

*Part of the Richard Nixon Oral History Project*

# An Oral History Interview with **JEFFREY BANCHERO**

Interview by Timothy Naftali  
October 28, 2011  
San Francisco, CA



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## **Descriptive Summary**

### ***Scope and Content***

Jeffrey Banchemo served as a clerk on the Impeachment Inquiry staff of the House Judiciary Committee in 1974. In the interview, he discussed his time working for the Department of Health, Education and Welfare (HEW) the summer after he graduated from the University of California, Berkeley and his serving as a delegate at the 1972 Republican National Convention for Representative Peter McCloskey. Mr. Banchemo discussed being one of the first staff members hired to the Impeachment Inquiry staff and described some of his duties which included working with security staff on the disposal of sensitive waste. Mr. Banchemo later became involved with creating transcriptions of White House tapes and he discussed the process involved with creating the transcriptions and how disputes were resolved with other tapes transcribers. Other topics included Mr. Banchemo playing the White House tapes for the staff of the Impeachment Inquiry and members of the House Judiciary Committee, comparing the transcripts created by the Impeachment Inquiry staff to those created by the White House, Mr. Banchemo's reaction to President Richard Nixon's resignation, Chief Counsel John Doar's leadership, and how his experience with the Impeachment Inquiry shaped his future legal career.

### ***Biographical Note***

Jeffrey Banchemo was a Research Assistant for the U.S. House of Representatives Impeachment Inquiry Staff in 1974. A graduate from UC Berkeley and the University of Chicago Law School, he later worked at Skadden, Arps, Slate, Meagher & Flom in New York, NY from 1977-79 and then at Brobeck, Phleger & Harrison in San Francisco from 1980-85. In 1986 he became a partner at the Banchemo Law Firm in San Francisco. From 1985 to 1992 Banchemo was an Associate Professor of Law at Hastings College of Law.

## **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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Jeffrey Banchemo recorded interview by Timothy Naftali, October 28, 2011, the Richard Nixon Oral History Project of the Richard Nixon Presidential Library and Museum.

### ***Duplication Services***

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The following is a transcript of an Oral History Interview conducted by Timothy Naftali with Jeffrey Banchemo on October 28, 2011 in San Francisco, CA.

Naftali: Hi, I'm Tim Naftali. I'm Director of the Richard Nixon Presidential Library Museum in Yorba Linda, California. It's October 28, 2011 and I have the honor and privilege to be interviewing Jeff Banchemo for the Nixon Oral History Program. Jeff, thank you for doing this.

Banchemo: My pleasure.

Naftali: Let's go back to the 1970's and tell me how you came to work for the impeachment inquiry.

Banchemo: I had worked in Washington as an intern for my hometown congressman in the summer of 1972. I then went back to college at the University of California Berkeley and I graduated from Berkeley in June of '73. And I thought I might go to law school at some point, but I was interested in government and I'd enjoyed my summer working for the congressman.

So I secured a summer job in Washington following my graduation that went, I think it was at the Department of HEW and it was a bureaucratic job. I was an intern. I think I got a few dollars for that. But it was a summer job and it ended sometime in September, mid-September, so I was looking for work.

One of my Berkeley buddies, a friend of mine that I was – that I knew from school was a young, I think he was a law student at the time, and he was working for the Ervin Committee on the Senate side working on the Watergate issues. And I was telling him that I needed to find a job, do something, and he said, why don't you go talk to the House, the House side, because I think they're going to – there's going to be an impeachment inquiry. And I said, that's a good idea.

So he gave me a number to call and I called it and it was one of the lawyers, one of the fulltime staff members, and this was in October. And as I recall the so called Saturday Night Massacre was Saturday night and I think I might have made my phone call on Monday or Tuesday following that. And to my surprise, the man invited me in and he was one of the lawyers for the committee. And I don't remember his name.

And he closed the door and sat me down and he said, how do you know about this? And I said, well, I really don't know anything. I

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just I'm looking for work and I heard there might be an inquiry and I'd like to be a part of it if you have any work because I'm looking for a job. And he said, well tell me a little bit about yourself. And I did and he said, when can you start? And I said, I can start today. And he said, okay, go talk to this person and I signed up and I started the next morning.

Naftali: So you start working for the committee before – well before John Doar is hired.

Banchero: Yes.

Naftali: Well before there's actually an official decision by the leadership that the committee is going to engage in an impeachment inquiry.

Banchero: Yes, as I recall I was the third or fourth person that they hired. And I was 22 years old, I had a college degree, I hadn't been to law school, hadn't been accepted to law school. Thought about maybe going to law school, but I wasn't a lawyer at the time. I am now. And yeah, I kind of watched everybody show up. And when I first was working there I did anything that they asked me to do, a matter of clerical things from buying people lunches to taking out the trash.

Naftali: So tell us a little bit because again this is very early on, tell us about Francis O'Brien. You must have worked with Francis.

Banchero: No. Well, I did and I didn't. I mean he – I really didn't because I was – I didn't. I mean I was not...

Naftali: Who was there at the time?

Banchero: Who was there? You mean that early. Well, I want to say Bob Shelton, but I'm not sure. I think Bob was there, but I'm not sure. I don't remember.

Naftali: Just so we have a record of this, who was the congressman that you worked for? Who was your hometown congressman?

Banchero: Paul McCloskey.

Naftali: Oh.

Banchero: Pete McCloskey. He was a Republican. He'd run for President against Nixon. And he, if you recall, he got some votes in New Hampshire and actually got a couple of delegates and when I was

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in intern in '72 I went to the Republican National Convention with my – with McCloskey in Miami Beach and that's a different story, but he was – he had a couple of delegates from New Mexico and it was – it's a different story. But yeah, he was the maverick, Pete McCloskey.

Naftali: No, since this is going to the Nixon Library tell us one story from that if you would.

Banchemo: Well, I'll tell you one story. All of the protests that went through Miami Beach that week came through McCloskey's office and his hotel suite. So we were hold up in this suite of rooms at a hotel in Miami Beach and sleeping in sleeping bags on the floor, but everybody sort of passed through and one day McCloskey said to me, I want you to go pick somebody up at the airport. And I said, who am I going to pick up? And he said, I'm not going to tell you, but you'll know who it is. And he gave me some badge or something to wear and so I showed up and I was – I went where I was supposed to go and out comes this guy and he introduces himself to me and we get in the car and it's Daniel Ellsberg. So I got to drive him back from the airport.

And this was during his time when he was under indictment, but before the indictment had been dismissed and so he thought he was going to jail and it was a very emotional time. But there are all sorts of celebrity anti-Nixon people that came through the suite.

Naftali: So Ellsberg came – Dan Ellsberg came to the suite to meet Pete McCloskey.

Banchemo: Yeah, he did and they were friends. And McCloskey, yeah, hosted him, as did we. And I think Ellsberg was a supporter of McCloskey's in his presidential campaign and that's how they got to know each other.

Naftali: Again, for viewers who are too young, weren't born then, weren't alive then and may be watching this a long time from now, Pete McCloskey's campaign was – his big issue was what? Why was he running against Nixon?

Banchemo: Vietnam. It was Vietnam. McCloskey was an ex-Marine, a tough guy and he thought the Vietnam War was a mistake and he was the Republican who was speaking out against the war and he got an extraordinary number of votes in New Hampshire and so it kind of put him on the map. I want to say he got something in the

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neighborhood of 20 percent of the vote, which was stunning, right. And so he got a pulpit.

But in terms of our presence in Miami Beach that summer they were winner take all primaries except for New Mexico. New Mexico was not and he – if McCloskey got eight or nine percent of the vote in New Mexico he got two or three delegates from New Mexico. So Nixon had 1,500 delegates and McCloskey had three from New Mexico. And so that got Nixon – that got McCloskey and people like me inside the Miami Beach Convention Center where Nixon was being nominated for four more years.

