

Timothy Naftali

Hello. I'm Tim Naftali, Director-Designate of the Richard Nixon Presidential Library and Museum. We're here today with Leonard Garment. It's April 6, 2007. We're in New York City. I'm with my colleague, Paul Musgrave, and we're here to interview Mr. Garment for the Richard Nixon Presidential Oral History Project. Mr. Garment, thank you for joining us today.

Leonard Garment

A pleasure to be here.

Timothy Naftali

Let's start with a question on [unintelligible] to begin with. When did you meet President Nixon? When did you meet Richard Nixon?

Leonard Garment

I met him when he joined my law firm in 1963, and it was at a cocktail party that was given by John Alexander, who was one of the senior partners of what was then Mudge, Rose, Guthrie, and Alexander, which then became Nixon, Mudge, Rose, Guthrie, Alexander, and in due course, plus Mitchell.

Timothy Naftali

What was your opinion of Mr. Nixon, or former Vice President Nixon before you met him? What did you know about him? I mean, what did you --

Leonard Garment

Well, I was a more or less conventional inactive liberal Democrat practicing law, and trying to make my own way, and busy with my career, and busy with the law firm. I was trying to develop both, and my -- I had no relationship to Richard Nixon before I met him. Of course, I knew about him, and I had kind of the conventional notions of a negative sort about Richard Nixon that came out of that period of time. But I was very happy, maybe even a little bit overeager to put all of that behind me, because I was interested in the development of the law firm, and I was one of the members of the firm -- I think I was head of the litigation department then -- that felt that this was a real stroke of luck for the law firm to have Richard Nixon join the firm, since the one thing that was clearly missing from the firm was a significant big-time political rainmaker. And that's what Richard Nixon promised to be, and why I was very enthusiastic about his joining the firm, and very happy to meet him.

Timothy Naftali

Did you have a sense from those early meetings that he was going to run for President?

Leonard Garment

Immediately. I think the first time I sat and talked with him, which was not long after he joined the firm, it was after a lunch meeting of the firm. It was a practice of the firm to have all of the partners gather around the conference table in the large conference room, and treat themselves to a catered lunch and a \$20 bill if they showed up. And after this particular lunch, I asked Rose Woods if I could say hello to Mr. Nixon. I had met him at this cocktail party, but had not really exchanged any words with him, none that I recall, anyway. And she said, "Go right in." It's as if he was just waiting for me, and he was engaged with phone calls. He looked, as he did when I first met him, he looked surprisingly good, better than I recall from the images of the press and so forth -- the large head, the Nixon nose, taller than I thought he was, somewhat taller, but had a larger presence, and had that particular quality that goes with the definition of charisma. That was evident the first time I sat and talked with him. And that was that meeting. And that went on for some period of time. Recollection has a way of exaggerating events, sometimes distorting them, but I would say that it was -- the meeting went for some period of time. I mean, it wasn't two or three hours, but it was enough to make a memorable dent for me, and we talked about a lot of things; we talked about the firm, we talked about what his idea was as -- joining the firm, doing litigation, making himself available for the recruiting of young lawyers. Talked about me, he was interested in how I had made my way from wherever I was. I suppose I was very open with him that I was kind of a Democrat, though not very active politically, but those were my views, that's where I came from. I had recently given a fundraiser at a neighbor's home for Bobby Kennedy, and I told him about that. He was sort of positively interested in that. And -- Somehow the conversation went into matters having to do with his own past, and his own future, which it was clear to me he envisioned as being active, because I guess he spoke about foreign policy, he spoke about doing his -- his turn for the law firm, but also planning to be active in connection with the world of political ideas, and particularly in relation to foreign policy. And I -- there was something about that meeting, and as I have recalled it in the past -- now it's sort of a recollection of a recollection -- I said something to the effect that I had intuitively the sense that he was going to -- that he was going to run for President, and would be elected President. [laughter] And sort of -- I don't know if I was half joking or quite serious, but he didn't fall out of the chair. They didn't come to --

Timothy Naftali

And he didn't ask --

Leonard Garment

They didn't come to carry me away.

Timothy Naftali

And he also didn't ask if you were going to vote for him.

Leonard Garment

Didn't ask anything of the sort. We did hit it off. I mean, there was a sense of mutuality between two persons of a certain kind of ambition of a generic nature that one could not really pigeonhole, but that it was, we saw in each other. I mean, I can't say exactly what he saw in me, but I knew it was something. But I was a link to the law firm and to the senior management, and I was a trial lawyer, and

I was young, and sort of a slightly harebrained, therefore interesting to him. And for me, he represented access to a world that I knew about, but had never been part of, and I was interested, curious, ambitious. I had a political nature that was -- -- very positive at that point. I mean, I was interested in politics.

Timothy Naftali

Did you talk about music with him?

Leonard Garment

Well, I must have talked about the fact that I was a musician, that I had a partial, if not terribly successful career as a jazz musician for a few years, and dropped out of school. And I have no recollection of what I told him about it, but he would have known that.

Timothy Naftali

Could you talk just a bit about him as a lawyer?

Leonard Garment

Well, he was a natural lawyer, which is true in varying degrees of all major politicians. I mean there's the business of organizing arguments for purposes of persuasion, which is the essence of lawyering, is also the essence of political life. And he had been through that for years, through all of the twists and turns, the ups and downs, and most recently, of course, the Vice Presidency for two terms, and I had some idea of the nature of, the mammoth nature of that kind of exposure to persons, problems, issues, arguments, all of which is the raw material of lawyering, and which he had handled very successfully in major debates. He was within a fraction of being President. So I was not surprised when I finally did get to work with him in a more formal sense as two lawyers on the Hill case, and to see how he just gobbled it up and brought to it the intensity and the thoroughness that goes with being a first rate lawyer. He learned everything, left nothing to chance, was able to distill, compress complex arguments into telling language, and that was over a period of, I don't know, a year, two years of work in different settings. I traveled with him. I drove him somewhat crazy briefing him on airplane trips while he was trying to do something else, nagging him. I mean, I would go along, just as a protective cover to sit in the seat frequently, and keep other people from bothering him.

Timothy Naftali

The aisle seat? The aisle seat? Would you sit in the aisle seat?

Leonard Garment

Right. The aisle seat, right, the famous aisle seat. So yes, as a matter of fact, after his -- the two arguments in the Supreme Court, the impression he made on the professional witnesses of lawyering, the press, "The Washington Post," John McKenzie, I forget who it was who it was -- "The New York Times." But they all saw a major talent as a lawyer at work, and members of the Supreme Court said this is a first rate lawyer. Abe Fortas, who played a very friendly role in that case unsuccessfully

however, just thought he was -- would have been a real giant of the Supreme Court Bar if he stuck to it.

Timothy Naftali

Can you tell us something about the Hill case?

