

Timothy Naftali

Hello, I'm Timothy Naftali, Director-Designate of the Richard Nixon Library and Museum. I'm here today on April 5, 2007 with Elizabeth Holtzman for the Richard Nixon Oral History Program. We are taping this in New York City. Hello Liz, thank you for joining us.

Elizabeth Holtzman

Glad to do this.

Timothy Naftali

Let's start; it's the summer of 1972. You are the, you have toppled a senior leader of the Democratic Congressional Leadership. You are running for office. The Watergate break-in takes place. You are very busy running for office. Do you notice it at all?

Elizabeth Holtzman

Just barely, actually the irony is that there was a break in in my own campaign headquarters roughly around that time and -- a very ugly incident -- people actually got beat up and had to get taken to the hospital. So, I was worried about my own campaign and worried about my own campaign workers and worried about the break-in at my campaign headquarters and so Watergate was just kind of far in the distance, somewhere far in the distance.

Timothy Naftali

You got elected?

Elizabeth Holtzman

I won the primary that was in Brooklyn, the equivalent of getting elected, although my opponent challenged my election in the courts but when that was over I won in the courts, then, of course it was a November election but it was not, it was pro forma.

Timothy Naftali

What kind of training did they have for new Congress people?

Elizabeth Holtzman

None.

Timothy Naftali

None?

Elizabeth Holtzman

No.

Timothy Naftali

You get to Washington, what are your assignments?

Elizabeth Holtzman

Well, I didn't get to Washington day one of the new Congress. I understood that you had to go and select a committee and be on a committee and so I sat around with with my advisors and just to give you an idea how remote the idea of impeachment was, I mean not only remote, nonexistent: we sat around and tried to figure out what would be the best committee to be on. And we all agreed that since my predecessor had been on the House Judiciary Committee for 50 years, 50, that it'd probably be a good idea to break new ground and try something different so I wouldn't be compared to him, and try to get on another committee. So I went down to Washington to lobby not to be put on the Judiciary Committee. In those days freshman members of Congress weren't listened to. [laughs] So I came down, I remember going to see, in those days the Ways and Means Committee made the decisions. The Democrats for the Democrats, the Republican members of the Committee for the Republican newly elected members of Congress. And so I went down to visit all the members of the Ways and Means Committee and it didn't do me any good. My predecessor being on the House Judiciary Committee, he was, he vacated that seat, that seat was empty, I was a lawyer, they were putting me on it no matter what. [laughs] So I was actually quite crestfallen when my first venture down to Washington was such an utter failure. I said, "Oh this is not an auspicious beginning." And so I was very disappointed that I was on the House Judiciary Committee and I was a little concerned that the other members who served with my predecessor would somehow be hostile to me. But none of that turned out to be true.

Timothy Naftali

So you thought it would be a backwater?

Elizabeth Holtzman

I did, I know, backwater. I wasn't sure it would be a backwater but I wasn't, I certainly didn't think it was going to be a front water, let's put it that way. And I'll tell you something else, they never would have put me on the House Judiciary Committee if they had any inkling the members of, very important and very senior and very experienced Democratic members of the Ways and Means Committee including Wilbur Mills, they never would have put me on the House Judiciary Committee if they had any idea that impeachment would be taking place. So we're talking already after the Nixon landslide in November, the November elections, this is sometime towards the end of November, beginning of December of 1972. It just shows how remote, line out remote, how nonexistent the idea of impeachment was and how successful the cover-up had been.

Timothy Naftali

When do you start, when does Watergate start to come on to your radar screen, becoming important?

Elizabeth Holtzman

Well I think in January, early in uh,, after I took my oath of office and early after Congress began there was this little contra talk in the talks whereby it was quite clear that Judge Sirica smelled a rat, that something was very bizarre about these guilty pleas and imposed very tough sentences. And then McCord indicated that there were higher-ups involved, and then things began to unravel at that time. And I became involved indirectly, I wouldn't say in Watergate, but indirectly in some of the efforts to quote, unquote, cover up. When a bill, well I shouldn't say a bill, let me restate that. I became involved indirectly and what I saw were efforts to cover up when the Supreme Court sent to the Congress rules of evidence, proposed rules of evidence for the Federal courts, and this would seem to be really dry, boring, I mean, eye glazing over terrible. And I looked at it and I saw that there were some pretty drastic provisions for preserving state secrets. Ultimately, it turned out that these provisions had been put in by the Nixon Justice Department for precisely the purpose of allowing and expanding and strengthening executive privilege. So, actually my first bill and my first law had to do with preventing these rules from going into effect and preventing the Supreme Court through its rulemaking power from legislating about privileges.

Timothy Naftali

Did the committee have any hint of the wiretapping that was going on?

Elizabeth Holtzman

When?

Timothy Naftali

In early '73.

Elizabeth Holtzman

No, the committee actually didn't, aside from what I did about executive privilege state secrets, I think the committee did nothing about impeachment although, until October. There were some members of the committee who were pressing for us to begin to look into what was going on in the White House, but that didn't happen till after the revelations about the Cambodia bombing. So there was no, I don't think that, I mean the wiretapping wasn't something that I recall in any case, having prompted the committee to act.

Timothy Naftali

Who were these, who were your colleagues who were pushing to look into this?