Naftali: So move forward a year and you're now working for the Judiciary Committee staff before, in a sense, the inquiry has started. So you might then remember when John Doar appeared.

Banchero: I do. That I remember. I mean I remember the hiring process and the people showing up and when John came on and it was very exciting to kind of see this thing building and exciting in the sense that he was sort of an immediate presence to kind of give us guidance as to what we were doing. And the timing is difficult, but I remember that by Christmas day we were in full work mode and for John that meant every day and working all the time.

I did take Christmas Day off, but I remember thinking when it was over months later that I'd only taken two days off, that I worked seven days a week from sometime in November to August. And I'd taken Christmas Day off, but I worked the day after Christmas and the day before and then I took a day off in the spring when my parents came to visit and that was it.

Naftali: When you started in, I guess, October, it must have been late October because you said it was after the Saturday Night Massacre.

Banchero: Yes.

Naftali: Was it clear to the Judiciary Committee staff that they would, in fact, be mounting an impeachment inquiry?

Banchero: I don't – well, I guess the answer is yes and no. I mean we were hired to – I guess the answer's yes. Although I don't really recall – I don't really remember whether or not there was some doubt about that in October. I mean I was not doing anything but – I mean I was hired to work on the impeachment inquiry. I suppose

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if things had gone in a different direction I might have been able to do something else, but that's what I was told I was doing.

Naftali: And this is because, again, your friend working for the Watergate Special Prosecution Force just though there might be work?

Banchemo: He had no idea really. He was just a guy who knew how the Congress worked and thought that this might be happening, but he did not know. So I did not know. He just planted this in my brain and I was young and I just – I made the phone call. And looking back on it I think I probably surprised and perhaps upset this lawyer who I was calling because I think, I don't think, it's true, he was like, well, how did you hear about this? I mean is there somebody talking about this? And I said, no, definitely not, it was just my surmise.

Naftali: Was it that your sense, it's a long time ago, it was like this was a secret that no one should know or why are you suggesting that we're doing this kind of thing?

Banchemo: No, I think it was a secret in the sense that it was premature to talk about it publicly until the House of Representatives actually decided to do this. And I am not, today, not conversant with the dates on which the committee voted to do this or the Congress voted to do it. I just can't tell you.

Naftali: So John Doar appears and the staff begins to grow. What are your tasks now? How did things change for you?

Banchemo: I was a clerk and my job early on was to do whatever the head of the secretaries and the head of the library and any of the lawyers needed done. There was a library that was beginning to develop. I wasn't really a part of that, but I did things like run errands basically. I did whatever was needed. The thing that I sort of settled into was working with the security people emptying the sensitive trash. And that started sometime in December and it was myself and Sandy Boone, another guy who became a good friend of mine. He's a lawyer here in San Francisco now. We worked with the head of the security to empty the sensitive waste.

And you probably heard about the fact that John had two wastebaskets in each office, a wastebasket for trash and then a second wastebasket for something called sensitive waste. And the sensitive waste was the documents and materials and notes and things that you wanted to throw out. And the other waste basket was for garbage like lunch, things like that.



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So every day we would go through the office and empty the sensitive waste cans into large garbage bags, one or two of us, and then we would be watched by the security people who were doing it with us. And we would carry the sensitive waste down to the basement of the office building and we would put them into these vans and we would drive through the streets of Washington and always on a different route, a circuitous to the waste disposal center outside of town.

And to this day I couldn't tell you where it is, but wherever Washington DC burns its trash that's where we went. And we got special permission from the government to go through the gates, have no one else touch the bags, and then we would stand at the foot of the inferno, take the bags out of the truck and physically throw them into the fire and watch them burn. And I remember John telling me that we weren't to leave until we saw the bags disappear.

Naftali: And you did this for how many weeks? The whole period?

Banchero: Well, I did it for at least a couple of months until I did something else. But I believe, you could ask Sandy this maybe, I'm not sure if he was involved the whole time, but I think it was done all through the entire period. And it sounds almost – what does it sound – does it sound paranoid to you that we would do something like that?

Naftali: No. Given the nature of what you were – of the inquiry, no. When is it that you get involved with the tapes?

Banchero: It was sometime in January or early February. Might have been mid-February, late February, sometime around there. And if the question is how did I get involved in them I was looking to do something different. I wanted to do something a little more substantive. I wanted to help out in whatever way I could, but I was looking to do something else. And so at a certain point John let it be known that he was looking for people to transcribe the tapes and so I asked if I could be considered. And I was told that I, yes, I could be considered. And whether it was John or one of John's colleagues, one of the more senior people that told me that, I don't remember exactly.

But as I recall there was a test or at least an audition where there were several of us, maybe as many as 15 or 20 people on the staff, both lawyers and non-lawyers who listened to a portion of a tape

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and then wrote it out and then talked about it. And I was one of those that was – that did that and afterwards I was told that I was the one that – I was selected to do it. And I can't really, you know, you'd have to ask somebody else as to why I got selected.

What I thought at the time, and I did talk to some others about it because some people listened to these during the test and they couldn't really hear them and for whatever reason I could hear them. And I also had a certain facility with the language. And I could – I knew where a sentence started and stopped and I knew where the semicolons and the colons and the periods should go, at least I thought I did, and I think that was part of it. So it was good hearing and some sense for the language. But I don't exactly know why I was selected.

- Naftali: Tell us who else was selected? Who worked with you on this project?
- Banchemo: David Haines.
- Naftali: Who was he?
- Banchemo: David was a lawyer. He was one of the young lawyers that was hired with a – he was a lawyer in a prominent Washington firm, but a young man. I want to say he was in his early 30's. He'd been a graduate of Columbia Law School, I think he was managing editor of the Law Review, he'd been a Supreme Court clerk. He clerked for Warren Berger. So he had a tremendous resume. And he was a very studious lawyer then that I greatly admired and looked up to.
- Naftali: He was also, I think, was initially hired by the minority staff.
- Banchemo: Yes. I think because of, yeah, I think he was. And I think that was, yeah, absolutely. So it was David and it was me and there was another man named Bob Halverson that did a lot of the work. And I don't really remember where Bob came from.
- Naftali: I think the Library of Congress? Wasn't he an audio expert?
- Banchemo: I think he was. He was a guy who brought in a lot of the fancy equipment that we had and he was listening to some of the transcripts. But so the three of us worked on them together.
- Naftali: I read that there was also someone who was blind who helped. Do you recall?
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- Banchemo: I have a vague, but very unspecific recollection of that. I don't recall that.
- Naftali: So it was the three of you. Just so we have a sense of what you had to help, sometimes, according to what Chairman Rodino wrote later, sometime in early March the committee received the White House transcripts of seven of the subpoenaed tapes from – tapes that had been turned over after the Saturday Night Massacre. You did not see the transcripts, the White House transcripts of those tapes.
- Banchemo: I did not.
- Naftali: So you were basically starting from scratch. When you were listening you were doing transcripts from scratch.
- Banchemo: Yes, and in retrospect I think that must have been John's decision. No, I never saw the transcripts. We simply had the tapes.
- Naftali: Do you recall the effort that the staff made to improve the audio quality of the tapes? Because the initial batch of tapes that you received were very, very hard to hear and then you did – there was some work done on them to improve their fidelity.
- Banchemo: Are you asking me that or telling me that?
- Naftali: No, I'm asking if you remember any of that.
- Banchemo: I'll tell you what I remember. I don't remember that. What I remember is that Bob brought in a tremendous – let me make a distinction. I hear your question in two parts. The first part is did somebody do something to the tapes themselves? That I don't remember. Did we bring in a bunch of equipment to try to filter out some of the noise? And the answer to that is definitely. And we had this giant wall of machinery that Bob and colleagues brought in and they were filters and this and that and all this stuff and we had meters and it looked very impressive. But we didn't – I didn't use that.
- Naftali: You didn't?
- Banchemo: No.
- Naftali: You didn't use those machines?
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Banchemo: No. No, I found that they – we had these little, I want to say they were Tandberg tape recorders, a Norwegian brand of tape recorder, and we had one or two of those and it was just a tape recorder. And it looked like the tape recorder that I had at my home when I was a kid that my dad – the real tape recorder that you would tape your birthday parties with the kids and stuff. And we would simply put the tapes on the Tandberg and put them on the headphones and listen to them.