Leonard Garment

Well, the Hill case was -- it started for me as a kind of an adventure in lawyering outside the conventional corporate commercial practice that I was used to. It was a case that came in through the senior partner of the firm, Bob Guthrie. James Hill was a classmate of his at Harvard, and Hill and his family were the victims of a very strange event. The -- I think it was -- three convicts escaped from Louisburg Penitentiary and took over the Hill home, which was in White Marsh, Pennsylvania. And the family was held hostage for 18, 19 hours, the Hill -- James Hill and Elizabeth Hill and their five children. What was particularly notable about the episode was that nothing very bad happened out of the -- the convicts, the desperados behaved like gentlemen. As a matter of fact, the article, the event was captioned in "TIME Magazine" as a tea party. There was, at that time, shortly after that time, a book called "The Desperate Hours," which was loosely based on a number of incidents of this sort, where persons, families were held hostage by convicts, criminals of one sort or another, and it was a successful novel. It was turned into a play which was opening off-Broadway at a theater in Philadelphia, not very far from the home where the Hills has previously been held hostage. And "Life Magazine" was persuaded to do a feature story on the play, and the thought was that they would use -- they had access to the Hill -- former Hill home -- the Hills left. They left in part because they wanted to get away from the -- the scene of the crime. It was a traumatic event. They had also avoided interviews, other than one post-event interview, and they refused to cooperate with magazine writers or others who offered them money. They just wanted that out of their lives. Then along came this event, in which "Life Magazine," with the cooperation of the playwright and the producer, decided that the -- that the sexy way to tell the story would be to say that the "Desperate Hours" play was the story of the Hill event. It wasn't, and the Hills resented that -- Jim Hill did.

He wanted that to be clarified by Time -- by "Life Magazine." They wouldn't do it, so we brought a privacy action, and that was the beginning of a long series of pretrial maneuvers, ultimately a trial before a jury in a New York court with a record verdict in their favor, largest verdict in the history of the privacy law, at least in New York. And the case found its way to the United States Supreme Court, affirmed in part, reversed in part on its way up, but there for a final disposition before the United States Supreme Court. And at that point, it occurred to me that it would be good for the case, and it would be good for Richard Nixon, and it would be good for all the things that I was interested in, and that he was interested in for him to establish his bona fides as a lawyer by arguing that appeal. And it took a little bit of persuasion, because, as he pointed out, the court was, if not filled with Nixon-haters, it had an appropriate quotient of them, and particularly the Chief Justice Earl Warren, with whom Nixon had had one contest after another. But he finally agreed to do it, and off we went. Ultimately, the result of the two arguments was somewhat inconclusive. At the -- it was sent back for a retrial because of what the Supreme Court felt was a defect in the trial court's charge on the Sullivan Rule, the requirement that a defamation or a wrongful light publication be made with knowledge of falsity or with reckless indifference to truth or falsity. The charge was perfectly adequate. The decision, I say without any rancor, it's too long ago, was really basically quite foolish, and probably the work of a law clerk, endorsed by Brennan, who was Mr. First Amendment at the time. And then the case was settled.

But it provided -- I mean, it served the purpose of providing a base for Richard Nixon to show that he was a real lawyer. And I would say that the net, from the standpoint of what we're doing here, the net effect of the Hill case was to establish his credentials and to bring him back into the public eye in a surprising and favorable way.

Timothy Naftali

So there was quite a bit of public notice of this?

Leonard Garment

Some. There were articles by the legal press, and -- I mean, it wasn't a headline item, but it was -- it was something that was a matter of interest to people in politics, to an important audience. Can I --

Timothy Naftali

Yes, please.

Leonard Garment

I have this irritation and allergy. -- I mean, I work with a lot of lawyers, and I myself was kind of an obsessive-compulsive personality, which is the ingredient of a reasonably successful -- of any successful trial lawyer, but he was that in -- really truly in spades.

Timothy Naftali

When did you start to work with him as a political figure?

Leonard Garment

Almost from the start, because that was in my mind, lurking in the prefrontal lobe.

Timothy Naftali

But you're a liberal Democrat.

Leonard Garment

Didn't make any -- I was not -- I was not an organizational Democrat. I wasn't that much of a Democrat. I mean, if anything I was more to the left than conventional Democrats, kind of an aberrational personality, then and thereafter. [laughter] So it was no great problem for me to satisfy my -- both my ambition and perhaps more important, curiosity -- I mean, real curiosity about the workings of a historic personality, to work with Richard Nixon.

Timothy Naftali

When did you move from being an observer of a historic personality to being a participant?

Leonard Garment

Well, right away. I mean, I made known to him that I was interested in what he was doing. There are some things that are conveyed by whispers and murmurs, rather than by pronouncements and declarations. So that was -- I mean, he was -- very intuitive person, so he picked that up immediately from the fact that I said, "I'd like to work with you." [laughter] No, I -- I may -- I think it was made clear that I was just very interested in -- in his political future, and because it was clear to me from the start that he was planning to do what he could to have another run at the Presidency. And what could be more attractive to a kind of a hungry personality like myself than to enter politics at the top by taking part in a Presidential campaign as a colleague of the candidate for the Presidency.

Timothy Naftali

Did you do anything to help him when he was running around the country in 1966? By helping --

Leonard Garment

Oh yeah, I was very deeply involved by then. I mean, I started out -- he started out with me by sending me to meet his key people that he had in mind. For example, I had a case, a couple of cases on the coast. He knew I was going out there. Rose Woods would tell him I was going. She or he would say, "Stop by and meet a fellow named Bob Haldeman, have lunch with him, get to know him. He's good." You know, I knew he was very active with Nixon, and that's what I did. In the course of a -- being there I may have been taking some depositions, I may have been doing something. I met Haldeman. We had a long, friendly lunch. He talked very openly about his relationship with Nixon and his reluctance to get involved again if there wasn't a real organization in any campaign effort -- very smart, very knowledgeable. I remember that impression. And then I was in -- he told me that he wanted me -- suggest that I get to meet John Ehrlichman, and I had a case in Seattle -- whatever it was, and I met -- spent some time with Ehrlichman, who was then very much involved in land lawyering. Liked him, got along quickly, had a very common language much more so than with Haldeman, who was kind of, a little bit more formal. So I started out getting to meet everybody. I think -- I don't know, I may have also met Herb Klein along the way, and 1964, he told me that there was a room for me at a hotel or motel where I could go and spend some time, hang around, witness the convention. And the -- Haldeman, Ehrlichman, maybe Dwight Chapin and a couple of others were there in a suite following the events, not with any thought of -- not with any real thought of anything happening, but just for the purpose of being there. And I had a very -- an interesting time. I had friends in San Francisco who were very much outside the mainstream of Republican politics. We went to hear jazz and to visit with some of the familiar American revolutionaries of that time. [laughter] But I was back in the hotel to see -- watch the events on television, and when -- well, I do remember with some -- particularly was the excitement that took place when Rockefeller was speaking and the convention just went berserk with anti-Rockefeller sentiment, and it became sort of a wild scene and it was -- it seemed that -- fairly clear that Rockefeller was sort of taunting the crowd, and Haldeman said, "Let's go." He had a car, we were out there, he had a little midget television set I remember, watching what was going on at the convention, and we got out there in zero minutes. And the hullabaloo was still going on. It drained, I mean, the floor managers managed to get control of things and get people to stop short of creating a riot, which might have opened the way for Scranton, so that was that event. And there were many others like that.