Elizabeth Holtzman

Well when the revelation came out about the bombing of Cambodia, that President Nixon had ordered the bombing of Cambodia even though Congress had prohibited it and even though this was carried out in secret, Father Drinan took the floor of the House of Representatives and said, "Richard

Nixon should be impeached.” That produced really no response from the powers that be and, but some of us by that time were quite concerned about the other revelations that had taken place about Watergate. So that it wasn’t just Cambodia, it was also the revelations of John Dean that had come out, the set of Watergate hearings that had come out. And so I would say some of the other people who were talking to the chair about this or talking among ourselves, I can remember Don Edwards. I was one of them, I can’t remember, I believe there were some others. But it produced no result. I mean I think the interesting thing, if you look back, was that even though you had the revelations of the Senate Watergate Committee, even though you had the stuff about higher ups coming out as a result of Judge Sirica’s sentence, even though you had the revelations about the secret unlawful bombing of Cambodia, there was no serious effort in the House of Representatives to move towards impeachment. The leadership was not moving there. Rodino, who was the Chair of the House Judiciary Committee, was not moving there. Other members of Congress were not moving there. I mean, in a way, it was the heavy hand maybe of the Johnson impeachment, almost 100 years before, that kind of put impeachment resonant, out of people’s minds, it certainly wasn’t in people’s minds. Or if it was I wasn’t hearing about it. Except from a very small number of members of the House Judiciary Committee, and maybe, I don’t recall anybody else actually [break in audio].

Timothy Naftali

Did you remember Rodino saying anything about, about this, about the Johnson impeachment.

Elizabeth Holtzman

I think that, not until we formally started the impeachment process. Not until after the Saturday Night Massacre when it was plain that the Congress had to act, had to do something, and at that point, we, the committee, geared up for impeachment.

Timothy Naftali

Where were you when you heard about the Saturday Night Massacre?

Elizabeth Holtzman

I was in New York City. I was having actually dinner with some friends and it was shocking and horrifying, and I think the nation reacted exactly the same way.

Timothy Naftali

What did you find most shocking? The fact that the President and Archibald Cox were not getting along was no secret to anybody. What was the most shocking about those events?

Elizabeth Holtzman

That the President would remove a prosecutor, that he would put himself above the law that he would say, “I can’t be investigated.” You know, we’re not a banana republic; we’re not a country like that. The special prosecutor was appointed exactly to look in criminality and connection with Watergate and the

President had no power to stop it, in my view, and I think most of the country, and I think that's still the general accepted view today.

Timothy Naftali

So what happens the next day?

Elizabeth Holtzman

Well the next day's Sunday [laughs] I think I'm just trying to remember, that we got to, whether it was Monday or Tuesday, I don't think we generally got to Washington on Monday, I think it was generally Tuesday that we got there. I don't remember exactly what happened, but then it was quite clear that the committee was going to be given a role that impeachment inquiry would take, would start and the first effort was to hire counsel, which took forever. Then some of us were getting very impatient, why aren't we started, why aren't we moving forward, why isn't counsel being appointed already? This was October 23 that the Saturday Night Massacre took place. I don't think our council was in place until the end of December, something like that, maybe the middle of December.

Timothy Naftali

Why did it take so long?

Elizabeth Holtzman

I don't know, but in the end I think Peter Rodino made an excellent choice, because he picked John Doar, who was a Republican. And the Republicans picked a Republican council so here you are having an impeachment inquiry headed by two Republican lawyers. That was Rodino's insight, wisdom that led him to understand that this could never be seen by the American people as an effort by Democrats to railroad a Republican President. Otherwise it would never, impeachment would never happen. And I think Rodino and ultimately the other members of the committee realized, or most of the other members of the committee, realized, certainly all the Democrats realized that what was at stake here was preserving the Constitution. So we had to bend over backwards, even if we didn't like it, to do the right thing, even if we wanted to move more quickly, even if we wanted to have a Democratic counsel, even if we wanted something else.

Male Speaker

We have to repeat that question, what was that thing, I'm sorry.

Timothy Naftali

Oh that's, can you start with 'bend over backwards'

Male Speaker

Yeah, can you say that for us?

Elizabeth Holtzman

I don't remember what I said.

Timothy Naftali

The point was you were saying, with the hiring, the fact that Rodino chose a Republican was a sign that he understood that if you're going to be considering impeachment you'd have to bend over backwards.

Elizabeth Holtzman

Not only would we consider impeachment, we were going to succeed. If we were going to bring the country with us the only way that it could be successful would be if the country thought that this was totally fair and totally honorable and not a partisan hatchet job designed to remove by Democrats in Congress, designed to remove a Republican President. Remember, Richard Nixon had been elected by overwhelmingly, one of the biggest landslides in American history just, what is it, 11 months before. And here the American people have turned around and said, "We cannot allow a President to stop a criminal investigation, this is unacceptable in this country, the rule of law is more important." And so we had to proceed in that spirit. And some of us had been impatient. I wasn't, you know, a brand new member of Congress; I wasn't a longstanding political figure so for me I was champing at the bit for us to move forward and for us to move more quickly. But I think Rodino, who was older and very, had really an excellent judgment, certainly understood this; we wanted to do it in the right way and I think that that notion of doing it in the right way and doing it in a way that not only was fair but was perceived to be fair is one of the reasons that the impeachment succeeded. I mean President Nixon was given the right to have counsel to make his own point of view heard, to question witnesses. In the end, nobody questioned the fairness of the proceedings because Rodino took that off the table by making it quite clear that the proceedings would be so fair that nobody could ask those questions.

Timothy Naftali

Do you recall what your Republican colleagues were saying right after the Saturday Night Massacre?

Elizabeth Holtzman

I don't, no. [laughs]

Timothy Naftali

Were there any Republicans that you know who were beginning to doubt the President that early on?