Or we had this other – all this other machinery and I found, for whatever reason, that I could hear better through just the Tandberg without all the filtering because the filtering, at least it seemed to me, reduced the audio, the sound itself, sort of the volume of it. And I remember – we didn't see – I didn't get to see John as much as I would have liked because everybody loved to see John.

Whenever John walked in you – it made a big difference. It was like he was such a great person in terms of giving us pep talks about what we were doing and how hard we were working and somebody used to refer to it as a Doar fix. You'd come in and maybe your morale wasn't so hard and John would come in and give you a pep talk and then you were good to go for another week.

And he came in one day and he said, why aren't you using this stuff? And I said, well, you know, I'd like – I would, but this is better. And he looked at me and he said, how could this be better? And I said, I've listened to this tape on that system and here and I can hear better on this thing. And I mean it sounds mystical, but that was as a matter of practice that's what I found.

Naftali: You told me that you shared transcripts, that you would all listen to a tape. Did you each produce a transcript or would someone produce a sort of first draft and then someone would listen and then take that draft and mark it up?

Banchemo: Yes. I did a lot of the first drafts of the transcripts, maybe all of them. I don't remember if David did any of the first drafts. But after we got drafts then we would pass them back and forth and we would do a section of tape and then we would listen to a couple of times, three or four times, and then pass it on. And then it would get passed to the third person then passed back to me and we would sometimes argue about what we're hearing and discuss what we were hearing and make changes.

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Shortly after the facts I sat down and had occasion, someone had asked me how many hours we spent doing this and I estimated very conservatively that we took a man hour for each minute of tape. And I think it could have been twice that, but I felt comfortable telling you that it was at least an hour. So if there's a minute of tape we had one hour of people listening to it. And we'd pass it around and around.

And what I recall early on that I realized if I listened to something ten or 12 times, if I listened to it and I didn't get a word on the 15<sup>th</sup> time I might hear it. So I might listen to something and think I got it right, but then I would continue to listen to it again and again and maybe get it better or more right or I'd have 50 words that were correct, but one that wasn't. And I realized that you really couldn't listen to it too many time, that the more you listened to it the more you would get.

Naftali: What happened when you disagreed, the three of you, when there wasn't a consensus among the three of you about a word or a sentence?

Banchemo: That's a good question. I'm going to answer it this way. When the tapes were still in process, say 85, 90 percent of the way there, lawyers who were doing investigations would come in and listen because a tape might be relevant to what they were doing and a lawyer might listen to a tape where we had some brackets around things that we didn't understand and they would provide some context, some substance to what we were doing that would help us get a word right because none of us were – we weren't experts, or at least I wasn't an expert on the substance of what was going on.

We were listening to these tapes for the first time. And so I would say that sounds right, thank you very much. But occasionally I would – there would be a word that I had out there or a sentence and a lawyer would say, that's not right, that can't be right, that's not what it says, I hear it differently. So at that point we would have a collegial discussion among David and myself and Bob sometimes and a lawyer and it might be any of the special council staff and we'd try to come up with what we considered to be the sort of the consensus choice.

I want to say this in a way that's true, but I don't want to sound like, how can I put this, I thought that most of the time I got it right. I mean most of the time I got it right. I could just, I could hear things and I would get it right. So there weren't a lot of debates about – I mean if you – once I had enough time to go

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through the transcripts there weren't a lot of debates about what was in them.

Naftali: Do you recall a time when Mr. Doar came in and got nervous that maybe there were things in these transcripts that – that maybe these transcripts were too – there were words in these transcripts that may have been questionable? And did he stop the process for a bit? Do you remember that at all?

Banchero: No, I don't.

Naftali: These transcripts were in what kind of shape by the time that the White House issued its big dump of transcripts on April 30<sup>th</sup>, 1974?

Banchero: Mostly done. I think we were mostly done.

Naftali: So what was your reaction when you saw the White House transcripts of April 30<sup>th</sup>, 1974?

Banchero: Well, I was stunned because I think I was home that night or, no, I probably wasn't home. It was during the early evening. I think, as I recall, somebody said – we had a television in the library and somebody said you've got to go see what's going on. So we went over and saw the President's press conference and he saying I've got these transcripts. And I watched him talk about the transcripts and I heard him say what he said about them.

And I later learned, not too long ago actually, that the committee had these transcripts already, but I didn't know it. They'd never been shown to me. And my recollection is that we sent somebody out to the bookstore and purchased the book. I mean I guess in fairness who knew what these things were, right? I mean this was a book that you could buy in a bookstore. Maybe it was the same transcripts that the committee had, maybe not.

But in any event, we got the paperback book like every other American that was interested and I started looking at it and I was stunned because they were so different than what we had. And I knew what we had because by that time I had listened to these tapes so much that I had them virtually memorized. I knew them backwards and forwards. And I believe that I was already playing them to the congress, some members of the congress, but maybe not.

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In any event, I was stunned because I thought to myself, our transcripts are much better than this. Our transcripts are accurate. These are not accurate. And why would you – why would the President release transcripts that were not accurate when he knows that the House of Representatives, not to say the Senate or the Special Prosecutor, actually has the evidence and they can be compared. And I thought it was madness. I mean I thought it was strange.

And I didn't think it was in the government's or the President's interest to do this because I thought, not that that was my – I mean it wasn't my – I had no real concern about that, but I thought to myself this can't be good because now people are going to say, well, here's a transcript that says this and the actual tape says this and they're going to say well why did he do this? And I thought that it was not the right – I just couldn't believe that he – that somebody had let him do that. I thought that you should either release the correct transcripts or don't release anything.

Naftali: When did the staff decide to do a comparison between the two sets of transcripts?

Banchero: Well, shortly after April 30<sup>th</sup> when these transcripts were released all of a sudden our little wing of the – was it the Longfellow office building? Is that where we – Longworth.

Naftali: I thought you were at the former Congressional Hotel.

Banchero: Where were we?

Naftali: What had been the Congressional Hotel?

Banchero: Right. That's right. Not the Longfellow. Yeah, that's right. Pardon me. Well, we were – the tape – where we worked at the tapes was at the very end of the facility. You walked all the way down – John, I think, put us down there on purpose. You walk all the way down to the end of the hall and there's a room and there's no further – there's nowhere else to go and we're at the end of the room and we had nice views more or less. And we had all our tape equipment in there and the tapes were in the vault and we would go down and work on the tapes.

And after that day our room became a very popular place for the lawyers who were putting together the investigation to come down because they wanted to compare the White House transcripts with what was actually on the tapes. So we started doing that and it

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occurred to many of us right away that there were these significant differences and so what were – what about that? So I do recall John asking me, and I don't recall if David was still involved because at some point David Haines left the tapes project, if that's what you want to call it, or left my little world there with the tapes, to do something else. And it might have been after that.

