

Part of the Richard Nixon Oral History Project

An Oral History Interview with JOSEPH WOODS

Interview by Timothy Naftali
October 27, 2011
Oakland, CA



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Descriptive Summary

Scope and Content

Biographical Note

Joseph Woods served as Senior Associate Special Counsel to U.S. House of Representatives Impeachment Inquiry Staff in 1974. Woods headed the Constitutional and Legal Section of the Inquiry Staff. Prior to joining the Inquiry Staff, Woods graduated from University of California Berkeley (B.A., 1947) and University of California Berkeley School of Law (J.D., 1949) where he was the editor of the California Law Review. His undergraduate studies were interrupted by his service in the Navy during World War II. From 1956 to 1988, Mr. Woods was the attorney principally responsible for the legal affairs of Lucky Stores, Inc. From 1970 to 1988, Mr. Woods was a member of the Board of Directors of Lucky Stores. Since 1983, Mr. Woods has been a Fellow of the American Bar Foundation, an honorary organization dedicated to the empirical study of law, legal institutions, and legal process in society. Woods is currently a counsel to Donahue Gallagher Woods LLP.

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 A second goal of the project was to provide public domain video that would be available as free historical content for museums and for posting on the Internet.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 Joseph Woods on October 27, 2011 in Oakland, CA.

- Naftali: Hi. I'm Tim Naftali. I'm Director of the Richard Nixon Presidential Library and Museum in Yorba Linda, California. It's October 27, 2011 and I have the honor and privilege to be interviewing Joseph Woods for the Richard Nixon Video Oral History Program. We're in Oakland, California. Mr. Woods, thank you for doing this.
- Woods: Glad to be here.
- Naftali: Just so people get a sense of you before we talk about the impeachment inquiry, please tell us about your World War II experience.
- Woods: Well, there's really not a great deal to tell. I was a First Lieutenant and in the Navy that's a job, not a rank. The First Lieutenant's in charge of the deckhands and the integrity of the hull in response to fires and that sort of thing and I was in the Pacific for almost the entire service. Almost the entire service. From 1944 until I was separated in 1946.
- Naftali: Where did you see action? Which battles were you involved in?
- Woods: I was on a landing ship and for the most part the Navy sits around and waits for the next thing to happen. At least our part of the Navy did. The landings that I participated in were the initial landing on Luzon in the Philippines, which happened at a place called Lingayen Gulf over on the west side of Luzon and then later it was there on the first day of that one in January of 1945 and then April 1, 1945 at the first day landings on Okinawa.
- Naftali: So you thought maybe you'd be involved in the landings on Honshu, the main island of Japan, at that time?
- Woods: It would've been Kyushu, actually, was going to be where they were. Yes, and I'd already been given a thick book of information about what the beaches on Kyushu were like and what to expect and what to expect was all hell breaking loose, as Okinawa proved to be. The most costly battle in the Pacific War was fought at Okinawa and it was going to Okinawa squared or cubed. It was going to be really bad.
- Naftali: For this project we interviewed someone who was working for President Truman. What was your reaction when you heard about the use of the atomic bomb?
- Woods: Huge relief because it meant we weren't going to have to land on Kyushu.

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- Naftali: Let's fast forward, shall we, to the 1970s and please tell me how you came to be recruited to serve on the impeachment inquiries staff.
- Woods: Well, I received a telephone call early on January 1, 1974. It woke me up, as a matter of fact, from John Doar. I asked him did he take the job.
- Naftali: How did you know him? Or how did he know you?
- Woods: We were law school classmates at Boalt Hall, the University of California Law School in Berkeley. Then I had worked with him on some matters after he went back to Wisconsin to practice while he was still in private practice before he went to the Justice Department. I worked on cases with him so he knew me as a practicing lawyer and he also knew me as a law student.
- Naftali: Tell us a little bit about you and Mr. Doar in law school. What was Boalt Hall like at the time you went there?
- Woods: Well, it was a very fine law school but it was a very small school. There were 120 people in our class at the offset. We had some infusions from outside and we had some dropouts. Some voluntary and some involuntary. We wound up with a class of 80 graduating and John Doar and I were among the 80. It was a very intimate experience. You knew all the professors very well; you certainly knew all of your classmates pretty well.
- Naftali: What was Mr. Doar like as a law student?
- Woods: He was a good student.
- Naftali: Did you socialize with him at the time?
- Woods: Yes.
- Naftali: What kind of law did he specialize in when he went back to Wisconsin to practice?
- Woods: I couldn't answer that. I simply don't know.
- Naftali: But you worked together on some cases, you said.
- Woods: On some matters yes. I have in mind that he practiced at New Richland, Wisconsin, which is not a very large community so I would imagine that his practice was quite diverse. As was ours in Oakland but I can't, beyond that, I can't answer.
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- Naftali: Did you stay in touch with him during the '60s when he was in the Justice Department?
- Woods: To some degree but not a whole lot. He was pretty busy, for one thing.
- Naftali: What kind of law did you specialize in during that period?
- Woods: Well, I specialized initially in whatever would come through the door because those were kind of hard times. It was very difficult for a lawyer to get started; very difficult for a lawyer to get a job. I did a great variety of things including domestic relations, bodily injury, insurance defense, various transactions, wills, and estate plans.
- Naftali: Did you do any work – trial lawyer work as well?
- Woods: Oh, yeah.
- Naftali: So Mr. Doar calls you and what does he say he wants you to do?
- Woods: Well, he wanted me to come back and be the head of a task force within the staff on constitutional and legal questions.
- Naftali: Did it surprise you that he asked you to focus on this particular aspect of his new charge?
- Woods: No. It surprised me that he called at all. It didn't particularly surprise me that he asked me to do that as opposed to something else.
- Naftali: Had you worked on that? Was that something you had a particular interest in?
- Woods: No. I mean, as a lawyer I had no particular interest. Of course, I would have interest as a citizen.
- Naftali: Well, of course. No, I just wondered if that was something that maybe had been an interest of yours at law school and he knew that you sort of had a particular interest in constitutional law.
- Woods: No, I think not.
- Naftali: Had you much thought about the issue of impeachment before you got this mandate?
- Woods: No. In common with the rest of the country; in common with the law school in particular, I never heard the word used in three years of law
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school. It was not a subject that was on the screen as far as training lawyers was concerned. At least at Boalt Hall.