Timothy Naftali

Did Haldeman want you to go to the convention center to witness this, or because he thought it might be --

Leonard Garment

No, it was Nixon who told -- oh, going to the convention center, that's something that happened -- both things -- witness it, who knows. John Connally's famous dicta, why he -- we were at a dinner at the White House many years later, and it was towards, it was close to the end of Watergate, and it was a dinner, black tie dinner, a number of the fundraisers and contributors to Nixon -- a truly boring dinner. And there was John Connally, been through everything, and I said, "John, why in God's name are you here?" He said, "Well, Len, you just never know." [laughter] Piece of political wisdom.

Timothy Naftali

What -- let's fast-forward a little bit. Let's move to '68. What did you do in '68?

Leonard Garment

Okay, well, what I did in '68 is what I started doing for the midterm '66, which was very crucial, to build up the committed delegates -- the friends of Nixon in the midterm, and Nixon went all over the country. He had to interrupt that to do the second argument in the Hill case, and -- which really delighted him. [laughter] But what I did from the time that I became active was sort of to work on the recruiting, bringing people in, political types, oddballs, creative people who might fit into the campaign, and to do media. So that was my job, was -- I got close to Ray, the writers, they were my colleagues, and then the -- ultimately Harry Treleaven and Roger Ailes, Frank Shakespeare, from '66 on, that was through '67, '68, that was increasingly what I did, and to try to -- Nixon was not very happy with the whole business of a media campaign. I mean, he understood that it was important, that he had to do it. That was something that Roger Ailes helped make very clear to him. That's been written about, talked about, sure -- you ought to get Roger Ailes for this.

Timothy Naftali

Well, we'll try.

Leonard Garment

And so it was -- it was Frank Shakespeare and myself, basically, with a group of media people, who attended to the media for the 1968 campaign. And then other things. I mean, I was sort of a self-designated switch hitter, working different parts of the campaign, maybe purposelessly in some parts, harmlessly in others. And working on substantive issues, including, I remember, he told me, "Get those fellows together and start drafting a Vietnam speech to explain what the plan is." And that was a speech that was prepared by Dick Whalen and Pat Buchanan and Ray Price. And I was sort of the master of ceremonies to get the thing going, but I may have contributed a preposition or an article or a noun, but not much more. And that was going to be a radio speech on, I think on a Sunday, which would have committed him to a certain very specific course of action, with respect in the campaign, relating to Vietnam. Basically, kind of an entrenchment or retrenchment and withdrawal. Not bad, a

good plan, and somewhat like -- something like what took place. The afternoon speech was all ready to go that afternoon, Frank Shakespeare heard from the network that would preempt it, and Lyndon Johnson was going to have something to say. And that night, he announced that he was not going to run. It changed the geometry of events considerably.

Timothy Naftali

Was Nixon going to present himself, therefore, as more dovish then?

Leonard Garment

Yes, mm-hmm. And that might -- and that might -- that might have been disastrous -- who knows? It's very hard to say, I mean I have given up trying to figure out how politics plays.

Timothy Naftali

What kind of instructions, I mean it's a long time ago, do you remember, you were talking about your prepositions and articles you might have added, but what did -- what did Vice President Nixon suggest? What did Richard Nixon say of the speech? What did he want out of it?

Leonard Garment

Well, he had various ideas, things he had talked about up to that point. Of course, he had talked about that he had a plan, and there was a great deal of pressure for him to become more specific about his plan. What was the secret plan? So this was designed to alleviate that pressure. Where did the specific material for this speech come from? I think that -- Excuse me. I'm trying to remember his name; he wrote the biography of the senior Kennedy -- Whalen, Richard Whalen. Richard Whalen had very clear ideas, and I think that his outline, or his proposal was that, more or less, that the rough center that Nixon worked with. And dealt with the raw material, shaping it in a certain way, in his advice to the writers. Buchanan had some notion about some of the issues and Ray Price. I had, as a matter of fact, I remember I had a call from Roger Hillsman, who had been assistant secretary of state in the Kennedy administration, and he was then at Columbia, teaching, and he came down to have a drink and talk about Vietnam, the position that Nixon should take in the campaign, and met with, I think it was Whalen and myself, it may have been Price and myself, but there were -- there were two of us. And he laid out a pretty good -- I mean, something that was resonant with what was ultimately drafted. So there were different pieces of information that were assembled. I mean, that's why that campaign was -- worked pretty well. It worked very well, because it was really quite loose, and we're very open. And Nixon understood that that was the way it was going to go, if it was going to go successfully for him. And that the idea of a new Nixon was essentially the same Nixon, but one who was open to new possibilities, like any intelligent person.

Timothy Naftali

Who brought Whalen into the campaign, do you know? How did he get into it?

Leonard Garment

I'm sorry?

Timothy Naftali

How did Whalen get involved?

Leonard Garment

In the campaign? I think that he was brought into the campaign by Bob Ellsworth. They were -- they were friends. Whalen was very interested in politics, and a very strong writer. Well, as a matter of fact, Whalen drafted a very important speech that Nixon gave, I think in 1967 to the annual dinner of the National Association of Manufacturers at the Waldorf, a black tie dinner, big event. Remember, this of course was a time when there was a lot of thunder in the streets, riots, race conflict, a great deal of anxiety about whether the center was going to hold, or whether things were kind of coming apart. And I had -- I mean, when I talked about "I did this," or "I did that," these are just -- it sounds like a lot, but they were just -- they were fragments, and I contributed, as did others, to what -- as you described, a mosaic. But I had seen an article, I guess it was that Fall in 1967, about a speech that Pat Moynihan -- I didn't know him then, but that Daniel Patrick Moynihan gave to the annual meeting of the Americans for Democratic Action, and it was a call upon conservatives and liberals to get themselves together and confront the fact that there had to be some collaborative thinking about the problems that were confronting the country. It sort of caught my -- caught my eye. It was a, you know, a brief piece, and I wrote to him and asked him to send me a copy of that speech, and he sent me his reading copy with the [unintelligible] and everything -- a very impressive speech. And that was -- I gave that to -- it was made available, I don't recall the exact circumstances, to Whalen to draft the speech for the meeting of the NAM, and I think by then I had already -- I had written one of my eight million memoranda to candidate Nixon on every conceivable subject, and this one was about the importance of having this kind of a speech, something that addressed the middle, and that was a -- would take the audience in the political world by surprise, an uncharacteristic speech, and that's what Whalen drafted. That was the speech that he gave. And what was notable about it is that there was not a single cheer line in the speech; it was received in absolute silence with a standing ovation at the end, and it was kind of -- it was -- it proved something, primarily to Nixon, that he could cover a lot of territory, by expanding the -- and changing kind of the political tonality.

Timothy Naftali

Would you like to --

Leonard Garment

Yeah --

Timothy Naftali

I'm feeling for [unintelligible]

.