But in any event, John asked us, or asked me, to identify the differences between the tapes that we had and the transcripts that we had and the book. And I remember saying that's a big job. Where – how can I – where do we begin? Because there were so many differences. And he said, well, just do the best you can. And so we identified many hundreds of differences. Some you might consider profound, others not so profound, but I don't remember making any sort of subjective decision about what to include and what not to include, I just was trying to include as many of the differences as I could.

But there were different kinds of differences. Some were just blanks in the tapes, some were words that were different, some were things that looked like they had been edited. So we just put it all together. And if there were hundreds of differences I'd pass them on to the lawyers on the staff and someone, and I don't remember who if I knew, made a decision to publish in pamphlet form as part of the record a comparison of the White House and Judiciary Committee transcripts. And the book is, I don't know, it's 60 pages or so. It's not lengthy. And so somebody decided that they were going to – we were going to publish this book to point out some of the differences.

- Naftali: Your team did not transcribe all of the tapes that the committee received. I believe they received about 19 and you transcribed eight.
- Banchemo: Correct.
- Naftali: Did you – were you involved at all in the decision of what was to be transcribed?
- Banchemo: Not at all. Not at all. No.
- Naftali: Please tell us about the experience of playing the tapes for members of the committee.
- Banchemo: Once the hearings started the members of the Judiciary Committee, the 35 members, were given permission to – permissions the



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wrong word. I think they were encouraged to come and listen to the tapes. And some of the leadership had been there before, but in the course of presenting the evidence to the members of the committee one of the things that Chairman Rodino encouraged was that the committee members could come and listen to the transcripts, or listen to the tapes.

So the way that worked was the tapes were kept in a vault with a combination and each morning when we were working on them we would go and open up the vault and get the tape out and put it on the machine and listen to it. Well, during this period after the transcripts were completed and the congress men and women were coming in to listen they would come and they would say I want to hear a particular day or John Doar was talking about this particular meeting between the President and John Dean I'd like to hear that. Or they'd ask a particular date and they'd say I want to hear this date. Or sometimes I'd get a phone call and I was told I got 45 minutes, that's all I got, can you play something for me?

So they would come in usually alone, but sometime in pairs, and sit down and we would put the transcripts in front of them, put on the headphones, play the tape. And it was unforgettable really. It was unforgettable because the first time – I mean by this time I'd heard the tapes so often I mean I – I don't want to say I took them for granted, but I had been listening to them, but I was reminded how powerful it was to hear the President of the United States talk to his staff members about these issues that were so important to everyone.

And this is not a secret by any means, but there's a transcript. You could sit and read the transcript, right? You could read the transcript. But listening to the tape and hearing the voice you're not getting any substantive information that's different than the transcript. And John Doar would make that point often. But the difference was – it's the difference between reading a play and hearing the play performed. I mean it was profound.

And I – the tapes had that impression on me and then I would watch and with respect to many members of the congress the impression was **[inaudible]** because these were men and women whose careers were in the balance and I remember especially with some of the Republicans whom I admired I could see that they realized that once these things were out there it was going to be difficult for them, both in terms of making a decision about impeachment and also in terms of their own careers, in terms of the elections that they were facing that very year.

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And Wiley Mayne, just a decent man, a great man really, a good man, I remember him coming in and just kind of being deflated by what he was hearing. I don't want to try to describe him, but I can describe my reaction to him, which is that I was greatly moved by his decency and his anger I guess. I would call it that. Because I think he knew when he listened to that tape that not only would he have to vote in a way that he didn't expect say or that he might lose his election.

Wayne Owens, Congressman from Utah, during the impeachment hearings that were televised actually told a story about calling me up on the telephone one night in the middle of the night and he couldn't sleep and he wanted to come listen to the tapes and he told the story. And it's true. I was available day and night and I got a phone call and went over there late one night and he wanted to listen to the tapes. If you read the transcript of the hearing when he was telling the United States people about why he was going to vote to impeach the President he told that story and about the effect that these tapes had had.

And I don't remember because I haven't read in the last 35 years which tape it was, but the story he told was there was this one particular section on one of the tapes that was haunting him and he realized it could have gone either way, but if it went a certain way he was going to have to vote to impeach and if not maybe not and he wanted to listen to it again because he couldn't sleep. And I was there with him when he did that.

- Naftali: Did you play any tapes for which there weren't transcripts? Because as I said, there were a number of tapes that – beyond the eight.
- Banchero: No, I don't recall that.
- Naftali: Now there were portions of the tape that the Chairman didn't want to play unless there was special permission given.
- Banchero: Yes.
- Naftali: And since you were the ones listening how did the Chairman know, was it after reading the transcripts that the Chairman decided well maybe this section is too sensitive?
- Banchero: Yes. We had these tapes and maybe you can remind me how many hours of tapes we had. I don't remember. Twenty?
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- Naftali: About that. It's an approximate number because it had really 19 tapes. You had more than 20 hours. But the ones that you transcribed were just a subset.
- Banchero: Yeah, so however many hours we had, once we did the transcripts of those hours there were some portions of those tapes that were deemed sensitive and not directly related to Watergate that the leadership decided would not be part of the transcripts that were presented in public to the committee. And the portion of these tapes were really just a matter of minutes. And so those were taken out of the transcripts. And as I say, they were considered sensitive and not related to Watergate.
- So to hear those portions of the tapes, which I did transcribe, you needed special permission from the leadership. And by that I mean I think it was Chairman Rodino, but also possibly the speaker of the house. And so there were some congressmen and women who came in and listened to those with permission, but they were not available to the general committee members.
- Naftali: Would you recall whether there were members of the minority that got to listen to them as well as the majority?
- Banchero: Yes. I mean it didn't matter if you were in the majority or the minority. I think the decision – certainly the decision not to publish them with the rest of the transcripts was – that decision was made jointly by the majority and the minority.
- Naftali: By the way, were those also removed from the...
- Banchero: I can't see anything. I can barely see you.
- Naftali: I wondered whether you knew if the sections of the transcripts that were – that the leadership decided to remove, had those been also removed from the White House transcripts that were issued on April 30<sup>th</sup>?
- Banchero: You know, I don't know for sure, but I'd be surprised if they were in the White House transcripts. I don't believe they were, but I don't know for sure.
- Naftali: Just without going into any details, could you just sort of characterize what so that your viewers know that we're not – were you confident these were not related to Watergate? These sections?
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Banchemo: Was I confident? There were some discussions among the lawyers about whether some of these deleted sections – deleted is the wrong word. Some of these sections that were not published with the rest of the transcripts were relevant to Watergate. I was not party to those discussions. And so my – I don't think my view matters really. I trusted and knew that the leadership, including Chairman Rodino and John Doar and John's colleagues, the senior council, and the minority staff as well, I mean would make the right decision about these things.

And keep in mind, it's not like they were hidden away. The staff listened to these portions and the leadership did. If – my personal view thinking back about these things is that they had nothing to do with Watergate. They were statements that could be misconstrued out of context and that it wasn't in anybody's interest to embarrass the President in that way, in the context of this investigation. And I think that that was the decision that the leadership made and I supported it.

Naftali: So they would have been embarrassing to the president.

Banchemo: Well, yeah, I think so. But I mean a lot – I mean, yes. Sure, yes.

Naftali: After you completed the transcripts was your responsibility primarily to play the tapes or were you assigned another task?

Banchemo: No, that was my – my responsibility was to play the tapes for the members of the...

Naftali: Committee.