Naftali: Did Mr. Doar ask you to recruit people to work with you on this issue or was he going to assign a team to you.

Woods: Mostly the latter. I did make a couple of suggestions, not necessarily of people for that task force but for people for the staff in general. And once I got there I told him a little bit about whom I might like to have on my task.

Naftali: Tell us who was on your task force, ultimately?

Woods: John Labovitz, who had come from The Brookings Institution and subsequently became a partner in the Washington, DC firm's Steptoe and Johnson. Hillary Rodham, who subsequently became Hillary Rodham Clinton and is now, seems to be, Hillary Clinton and is the Secretary of State. Bill Weld who went on to be the Governor of Massachusetts. Having been the Attorney General of Massachusetts he became the governor and now I think is an investment banker or something of that sort in New York City.

At this point I'm blanking out a little bit. David Haines, who was on loan from Wilmer, Cutler, and Pickering in Washington, DC who left to go back to that firm and subsequently was a partner in a small law firm with William Colby who was a former head of the CIA and whose legal career was terminated by a canoe accident and some people don't think it was an accident. There were several others but...

Naftali: Sorry, I didn't mean to interrupt, but was John Davidson?

Woods: Yes, that's true. Yes, John Davidson was a member of that group. You probably know better than I.

Naftali: No, no, I just know of him and I'll ask you about him and the minority report a little bit later. So, when you talked to Mr. Doar, to go back to the January phone call, you do lay some ground rules and one is that you are only going to stay four months, right?

Woods: That is correct.

Naftali: So, how long does it take to get to Washington? A week? A few days?

Woods: A little more than that. I arrived on January 19, a Sunday evening.

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- Naftali: The people you've mentioned, the future Governor Weld, Hillary Rodham, were they already there when you arrived?
- Woods: No. As a matter of fact, Hillary arrived the same day I did. Labovitz was already there. I'm not sure about Weld. I would say Davidson came later. I'm not sure about the others.
- Naftali: You had one of the issues that you had to think through was whether an impeachable offense was an indictable – whether an indictable crime was an impeachable offense.
- Woods: And vice versa.
- Naftali: And how, just to give a sense of what you can remember, I know it was a long time ago, how did you go about as a group working through these issues. Did you do a lot of legal research? Did you sit down and discuss? Did you assign memos to various people? How did you do this in those first weeks?
- Woods: Well, first we didn't consult secondary sources particularly. We were much more interested in the primary sources so we examined impeachment cases of the past. There were very few American impeachment cases at that point. I believe a total of 13 and most of them were judges and most of the judges, their problem was they drank too much. There were very few people from the Executive Branch. There was only one that was President and that was Andrew Johnson, which obviously was a highly politically motivated event. Similar to the subsequent impeachment of Bill Clinton.
- And there was not much to be learned from the American impeachment cases. We examined all the British cases that we could find going back into the 12th century, especially interested in the origin of the phrase, high crimes and misdemeanors, which is the crucial question, in my opinion, and I think in the opinion of the group that was working on the subject. The proceedings in the Constitutional Convention in the Colonies as we were trying to create the union, the proceedings in the debates of the various state conventions as they were considered the question of ratifying or not ratifying the Constitution that had been worked out in Philadelphia, the Federalist Papers, the proceedings in the first session of Congress after the constitution had been ratified.
- The first session of Congress was made up in large measure of people who had been in the Constitutional Convention so they carried on the debate or the issues that had been before the Constitutional Convention, were carried on in the first session of the Congress and they were mindful of one theme that had come out of the state conventions and that was the

need for a Bill of Rights and the first ten amendments to the Constitution were the product of early sessions of the Congress where so many of the same people were involved and they carried through on putting those amendments before the states. I think that about covers it. I may have missed something.

Naftali: No. I'm sure your team spent a lot of time at the Library of Congress.

Woods: That's also true.

Naftali: What role did Mr. Doar play in these discussions?

Woods: Of course, he was the ultimate decider of all issues that had to do with the functioning of the staff. I think he was an interested editor but he allowed a lot of latitude and a lot of freedom in developing in what we thought was the right academic approach to what we were doing. He liked to crack the whip, said, 'Let's do it faster.' But apart from that he let us do our job and we reported to him, obviously.

Naftali: Was it difficult to reach consensus in your group on how to define high crimes and misdemeanors?

Woods: Not from most people. It was for some. Sort of his background for that question, the way the staff operated in the impeachment inquiry, was radically different than the usual way that committee staffs operate. But mostly there's the majority staff, there's the committee staff, which is actually the staff of the majority. And then there is a minority staff and they very much paddled their own canoes.

The organization of the inquiry staff was quite different. Each task force within the operation was made up of committee staff and minority staff so that Weld and Davidson, for example, who were on the minority staff were members of my unit, my task force, and Weld was involved in the writing of the grounds of impeachment memo. As I recall it, Davidson was not. He was involved with other projects. I think we worked effectively. For the most part, we worked amicably. Obviously, there were some disagreements. There were some people who thought that there was no difference between crimes and high crimes. It had to be a crime in order to be a ground for impeachment.

That's not where we came out as a group. We came out with the understanding that not all crimes, or high crimes and misdemeanors and that conduct that was not criminal could be a ground for impeachment. And in mind that there were no criminal statutes of the United States at the time that the Constitution was adopted but the Constitution had in it high crimes and misdemeanors. It couldn't have meant crimes as it came to be

defined in the criminal statutes of the United States because there was no United States and therefore there were no such statutes. There were no federal crimes.

So high crimes and misdemeanors has been in the British impeachment records for hundreds of years. Since the 14th century. And it has never appeared anywhere else. The Constitution says treason, bribery, and other high crimes and misdemeanors and I took it, and ultimately our group took it, to mean that there are two very important words in that. One of them is “other” and the other one is “high”. What “other” says is that treason and bribery are examples of high crimes and misdemeanors. They’re not something separate. That’s what “other” means. And “high” means the sort of thing that Parliament was concerned with in impeaching or considering the impeachment of various function areas of government through the centuries.