Leonard Garment

I don't want people to think I'm just crying over history.

Timothy Naftali

It sounds like this is sort of a triumphant [unintelligible]. This was a good speech [unintelligible]. It sounds to me [unintelligible]

Male Speaker

[Unintelligible]

Leonard Garment

Joe McGuinness was given -- or pilfered -- and wound up in his appendix to "The Selling of the President."

Timothy Naftali

Didn't someone let him into the campaign? [Unintelligible]

Leonard Garment

I think that I was one of the guilty parties. I mean, I -- my recollection, maybe perhaps shaped by the fact that it was a disaster, was that he talked himself into the campaign by saying he was doing a master's thesis or something. He denied that. He said he -- he just -- he called, spoke to Harry Treleven, and said he was covering the campaign, would like to come by and have a look at it. Harry said okay, -- no, Harry checked with me, and I said, "By all means." He came in and became part of the -- part of the team. He took meals with us, watched campaign commercials being prepared, and wrote a successful book.

Timothy Naftali

How should people read that book as a document of the campaign?

Leonard Garment

Pretty good. About the -- sort of the media end of the campaign, and what that reflected about politics. I mean, it was very -- really, in comparative terms, it was very straightforward, clean, nothing dirty. I mean, we had one commercial that we put on that had a -- a shot of a Hubert Humphrey that was -- that could be misinterpreted as smiling at a war scene, and then some calls came in, we yanked it immediately. So McGuinness wrote, I mean, the premise was wrong that Nixon changed -- was changed into something different by the image makers, by Roger Ailes, by Harry Treleven, and by yours truly,

to some extent, as a manager of the media effort. And it's just not true. I mean, but that's a point of view. That is, he was Nixon, but he was presented in a way that was more -- that was more interesting -- broader range, not new, same old Nixon, never really changed.

Timothy Naftali

The Whalen speech sounds like the first echoes of what would become the silent majority approach, this idea of the center.

Leonard Garment

Could be a little bit of that. It was really quite a very sober speech, and it was a very good and very strong speech. I don't know whether you've had occasion to read the speech. No, it was a -- Whalen was a very strong speech writer, I mean very good speech writer. Sophisticated -- I don't mean mysterious or fancy. I mean, he was very -- had a kind of an organic strength to it that really good speeches that are memorable have, and -- I mean, he could write like a dream when he was motivated to do that, because he was very, kind of a passionate political person, and he left the campaign passionate, political, and disillusioned when he was pushed aside by the -- by John Ehrlichman .

Timothy Naftali

When was he pushed aside?

Leonard Garment

It was during the -- it was right after the convention, '68. Of course during the convention, down in Miami when he was consigned to a lesser role to a -- wasn't given the badge that permitted him to have access to the campaign floor -- was treated in a somewhat condescending fashion by John, and then when we went out to Mission Bay, got into a -- a tussle with John Mitchell, you know, who basically said -- answered whatever complaint Dick had by saying "You're just," you know, "Just a damn writer." And Whalen packed up, marched out the next morning. I remember seeing him with his bag, leaving the hotel.

Timothy Naftali

What did Richard Nixon think of Hubert Humphrey? What did he say, did he talk to you about Hubert Humphrey?

Leonard Garment

I have no recollection of his -- I mean, there was total -- constant talk about the campaign, and how it was going. I mean I had those midnight colloquies when Nixon would call me and sort of -- he was talking about the campaign. I don't think it was personalized in terms of Hubert Humphrey, and it was about, you know -- it was -- it was his effort to find a way of -- of getting to sleep. So it was quite general, "How are we doing, how are the troops back home? How are you feeling? How is this, how is that?" And gradually fading away and becoming, as I've written, somewhat incoherent, and then as John Ehrlichman later on told me, the phone would drop out of his hand, he'd fall asleep and then Ehrlichman put the phone back.

Timothy Naftali

Didn't Ehrlichman say he would take a little [unintelligible] or something?

Leonard Garment

Oh yes, he took a sleeping pill and had a scotch or --

Timothy Naftali

And then call you?

Leonard Garment

And then call. "Get Len, get Sydney [phonetic sp], get Len." It was very -- those were the most riveting moments in the whole campaign for me, those midnight, two in the morning, depending on what part of the country they were.

Timothy Naftali

Did they start before the convention, these -- these calls?

Leonard Garment

No, they were after the convention. They were when they were out on the road.

Timothy Naftali

Was he getting concerned that he might lose?

Leonard Garment

Yes, they were -- they were filled with late at night anxiety, fear, and sleeplessness, and the knowledge that he had to get to sleep, because he had to get up early in the morning, and had a back- and brain-breaking schedule.

Timothy Naftali

Did he tell you that he was in contact with Lyndon Johnson?

Leonard Garment

No, I mean there were many things that he didn't tell me. I mean, I was not on -- sort of on the--

Timothy Naftali

You were on the midnight call list.

Leonard Garment

I was on the midnight call list, right.

Timothy Naftali

What about yourself at that point, were you -- were you confident that you'd win?

Leonard Garment

Basically confident that -- that we would win. I mean, I had a real emotional investment in the campaign. It was almost life and death, which is in the nature of Presidential politics. And I think the belief system had to be oriented towards winning in order to carry on effectively.

Timothy Naftali

Tell us about --

Leonard Garment

It began -- it began to run into problems as we got close to election day.

Timothy Naftali

What were the indicators for you?

Leonard Garment

The polls, I mean -- I mean there was real anxiety up the line.

Timothy Naftali

Please tell us about election day. Where were you?

Leonard Garment

Election day was in California. We had just finished election day -- yeah. I guess the night before we had the brace of call-in interviews, television interviews, and they think they were two two-hour segments. My best guess is that each was two hours; it may have been one hour. One to the west coast, one to the east coast; two hours. And that was written about by me and by McGuinness in "Selling of the President." That was the day when the -- it -- preparing for the debates to deal with the problem of tension, and Roger Ailes went out and had his first parachute jump and tore a ligament, and was in -- hobbled into the -- the television studio, or auditorium on crutches and disabled. I remember thinking that it would have been best if he had broken his full neck, but that was an after -- an afterthought. But he did his job, and he managed with his leg -- foot in a bucket of ice. And Nixon did his chore, the two hours. And he had me come in, that I recall. Whatever -- it's kind of a funny little rabbit's foot relationship that I had to him in the break between the two sections, and he was sort of in a bathrobe,

and having a cheese sandwich, and resting up before starting the next go around. And I was like the coach, saying, "They haven't laid a glove on you."

Timothy Naftali

This was sort of the origins of the town meeting.

Leonard Garment

The town meeting had already taken place. That was -- the town meeting format was developed for the primaries. So that was long, long, long gone.

Timothy Naftali

Whose idea was the town meeting?