Banchemo: The committee. Thank you. And that was done privately. By that I mean in our offices, in our staff room. But then once we reached a certain stage with the hearings we also had published times of the day when any member of the committee could come and listen to the tapes, seriatim and in full. So, for example, you know, 2:00 on a particular day, we would be playing the hour and a half that was March 22<sup>nd</sup>. And so I was in charge of putting that together, and I have a photograph in my office of me sitting in a House conference room, you know, with headphones on and at blackboard and, you know, it was like a movie marquee. You know, today, now playing March 22<sup>nd</sup>. And so there were – and the picture has two congressmen sitting there listening to the tape. So I did that for several weeks.

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And then when the hearing started, occasionally I would – when the tapes were being played as part of the presentation, I would be in the Hearing Room and I would turn the tape recorder on and off and cue up the tapes.

- Naftali: For this joint listening, was it again in the Congressional Hotel at the end of the corridor, or did you actually move this particular listening station to one of the House office buildings?
- Banchero: The latter.
- Naftali: Oh, but with the blackboard.
- Banchero: Right.
- Naftali: Okay.
- Banchero: Yeah, that was in the House itself. And what I don't recall, and maybe you can help me with this, is whether or not – I just don't recall. I believe that it was only the members of the committee, the Judiciary Committee. But it might have been open to the full membership. I just don't remember that.
- Naftali: I don't know. Do you recall – given your experience with watching the members' reaction, were you predicting there would be support on both sides of the aisle for an Article or two for impeachment before the vote took place?
- Banchero: No. What I remember about that Tim was that there were seven or eight, maybe ten, Republicans who were thrust in the middle of all this because they were sort of the centrist Republicans who were agonizing over this decision because they were trying to make the right decision. And these were men that – I mean, Tom Railsback. I mean, these were young Congressmen who knew that they were going to be the swing votes. I mean, you know there were certain Democrats who probably – you know, if you were a betting man, you knew that they were going to go one way and certain Republicans would go the other. So the focus was on the people in the middle.

And somewhere there is probably a log of who came and listened to the tapes that we were playing. But my recollection is that this group in the middle was there constantly, and I remember – I remember days when four or five or six of these Republicans would come as a group, you know, dressed down and in their khaki's, and I'd play the tapes for them. And they'd listen to them,

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and then they'd take off the headphones and debate, put the headphones back on, let me hear again. I'd hear it again. They'd say things like, 'Let me hear it again,' and 'If I didn't hear it myself, I wouldn't believe it.' I mean, they were that powerful. The tapes were that powerful. That's what I remember.

And I remember the great care, you know, the great effort that these members were making to weigh the evidence and make the right decision.

Naftali: Do you remember Bill Cohen, William Cohen, coming from Maine?

Banchero: Yes.

Naftali: I was also wondering if you had any recollection of the southern Democrats who had an equally difficult challenge. Do you remember Walter Flowers perhaps coming to listen?

Banchero: I don't remember that Walter came, but I'm not saying he didn't. But I don't remember him. Let me look at a list of...

Naftali: Stop for a second?

Banchero: If you could hand me that – let me just get that.

Naftali: You mentioned this guy...

Banchero: Congressman from Iowa.

Naftali: Oh.

Banchero: On the committee.

Naftali: Did he vote? Yeah, I just didn't turn it. And it's...

Banchero: And he lost. He lost. He was like an eight or nine term congressman. Decent man. He lost. That November, he lost. Broke my heart, just because I liked him so much.

Naftali: Might want to remember that.

Banchero: You know, well, let me – are we back on tape?

Naftali: Let's go back on tape when you're ready. Let's go. Thanks.

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We're talking about whom you remember coming to listen – to hear the tapes.

Banchemo: Well, I don't want to exclude anybody, but I can tell you whom I remember coming and speaking with. You know, most of the – I'm looking at a list of the members of the committee, and I would say most of them came by at some point. John Conyers came by. Jack Brooks did come by. Elizabeth Holtzman, of course. Wayne Owens. Wiley Mayne. Congressman Cohen from Maine; he was quite articulate.

You know, I have a distinct memory of Trent Lott, but I don't remember him being part of the groups that were debating things. But I remember playing tapes for him.

Naftali: Did you play tapes for Congressman Wiggins?

Banchemo: Yes, definitely. Congressman Latta; I remember him from Ohio. Let me look here. Tom Railsback, definitely. He was in there probably more than most. Congressman Sandman, Charlie Sandman. Father Drinan; I remember him. He was there. Barbara Jordan.

Naftali: What was she like?

Banchemo: She was very much as impressive, you know, in private as she was in public. She had that way of speaking that no one else spoke like her. And that's how she spoke when she was talking to you about the weather. So, yeah, she was amazing.

Congressman Waldie from California, Jerome Waldie. That's pretty much everybody. I mean, I haven't mentioned everyone, but they all came by at some point.

Naftali: Jeff, do you remember any of them looking at the transcript, listening and saying, 'I don't hear that.'

Banchemo: No. I remember the opposite. I remember many of the members being impressed with the transcripts and being impressed with the speed by which they had to read the transcript while the talking was going on. And you'd have to be – it would have to be pretty interesting, or you'd have to be pretty amazing to listen to these tapes for the first time, live, you know, and full speed, and following along in the transcript and saying, oh, that word doesn't seem to be there. It just – you probably couldn't do it. I mean, there were some things that they were hearing that they didn't want

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to hear sometimes, but never did I ever hear, 'That's not a part,' you know, 'I don't hear that.'

Naftali: I wasn't asking really with regard to the first time, but since a number of them listened over and over again, I just wondered what their reaction was. And a number of the congressmen that you pointed out, members of Congress that you pointed out, were defenders of the President. So they must have – I wondered if some of them wondered about the transcripts.

Banchero: No. Let me think about that. No, because the transcripts were accurate. And, you know, even if we missed a word or two, and I don't believe we did, you couldn't – I mean, it was just the evidence. It was what they were – I mean, nobody ever suggested that the transcripts were other than a true transcription of what was being said. And, you know, God help us, if we – in other words, if you looked at the White House transcripts and you were reading the White House transcripts while you were reading the tapes, then somebody could say, 'Gee, this is not right.' But we didn't have that problem.

Naftali: How did you – what do you recall of the day that the President announced that he would resign?

Banchero: I remember it vividly. I remember watching the announcement with my colleagues in the library, deathly quiet, everybody sort of on their feet, everybody kind of moving in. And it was stunning because we had, you know, to some extent brought this about. And I had a number of reactions.

One was – I guess the first one I had was, my God, we contributed to this and this is really something. You know, it's probably the right thing for the good of the country. But I also thought about it in terms of, you know, I was a political science major, and I thought the straw poll had been overwhelmingly in favor of him stepping down, and this delegation of Democrats and Republicans had gone down and told the President that he couldn't survive impeachment and a trial. And so it was probably for the best. That was my first reaction.

My second reaction was that I had made a commitment to work with the committee through the trial in the Senate, if there was going to be a trial. And Nixon had resigned in time for me to go to law school. In other words, if he had waited a couple of – maybe six, seven weeks, it would have been too late for me to go to law school, because I had been accepted at law school. But I told the



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law school that I wasn't going to go if there was going to be a trial in the Senate because I was going to stay there and work on it, and could I defer my acceptance. And they said, 'Sure, but you need to be here by when we start, and if you're not, you'll have to defer.' And I said, 'I understand that.' So I remember thinking, you know, was it August 8<sup>th</sup>, 1974. You know, he resigned in time for me to go to law school.

Naftali: When the Supreme Court on July 24<sup>th</sup>, 1974, ordered that additional tapes and materials be turned over, what was your – were you expecting to have to do more transcripts?