Ultimately, I think the committee came to – the Judiciary Committee – came to that same conclusion and actually applied it because I don’t think it was any question that Richard Nixon was guilty of perjury in connection with his income tax returns. He had filed false income tax returns and there wasn’t any doubt about it in my mind. But what did that have to do with the functioning of the government? What did that have to do with his Presidential office? This was just a cheating tax payer and it was something between him and the IRS so the committee declined to adopt an article of impeachment that had been prepared based on the Nixon tax returns.

I think that it could have been a clearer evidence of their acceptance of that proposition that not all crimes are high. Also you have to look at the word “misdemeanors” which meant something very different to these people from what we think of as, oh, well, it’s just a misdemeanor. It’s not a felony. That’s not what they meant. Misdemeanors meant misconduct and it was high misdemeanors. It wasn’t just doing something that wasn’t nice to do. It was doing something that struck at the system of government, the institutions of government, and it was all predicated in that.

Nobody was impeached in those impeachments for consorting with one of the chambermaids. He was impeached for failing to use appropriated funds for the purpose for which they had been appropriated. Or he was impeached for securing official recognition for a sea captain who turned out to be the infamous Captain Kidd, the pirate. Things like that that were actually abuses of their office or that undermined the whole system of government.

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- Naftali: When your staff completed this memo in a month, I believe, it just took you a little over a month.
- Woods: Yes.
- Naftali: And then, was it then presented to the committee who voted on it? How did the committee – was this just to inform the committee or was the committee supposed to endorse this as the view of impeachment? What was the procedure that you followed?
- Woods: I don't believe that – I honestly don't remember. I would doubt that it was anything that was presented for their approval. There were people on the committee who had felt strongly that we were wrong about the significance of crimes and who felt that it had to be a crime and they felt that way all along. And I talked to one of them just a few years ago, Charles Wiggins, who still thought what he had always thought, and that was that it had to be a crime in order to be a basis for an impeachment. He never wavered.
- Naftali: Though he wavered about whether he would support an article of impeachment after the smoking gun transcript came out.
- Woods: That's what I interpreted it to mean. I think he may have meant something different based on talking to him long afterwards and that was that it was no longer tenable for Richard Nixon to be President of the United States. That he ought to go. Not necessarily because of impeachment but because of what else had happened in the society at large. The notion that what the tapes revealed whether that was a basis for impeachment or not that he was no longer capable of performing in the office.
- Naftali: I believe I've read somewhere that Sam Garrison was not pleased with the memo.
- Woods: I'm sure that's true.
- Naftali: And that he asked John Davidson to write a contradictory, or an opposing view. Do you remember that there was a minority response to your basic memo?
- Woods: Yes, there was such. I did not necessarily know that Davidson wrote it but I certainly would believe that that was Davidson's position and it certainly was Garrison's position. I think that they were Nixon loyalists and they were not necessarily approaching the subject without a bias. But that's my opinion. Not a fact, I suppose.
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- Naftali: One of the other issues that arose early on was the issue of using a subpoena and do you remember participating in discussions about how to obtain additional information?
- Woods: Yes.
- Naftali: Can you tell us what you remember, please?
- Woods: Just that there was reluctance to – there was just a reluctance to issue subpoenas. I never, I truly never, understood what the reluctance was – what the basis of it was. But yes, there was a reluctance.
- Naftali: You're using the passive voice, so I'm going to ask you, was it a reluctance on the part of Chairman Rodino? Was it from the committee or was it from members of the staff that you saw this reluctance?
- Woods: I suspect it was both but I'm not sure.
- Naftali: We haven't mentioned him yet. Tell us what role Bert Jenner was playing in your work in that early period.
- Woods: Bert Jenner's a remarkable guy. He was fully committed to the notion of the integrated staff and if he had not been it couldn't have worked. But I think he felt that the object was to look into the matter thoroughly and fairly and come to a principled conclusion and he was willing to see to it that that happened from the minority's staff side. Somebody else that deserves a lot of credit for this is a Congressman, Ed Hutchinson, who was the ranking minority member of that committee and who obviously had to be on board for the bipartisanship that in fact occurred.
- And I don't suppose there were very many people on that committee who were more thoroughly committed to Richard Nixon other than Ed Hutchinson but he also recognized that in order for the results of the impeachment inquiry to be acceptable to the American people, they had to see it as a fair and open, judicious proceeding. He was, I think, very much on board. Not in the conclusion but on the methodology of the committee and of the staff.
- Naftali: I've read Albert Jenner is no longer alive. But I read an interview with him where he described the concept of the single law firm concept. It was as if you were all part of the same law firm.
- Woods: And that's a good way to put it. I'm satisfied that he, in fact, did see it that way and that it wasn't just words. It was his action. And Bert Jenner's.
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- Naftali: Let me ask you before we move from the story of the memo on the constitutional grounds for impeachment, what role do you remember Hillary Rodham playing? What did she do as part of your team?
- Woods: She did not work on the memo. Her principle role came later in working with me to draft the procedures that the committee would follow in conducting its hearings on the evidence. She and I essentially did that. Obviously with John Doar's approval, but Hillary and I wrote those procedures.
- Naftali: Could you, to help us understand some of the issues involved, I suppose part of the challenge was that there hadn't been anything like this for a century, but what were the questions you had to resolve to write these procedures?
- Woods: Well, the starting point is the rules for the conduct of those procedures could be whatever the committee decided they were going to be. They dirivited from the fact that the sole power of impeachment is lodged in the House of Representatives is the proposition that the House can make its own rules. And those rules could be as restrictive and as secretive, provide for secrecy. Then there's the liberal cast of the Democrats on the committee who were firmly committed to the proposition that there has to be due process about everything and that open hearings and the opportunity to confront witnesses, the opportunity to present a rebuttal case, and all these things that are part of what the United States are all about.
- So they went about to assert their prerogatives if it meant trampling on what they considered to be the rights of everybody, including Richard Nixon. So the rules that we came up with are provided a very firm and equal footing for a James St. Clair, who was Mr. Nixon's council in this matter at the time, he was provided with the opportunity to present witnesses. He was provided with an opportunity to cross examine any witnesses that were produced by the inquiry staff. He received the Statements of Information at the same time that they were made available to the members of the committee.
- In general, the effort was to make this a fair and open proceeding. Now, it was done in hearing rather than in a meeting and this was on purpose, that the evidence would be developed, not in the atmosphere of a Congressional hearing where all the members of the committee make speeches. Rather the members of the committee got to sit there and be judicious and listen to the information that was presented and then later take their votes about how they viewed the various potential articles.
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Naftali: So, were you – I know there was an evolution in the position on St. Clair's ability to cross examine. The beginning, he did not participate in the first depositions. And there was some debate over what role he should be given.