Leonard Garment

That was a combined product of Treleven, Roger Ailes, Frank Shakespeare. I mean, it was sort of a group effort, but I think primarily Harry Treleven who -- we looked at a lot of Nixon footage from previous campaigns from this -- everything that he had done, and the expert sentiment within the group, particularly Harry's, was that he was best in this kind of informal townhall setting, answering questions without a lot of preparation. And that's -- that's the way we -- the way we did it. It was very effective, and it was -- a lot of the -- a lot of the television -- primaries are used during the campaign, and this technique was used during the campaign. But the campaign had a different flow of media material, largely developed from his acceptance speech at the convention. That was done over and over again in pieces, and then we had some highly stylized and aesthetically prize-winning, but politically useless film commercials.

Timothy Naftali

Ray Price mentioned that William Casey was brought in to help with the campaign.

Leonard Garment

I don't remember that. I mean, if he -- if he was -- I mean, I knew Bill Casey, but I don't know where I knew him from.

Timothy Naftali

I'd like a word picture, please, of election day, as you -- as the returns come in.

Leonard Garment

Well, election day dawned with us still campaigning -- decided to -- all right, can I attend to myself?

Timothy Naftali

[unintelligible] [laughter]

Leonard Garment

Election day -- let me just -- we did radio commercials to get the automobile trade the morning dawn of election day. To the very last minute, I had Ruth Jones buy time. I had David Eisenhower come to the suite, or the room, whatever I had, and read pieces of his father's -- -- statement supporting Nixon. And so all of that -- tried to cover every possible base, because we knew it was very close. We didn't really know then that -- that Nixon had actually bottomed out and was moving back up that day, that -- that the -- the effect of the moratorium -- the Humphrey and Johnson shift on Vietnam bottomed out when the South Vietnamese said no dice, they weren't going to the peace conference. And then it went -- but we didn't know that day whether it was going that way or it was going that way. So it was -- it was one of those hairy moments in politics when everything in the world ceases to exist except the campaign. And it was really quite -- it is a strange moment. I don't know that it's that way anymore; maybe it is. But that's the lure of big time politics, national politics: the access to an immense, kind of a mysterious sense of power, the capacity to make immense mistakes, freedom to fail. So, the day: having finished up, we packed up, we went to the airport, we climbed aboard -- what's it called? The Tricia?

Timothy Naftali

[Unintelligible] Julie.

Leonard Garment

I think it was the Tricia . [laughter] The President's plane, and flew into the darkness of the east and the uncertainty of the vote. It was kind of a very dramatic time, great anxiety, not much talking. A lot of reflecting on what had happened, what was going to happen. Little bit of a quality of a church meeting. And then flying into the east, lights coming on down below, nighttime, knowing that the vote, millions of people are voting so it's all taking place. Landed, I picked up my wife in Brooklyn Heights and we went to the Waldorf. We all got together there and we waited for the returns.

Timothy Naftali

Do you know anything about the story that John Mitchell made clear that he would hold the votes of Southern Illinois --

Leonard Garment

Yeah, that happened -- I don't know whether it was 2:00 in the morning -- but whenever it was, Nixon had called us in. We had eight, nine of us -- I think he was drinking, he had a bottle of beer and a sandwich. I think at that point, he finally felt he had crossed the line and was going to win but then, it just hung there and hung there. And then John Mitchell, I think, went on Mike Wallace and challenged

Daley. "Show your cards. I got you beat on board." And that was when they finally conceded, as I recall, something like that.

Timothy Naftali

Was there the sense that the election could have gone the other way?

Leonard Garment

Yeah, through that whole night. It was very close and just sort of hung there like a post-term baby, couldn't budge it. But then it finally came loose. I don't know that the intervention was approximate cause or was going to happen anyway. But that's the story, and it gives a little bit of shape to the event.

Timothy Naftali

Do you have any independent recollection of the controversy over Anna Chennault?

Leonard Garment

Didn't know anything. Anna Chennault was a mystery to me. That whole episode about Anna Chennault and her getting in touch with Mao Tse-Tung or whoever it was, South Vietnamese -- [laughter]

I didn't know anything about it.

Timothy Naftali

We haven't talked about the one other partner who joined your law firm. He plays an important role obviously in the succeeding campaign, John Mitchell.

Leonard Garment

Uh-huh.

Timothy Naftali

Tell us about John Mitchell.

Leonard Garment

Now I will shed a tear, figuratively speaking, because that's a very sad story. John Mitchell was a very interesting, a very good man, a strong character who was very good at politics and very bad at measuring his own capabilities and, with the assistance of Richard Nixon, made what was a fatal mistake which was being persuaded to take on the attorney general post. He was completely unqualified for that job, particularly since he was also the President's primary political advisor. I mean, it was a conflict of interest and a marriage of incompatible qualities of an historic nature and that was the way his history, and perhaps the history of the Nixon Presidency was written because you can follow that line all the way down to Watergate and you find that he had lost his capacity for

independent action by then as a result of the mistakes he made in this mixed role of political advisor and attorney general. He was a very good man. I mean, he was, and he tried. He wanted to do the right thing. He was burdened by a wife who was sick, had not only a drinking problem, but had kind of a related mania that drove Mitchell somewhat crazy and contributed to his episodes of instability. He was indispensable to the election of Richard Nixon, probably both times, and he was a major contributing cause to the collapse of the Nixon Presidency.

Timothy Naftali

You said he had to be persuaded into taking the attorney general?

Leonard Garment

Oh, yes. As a matter of fact, I had recommended -- at least, everybody has a certain recollection of events that is centralized around oneself. It may be accurate. It maybe inaccurate. It usually is a combination of things. But, as I recall it, Nixon was searching for a campaign manager -- I've written about this, and so you've read it. I mean, Nixon was searching for a campaign manager and couldn't find somebody who would fit the bill. He tried one person after another, Gaylord Parkinson, Bob Ellsworth, [unintelligible] and he wanted people who were not interested. He wanted Bill Rogers. . All of that and he was constantly complaining about it, all right? Can't get a damn campaign manager, somebody who can run this. And it seems a little bit strange to me that he wouldn't have thought of this himself, but it's only that I recall the moment in such a clear way that makes me think that what happened was that I did think of John Mitchell as campaign manager, said that to Nixon, that "Twenty feet from us is the campaign manager. His name is John Mitchell." And Nixon getting up out of his chair, a light bulb flashing over his head and saying, "Absolutely, sound him out and see if he's interested." Which I did. Had a dinner of the merged law firm at the University Club -- good heavens, how have I remembered all these strange things? Had dinner at the University Club and at the end of the -- I recall, during the toast, Nixon said something between he and myself, something like if he were elected President, I would go to the Supreme Court." Fact of the matter is that I would never have gone to the Supreme Court even if he told me to go to the Supreme Court. [laughter] I know my capabilities. But John Mitchell went off to the men's room and I followed him. Thought that's as good a place as any to put a serious question and, standing side-by-side, I said, "John, you ever thought about running a Presidential campaign?" And he said, quote, "Are you out of your fucking mind?" And Nixon sat with him shortly after that, put him in charge of Wisconsin to try him out. He said, "That's the man that I want."

Paul Musgrave

You're in Nixon's office. Mitchell is 20 feet away. Why doesn't Nixon go to Mitchell himself?