Banchero: It crossed my mind. I think it crossed everybody's mind. I don't think we knew what was happening with that. I think – I have to give you sort of a larger answer to that which is – not a larger answer, sort of – you prompted a different memory which is there were lawyers on the committee who were convinced that there were other tapes that we had never seen and that one of the things that the Congress didn't have was all the relevant transcripts – I mean, all the relevant tapes. And there was a group of people that were still working, I believe, on subpoenas and things to try to get more information. And so there was always a sense that there might be more Watergate-related tapes for transcription.

So it wasn't necessarily that decision, although that certainly was – yes, I mean, that sort of removed doubt in my mind that these things would come across. And I don't want to be flip about it, but if you put yourself back in those days, you know, there were serious debates over cups of coffee in coffee houses among lawyers and people in government as to whether or not the President was going to follow that decision.

Naftali: What was your reaction to the smoking gun transcript because, of course, you didn't hear that tape?

Banchero: Right. I – you know, I had the same reaction I suppose as anyone that – I shouldn't say that. I was going to say just as anybody. You know, I didn't really react to it one way or the other.

Naftali: Did you have a chance to play that June 23<sup>rd</sup>, 1972, conversation to the members of the committee after it was turned over by the President?

Banchero: I think so, yes. I believe so. But I'm not sure. I don't really have a specific recollection of that. Forgive me, but I just don't remember.

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- Naftali: Let's stop for a moment and change the card.
- Male Speaker: I went ahead and did that while you were...
- Naftali: Oh, that's great.'
- Male Speaker: Keep on going.
- Naftali: What do you remember of your reaction – thank you – what do you remember of your reaction to the pardon?
- Banchemo: My reaction to the pardon. I can't really sort out my feelings at the time from the feelings that I had a little bit later after I studied some law and the feelings I have today. And I want to answer the question in connection with my role as a staff member of the House Judiciary Committee which was to do the best I could with what I was asked to do to put together the evidence that others were going to consider, and that it was not my role to weigh the evidence, and it was not my role to argue the evidence really. It was my role to gather the evidence. And so I think I – you know, John and the others were so adept and so forceful in telling us that that was what our role was that I continued to sort of have that role in terms of weighing, you know, this Watergate fact and that Watergate fact. I might have had a different reaction if I had been one of the congressmen.
- Naftali: I'm going to ask you for a few word descriptions, word pictures, if you would. What do you remember of Sam Garrison? Did he come and listen to some tapes?
- Banchemo: Yes, he did. I didn't know really what to make of Sam. He was different than most of the lawyers and politicians that I had run across, from a different part of the country and, you know, kind of cut from a different piece of cloth. So, he was not one of these people that I understood very well. But, yeah, he did listen to some of the tapes.
- Naftali: Did Jerry Zeifman listen to them?
- Banchemo: Yes. And, again, not much but yeah. I mean, I remember him. I don't have a reaction to the name.
- Naftali: And how did John Doar listen to the tapes? I mean, in the sense that any comment – had listened to them once or did he come repeatedly?
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Banchemo: He came often. It was always nerve wracking to have him listen to the tapes because you craved his approval, and you didn't always get it. Early on, I remember him coming down one day and sitting down across from me and saying, "How are the transcriptions coming?" We might have been half done. And I said, "Fine." And he said, "Fine doesn't tell me anything. What does fine mean? That doesn't tell me anything." And I was taken aback, and then I gave him a more specific answer.

But generally speaking, he would come down often and listen and utter some words of approval, and it meant a lot to us because, as I said, we worked around the clock every day all day, you know, early in the morning to late at night with no days off. And it was tough. And it was enjoyable, but it was tough. And one of the things that kept you going was his leadership.

Naftali: Did you see any reaction from him when he listened to the tapes?

Banchemo: No. The first reaction I saw from him was when he was presenting the case to the Congress – to the committee, to the House Judiciary Committee. That was the first time he reacted, in my view. Before that, he was the picture of a former prosecutor, which he was, putting together a case, putting together evidence.

Naftali: Can you recall any members of the senior staff reacting as they heard the tapes?

Banchemo: Yes, I can. Cates was – Mr. Cates was always amusing and wonderful in his way, funny and less restrained than most. Bill Jenner was also, you know, larger than life, and his reaction was also memorable.

Naftali: Well, I mean, do you recall – I don't want to put words in your mouth, but something approaching shock or surprise or...

Banchemo: Yes. Yes. I mean, I don't think anyone that listened to these tapes the first time wasn't shocked or surprised. And you could be shocked and surprised on a number of different levels. I mean, first of all, it was just surprising -- I mean, let's face it – to hear the President of the United States on tape. And we had portions of these tapes where he was ordering lunch. I mean, it was just shocking to hear a tape of the day in the life of a President, right? No one knew that that could be, and all of a sudden it was. That was the first thing.

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The second thing, of course, was that the President had a way of speaking that was different, I think, than most of us, even people that knew him – well, some people that know him – but people that just knew him publicly, he spoke in a different way on these tapes. Then there was the expletives, you know, the ones that he deleted and the ones that we didn't. That was shocking.

And then there was the substance of the tapes themselves, the comments about Watergate, the fact that all these staff members were talking to him about things that no one knew that they had been talking to him about.

And then in the end, there was the difference between the White House transcripts and the House Committee transcripts. And keep in mind that each member of the Judiciary Committee had a law degree and some had practiced a lot of law, some had practiced a little bit of law, some maybe none, but they all had law degrees. And if you're a lawyer and you know what evidence is, and all of a sudden you hear a tape and it says one thing, and the President has released a transcript that says another, that's shocking. And you say, what – why would he do this. See, I saw all of that.

Naftali: Did Hillary Rodham ever come to listen to tapes?

Banchero: Yes, as I recall, but I can't --

Male Speaker: Something just happened. I just lost this mic.

Naftali: Jeff, I asked whether – thank you. Jeff, I asked whether you recall Hillary Rodham, later Hillary Rodham Clinton, coming to listen to tapes.

Banchero: You know, I said yes. But I have to qualify that. I don't remember. And the reason I don't remember is I thought, or I think I remember, the lawyers coming to listen, but forgive me. It's been 37 years. It may be that what I am remembering is discussions with Hillary and others about the transcripts and not about the tapes themselves. It may be that the lawyers, the special counsel, were not permitted to listen to the tapes, and what they were given were the transcripts and not permission to listen to the tapes themselves. And as I think it through now, I'm just not sure. So I would be interested, for example, if you interviewed – well, you interviewed Fred this afternoon, right? You know, did you ask him whether he listened to the tapes?

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- Naftali: Yes, and he had listened to a tape about – that was related to the milk fund matter.
- Banchero: Okay. Well, that helps me because I do remember that, but I want to be careful that I'm not suggesting that any of the lawyers could walk down and listen to the tapes. That wasn't true. You had to have a reason to listen if you were working on a particular subject. And so my best recollection is that yes, Hillary did listen to the tapes. But I don't have a specific mind's eye image of her with headphones on.
- Naftali: To get back just – because it's so important to the history of the committee – do you recall the swing – I think the newspapers called them at the time the Fragile Coalition. Do you remember them coming for long sessions just before the vote started? I mean...
- Banchero: Yes.
- Naftali: Was it sort of – because the vote begins July 24<sup>th</sup>. The votes began at that point. So, the days before, they were coming in for long periods of time to listen again? Is that what happened?
- Banchero: Yes. Yes. Yes, I remember that. And I remember the debates. I mean, you know, it was a privilege for me to be there. I didn't participate, obviously. But I would answer questions when asked, and I got to know these men. And I enjoyed working with them, and they would listen to these things, and they would – you know, in a way that was somewhat informal – bat stuff around. And I was part of that.
- Naftali: You mentioned how sorry you were for Wiley Mayne who lost his re-election bid.
- Banchero: That's my recollection that he did lose that fall.
- Naftali: And he was from Iowa, was he?
- Banchero: Yes. And just – I'll say one other thing about Congressman Mayne. He had been a member for six or seven terms, maybe more, eight, nine. And he was a very quiet, very dignified man. And he came a lot and listened, mostly by himself. And I developed a particular respect for him because of his dignity and his eloquence and his quiet scholarship, really. And I felt for him, you know, because I had the feeling that he was – he had been a lifelong Republican and an Iowa Congressman who was
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representing his country the best he could, and here he was doing something that he never thought he was going to be asked to do, which is to vote on whether or not a President of his party would be impeached. And, you know, it's a difficult thing to do.