Elizabeth Holtzman

I don't, I don't have that kind of contact with Republicans, that kind of close contact with Republicans, so I wasn't, at least I don't remember it. Southern Democrats, well in some ways they were in just as tough a political spot and they were very uncomfortable. I mean on the one hand, I think they really understood the gravity of what happened. On the other hand, you know, members of

Congress are elected every two years and their districts voted overwhelmingly for Nixon. So it took a lot of guts on their part, really a lot of guts on their part to --

Timothy Naftali

To single out any --

Elizabeth Holtzman

To vote for his impeachment. Yes, well there were a number of southerners on our committee. We had Jim Mann from South Carolina, Walter Flowers from Alabama, Ray Thornton from Arkansas, I think that's it. But, Thornton was more moderate by Mann and Flowers were extremely conservative Democrats. [cell phone ringing]

Timothy Naftali

Tell us a bit about Barbara Jordan. What was she like?

Elizabeth Holtzman

Well she was a very, she's a very experienced political figure. She'd been in, I believe in state government. She'd been a protégé of Lyndon Johnson's. You know, we talked; we were on this team of newcomers on the House Judiciary Committee. She was a very imposing person. I should add one other thing that it's not generally thought of in terms of how the impeachment was handled. And that was a decision offered by the House leadership to allow the House Judiciary Committee to act on the impeachment. They could have empowered a select committee to do that. There is nothing in the rules that says you have to go to the House Judiciary Committee and in a way, it was taking a big risk. In a brand new chair, Peter Rodino, you had five brand new members; Barbara Jordan, me, Ray Thornton and two others. So it was a big risk, but if a special committee had been selected and voted for impeachment then the Republicans or the President could have said "you stacked the deck against me," and this way by taking the House Judiciary Committee, whose members had been appointed, totally without knowing that they would be in the impeachment. To me, at least that's true for me, I can't speak actually for Barbara Jordan or the others, but I'm just assuming the same thing happened to them that's happened to me. I think that was a critical decision and showed how very, very smart the leadership was and how very smart Rodino was about how the impeachment was to be handled, so that no extraneous questions would arise and it would all be focused on the substance of what the President did and what judgments should be made about that.

Timothy Naftali

How did the revelation of the tapes influence the committee? I mean, that the revelation occurred before the Saturday Night Massacre but the tapes become an overwhelmingly important part of the special prosecutors for him and changes the dynamic of the debate in the country. What role do you think the tapes play in your proceedings?

Elizabeth Holtzman

Well, of course the tapes play an incredibly important role in a number of ways: one, they helped to validate John Dean's claim that there was a cover up in the White House. But they also presented an enormous trap for the President because he was involved, as the committee found, in presenting transcripts of the tapes that actually tried to doctor the tapes and change their meaning and so one of the articles of impeachment charged Richard Nixon with trying to stymie the impeachment effort by presenting false transcripts of the tapes. The tapes, when I first sat down to listen to them, put these big ear phones on, they were extremely scratchy, very difficult to hear, we had transcripts that had been prepared for us, but in the end they were very persuasive, certainly to me.

Timothy Naftali

How did you, how did the committee choose which tapes to listen to?

Elizabeth Holtzman

We listened to the tapes we had. Which were given to us by the Watergate grand jury. We received evidence from the Watergate grand jury, they turned evidence over to us, and among some of the evidence they turned over to us included the tapes.

Timothy Naftali

Did the Senate Watergate Committee turn over any evidence to you?

Elizabeth Holtzman

Yes, in whatever depositions and transcripts they had developed and any other evidence. So we were what you call a dumping ground if you will, not quite. [laughs] I don't mean to make light of it but we, I think the important thing is that we got the benefit of the investigations that had already been done. We did very little original investigation on our own. We put together the evidence that had, that accumulated by the Senate Select Committee, by the grand jury and then also we had to do our own research and we had to make our own conclusions. The, President Nixon for example, took the position that you could have impeachment only for violation of the Federal Criminal Code, narrowing, obviously, the scope of any impeachment. Well, that's what the Republicans argued for and so we had to do our research. What did a high crime or misdemeanor mean? Did it mean violating the Criminal Code? Was it something else we had when we came to the conclusion? And I did myself, after reading a lot, not only the memos that had been prepared by, lengthy memos I should say, been prepared by the committee staff, but also other books on impeachment and so forth. That impeachment did not need to be limited to the commission of a crime but could entail grave abuse of power such as giving a list of people to the IRS to be audited because they disagreed with the President's policies on Vietnam.

Timothy Naftali

Who were some of the key players in the staff, that you recall since you read the memo?

Elizabeth Holtzman

Well, the only one I recall dealing with, on the impeachment staff, we also had the staff for the House Judiciary Committee, but the impeachment staff, the person I interacted with was John Doar and also his deputy who was Bernard Nussbaum, later counsel to President Clinton, who also was a good friend of mine so I knew him, we talked from time to time But I didn't interact with other members of the impeachment staff.

Timothy Naftali

Did you see a sort of evolution in the thinking of your colleagues? What were the high, I mean, the people who were on the fence? There must have been people on the fence in the beginning, even on the Democratic side too.

Elizabeth Holtzman

Well I think in a way, everybody was on the fence, I mean none of us; I believe had ever studied what impeachment meant in law school. And by the way, I think when I was on the House Judiciary Committee; all the members of the committee were lawyers. We didn't study the impeachment clause. Nobody knew what a high crime or misdemeanor was. Nobody had studied the standards. So while we might disagree with certain policies of the President, just disagreeing with policies, is that enough to want an impeachment? I don't think so, but that was something we had to understand.