Leonard Garment

He wasn't sure exactly how he wanted to approach this. I don't know. Mitchell may not have been there. Mitchell may have been in Europe. It's just that I recall that moment with great clarity. Maybe, as I said before, it may be dressed up, historical memories given ruffles and flourishes to make it important.

Timothy Naftali

He was also reluctant to become attorney general, too?

Leonard Garment

Reluctant to become attorney general and when Nixon finally got around to inviting me over to the Pierre after days of suspense. I mean, everybody else had their jobs. I knew there was precious little left. John Ehrlichman was counsel to the President by then and that was sort of what I had been thinking about. It's what my partners wanted for me. So I went over and that's when he told me that he wanted me to stay out of the government and go down, take his office in Washington and be a one-man kitchen cabinet. Big deal, I thought. Last thing in the world I really wanted. Then he went on -- it's like the serious business of the meeting was the trouble he was having with Mitchell, about taking the attorney general spot. Mitchell was worried about his wife and so on and so forth, and would I talk to Mitchell. I imagine I wasn't the only person who was asked to talk to Mitchell, but I did. I don't recall whether Mitchell said, "Well, I'm thinking about it," or "I don't want to do it," or "I have already decided I'm going to do it."

Timothy Naftali

Did you play any role in bringing either Pat Moynihan or Scoop Jackson into the fold?

Leonard Garment

Scoop Jackson, not at all. Scoop Jackson, when he was offered Defense, and said, "no, thanks." He had his own ideas about the Presidency. Pat Moynihan, I was asked to get him down to New York and talk to him about coming into the Administration. And I sent Dick Blumenthal, who was now attorney general of Connecticut, and sooner or later will run for governor there or the Senate. Dick Blumenthal, who was on the staff, I sent him up to Cambridge. He had been a fellow in one of Pat's programs. I sent him to sound him out and ask him to have dinner with me and Pat came down. We had a long, bibulous, pleasant dinner at the Laurent Hotel. Whatever went on was flushed out of my memory by all the good scotch, but Moynihan said he wanted Transportation. He had written about the national highway system and he had a lot of thoughts about transportation issues. I passed that on and Transportation was spoken for, to Volpe, and then the President and Moynihan got together and Moynihan, by then, came up with the idea of creating a domestic counterpart to the National Security Council, which would be domestic -- I forget what it was called -- Domestic Council, something like that.

Timothy Naftali

Did you play a role in bringing anybody else into the administration?

Leonard Garment

Probably but that's in my mind because Pat and I became very close friends, spent a lot of time together, during the White House time before he packed it in and went back to Cambridge. I guess he was there for a couple years. We continued to be close and then I went to the U.N. with him and so on

and so forth. I didn't bring in any heavy hitters that I recall -- persons occupying significant policy positions.

Timothy Naftali

Did you ever have a chance to figure out -- you have a wonderful section in your memoirs about the period of suspense, when you didn't know what you'd be getting. You're very candid about your disappointment. Were you ever able later to reconstruct later why it took so long for you to get a job in the Administration?

Leonard Garment

Well, I think Nixon didn't know what to do with me. I mean, he was something like an older brother. The relationship between us at that time was as much fraternal as anything else and he was mindful of the fact that I didn't know anything about politics, really. That I was just, you know, a babe in the woods. It was that quality of naiveté or kind of an innocence that was my strength and enabled me to think in an unprogrammed way and to come up with one idea out of ten that was worthwhile, that was worth panning for. He didn't want me to get into trouble. He also didn't want to waste his time by having me around there somewhere knocking on the door and saying, "Mr. President, give me something to do." He didn't know what I should be doing but the issue finally came to a head, when I did find the whole thing kind of unbearable, and it was an article in "The Washington Post" about, you know, "Clear it with Len" where everybody and all the clients at the law firm were --

Timothy Naftali

Yeah, where did that come from?

Leonard Garment

It was Stuart Leary I even remember the name of "The Washington Post" --

Timothy Naftali

Who was leaking it because it was --

Leonard Garment

Well, it's true that I did see a lot of people. I did recruit people. I did minority recruiting. I did the arts. I did Nancy Hanks, you know, I was around and spent a lot of time with the press. I was still sort of doing what I had done during the campaign which was presenting what the administration was doing in a good light -- spinning -- so somebody would say, well, what is he doing there? I mean, he's in Nixon's office and when you call there -- I had nothing else to do. In any event, the story broke, and with it the suspense was ended. I spoke to Peter Flanigan and said, you know, this is going to be embarrassing and I'm either going into the administration or I'm going home. Essentially, that's what I said and he spoke to either the President or Haldeman or both of them presently as I understood it, I don't know for a fact, and said, come on in and you'll have this range of possibilities. You'll figure out what to do. Give you a car and a chauffeur and assistant-to-the-President status, so to speak, without any particular job and you figure it out which, in due course, I did.

Timothy Naftali

What office did they give you?

Leonard Garment

Office over in the Old Executive Office Building. It was a corner suite. It was a very good office -- [laughter] -- with room for an assistant and a couple of secretaries. In due course, I got myself established. I became the representative to all the people in departments that needed some kind of access to the President or to the White House or to senior staff and minority issues. And then I gradually worked myself into the substantive role as a lawyer knowing what to do, as a lawyer, with issues of school desegregation, primarily.

Timothy Naftali

We want to cover some of the main points of what you said. There's so much we could cover and we don't have time. So let's focus on a few things.

Leonard Garment

Okay.

Timothy Naftali

And just continue as you're going because it's wonderful. Let's talk about school desegregation, the role you played in that issue.

Leonard Garment

Well, my recollection of it is pretty much inscribed, I mean, laid out, in "Crazy Rhythm." I mean, the problem was developing at such a rate and with such intensity that I soon came to realize that this was one of the more critical issues confronting the President at the beginning of his administration. He had the legacy of the southern strategy to cope with. He had big promises made to lighten the load of the tough cases confronting the South, confronting staff, confronting Thurmond, making clear that they expected some relief from the -- continued relief -- from the pressures of the desegregation decisions. There hadn't been that much desegregation. There was a lot of law but there was very little action. It had all been delayed and delayed. So that was becoming a crisis and Leon Panetta, who was at HEW, and Bob Finch couldn't figure their way around how to satisfy Senator Thurmond and the Supreme Court at the same time. So I was drawn into that, drafting, talking to Panetta, talking to people in the Justice Department, doing my own research, being familiar with the issue and taking on a larger role as time went by. It wasn't very long before the Supreme Court said, "Enough of this time wasting. Desegregate now and by now we mean the Fall school season of '70," which was coming fast and that was all the major states of the Deep South. Huge set of problems and I think there, I did really work hard to figure out what was a practical plan. There were other things that were underway but I had the luxury of being able to just sit and think this through, day after day, and that was to take the desegregation committee that the President had created with --

Timothy Naftali

With Shultz?