Naftali: Well, just so we have the timetable down. You were available to play tapes whenever for congressmen, for members of the Congress. Then for a while you had, if you will, the Jeff Banchero program where they could come and listen to a tape at a certain time in that office room.

Banchero: Yes.

Naftali: And then at the end, just before the votes, if they wanted to listen again, they would come to the Congressional Hotel, and is that where...

Banchero: Yes.

Naftali: Where did they do those?

Banchero: Yes. Yes.

Naftali: And that's where those debates happened among the Fragile Coalition?

Banchero: Yes.

Naftali: So this is probably all hours of the day.

Banchero: Yes.

Naftali: Just before the vote started.

Banchero: Yes.

Naftali: So you must have been very busy.

Banchero: I was. I was very busy, and I was very – I was trying to be as helpful as I could. And, you know, I didn't reread – the story that Wayne Owens told about calling me up in the middle of the night, I didn't reread that before I came in here. But I remember it, but I also remember him talking about it. And it was shortly before the vote because that story that he told was that he wasn't sure how he was going to vote, and he needed to make up his mind. And this

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was one of the ways he – one of the things he did to help him make up his mind.

Naftali: I know it's a long time ago, but would you say that among the most requested tapes, is it fair to say that it was the Cancer on the Presidency, March 21<sup>st</sup>, 1973, tape that the people listened to over and over again? Or not?

Banchemo: Well, yes. I mean, that particular tape probably had the most drama to it because it was crystal clear. Dean was one of the staff members whose voice was picked up very well on tape. It was a one-on-one conversation with the President. There were lots of pauses, and so you could come in and listen to that. And it was clear what was said. That was one of the easier tapes to transcribe. That's not your question, really. But, yes, I mean, that was a dramatic tape and that got played a lot. I mean, keep in mind, no one knew what was on these tapes. I mean, they weren't – no one knew. I mean, we knew but no one knew. And so these – the Fragile Coalition, so-called, and every other member of the committee, and the staff members for that matter and the lawyers, I mean, none of us knew what were on these tapes. We were learning.

Naftali: Well, I meant later in the process when they had listened a few times.

Banchemo: Oh, yeah.

Naftali: And wanted to re-listen to something. I wondered if that was something that they...

Banchemo: Oh, yes, that certainly got played a lot.

Naftali: The other thing I wanted to know – wanted to ask you about was whether – how you noticed the difference between tapes that were recorded – conversations that were recorded in the Oval Office as opposed to those that were recorded in the Executive Office Building.

Banchemo: The Executive Office Building tape machine, for whatever reason, didn't work as well as the one in the Oval Office, and so those tapes were more difficult to listen to. And for whatever reason, they also tended to be the ones with the most participants. So a one-on-one conversation in the Oval Office between Dean and the President was pretty simple. A conversation in the Executive Office Building between the President and Mitchell and Haldeman

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and Ehrlichman and maybe one other person or two other persons, with everyone talking at once, were the most difficult ones to transcribe.

Naftali: Jeff, until the National Archives opened, had its first opening of tapes in the 1990s, you were among a very, very small group of people in the United States who had actually heard these tapes.

Banchemo: Yeah.

Naftali: What kind of responsibility came with that?

Banchemo: Yeah, you know, it was a big responsibility, and it was one that John Doar talked to us a lot about. One of the things that he taught, and you know I'm speaking with some reverence in my voice for him, and I have that as many of us did. I do want to point out that I was 22, and I had been an intern for a congressman for a summer. I had been an intern in the Department of HEW, but my only other job was as a vendor selling hot dogs and peanuts and beer at the Giants ballgames. So, you know, this was one of my first jobs. And John was truly one of my first bosses whom I learned a lot from. And he wanted to make sure that none of us disclosed anything that we did.

And I thought that it was critically important to the integrity of the impeachment inquiry that everything be held in confidence until it was time to present the evidence to the members of the Judiciary Committee. And so that meant that we were never to disclose anything or even talk about what we did in any sort of public forum. And I remember him telling me at one point, "You shouldn't even talk about what you're doing with people because if you do it, people are going to be highly interested in what you're doing and they're going to try to get you to say something. So don't even tell them. Just tell them that you're working here."

So for several months, I didn't tell anybody what I was doing - and it was difficult, you know - including my parents. I told them I was working for the Judiciary Committee on the impeachment inquiry, but I didn't tell them what I was doing. I didn't tell anyone. And I knew at the time that I was one of the only people that had listened to these tapes. When we started transcribing them, I wasn't sure, but I figured that Nixon had listened to some of them, that some of his staff members - I think I had been told that Haldeman had listened to some. But that really it was just us. And since I was the one - David and I were the ones that were



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listening to the tapes from start to finish, you know, I probably had spent more time listening to these tapes at the time than anyone.

After that, after Nixon resigned and I went to law school, I told people what I did but I didn't talk about the contents of the tapes. And I knew at that point – as I said, I had them mostly memorized – not on purpose, I just remembered what they said.

There was a lot of pressure in the sense that – I don't want to be overly dramatic about this. But I'll just tell you the truth, which is how I felt which is when I first heard the tapes in February, and I listened to them from start to finish, I thought to myself, these are amazing pieces of evidence and I think that probably when these things come out, the President is not going to be able to stay in office. Now whether he's impeached or resigned, I think that these things are that powerful. And, as I say, I thought that on my own. I really didn't – I mean, that was something that came to my mind as I watched the members of the committee listen to the tapes, because they had that reaction.

And so I realized that it was just a matter of time, most likely, and that despite what you heard on the news, and we didn't spend a lot of time listening to the news, the administration would likely, probably, maybe come to an end. And that was profound at the time. I'm not saying that that's what I wanted. I'm not saying that that's what I was working towards. I'm just saying that that's what I thought would happen given the power of this evidence.

And I was a runner, you know. I ran a lot. That's what I did after work and at night and in the early mornings. I was running. And it was a way for me to sort of stay in shape and let off steam. And I'd run down – I lived on Capitol Hill and I'd run through the Congress and I'd run all the way down the...

Naftali: To the Potomac?

Banchemo: Well, I'd run down through the Mall, you know. There were no cars. I remember feeling – I ran one night down – it was late. I ran down to – I was pretty fast, actually, if I don't say so myself. I shouldn't say that. But I was a good runner, you know. I could get down there quickly and get back. But I ran down to the Lincoln Memorial, and I read the Second Inaugural Address and ran back. And it was pretty – it was something I'll never forget.

Naftali: It was quite heady for a 22-year-old?

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Banchero: No, not that so much. Not that. I mean, I felt like I was doing the best I could, and I'm proud of what we did. But, no, I was just thinking about the process, about – you know, I was a political science major. I had studied government at Berkeley, and I was thinking about the role of the Congress, the role of the Supreme Court, the role of the President, you know, the three branches of government. And you had everything in sharp relief.