So, I don't know that you can say that people came to this believing that President Nixon should be impeached. I mean I know Father Drinan offered the resolution with regard to Cambodia, the facts are pretty clear with regard to Cambodia, although further investigation should have been done, never was done by the committee. But, basically we all had to immerse ourselves in the evidence. We didn't know all the details of what happened with Richard Kleindienst and the President's involvement with that for example, all the details about the payment of hush money, all the details of about other aspects of the obstruction so this was a huge studying process. And you know, the committee was very, staff and Rodino, were very clever about how they got us to absorb this material, because they didn't trust us to do our homework on our own. [laughs] What they did was the staff prepared big black books called Statements of Evidence. And they'd have a Statement of Evidence and then they'd have all the back up for it in that book. And these books had to be locked in our safes at night. They could not be, you couldn't give them to anybody, they were top secret, in fact none of this stuff leaked, which is pretty amazing. And we would have these Statements of Evidence read to us, Rodino had, see these were all secret proceedings, the public was not allowed in, the press wasn't allowed in, it was an opportunity for the members to take the Statement of Evidence and give it right back to the staff if they disagreed. "Well how do you know this," and "how do you know that?" And they look at this back up page and it shows you what ever was said. All the Statements of Evidence were read allowed to the whole committee so no member of the committee could say, "I never heard that, I didn't know that." This was something that was put over on me so, actually the process was very clever process to make sure that everybody on the committee heard all the Statements of Evidence, had full opportunity to challenge them.

And so it was a fair process from point of view of educating the committee but it was a huge amount for us to learn. I mean the back up, it wasn't just each Statement of Evidence which was pretty detailed, but it was all the back up with all the detail and you could go back to the committee room if

you wanted to and read more material. So it was really a huge amount of work. You had the basic legal work to do. What's a high crime and misdemeanor? What's a standard? Was the President right? I mean that was a lot of work just trying to get your arms around that issue. And then, all of the evidence, trying to absorb it and understand it. And I felt, at some point, I felt, after hearing a lot of evidence, it was like being in quicksand. You kept going down and down and down, there was no bottom, there was no bottom. No matter where you looked, there was no bottom. You were just into muck all the way down. And I said that in my remarks that "At no point in the tapes, at no point in any of our proceedings did we ever hear the President say when confronted with any of these materials about the cover up or other abuses, 'what's the right thing to do, what's the good thing to do for the country?'"

Timothy Naftali

What were the months, we're talking about several months you've gone through the Statements of Evidence?

Elizabeth Holtzman

Oh yes, many months and what happened was, just as, and well, we went through the Statements of Evidence and then we heard witnesses. People came before us, Dean, I believe Mitchell, I'm not sure any longer who the witnesses were, but we heard witnesses. We got the chance to ask the questions of the witnesses. The President's counsel had the chance to ask questions of the witnesses. So we went through that, that was also behind closed doors. So that members wouldn't feel constrained to pose before the press or they could ask the questions that were on their mind. And so it took a long time, and the irony is just as we were concluding the process, the press started to attack us for delaying, deliberately delaying. Which obviously wasn't the case, it was a very deliberate process, I shouldn't say deliberate, careful, meticulous process to make sure that the members understood the evidence, to present us with all the evidence, to make sure every member had a chance to challenge the evidence, to allow the President to challenge the evidence. All that was designed to have a process that could withstand historical attack and be the right thing. You can't remove a President; you should never remove a President, lightly, for trivial reasons. You have to have substantive reasons and you have to have the evidence. So just at the moment that we were concluding, the Press started these big attacks, "Why are you taking so long? You're just dragging your feet." They had no idea what was going on because it was all behind closed doors. So they assumed that it was dilly dally, meanwhile, we're sitting there for hours everyday having somebody read to us the testimony, I mean the evidence, trying to understand it, listening to witnesses testimony, hearing them question. It was a lot of work. And then on top of that of course we had normal everyday work that we had to do as members of the House of Representatives. You had constituents who had problems. You had to vote on the Agricultural Appropriations Bill and figure out what was in that. You had to -- you had Foreign Affairs issues of importance. So it was a huge amount of work but I think the important thing here is to understand the care of the process, of what was used in carrying out the process from the point of view of the committee.

Timothy Naftali

Stop there. Should we change tape? Male Speaker: Sure. [break in audio]

Timothy Naftali

Did you, did you ever feel pressure to come out one way or the other on this?

Elizabeth Holtzman

Well, I had actually some people come to visit me. Most of my constituents were, gave me a lot of breathing room, I would say. [laughs] I would get from time-to-time a phone call or a letter in my district office or in Washington. It was only when the hearings actually started that there was a flood of mail. I mean and very vicious phone calls and all the rest but, no, I would say that I didn't get any serious pressure at all. The leadership never talk to me about the proceedings, Peter Rodino never talked to me about my vote. I mean yes, at some point he asked me what I was going to do, I guess when they were counting votes to the end. But I basically adopted a position that I would make my mind up after all the evidence was in and that's what I did.

Timothy Naftali

During this period you're also interested in the War Powers Act.

Elizabeth Holtzman

I'm interested in the War Powers Act, that's true.

Timothy Naftali

Did you --

Elizabeth Holtzman

But I wasn't, I didn't write it. I had brought a suit to challenge the bombing of Cambodia, but that was over before this started so I --

Timothy Naftali

I just wanted to ask you about that because just for the record since we'll have something on the War Powers Act.

Elizabeth Holtzman

Okay, I'm sorry. I was interested in the War Powers Act but I wasn't a player in it. It was ah, it came from the Foreign Affairs Committee. Although I felt very strongly that the War Powers Act was important to try to control Presidential war making without the approval of Congress. We saw that in the Cambodia bombing and, ah.

Timothy Naftali

And you brought a suit?