Leonard Garment

-- Spiro Agnew as the chairman to satisfy the South and Shultz as the vice chairman, to do the job and to help lay out the plan for articulating a desegregation method, a point of view, a legal point of view for the President to articulate to try to deal with both sides of the equation. But to come down, very clearly, on the side of enforcing Brown against the School Board without any question about that. So that led to the process whereby there were meetings with committees formed in the six or seven southern states, came up to Washington, met with Shultz, met with his staff, met with the President. I was sort of kept out of most of that line action because of my reputation as a wild-eyed integrationist, which I wasn't. I mean, I just felt the law had to be met, the requirements had to be met, and to do it in a way that was as non-destructive as possible.

Timothy Naftali

How was it that Shultz became number two on this committee?

Leonard Garment

I don't have a specific recollection of making that recommendation. It's very likely that I did. I mean, it's very possible that I did. It would have seemed to me that he was the ideal man to do the job, and to occupy sort of the executive director post and to do it with Agnew as a figurehead making the effort somewhat more palatable to Agnew's southern friends. I mean, you know, good ideas are frequently developed in committee, by an individual or by a couple of people coming at the problem the same way. So I don't know exactly how this all developed but I know that my own contribution to the committee methodology was the result of a little bit of a fluke, a flyer that came over the transom, so to speak, to my attention. I think Brad Patterson, who was my assistant, brought it to my attention. It was a flyer from a citizen committee in South Carolina and I think it was a committee that was headed by a local banker in Greenville named Brown Mahon [phonetic sp]. I haven't looked at my book in months so I don't know, this is either good memory or guess work. And I invited Brown Mahon to come on up to have dinner with me at the White House. I don't recall that he brought anybody with him. But he explained to me what they did and how it worked, that he, himself, was not a fan of school desegregation but he was a fan of public education and he was deeply committed to holding his community together and he knew it was going to be a very disastrous time if it wasn't handled in the right way. So he got together a bi-racial committee of the stuffed shirts and the blue collar elements, so to speak, and that became the committee that spoke to the community and said let's get on with it. We may not like it, but it's Constitutional medicine that we have to swallow and that seemed to me to be a very -- I mean, an obvious mode. I don't recall how, but I know I spoke to Shultz about that and in the memorandum I wrote to the President, or one of the memoranda on school desegregation, I refer to all of that. Excuse me. You got that? You got a good picture of that?

Timothy Naftali

It shows that you're [unintelligible]

Leonard Garment

It's allergy also, it's a whole combination of things. Maybe you should better just go with the sound track and forget about the pictures. Timothy Naftali]

No, pictures are everything. You said you had conversations with Shultz before he was named to this committee.

Leonard Garment

Before and during. We became quite close through those years.

Timothy Naftali

Tell us about him.

Leonard Garment

Terrific guy. I mean, just to put it as squarely as I can, he had everything. I mean, he had -- I mean he was the Marine officer absorbed into academic and intellectual life and putting all the pieces together and making them work for national politics. I mean, very strong, very smart manager running the University of Chicago business school, and he had that manner of real calm and he had a real belief in the educational imperative that was involved, that school desegregation as well as the social imperative as well as the fact that law and order in its truest form required that this be done right and that it was going to be a very difficult task and he took it on and did a spanking job.

Timothy Naftali

Do you recall any conversations with Nixon about the school desegregation?

Leonard Garment

Not really, not much. Maybe a little bit. Basically, my communication with him was through this lengthy memorandum. I mean, what happened was that Spiro Agnew was scheduled to make a speech somewhere in the South that Pat Buchanan was drafting for him, sometime, I guess, in the late winter or spring of 1969, '70, I forget what year, but Agnew was going to make what would be a disruptive speech, maybe not as disruptive as the one Pat Buchanan originally had in mind, but still disruptive enough. John Ehrlichman said, "I want you to keep an eye on this speech that Pat is drafting." "Work with him on it," and told Buchanan that I was to work with him on it. I technically had status that was senior to Pat. I couldn't bully him and I didn't even know how to typewrite but I was very good at writing fast on yellow pads. And so, then we had kind of a royal free-for-all for several hours while he tried to draft and I did everything I could to disrupt what he was doing. It was a total mess. Meanwhile I was writing a memorandum to the President saying this was not anything that should be done by the Vice President or by anybody else in the administration. "This is big, Presidential stuff to be done by you," and that went over. The next day, I guess, the next morning, Nixon decided to do it that way and Haldeman told him that that was the way it was going to be and Ehrlichman said that he, or that the President, wanted me to pull together all of the information, all the material, that would be useful for

the President to read and to study in connection with the speech. That's what I did. I worked and prepared, with the help of some lawyers that I drafted from HEW, the Justice Department, I mean, I was given sort of freedom to use whatever resources were available, and prepared a kind of the black book -- kind of a funny, strange name sort of a little bit race conscious so as not to -- so that went over and Nixon took it, Ray Price was assigned to draft the speech. He had drafted an outline of a speech for the preliminary memorandum that I sent in that led to the black book and then he prepared the draft of the major speech as I recall -- something like that -- one or the other or both pieces of draftsmanship, and then Nixon took the whole pile down to Florida and worked away. Then, you know, there was the customary battle between the hardliners and the softliners fighting over sentences and what have you, but basically it remained pretty much in tact and was a very worthwhile and, you know, worthy effort on Nixon's part. It was delivered as a state paper, not as a speech, which was a good decision on Nixon's part.

Paul Musgrave

Why a state paper instead of a speech?

Leonard Garment

Because a speech becomes distracting, becomes a personality thing. This was kind of a major piece of work involving case law, involving details of history. A speech would wind up becoming an impossible proposition to deal with all of the different issues whereas here we knew it was going to be criticized, that the NAACP and the members of Congress would not be happy with it because it was kind of down the middle. So the format of a state paper was the right one. We did that with the Indian message also. It didn't make sense to Nixon to make a speech about the history of mistreatment of the Indians in America, the importance of independence for Indian tribes and self-determination. Nobody would know what he was talking about. These State papers were addressed to a particular audience that's familiar with the social or political complexities of a nation that dealt them with some seriousness.

Timothy Naftali

I'd like to ask you about the American Indian issue at the moment but I'd like to finish with desegregation. In 1972, there's some pressure on Nixon to alter his approach to desegregation, at least to alter his rhetoric.

Leonard Garment

Right, to come up swinging against busing, that is, to take a pronounced, even a Constitutional stance against busing, which he didn't do. I mean, whatever he said, he was anti-busing but he didn't do anything. [laughter]

Timothy Naftali

Actually, did you find that you had persuaded him in 1970 or had he not made up his mind yet on what to do? ?

Leonard Garment

No, I think Nixon was basically pretty good on issues of race and minorities. That is, his gut was on the right side. He wanted to see something done. He knew that this would measure his Administration as being a serious one or worse than lackadaisical, perhaps destructive, if he played games with school desegregation, that it was a very, very touchy issue. The whole issue of race was very complex and touchy and filled with a lot of talk and a lot of rhetoric and a lot of game playing by special interest groups through which he had to weave his way and, in customary Nixon fashion, he did one hell of a good job. I think he was very proud of what he did. At various times, I was present at a couple of speeches, a couple of occasions, of speeches or interviews where he was asked the proudest moments in his Presidency and there was China and there was school desegregation, getting that job done. Now, he may have had some others along the way but those are the ones that stick with me.