But yeah, I enjoyed – I was lucky and I had worked hard, and I thought I was doing whatever I could to help out with what I considered to be an important process. And I never for a minute thought that what we were doing was partisan or political. It just wasn't part of that office. And we all had our little piece. My piece was to make sure that – well, this is the book we did – but to make sure that the transcript accurately reflected what was on the tapes, you know, come what may, right? In other words, if the word was report, you wrote down report. If the word was burglary, you wrote down burglary. If the word was plan, you wrote down plan. And that's all I was trying to do. So, yeah, it was great work for a 22-year-old, but I did turn 23 in February, so when Nixon resigned, I was 23.

Naftali: I meant to ask you, do you remember when Chairman Rodino and Minority Leader Hutchinson listened, and their reactions?

Banchero: I do, but I wasn't in the room, as I recall. I remember that when they came by, John would take them in with some other senior staffers, and they would listen outside of my presence. I think what I would do is cue up the machine. This is not a distinct memory, but it's my best memory. I'd cue up the machine and turn it on, and then I'd leave.

Naftali: So just for that moment. For the other members of the committee, you were there?

Banchero: Yeah.

Naftali: But just for the senior leaders?

Banchero: Yeah. They didn't come too often.

Naftali: One other thing you mentioned to me, and I think it's significant. You – until now, the only time you talked in detail about this experience was to Renata Adler.

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- Banchero: Yes. I hardly ever speak about this. Yeah, it might have been – I want to say, well it might have been three or four years later when I got a call from Renata, and she asked if she could come and speak to me. I think I was living in New York at the time. It was after law school. I think she was living in New York, and we got together and I talked to her for a couple of hours, and she took notes. And I think I ran that by John before I did it.
- But I don't – no, to this day, I don't talk about this. I don't really tell stories about this.
- Naftali: And who was she?
- Banchero: She was someone that was around the staff who I knew to be a journalist or a writer of some kind. And she was in the offices with us. I wasn't really sure what her role was.
- Naftali: Do you ever remember Burke Marshall listening to the tapes, who was sort of also in John Doar's kitchen cabinet, if you will?
- Banchero: I don't remember one way or the other whether Burke did. I remember Burke Marshall and Owen Fiss, for example, another member of that cabinet. But I don't remember.
- Naftali: Did Owen Fiss listen to tapes?
- Banchero: I don't remember if he did or not.
- Naftali: How did this experience shape what you did later?
- Banchero: It profoundly affected my view of the legal profession, in a good way. I saw lawyers working at what I thought were their very best on the committee staff, all the way from the young special counsel up to the senior leadership and the members of the Congress and the members of the committee, all of whom had law degrees.
- In law school shortly thereafter, you know, you learn stuff about evidence and procedure, and I thought we did a pretty good job on both points.
- And then during the rest of my career, you know, I've always tried to conform my behavior to the integrity and the sense of law that was demonstrated by my colleagues.
- Naftali: How did Mr. Doar convey to you personally the importance of nonpartisanship? Or did he do it in a group at the beginning?
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- Banchemo: He did it every way. He did it in a group. He did it often. He did it one on one. And he did it by his actions. And it suited me perfectly because just by temperament, that's sort of – I mean, it suited my temperament perfectly. It would have been very difficult for me to do any of this if I thought it was a partisan effort. And I'm not here to say that there weren't partisans doing what they might do in Congress, but as far as I could see on the staff, there was none. I mean, I didn't see it.
- Naftali: Have I elicited all your recollections? Do you have a recollection you'd like to preserve that we didn't get to?
- Banchemo: I think you've done a pretty good job. I will say that, you know, in 37 years, this is the most I've ever talked about what we did. I've told you more than – I mean, I don't really remember what I told Renata, but it was along these lines. But certainly other than that one interview, I've never talked at length like this.
- And I just want to add that I've opened up as much as I ever have because I respect you, and I respect what you've said that the Library is doing. And I trust that that's – I trust that that's evident, but I wanted to tell you that I'm doing this because I talked to Maureen, and she said that people on the staff are doing this, and so I'm willing to do it. But to this day, I've never written about it. I've thought about it, but I haven't. And I don't really talk about it.
- And I would say that that comes also from John. You know, John used to tell us that we were lawyers, although I wasn't, not historians, not journalists. And, you know, I – maybe time where you could publish these comments and it would be fine, but I always thought it was something that I wouldn't need to talk about.
- Naftali: Well, you've helped a lot of other people learn about the committee and the staff and the work it did. Thank you, Jeff.
- Banchemo: Thank you.
- Banchemo: Mr. Naftali you asked me if I remembered anything else towards the end of the interview that I'd like to share and I did have one other memory which I – which comes from late, which is right after Nixon resigned we knew that our jobs were ending and shortly. So it might have been the day after the resignation or maybe two days after and I don't believe I worked for another week after that. I think I was probably gone with most of the staff
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within a week or ten days. I remember feeling depressed in the sense that this great endeavor was at an end and I just kind of felt deflated by it all. And part of my deflation was that we'd done all this work, we put together all these materials and they were never going to see the light of day. No one was ever going to look at them because we had presented them to the members of the committee but not to the members of the Congress and really not to the public.

And I was talking to John about leaving and I shared that with him and he looked at me and he had this look of disgust on his face, like how could you think this and he said to me 'don't worry about that, it's all here. The record is here. Whoever wants to read the record can read it and what we did will survive in the record.' And [inaudible] that that's in keeping with what he always thought which is you don't really need to listen to the tapes, you got the transcripts and it's the record that's important not any individual – not the person who transcribed the tapes, not the brilliant special lawyer that put together the evidence about this or that. It was all about the record. And that made me feel better.

Naftali: Did he walk – I think you recalled or you told me that he just walked out of the room.

Banchero: Oh yeah, it was a dramatic moment because he said don't worry about it and he got up and he walked out of the room and left me alone to ponder these words of wisdom, which made me feel a little bit better.

And then, to underscore all of this, he gave us all, he gave me and I believe everyone else a complete set of the materials, the tan booklets from Volume 1 all the way through and everything that went with them which of course we all still have in our libraries and on our shelves and he gave us a photograph that we all took on the steps of the Capitol with the inscription to seek, to strive, to find and not to yield which is good advice.

Naftali: That's how he inscribed the photograph to all of you?

Banchero: Yes.

Naftali: One last point, he said to you that it wasn't necessary to hear the tapes, it was enough to read the transcript?

Banchero: Yes. And that's a profound statement because what – of course it wasn't true on one level which is you really had to listen to the

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tapes to kind of get the sense for what was happening. But in terms of John's being a lawyer's lawyer, you know the uber-lawyer, what really matters are the statements. And sometimes the emotions or the actual voice might get in the way of what was actually being said.

Naftali: When did he say this to you? At what point, since the beginning?

Banchemo: Yes. Well, towards the middle would be my best guess.

Naftali: Do you think he was saying this in order to make you understand how important the transcripts were?

Banchemo: Yes. I don't know that he truly believed it but I think I took it to mean the transcripts are what's important and get them right because that's what's important. And thinking back on it, he probably realized that for every person that listened to the tapes there were going to be thousands that would read the transcripts. I mean, not everybody's going to have an opportunity to listen to the tapes and that was certainly true.

Naftali: Do you think you annoyed Mr. Doar a little bit when you made that statement those few days after the President resigned?

Banchemo: Yes I do and it wasn't the first time. He taught me so much and one of the things he taught me by that response was what are you worrying about that, you did your job, we did our job, whatever happens next is out of our hands. And I was a kid and it's not that I was looking forward to the impeachment vote in the House or the trial in the Senate but we'd done all this work and it was being boxed up and put in boxes and I thought who's going to read about the Milk Fund or who's going to remember the work that we did on the bombing in Cambodia or these other sort of tangential things that we spent so much time working on and Watergate. But of course people are still interested in Watergate.

Naftali: Thank you, Jeff. Thank you.

Banchemo: All right.