Elizabeth Holtzman

And I had also brought a law suit along with four Air Force pilots who being set to bomb Cambodia, risking their lives and of course endangering the lives of Cambodians.

Timothy Naftali

How did those four come to your attention?

Elizabeth Holtzman

It was a suit brought by the, the lawyers were the American Civil Liberties Union lawyers and so they, I guess they had found or the Air Force pilots had found the ACLU because they felt the bombing was unconstitutional. And the ACLU wanted to bring the case in Brooklyn, so they found me. [laughs]

Timothy Naftali

I just wanted that on the record. Okay well let's go back –

Elizabeth Holtzman

And since I'd been elected on an effort to stop the war I was very glad to participate in the suit. Of course I checked to see whether they really had venue Brooklyn and Brooklyn could be the place for the lawsuit. And by the way, we won in the District Court, which was astonishing, one of the landmark decisions with regard to war making.

Timothy Naftali

What happened, what happened to the decision?

Elizabeth Holtzman

Well, the District Court judge, a Republican judge appointed by Eisenhower I think, ruled that the war was, that the bombing of Cambodia was unconstitutional, because Congress had never approved it. He had previously ruled that the Vietnam War was constitutional because Congress had given appropriation after appropriation after appropriation for it. But, Congress had never voted any appropriations for Cambodia, in fact, explicitly voted that there should be no activity, military activity in Cambodia. So, the judge ruled that the war making in Cambodia was unconstitutional and not having been authorized or supported by Congress and [unintelligible] it.

[START HERE 32:58 on tape]

It then went to the Appeals Court, which overruled it on every ground that was raised if not on the grounds that hadn't been raised to the ones. And then it went to the U.S. Supreme Court. We went to Justice Marshall, who was the Justice assigned to this area of New York City. And he declined to give us an injunction. We went to Justice Douglas in Goose Prairie, Washington and held a hearing there. And he ruled that the bombing was, we had a strong case and that the bombing was unconstitutional and he issued a stay. Ultimately which is amazing and he also said, you know, this is like a capital case,

if there's any doubt, you resolve it, in terms of, not of preserving life, and he said, you know, Americans' lives are at risk and Cambodians' lives are at risk. And then this went back to the full court which over turned Douglas's stay. They didn't do it exactly, and it's not quite legitimate what the court did, they got around their own rules because they didn't have a quorum to overrule Douglas. But they got an injunction against, Douglas had stayed, the second circuit, the Court of Appeals decision and they got a stay, the Supreme Court issued a stay against the District Court opinion. So there was no injunction in effect and as a consequence, within days there was a bombing of Cambodia and a hundred villagers were killed who were supporting the United States. And it was a very tragic outcome.

Timothy Naftali

Could you just tell us a bit about meeting William O. Douglas, who, had he –

Elizabeth Holtzman

I never met him. I didn't go up to Goose Prairie.

Timothy Naftali

Elizabeth Holtzman

Well I just was getting phone calls from the lawyers saying, it's six o'clock in the morning here and some hand has reached out of the door to get the newspaper. [laughs] So they knew that he was there and then later you know, they knocked on the door and gave him a copy of the papers and that's when he scheduled a hearing for the next day at Goose Prairie. But I was getting it the blow by blow of who's getting up in the house.

Timothy Naftali

Let's fast forward to the summer of 1974, the spring and summer of '74. Do you, Rodino hasn't made a count yet, hasn't taken a count yet but is it, how were the votes to impeach Nixon? When is it clear that Rodino is going to impeach?

Elizabeth Holtzman

Well it's clear that the overwhelming majority of the Democrats favor impeachment. But Rodino understood, and I think by that time most of us understood, that impeachment was never going to happen unless Republicans participated and southern Democrats participated and if we had a majority vote on the committee, that was not going to work. And so there was an effort to structure, and I was not part of that, there was an effort, Rodino participated and a small number of Democrats participated in, and a few Republicans participated in, in shaping Articles of Impeachment that could have broad bipartisan support. And I think the southern Democrats also participated in that, because you had to bring everybody along, or as many people as possible. And in the end ultimately, all the Democrats supported this, the Articles of Impeachment and the first two Articles of Impeachment I think and seven or eight Republicans supported it. I think that's the correct number.

Timothy Naftali

What were the turning points? I mean as the process was near conclusion.

Elizabeth Holtzman

Well the tapes were part of the turning point. The overwhelming weight of the evidence as I said before you just felt like you were falling into quick sand. I mean, the, everywhere you turned there was misconduct. The cover-up was just enormous and never-ending and so broad in its scope. And that wasn't the only thing, then you had the Kleindienst matter. And then you had the enemies list and the misuse of the IRS and then you had the illegal wiretapping and then you had the Ellsberg break-in. I mean where did it end? Where did it end? And you felt there was enough and so I can't really speak for what was happening in other peoples minds but I think you sort of felt that there was kind of, from the questions that people were asking during the, when witnesses testified or during the time that the Statements of Evidence were read to us, you could get a pretty good sense of where people were coming from. And sure there were defenders of the President, till virtually the last moment on the committee. But Rodino understood he couldn't get every Republican. What he needed was a broad group of Republicans and the southern Democrats and so they shaped the Articles of Impeachment. They shaped two Articles of Impeachment, one was narrowly based, kind of focused on what would be, almost an indictment, the obstruction of justice. It didn't include the wiretapping, the illegal wiretapping, didn't include the break into the psychiatrist's office, didn't include the enemies list, so that was a separate Article of Impeachment which actually got more Republican votes than the first Article which was based on the Criminal Code. It didn't actually refer to the Criminal Code but it was, sounded in the obstruction of justice, perjury, supporting perjury and so forth. The Second Article of Impeachment was about the Rule of Law really and the abuse of power and that included the wiretapping. It also included the misuse of government agencies which of course was very serious. And wiretapping, the enemies list, Kleindienst, the Fielding break-in, at least those, I haven't re-read those articles recently so I can't tell you all the nuances of that.

