in early August, and I remember it, however it was, nursery school, kindergarten, and we must've been doing it because I took – I had a piece of paper. And

there was a big – Patten drew a five year olds picture of a bomb that had an A on it because it was the Atomic bomb, and people have argued a lot about the morality of the bomb and whether it was a good thing to use or a bad thing to use, whether it was inhumane, that we had to do it, and what it's results were.

But when the bomb was dropped, my reaction, as a five year old, and I'm sure my family was we're going home, and I must say my reaction when the President resigned, first of all it was we're going home, we've done our job, it's done, it's finished. Not we won, I don't think. Yeah, but personally it was that my god, we've done it, we've done what we set out to do, it's a package, it's done, and no sense of vindication because he left the way he left, and I remember. How did I in fact feel at the time? this is the way I wish I had felt rather than the way I did feel, but my sense was relief that kind of the hi-ho silver away at the end of the Lone Ranger thing or Yukon King, I used to listen to as a kid.

Our job is done here – it was a nice – and I left Washington I think within a week after we were finished. Didn't mean I didn't miss these people. I **[inaudible]** not to miss the people, but it was so hard on me and my family. But to suggest that – it wasn't personal about him, it was personal about me.

Naftali: How did you feel when President Ford pardoned?

Sack: I thought it was a good idea to use – I think it was the President of the **[inaudible]**, a phrase is let's not wallow in Watergate. I just – maybe I had been through the same story too often. I didn't like seeing what had been done to him, and this is **[inaudible]**, this is something he says in the tapes about himself. I just thought he had been through so much. It had so much punishment. People knew the facts. He now argues he didn't wanna accept the pardon because he never got a chance to defend himself. The fact is, people knew what happened. He wasn't just being pardoned.

It wasn't like him pardoning the people, the Watergate burglars before at the outset. So my own feeling was I was happy about – when I first heard it, to tell the truth now, all in all I think that was the right thing to do.

Naftali: Was it hard for you to be impartial about Richard Nixon?

Sack: No. That doesn't mean I liked the man. That doesn't mean I voted for the man. But I think – gosh, I hope other people agree with this assessment of myself, but I think, and particularly given my present position, I don't think I find it that terribly hard to be impartial about somebody who I'm not partial to. And I had no – gosh, I had, again, I don't know where John Doar was at the moment of either one. I certainly don't remember other

people gloating. It was a kind of sense of satisfaction we'd done our job and we're going home, and I thought that we really did – here is a new President.

I do remember that I was very pleased when I heard – we were literally at a stop driving home when we heard on the radio at the stop there that he was appointing Rockefeller as his Vice President. And that made me very happy because he was kind of a non partisan at that time compared to everything else. The idea of moving away from this partisanship, I couldn't bare to watch the poor man go through what he would've gone through if it was tried. I just couldn't bare it.

Naftali: Judge Sack, thank you for your time.

Sack: You're welcome. I appreciate your having me revisit those remarkable days.

Naftali: Thank you.