Woods: We took a very few depositions in which he did not participate and these were terminated very early in the process so that by the time the statements of information were released to the committee and to Mr. St. Clair, his position was very clearly defined in the procedures of the committee.

Naftali: You'll have to indulge a historian. We like to see change and understand it. Would it be fair to say that you and Hillary Rodham were among those arguing that he should play a role?

Woods: I tried not to take a position as to what the rules should be. I took a position on what the rules could be which was unlimited in their scope and let the committee express its views. Actually, it was more a subcommittee of the committee, express its views on what the rules ought to be and then we, Hillary and I, tried to write rules that reflected what we understood the committee – the subcommittee to be saying to us. I do not believe that we recommended to the subcommittee any set of rules other than to say that here is what we think you said. Committee, do we have it right?

The subcommittee was chaired by Representative Casimir from Wisconsin and I remember that one of the members of the committee was Representative Hungate. I think he was from Missouri. Wherever he was from, Mr. Hungate was very clear about the importance of forwarding proper latitude to the defense and I would say that he, as much as anybody, was the architect of the spirit of the rules that were finally adopted and what Hillary and I did was try to put on paper our understanding of what was necessary. The details that were appropriate to give effect to that spirit.

Naftali: Where did the idea of memoranda of information come from? The idea, as you said, that the staff would prepare the evidence in advance and present it to the committee in executive session. Was that something that John Doar developed as an idea? Did you participate in that?

Woods: Very early we said something about, to the committee, about how we would present the facts and they could determine the consequences basically. And the ranking majority member was from Houston, Texas. His name was Jack Brooks. And Congressman Brooks was very clear about everything and one thing he made clear was that the committee determine the facts and the response to that was, we just give the evidence. He said, no. The committee determines what the evidence is. So that's

the reason that we had statements of information. We did not dare, thereafter, to call them facts.

Naftali: That's where it came from.

Woods: Much less, not even evidence. That was beyond our function, at least in the eyes of Mr. Brooks, and we did not want to go through that again so we never said anything more than statements of information.

Naftali: A number of your former colleagues talk about the importance of Mr. Doar's Kitchen Cabinet. People like Owen Fiss and, more importantly, Burke Marshall, as sort of sources of advice to John Doar. Did you recall interacting with Mr. Marshall?

Woods: Oh, yes.

Naftali: Could you tell us about him and what you recall of his influence over the memo on the grounds for impeachment, for example?

Woods: I don't remember anything specific about that. I certainly talked to Burke several times as we were developing the memorandum. I remember – the one specific that I do remember is that he said, how much have you looked at the Declaration of Independence? And we said, we're just looking at the Constitution. He said, look at the Declaration of Independence, and I came to believe that he really had something there. The first part of the Declaration of Independence where it recites the grievances of the Colonies is really a bill of impeachment against George, III. It's all the kinds of things that we came ultimately to recognize where the really important things to think of as high crimes and misdemeanors. It's basically abusing the colonies and I remember that as a contribution specific that he made.

I'm sure that he ultimately thought that it must pass muster or we wouldn't have ever released it because he was that much involved in the process and he obviously was a great authority on constitutional law. But beyond that, I don't know anything.

Naftali: A number of other members of the staff recall the importance of Mr. Doar's civil rights past in shaping how he thought the evidence should be presented, and how the evidence should be collected, and how it should be thought about. They said that it reflected the work that he'd done on cases in the period when he was in the Department of Justice. Do you remember thinking about how significant and influential Mr. Doar's civil rights past had been in shaping the way in which he approached his duties with the inquiry?

Woods: I would believe that the technique we used with those notebooks with the statements of information in it was derived from his experience in preparing and presenting cases when he was Assistant Attorney General in charge of the Civil Rights Division. I do not believe that the Doar notebooks were invented for the purpose of the inquiry staff. I think the Doar notebooks had been something that he used when he was in the Civil Rights Division and also in connection with the Attica riots in the prison in New York. So in terms of the style, I think it was clearly traceable. It never really occurred to me and still doesn't that the substance of the activities of the Civil Rights Division had particularly carried over into the activities of the inquiry staff.

Although, I would have to say I believe that his excellent performance of his duties in the Justice Department had a great deal to do with his ever having been selected as a special council to the Judiciary Committee. You've already taken the oral history of Francis O'Brien so I'll leave it at that.

Naftali: Yes. That was wonderful. How did Mr. Doar try to create a nonpartisan climate in which you would do your work?

Woods: Well, he made it crystal clear and I think that Bert Jenner did, too, that that's the way it was going to be. He also made it clear that nobody was going to talk to the press and if anybody talked to the press he was going to be the person that was going to talk to the press. And I think we had all of two press conferences, both of them very early in the proceeding and there were occasions that Chairman Rodino and John Doar and I appeared and that I said nothing. I was never contacted by the press except on two occasions. Before one of the meetings of the committee, Sam Donaldson came up to me in the lobby and he started to talk to me and I said, Sam, you know I'm not supposed to talk to you. And he said, oh, and that was the end of that conversation.

And another conversation was with a man who was the right-hand man to Jack Anderson and I forget his name but he ultimately took over Jack Anderson's column when Anderson retired.

Naftali: Dale Van Atta? Dale Van Atta, perhaps?

Woods: I think that's quite possible. I'm just not sure. But this person called me to ask me about the fact that Rosemary Woods was the secretary to Mrs. Nixon and my name being Woods and Rosemary Woods had a brother whose name was Joe Woods and he was the Chief of Police in Chicago, maybe the Sheriff, I don't know. Anyway, he was a law enforcement arm in Chicago and I remember saying to the man that I wasn't supposed to talk to the press. And thereafter he found my mother in the East Bay and

talked to her. She assured him that we were not related to Rosemary and Joe of Chicago. Those were my only two contacts with the press.