Timothy Naftali

That's all right. Tell us about the day of the vote.

Elizabeth Holtzman

Well I'm, [unintelligible] before the vote, the important thing is that the proceedings were televised. The final hearing of the committee where the vote was taken was televised. That was a big debate within the committee and it was actually, Rodino had not planned to have the proceedings televised at all. He was very worried that people would grandstand. But a colleague, one of the new members of the committee, Wayne Owens from Utah was a strong advocate of televising the proceedings. He said that this is a way of letting the American people know what our work is and if we need their support and we have to have their support, how else can we get it? These need to be televised. And there was a big debate in the Democratic caucus about this. And ultimately Rodino gave in. I don't know if it was put to Committee vote but there were enough votes to allow the proceedings to be televised. I think that was really critical, because the public could see how most of the members were being really sincere in their views and that there was evidence and that the process was a fair process. The vote on the First Articles of Impeachment took place in the evening after lengthy debate. Each one of us, the procedure was such, that each one of us got to make an opening statement and of course Barbara Jordan made a

very electric one. Going back to the origins of the Constitution and the fact that she wasn't allowed to be in the Constitution, well, women couldn't be in the Constitution, not only blacks, but women were included in terms of at least of the right to vote.

But the vote itself took place just as all the votes in the committee take place, and the roll is read and the members vote, yes or no and the chair votes last. And when it came to me I remember feeling, it was very hard to vote. Much as I disagreed with President Nixon's policies and much as I knew how justifiable a yes vote for impeachment was, still it was kind of an awful, solemn feeling to think that you're sitting in judgment and you had to be sitting in judgment on a President of the United States who committed acts of this gravity and this seriousness and this awfulness. And it was a very unpleasant moment. I don't think any member of the committee took any pleasure whatsoever in voting for the impeachment of Richard Nixon. In fact, Peter Rodino went back to his office and cried after that vote, I mean, he's the one who, shared and shepherded the committee through this process and it certainly gave him no pleasure. No one ever wanted to see this happen.

Timothy Naftali

Were you surprised that President Nixon resigned rather than press forward with this case in the Congress?

Elizabeth Holtzman

Yes, I wasn't exactly sure what he was going to do. It was clear by the time the Supreme Court ruled that, and all the members, the Republican members of the House Judiciary Committee who hadn't supported impeachment before supported it because the Supreme Court said; now you can listen to all the tapes and now additional tapes have to be released and those tapes had the quote unquote, smoking gun. It was clear that the impeachment vote in the House of Representatives would be overwhelming. I mean maybe there would be five or 10 people supporting Richard Nixon but not more than that. And a vote of the Senate would be overwhelming too. I mean there was no, where did this support come from? The evidence was overwhelming. Every Republican and every Democrat on the House Judiciary Committee said that he should be impeached. I mean this is not something that can be lightly ignored, period. So, I didn't exactly know it was going to happen but you know, I guess the Republican leaders in the House and Senate got extremely concerned because there was going, you had elections scheduled for November. This was early August and if there had been a trial, a vote in the House of Representatives and then a trial in the Senate would have come right up against the November elections. As it was, the Republicans lost a huge number of seats, it was called the "Watergate Class" in 1970 --, in November 1974. But, it would have been far, far worse if Nixon had stood trial and there had been, during that period of time running up to the election. So, I think there was a lot of pressure put on President Nixon. I mean, I'm assuming that, I don't really know, to resign. In any case, he knew that there was no hope. The impeachment process was going to, he was going to be removed from office, there was no question about that, no question in anybody's mind. Given the fairness of the process, even without the smoking gun tape, you had huge public support for the results of the House Judiciary Committee. A fair process and a process they could ultimately see on television. Republicans joining with Democrats in substantial numbers. So it wasn't going to be easy to overcome that but when we had all the Republicans said, deciding to join Democrats it was, there was no hope that he could beat this.

Timothy Naftali

Where were you the day he resigned?

Elizabeth Holtzman

I was in Washington, I was in my office. I can't exactly remember what was happening but I remember we all ran to the television and watched his resignation and getting on the plane and the bravado. I mean it was sad, but it was also sad that he really did not acknowledge, I think he ever really acknowledged what he'd done to the country and what he had done that was wrong.

Timothy Naftali

Tell us about the experience of questioning President Ford about the pardon.

Elizabeth Holtzman

Well as surprising as the resignation was, the Ford pardon really came as a very sad surprise to me. And I was very upset by it because I thought that here we were on the House Judiciary Committee trying to establish that the rule of law was really the most important thing and that a President couldn't take the law into his own hands. And here we are in early September, that decision had been made in July, President Nixon resigned in the face of that, in essence acknowledging that that's how the country felt and that Congress felt and then you had President Ford issuing a full and fair pardon under highly questionable circumstances. And that was, the question on everybody's lips was, was there some sort of deal, in other words, was the pardon part of the deal to get President Nixon to resign his office, which would have raised serious constitutional questions and might have itself been an impeachable offense. But I discovered to my chagrin that the House Judiciary Committee had no real interest in investigating this. Some of what happened was that as soon as the pardon was issued, several members of the House introduced what's known as Resolutions of Inquiry. Those are special privileged resolutions and you can call for a vote on the House floor if the committee doesn't act on the Resolution of Inquiry. And these resolutions called for information about what happened leading up to the pardon. I think one of the authors was Bill [unintelligible] but I can't remember the other, she wasn't the only one. And so I was on the subcommittee to which these articles, these Resolutions of Inquiry were referred. And my reaction was, we met, Democrats met and I said, "Well we should conduct an investigation first, we should request the documents from the White House pertaining to the pardon, we should interview the people who participated in the pardon." We had a young lawyer, Benton Becker who was the go between here but you also had other members of the President's staff who should have been interviewed. In fact, you had one of the President's, I think it was his press secretary, resigned in protest.