I don't believe there were any leaks out of that staff and, there again, it was a remarkable achievement. That's part of the answer to your question. I think John Doar was able to make it clear to the press that there weren't going to be any special favors for special friends. That if there were anything to be said to the press it was going to be said to all the press at the same time and they should not expect anybody to talk to them and that it was a basis of discharge from the staff for anyone to talk to the press. And people just honored that. It can be done.

The members of the committee were not allowed to know what was going on other than what was being published to them. They could not look at our work in progress. Only Mr. Hutchison and Chairman Rodino shared anything as we went along until it was ready to be released to the committee as a whole. This is an unprecedented way of handling things back then. It had never happened before, I think, and I sure don't think it's ever happened since.

Naftali: And this was Mr. Doar's idea?

Woods: Along with Chairman Rodino and I think – I don't think there was any descent from this. The committee, the House Judiciary Committee, unanimously approved that procedure. It wasn't something that was just done by fiat. It was done by common acceptance.

Naftali: There was some impatience, though, at the committee because of course they weren't saying anything for a while.

Woods: That's right. I'm sure there was.

Naftali: Do you remember Mr. Doar – well, he did say this about the memo, you mentioned that, saying to all of you, please hurry up? The committee is getting impatient.

Woods: No, but I don't think my activities were really what might be perceived as a bottleneck, thereafter. What he may or may not have said to the other task forces, I really don't know.

Naftali: Let's say, since you were a senior member of the staff, please help us give a sense of the structure of the staff. There were a number of task forces.

Woods: There were four, as I recall. Two of them had to do with the facts of Watergate and one of them headed by Richard Cates and one by Bernard Nussbaum. And there was one about the Plumbers and other lesser items

and that was headed by Robert Sack. Cates, Nussbaum, and I were all senior associate special council and Sack was associate special council. Later I think he got the senior designation, but the time I was there he did not have that yet. The task forces operated essentially independent of each other. The two Watergate task forces operated in parallel and sometimes were investigating the same subjects.

I'm not qualified to talk in any detail about their method. I know they didn't, in general, it was largely to try and analyze the results of Senator Sam Irwin's Senate Committee. See, what there was thought to involve impeachment material. It wasn't limited to that but I know that was a large piece of it. Much of their work, of course, continued to be done, after I left.

Naftali: I know you didn't set them up, but were they asking the same questions, these two? You said they were often working in parallel.

Woods: I think to some extent they were but others that were involved in that, Bernie Nussbaum and Evan Davis and Dick Gill and Mike Conway, others perhaps that you've talked to or will talk to, much better position to talk about that than I am.

Naftali: Okay, thank you. We're going to change tapes now. Or H cards, I mean. Thank you. Mr. Woods, let me ask you whether you were involved at all in the decision to recruit Professor C. Vann Woodward to do a study of presidential abuses of power?

Woods: I knew about it and I knew that Hillary had a key role in that project but I did not – and I met Dr. Woodward when he was down at the staff offices at one time but no, I did not have anything to do with the decision to retain him or with the project with him as it went forward.

Naftali: Can you recall what role Hillary Rodham played in that?

Woods: Well, I think she was the liaison with Dr. Woodward. Beyond that, I can't answer the question.

Naftali: Was this Mr. Doar's idea do you know?

Woods: That, I don't know. Certainly, it was one that he approved of or it wouldn't have happened.

Naftali: Again, we've asked people on the Watergate task forces and also Judge Sack with regards to the Plumbers investigation, but from your vantage point, how important was the roadmap that the Watergate Special

Prosecution Force gave you in early March when you got the grand jury information? How did that affect the inquiry?

Woods: Well, obviously it didn't affect my work at all. I, in fact, listened to some of that stuff that was in the black briefcase. I originally was sent down to collect the black briefcase from Judge Sirica and I thought it was – Mr. Doar thought it was just a question of a responsible messenger going down and picking up the briefcase. It turned out of course that it was a litigated issue as to whether we should have access to the briefcase. And I did attend the hearings before Judge Sirica about whether we should get the briefcase or not. As to your question about the role that information played in the progress of the Watergate task forces, I really can't answer. You say that was in March?

Naftali: Yes.

Woods: They'd been working on it for months before it ever got there and I'm just not sure what they gained out of it. Again, others would be in the position to comment on that but I'm not.

Naftali: Were you in the meeting with Mr. St. Clair when the White House agreed to hand over to the committee what it had voluntarily handed over to the Watergate Special Prosecutor?

Woods: No. I don't believe so. I was present when the subpoena was served on the White House but I don't remember the other.

Naftali: You listened to some of the tapes? Did you listen to some of the tapes?

Woods: I listened to at least some, perhaps all, of what was provided by the Special Prosecutor. I don't believe that I listened to anything beyond that.

Naftali: And what affect did listening to those tapes have on you?

Woods: They were inclined to put me to sleep. I wondered if that's the way the government affairs at the highest level are conducted, I wonder that anything much ever gets accomplished. There were so many grunts and ums, that sort of thing, that I think the opportunity for misinterpretation of the meaning of things is tremendous. Perhaps there's some visual communication that's going on with them but just listening to what's said, I think a person could very easily misinterpret what was being said there.

Naftali: Before we started this interview, you were telling me that John Doar wanted to be certain that the transcripts that were used in the Statements of Information reflected a unanimous view of those listening to the tapes

because of concern that the information be not probably correct but absolutely correct.

Woods: That's correct. On the unanimous point, I'm not absolutely sure that unanimity was called for but certainly there had to be a heavy preponderance of agreement and unanimity may have been – I was simply not involved in that and it occurred after I had terminated my participation. Bob Shelton and Jeff Banchero and Dorothy Landsberg, perhaps others would be in a much better position to answer that question than I am.

Naftali: To what extent did you allow yourself to come to any conclusions about the impeachability of the President's actions?

Woods: Oh, I think as you went along it became pretty obvious that his conduct was grounds for his impeachment on more than one count. I had come to the same conclusion that the committee ultimately came to about the income taxes. That that was not the kind of thing that was properly considered in the impeachment context. However appropriate it might've been for a criminal prosecution. No, I thought that there was plenty there that was of a fundamental nature that impeachment was appropriate.

Naftali: Was this accumulative, a fact that it was just more and more information piling up or were there things that stuck in your mind that led you to this conclusion?

Woods: Oh, I think it's accumulative. I remember using, at one point, the word totality, which Barbara Jordan subsequently made great use of in the meetings where the Congressmen expressed their views. I think the whole is much greater than the sum of the parts.

Naftali: Do you remember the debate over whether to allow cameras into the hearings?

Woods: No. I guess the answer is no. The distinction and hearings and meetings is fairly clear in the rules and I don't now remember absolutely the niceties of the distinctions but hearing, generally speaking, were not necessarily public, whereas meetings were. And Lord knows there were a lot of cameras in the meetings. If you sit at the council table with all of those lights on your back you get the idea that you're warm enough there must be a lot of light.

Naftali: The Statements of Information were given during meetings, weren't they? Or were they given during hearings?

Woods: Hearings.

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- Naftali: So the meetings were before?
- Woods: There were meetings before where the committee heard reports of how things were going in general. There were meetings to discuss what the rules were going to be. That was all discussed in meeting.
- Naftali: And those were not open to the public. They were closed.
- Woods: The meetings were open to the public. It's hearings that can be closed. No, I think that there was coverage – I know there was coverage for meetings. Whether there was anybody particularly interested in some of the meetings is another question so I can't really say for sure that the press was present at the meetings of the subcommittee that discussed those rules. But there certainly could've been.
- Naftali: Well, we know that the hearings where the Statements of Information were read were closed.
- Woods: That's correct.
- Naftali: And only the debate afterwards and Mr. Doar's statement, you had left by then, but that was open. I believe you had already left when the issue came up of whether or not to have witnesses come before the committee. Or was that discussed while you were still there?
- Woods: I think the rules permitted the calling of witnesses. I could – just a minute I could look and see.
- Naftali: Because I know there was some debate among the staff and the committee as to whether to call Charles Colson and others before the committee.
- Woods: It's not as clear as I thought it was. "Should the President's council wish the committee to receive additional testimony or other evidence, he should be invited to submit written requests and precise summaries of what he would propose to show. And in the case of a witness, precisely and in detail, wanted is expected the testimony of the witness would be uphold on the basis of such request and summaries and of the record then before it the committee shall determine with the suggestion of evidence is necessary or desirable to a fair and full record in the inquiry and if so whether the summaries shall be accepted as part of the record or additional testimony or evidence in some other form shall be received." In short, we punted.
- Naftali: Now that, what you're reading, is what the committee approved?
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- Woods: That's what the committee approved and then I would have been gone.
- Naftali: But the basis for that would be memoranda that you and Hillary Rodham had prepared for them, laying out their options. Am I correct in understanding?
- Woods: Yes. I think that's fair to say.
- Naftali: What research, what did you look at? I'm not a lawyer, so did you look at civil procedure? Did you look at how the committee, how the House had handled other inquiries in the past? I mean, how did you come up with these procedures? Or is there a universe of possible procedures they could choose from?
- Woods: Oh, I think we simply thought what kinds of procedures would be appropriate responses to what the subcommittee had expressed to us as the tenor of things that we should see to put in place. We came to the subcommittee, the first hearing that I recall, saying to them, you have the power to set the rules, essentially. And they expressed at that hearing, that meeting, the view that they had of how to conduct the whole thing. How open, how participatory from Mr. St. Clair, and Hillary and I then tried to produce something that was responsive to what we perceived as the instructions we had been given by the subcommittee.
- And I'm sure Mr. Doar looked at those before we went back to the committee and said, how about this? And they probably had some more thoughts about how they wanted things to be a little looser here and a little tighter here and I frankly don't remember the detail. But that was the general progress.
- Naftali: After you finished this, did you have another task for Mr. Doar or was this about the time when you left?
- Woods: I worked on some of the Statements of Information and John asked me to accompany him to the first presentation of the Statements of Information and I'm going to have to backtrack on something I said earlier. I know that the public was present at the presentation of the Statements of Information. What I don't know is whether the press was there or not. But I do remember that there was an audience.
- But I said to him, look, I'm going to be leaving very soon and I don't think it would be wise to start these proceedings with me sitting there beside you at the council table and then I'm gone. That will give people something to wonder about and we just as soon they didn't wonder. So I think you should start with somebody else. And he said, who do you think it should be? And I said I thought Evan Davis would be a very good
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choice which ultimately, he was the choice and I think, from what I saw as a spectator, that he was a good choice. So I attended those first two or three presentations but as an observer.

Naftali: Why was it decided to read the Statements of Information rather than letting the members of the committee read it on their own?

Woods: I couldn't answer that. I don't know.

Naftali: Because I believe it took six months – six weeks, I mean, it took six weeks to read all the Statements of Information aloud. That presentation took quite a long time.

Woods: Well, it makes sense, I think, to have everybody get the same treatment. I know that if you read something with a certain inflection it maybe gives it a meaning that doesn't necessarily convey to everybody who reads it on his own. But I did not participate, that I recall, in that.

Naftali: After you left, of course, there was the discussion as to whether Mr. Doar should make some kind of summation, summary presentation and Chairman Rodino was very insistent that Mr. Doar actually show that he had come to some conclusions, which was not what Mr. Doar wanted to do. During the period you were there, did you see Mr. Doar attempt to resist coming to conclusions? I asked you about how you began to see the issue of the impeachability of the President's conduct, but did you, as somebody who had known him since law school, how did you see him wrestling with this issue?

Woods: I guess I was not very perceptive but I can't answer the question.

Naftali: You leave roughly the 10th of May.

Woods: Somewhere along in there.

Naftali: You mentioned before that you leave for personal and business reasons. Were you a little bit – was it a little frustrating to leave before the job was done? How did you feel at the time?

Woods: Well, yes, of course I would've liked to have seen it to a conclusion. On the other hand, I was committed to leave and I really didn't have a choice so I left on schedule.

Naftali: When you left, did you have a sense that the committee would attain bipartisan agreement on the impeachability on the President's conduct? You leave in early May. Was it clear then or – you were in a sense in an interesting experiment because I've talked to people who've stayed right

through and so it's harder for them to date when they were convinced that there was going to be bipartisan majority. But when you left in early May, did it look like there was going to be support on both sides of the aisle for at least an article of impeachment?

Woods: Oh, I think it would be presumptuous of me to answer that question. No, I can't answer it.