So that, I thought was you know, I, the normal process, I remember before I entered Congress I'd just been practicing law, at one of major law firms in New York and major national law firms. So this is what you would do when you started a case. Get the documents, you interview the witnesses, you find out what's going on. Since it seems so natural and so plausible and so logical to do that the committee said, the subcommittee said to me, "Well sure Liz, that's a great idea, that's a terrific idea." But it never happened. They never asked for one document, they never asked for one witness. And I saw that time was going by and I said, "Well what are you doing about this?" And the answer was, we're going to do it. They never did it. President Ford understanding that this was, I guess, realizing himself from himself

that there was no serious investigation, took the bull by the horns and said, "I'm going to go and testify to you and tell you exactly what happened." I again said to him, "We should not be hearing from the" said to the committee staff and the committee chair and the members of the committee, "we should not be hearing from the President, we can't ask him intelligent questions unless we've done our homework and gotten the background, what happened and so forth." They weren't going to do it. So the President came. I asked for more time for each one of us to question the President. We did not get any more time to question the President. So nobody asked him any tough questions. Everybody was saying how nice it was Mr. President you've come down to the Congress to talk to us and tell us what you, you know, what you think. And I've never had to do this because it's not very nice to ask very tough questions of the President of the United States but I didn't see how I could, I just, how I could avoid that.

I was low person on the totem pole. I was the last person to ask questions so I was hoping desperately that somebody would ask one of these questions before it got to me. I mean there were four other Democrats ahead of me on the committee. Nobody, not to mention Republicans, nobody asked him any tough questions about the pardon. And so I had prepared, before, thinking that this might happen, and so I said, because I also thought he could filibuster so I didn't want to ask one question and then get an answer and have my five minutes taken up. So I just prepared a list of question and I said "I'm sure there are others that need to be answered but would you please answer these?" And they included why he hadn't, why he had done this in such haste? Why he went outside the normal process? Why he didn't get a confession from Richard Nixon that he'd done something wrong? Was there a deal? What were the, you know, what were the conversations that had taken place with Haig and so forth? So I asked my questions and the President said that emphatically, there was no deal. I think to this day, the answer is not clear. Mr. Haig has never been questioned under oath about this. He was one of the people involved, the go between. He'd been a former staff member to Richard Nixon. The, a lot of information about secret conversations came out after the testimony. So it was a very unsatisfactory, very unsatisfactory conclusion because it showed number one, that the committee wasn't willing to make a proper investigation. Number two, that they were basically allowing a double standard of justice to take place. One for the President of the United States, and another for everybody else, just months after having reasserted basic constitutional authority and the rule of law, which means nobody gets preferential treatment. And the Nixon pardon has had terrible ramifications. We've had other pardons of top-flight government officials who clearly engaged in wrongdoing and now, and were permitted to go free. It's happened with President Bush One. Questions have been raised about whether President Bush Two will issue the pardon. And so I think it's just, it's sent a kind of very, it ended, the Watergate proceedings with kind of a bad taste, at least in my mouth, and I think it established the kind of bad precedent in the future that high-level government officials can expect a pardon if they do something wrong and criminal.

Timothy Naftali

There's, you, there has been some talk that the pardon did provide for healing. So you don't --?

Elizabeth Holtzman

I think that's nonsense. I think the healing already took place once the committee; first of all, there was no healing. We're grown ups in this country. People that had it, people said, "Oh we can't survive an impeachment." They said that. "Well you can't have impeachment proceedings, the country couldn't stand that." Well guess what? We can withstand it, no problem. And to the extent there was only

division. In my mind the impeachment process brought the country together because whether you had voted for Nixon, whether you're Republican or Independent or Democrat or unaffiliated you felt that the rule of law had finally been carried out, that Congress had acted responsibly, that the other institutions of Government had done their job, the Supreme Court, Sirica, so the courts had done their job, the prosecutor's had done their job, the Congress had done its job. So even if the President hadn't, our system of government worked. And I think that made, and people renewed their commitment to the idea that the rule of law was more important than party and than any single person. That's what came out of it. We rediscovered this about ourselves as a nation. When we discovered it initially when the Constitution was written but really never had a chance to rediscover it and I think we did rediscover it. So I think what happened was we were healed by this process. We reconnected to our commitment to the rule of law and then we had President Ford come in and then shattering that, that commitment to the rule of law. I don't think there was a healing. I don't agree with that at all and I think some, the interesting thing to me is that initially Judge Sirica, who was a hero to me in this process, said that the pardon was the correct thing to do and then when he wrote his book he said, "I was wrong that it wasn't the right thing to do." It did set a double standard.

Timothy Naftali

Did you talk to any Republicans about this? Do you recall any conversations with your colleagues, Republican colleagues about this? Any one? Did any of them share your view?

Elizabeth Holtzman

Oh I'm sure they did but I don't, I don't recall, I just don't recall.

Timothy Naftali

What --?

Elizabeth Holtzman

Listen, there weren't many Democrats who share my view so I don't know that any Republicans would have.