Naftali: By the time you left, were there draft articles of impeachment that were floating around and being discussed or is that something that happened after you left?

Woods: I do not remember any drafts of articles of impeachment and if there had been I think that would've been something that I would've been involved in so I think the answer is probably no.

Naftali: Tell me a bit about – well, let me ask you this. Given the prominence that she would have later, what was it like to work with Hillary Rodham?

Woods: Well, she was an excellent person to work with. She is the one person that I asked for to be on my task force. I was very much impressed by her when I met her the day that she and I both reported for duty back then and I specifically requested John Doar to put her on my task force, which he did. She would do what you asked her to do. I never heard her express any reticence to undertake a task that might seem mundane given that she had recently finished a prestigious law school. She was a very diligent worker. Was easy to work with. I give her very high marks all around.

Naftali: Since she did not write or help write the memo on the constitutional grounds for impeachment, what were her first tasks?

Woods: John Doar was very distrustful of computers and, in any event, they were in their infancy at the time. When I got there in January of '74 there was not such a thing as a memory typewriter in the organization and I believe that was probably true in the Congress but I'm not sure about that. It certainly was a fact in the inquiry staff and I was able to, after some argument, to get an IBM Selectric typewriter for my secretary and whenever people had things they wanted to be able to revise they were forever seeking her assistance because she had the one machine in the office that was capable of any sort of memory.

Against that background, we had to have some kind of system to try to make a given bit of information available to people in various categories of inquiry. Let's take an incident that took place that both John Doar and I had great significance. It took place in Key Biscayne when Mr. Nixon learned of the Watergate report of the apprehension of the Watergate

burglars. He threw an ashtray across the room. Both Doar and I thought that that was the disgust of a person who said they blew it. That it was not the anger of someone who thought it was the wrong thing to have done.

Now, that makes very nicely the distinction between the Statement of Information and the fact, if you will. And so the Statement of Information ultimately would be just a report of the throwing of the ashtray without any comment as to what the significance of that might've been. With that particular incidents could've had ramifications for different people looking into little bits of this and that somewhere in the factual investigation so, if we had computers, it would've been easy to bring up that information. It certainly would be now and I think it would've been then, to bring up that information in various context. But we didn't have that capability.

So what we did was to develop a system of punch cards where we put these pieces of information on the card and then we notched out things that it didn't apply to and assigned little holes to different categories of inquiry and then if you wanted to find all of the incidents that fell within a certain category, you ran a long knitting needle through the holes at the end and you pulled up the cards that hadn't been notched out. It was that primitive. And as a way station toward developing those cards, we had a system of little, not even 3X5, even smaller than that, coupons that were produced in carbon in numerous copies and these were filed in different databases, if you will.

And designing those little coupons and working out the system of the cards that were going to be picked up by the knitting needles was something that Hillary and I worked on. And that's what she was doing, which is essentially grunt work, while some of the other people had the fun of writing the grounds memo. And she never complained.

Naftali: Then you gave her the more interesting task of working on the procedures.

Woods: Well, that's true.

Naftali: By the way, this whole process emerged because Mr. Doar didn't like computers.

Woods: Well, I'm not sure what the capabilities of computers were at that time and I'm not sure I understand what they are yet. But I'm gradually getting there, but very gradually.

Naftali: So you and Hillary Rodham worked then with the library. With Maureen, because the library – wasn't that where all these coupons were placed in the end?

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- Woods: Beats me where they were. I don't remember. I simply don't remember. I get the general impression that the system was not very successful. That it didn't serve the purpose very well. But of course I'm not sure that the computers of that day would've been that helpful either.
- Naftali: I'm just wondering, where you got the idea for the knitting needle and the – where did that come from? I know it's been a long time, but do you remember where that came from?
- Woods: No. No, I do not.
- Naftali: But anyhow, you and Hillary basically distilled the material down to these cards which would then be transferred to these punch cards.
- Woods: No, I'm not trying to say that she was making the entries on the cards. I'm saying that she and I worked on trying to figure out what the system was going to be. I think it was a mighty a labor to produce a mouse, to define one now. It was just not a successful thing.
- Naftali: Tell us please a bit about whether you and the other senior advisors to Mr. Doar, did you meet regularly? Did you meet everyday? Did you meet once a week? Just to share information about what your individual task force were up to or would you just go and see Mr. Doar when you needed to?
- Woods: The latter. The latter. I saw him probably more that some of the others did. For one thing, for the first month, we actually shared an apartment so I saw him every day in that context. Housing was not exactly easily come by in Washington and it took a while for there to be a place that I could move into and bring my wife back.
- Naftali: I read an interview with Leon Jaworski who had known Mr. Doar from the period where Mr. Doar was at the Department of Justice. They had worked on some cases together. Mr. Jaworski recalled speaking to Mr. Doar in the first month that he had the job, so January, largely. Maybe early February, too. And Mr. Doar expressing to him some frustration because of the disorganized in nature of information that came from the Senate and the difficulties of getting...
- Woods: Getting from where?
- Naftali: From the Senate. From the Senate committee and the difficulties of getting your arms around it. And so Mr. Jaworski made the point that he really needed the roadmap. Do you remember Mr. Doar expressing some frustration over just managing the information, the ocean of information produced by the Senate Watergate Committee?
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- Woods: No. I don't believe so. I know that there was one of the attorneys on the staff, Tom Bell, who is now deceased, would come out of a Doar firm in New Richland, who was the liaison to the staff of the Ervin Committee so I know there was some sort of channel of communication and I know that the first task of the Watergate task forces was to try to analyze the Ervin Committee's results and the testimony before the Ervin Committee to see if there's anything there that struck them as being worthy of consideration in the impeachment context. But I was not aware of any particular frustration. Obviously there was a lot of information out there that needed to be correlated so it was room to be frustrated by the enormity of the job. But other than that, I don't remember anything.
- Naftali: How did you know that Mr. Doar believed that the throwing of the ashtray was significant by President Nixon at the time?
- Woods: He told me so.
- Naftali: So he thought it might mean foreknowledge of the break-in?
- Woods: Certainly interpretable as that, yes.
- Naftali: In that early period, were you working 12, 14 hours a day? Everyone I've talked to so far has sort of described very long days.
- Woods: I would say more than 14. We would get up and get down there maybe 7:00 in the morning, take time out for meals, go back after dinner, work until the small hours of the next day, go back and sleep for a very short period of time and then start again.
- Naftali: When do you remember finding out that the President had been named as an unindicted coconspirator by the grand jury?
- Woods: I don't know. I don't know. I guess now that you ask that question I don't know that I know it yet.
- Naftali: You left after four months, as you told me, because you felt that as a special employee of the U.S. government you could only stay four months. Or 120 days.
- Woods: That was my reading of it. Others read the statute to say that that did not apply to employees of the Congress. And I can see that there's room for that interpretation that maybe it applied to employees of the Executive Branch. There is, in a sense, a kind of precedent for the view that others held. I don't know whether this is part of their thinking or not but back
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very early in the history of the country, I would think probably still in 18th century, there was a Senator from Tennessee. His name was Blunt.