Timothy Naftali

You mean most of your Democratic colleagues thought that the pardon was necessary?

Elizabeth Holtzman

I don't know if they thought the pardon, they may not have liked the pardon, but they were not willing to challenge President Ford.

Timothy Naftali

What, what steps did the --?

Elizabeth Holtzman

But the party was very unpopular with the American people and that goes again, the question of healing. Americans were angry about the pardon and President Ford paid a huge political price so I don't see how you can say that it was healing. But Americans remained angry enough to take it out on him in the next election.

Timothy Naftali

What affect do you think this experience had on the Democratic Party?

Elizabeth Holtzman

I don't really, you know it's a good question but I don't know that you could, I've never really looked at it from that point of view. I've looked it from a point of view of what it's done to the country but I never looked at the point of view what it did to the party.

Timothy Naftali

What did it do for the country?

Elizabeth Holtzman

Well Watergate is a whole show that Presidents could abuse their power and that despite the hopes that people would obey the law, that Presidents of the United States would not. At least you had a gross example of disregard in regards to President Nixon. We also saw that the institutions of government, given a chance, other institutions could do the right thing. So I think that was important. I think the other thing that was really important, maybe the most important, is that the American people supported the rule of law and the Constitutional Process. And that was more important than President Nixon's political survival. Event though most of the people just voted for him. So I think it showed a wisdom and real political smarts on the part of the American people.

Timothy Naftali

One last question. On a subject that comes up all the time in our interviews. What controversial vote of the House was against supplying material to South Vietnam? [break in audio]

Male Speaker

Good, excuse me.

Timothy Naftali

Thanks. You said that, how important an issue was Vietnam in your election to Congress in '72?

Elizabeth Holtzman

I ran as, to stop the war in Vietnam. That was my platform, and I was elected on that basis. People in my district didn't want the war and I made it very clear what my position was on it and that's I believe, one of the reasons I was elected, maybe the key reason.

Timothy Naftali

[unintelligible]

Elizabeth Holtzman

[unintelligible] was a supporter of the war. He had been very close to Lyndon Johnson. He'd been a big supporter of the war from the get go and received many campaign contributions from contractors who were doing work in connection with the war.

Timothy Naftali

Just read off that. The steam ship just arrived. I didn't know they had one. 1974, '75, the Ford Administration is looking to provide more assistance to the government of South Vietnam. Congress doesn't support that. Do you recall what was going on at the time?

Elizabeth Holtzman

I actually don't recall those votes or that debate. But I don't know that, it's not any surprise to me that the House decided not to do that. I mean the troops were out, we wanted the war over, the policy of Vietnamization that Richard Nixon claimed was going to work hadn't worked. It was a civil war, and we didn't think the U.S. should be playing around in it anymore. What I do remember vividly was at the very end there was an effort to give President Ford additional powers to, war making powers to help in the evacuation and there was a big debate in the House about that. I participated in that and the reason I remember it so vividly is it must have taken place between one and two or one and three in the morning so that stuck in my mind. And those efforts to give him additional war making powers were rejected given the experience of Gulf of Tonkin Resolution and giving Presidents war making powers unless it was very clear and urgent and the need was overwhelming.

Timothy Naftali

What role did you play, if any, in shaping legislation that made it harder for the government to undertake illegal wiretapping? Which it occurs, this is in the Ford Administration, Foreign Intelligence Surveillance Act.

Elizabeth Holtzman

No, I was not part of that. I helped to draft an amendment that was adopted that required notice to Congress before covert actions could be undertaken but that was not necessarily the result of the Watergate revelations as much as the revelations of the Church Committee.

Timothy Naftali

Was that the Hughes-Ryan, wasn't that the Hughes-Ryan, this was the --?

Elizabeth Holtzman

Yeah, this is the amendment to legislation that created the, may have created the intelligence committees.

Timothy Naftali

I see. Liz, is there any other anecdotes you'd like to preserve for the Library?

Elizabeth Holtzman

Well I'm sure more will come to mind but, yeah, well the only other one I'd like to mention is that you asked about my election and campaign for election to Congress and I was very much opposed to the war. And when I got to Washington, just as we, just before we were inaugurated, or sworn in I should say, the carpet bombing of Hanoi took place.

Timothy Naftali

It was a Christmas morning.

Elizabeth Holtzman

Christmas bombing and carpet bombing and I decided that I would not go to the White House and shake the President's hand after that and I didn't.

Timothy Naftali

You worked for John Lindsay did you? What did you for John? Is he a [unintelligible]?

Elizabeth Holtzman

I worked as one of his assistants. There was a job assistant to the mayor and my job was to be liaison to the Parks, Cultural Affairs, Recreation Department and well I did work on economic development for Mayor Lindsay. You know, and actually when I was in Congress it was a very much more bipartisan endeavor than it has deteriorated into in subsequent decades. Democrats and Republicans were trying to work together on many issues. Of course there were disagreements but you didn't have the hostility and the enmity and the name calling and the rancor that exists today and that's wrong, it's bad. We worked; I mean I think it was very important that we had a bipartisan result on the impeachment. It don't think it would have been successful otherwise. It might have been that Richard Nixon would have finished his term.

Timothy Naftali

So you wouldn't date the beginning of the rancorous bipartisan [unintelligible] to this period?

Elizabeth Holtzman

No because Democrats and Republicans continued to work together throughout my tenure in Congress through 1981. So no I don't think that this changed anything because in the end all the Republicans joined with us so I don't think Watergate started this process, not at all. Not at all.

Timothy Naftali

Thank you Liz.

Elizabeth Holtzman

Thank you.

Timothy Naftali

It was great --.

[end of transcript]