Blunt was one of the few American impeachments that had to do with anything other than a federal judge and he was impeached because he had been trying to instigate a rebellion among Indian tribes. It was a support of foreign power. It obviously fell easily within the definition of high crimes and misdemeanors. When his case came to the Senate, the Senate declined to hear the case on the grounds that Blunt was not an officer of the United States. Now that has some relevance to the point that you and I were discussing earlier about the special employee. If the special employee statute applies to offices of the United States, the Senate at least, 150 years before, almost 200, had felt that a Senator was not an officer of the United States. Well, if he's not, then it would seem that an employee of the Congress, likewise, would not be an officer of the United States.

And that may very well be the right interpretation. It was not the interpretation that I made in January and it was on the basis of the interpretation I made in January. Right or wrong, I had committed myself to be back in California at the end of four months.

Naftali: Did you stay in touch with Mr. Doar after you left Tom?

Woods: Yes.

Naftali: What was your reaction when you heard that President Nixon was resigning?

Woods: It was high time.

Naftali: Did you have a chance to talk to Mr. Doar about that?

Woods: No, I did not talk to Mr. Doar about that.

Naftali: What was your reaction when you heard that President Ford had pardoned former President Nixon?

Woods: That Mr. Ford had decided he wanted to be a one-term president.

Naftali: What about the implications for the work you had done? What about the larger implications of Watergate for the country?

Woods: I don't know that I had any particularly and I'm not sure that there were any. I haven't given that a lot of thought. It's a good question. It's just not one that I paid any mind to at the time and I haven't thought about it since.

Naftali: What did you learn from this experience, Mr. Woods?

Woods: Well, I thought that the system worked pretty well. Having seen it work again, in my opinion, not very well in the case of Mr. Clinton, I believe that the integrated staff confidentiality of the proceeding and the willingness of the members, that is the Congressmen, to wait and hear about it when the staff was through, that was terribly important to my perception that the system had worked. When it came time for the House to deal with the question on Mr. Clinton and his valiances, there was no such bipartisanship, and that's not really the right word. There was no sense of commitment to a process. I never felt that the Republican minority on the 1974 was in any sense as pre-committed to a conclusion on a substance.

What they were doing was they said, we want this to be a fair thing. We don't want to try it in the press and we don't want it leaked. We don't want a staff that's pre-committed to points of view. We want to see that the truth comes out and then we the Congress will deal with the result rather than have the press deal with the result piecemeal. I think that's why it worked in 1974 and that's why it didn't work in the case of the Clinton proceedings. In the Clinton proceedings the special council, I guess is the right term, Kenneth Starr in any event, was given the play by play of where the matter was going and he was being interviewed daily, it seemed to me.

There was no confidentiality. There was no cooperation between the parties on the method by which the inquiry should be followed. I was interviewed that September by Jeffrey Toobin at The New Yorker and he said, what do you think about this? And I said I think it's a non-starter and he said, what do you mean by that? And I said I just don't think it meets the threshold requirements of it being a high crimes and misdemeanors. I think it's a low crime, no pun intended. And it continued to be that way and having been conducted in the way that it was it was something that the people in county never accepted as being a proper thing.

Support for Clinton continued to be high all the way through all those sordid disclosures and his impeachment did not have a public acceptance. A reason for that, maybe not the whole reason, but a reason for that was that the facts were dribbled out to people over a period of time. The press was all over the subject and people had no basis for any confidence that there had been a fair looking into the facts. I think that by the time Mr. Nixon resigned people were understanding that this was going to be a – that this had been a reasonable way to approach it, a fair way to approach it, and that there would be a trial and there would be a judgment, and

whatever that judgment was, people were prepared to accept that. Certainly not true in the second go around in my lifetime with President Clinton.

Naftali: Do you think the country needed a trial of President Nixon?

Woods: No. I did not have any feeling of let down or disappointment that there was not going to be an actual impeachment or trial based on that impeachment. I thought that there had been an adequate public understanding of the need for change and that Mr. Nixon probably made a wise decision in doing what he did.

Naftali: What did you think of the coincidence that the person that you had worked with on the procedures by which the House Judiciary Committee would conduct an impeachment inquiry would later turn out to be a First Lady for a President who would go through a House impeachment inquiry?

Woods: Well, I thought it was very sad all around. I had all along the highest regard for her and I didn't think that she was deserving of the treatment that she got from anybody, including Bill Clinton. But I also don't think he deserved the treatment he got from Kenneth Starr and the Judiciary Committee under Mr. Hyde. I think it was an oppressive procedure all the way through. You know, there's a strict prohibition in the Constitution against bills of attainder.

The difference between a bill of attainder and an impeachment is that an impeachment is based on evidence and a bill of attainder is a legislated judgment of guilt without any predicate. And it seems to me that for all of the, what appeared to me to be, the song and dance about hearings and evidence and arguments in the case of Mr. Clinton, what you had in effect was a bill of attainder. They were going to vote that impeachment no matter what. And they didn't have anything factual to support it, in my opinion.

Naftali: Are there any anecdotes that I haven't enlisted from you? Any memories? You've been wonderful and you've given us a lot of time but is there something else you'd like to add to the record that we just didn't touch on?

Woods: Well, there'll probably be. What is it? **[Inaudible]**. The thought that comes to you on the staircase as you leave. I'll probably come up with something after we conclude the interview but right now I don't think of anything.

Naftali: Well, Mr. Woods, thank you for your time.

Woods: Thank you.