Timothy Naftali

And he viewed school desegregation as one of his proudest achievements?

Leonard Garment

Yes. It had to be. I mean, it was in this school year beginning Fall of 1970, there was more school desegregation than by far than had taken place in all of the years since Brown against the School Board. It was well on its way to becoming a different kind of problem, that is, a problem that wouldn't hold still. You could desegregate the schools, but you couldn't desegregate the communities so what was encountered and what we're encountering now is re-segregation. After the Constitutional requirements are met, then it's the problem of the human requirements and hard to hold this particular set of issues in one's grasp.

Timothy Naftali

Why did Leon Panetta and Bob Finch both leave the scene from HEW?

Leonard Garment

Well, I think Bob Finch basically was broken by the pressures, the conflict between his loyalty to and closeness to Nixon and his ideological views and his political interests and ambitions, and the public mess that accompanied the efforts at that point by HEW to use fund cut-offs to enforce school desegregation, just wasn't going to work and the compromises that he was forced to make and that Panetta was forced to make for political reasons were unacceptable all around. It just didn't work. It didn't work for them. It didn't work for the community and Panetta was sacrificed. He was somebody that the South, whether it was Stennis or Thurmond or their staffs said, "Get Panetta." He sort of symbolized a breakneck desegregation pace and so he was dumped. It sort of bought a little bit of time but not that much. The problem still had to be addressed.

Timothy Naftali

Where were Finch's ideological views?

Leonard Garment

Finch was, his gut was essentially a liberal Republican, [unintelligible] kind of point of view, trying to fit that into the Nixon administration during that time was impossible for Bob. I mean, the pressures were too much and so, I mean, I think first he was brought over to the White House in a counselor position and that wasn't very good for him either and then he left. I mean, I didn't follow it too closely. He was an interesting, attractive man who had one of those close relationships with Richard Nixon that led him to fashion a picture of Richard Nixon and his politics that wasn't altogether accurate.

Timothy Naftali

Could you be more precise about that?

Leonard Garment

I think he thought that Nixon could be brought closer to his view of what should be done than Nixon was prepared to do, and therein was his downfall.

Timothy Naftali

Another of these super- counselors or advisers was Bryce Harlow.

Leonard Garment

Terrific. [laughter] I guess my favorite among all of them in a way because of his --

Timothy Naftali

Let's start because he'll come back when we talk about Watergate. Could you tell us about his role, if any, in the school desegregation?

Leonard Garment

Well, he was on a scale of one to ten reflecting an affinity for the desegregation project he would have been about four and a half because he had a real sense of the importance of desegregation but he was also a southerner and he had a real sense of how difficult it was for his community to accept this and how difficult it was going to be politically. So, then when it got sort of the important tests of his fidelity to law and to what the Supreme Court required and what the country, in a sense, required, you could count on him to come down on the right side. On tax deductions for desegregated schools, he didn't have any trouble at all with that. No good. I think that was his view.

Timothy Naftali

Tax deductions for segregated schools.

Leonard Garment

Yeah, tax deductions for segregated schools.

Timothy Naftali

We don't have a lot of time to spend on this but this is one of your other, your great achievements and, to some extent, in that administration. Could you talk to us a little bit about ending the policy of termination of American Indian tribes.

Leonard Garment

It may have been that the very first thing, the very first substantive matter that I became involved in was the most distant from my experience. There's an old song "I'm a lone cowhand from the Rio Grande, my legs ain't bowed, my cheeks ain't tan" -- I found myself, for a specific reason, brought into, interested in this issue. Now I'm having a senior moment trying to recall -- Edgar Kahn, who was the son of Edmund Kahn, Edmund Kahn, a great legal scholar, Edgar Kahn, his son, a lawyer married to Jean Kemper Kahn, the two of them the author of the Legal Services Program by reason of a monster paper in the Yale Law Journal that laid out the whole story then became the bible of legal services. He wrote a book, "Our Brother's Keeper," about the dilemma of the American Indians, their poverty, the way they'd been really screwed over monumentally, and I knew him from some other incarnation during the campaign. He gave me a copy of his book and he came to see me and said this was something I should sort of take on. Well, I didn't know how to sort of take it on, but Spiro Agnew was the legislative chairman of the President's Committee on Indian Affairs or some such entity, and he assembled a meeting of all of the statutory members of this commission by which time I had become somewhat familiar with what the issues were, and I was looking for things to do, something that I could, you know, tie into. It resonated, it made a lot of sense. I mean, here was a huge American injustice, up there with slavery as a stain on American history that could be remedied or, if not remedied -- it couldn't be remedied -- it could be abated, we could ameliorate the circumstances. And then it became clear what the signal issues were for the Indian community to the extent that the community had articulated its views through a certain kind of leadership. I mean, there were many issues but one of the most vexing was something that the Republicans were responsible for which was termination policy. It went way back but in its modern incarnation, it represented a view that the Indians should be assimilated into white society, American society, that the tribal relationship was a dependent relationship that wouldn't work, didn't work, and so that the tribal sovereignty should be terminated. That was termination policy and so, as part of a medley of remedial issues under the slogan "Self-determination without Termination," we assembled the Indian program, which touched, pretty much, all of the bases and made for very significant change, although by no means anything like a solution, for modern Indian life.

Timothy Naftali

What was the Vice President's view of this?

Leonard Garment

Well, one of his staff members was very helpful. I can't remember his name, unfortunately. But he didn't have much to do with it. I mean, I don't recall him taking part in the effort. I don't recall his being a detriment or opposing anything that we were proposing.

Timothy Naftali

What role did John Ehrlichman play?

Leonard Garment

Very helpful. John had a real history of work with Indians, land issues on the West Coast. He was, with respect to Indian issues and with respect to other issues, minority issues, sort of the race questions, financing of Urban League when they were in big financial trouble, voting rights, the position that the President would take on the extension of voting rights law. He was my voice, he was my access to the President. I mean, I could write to the President, but that, you know, I would send a memorandum to John Ehrlichman or talk to John and then, of course, he was in a position to tell the President, say to the President, there's something we should do. Whether he took it upon himself, or how he put it, was a matter of indifference to me just to get it done and he was an essential part of all of the activities relating to Indians, the Alaskan settlement and the legislative programs in the Lower 48 or whatever we're called.

Timothy Naftali

The President had a football coach.

Leonard Garment

Chief Newman played a role. Never met him.

Timothy Naftali

Did the President ever refer to him?

Leonard Garment

Well, not with me. I didn't really spend much time with the President during his Presidency, that is, not much face-to-face time. There was a fair amount of it during the campaign. But I settled into the job that I had in the White House and I was quite content to do what I was doing without feeling that I had to go in to see the President. [laughter] I didn't have anything particular to say to him. It was more effective for me to say it to John Ehrlichman. As a matter of fact, Ehrlichman used to say, "Why don't you get on the phone and call the President?" After years later, when I saw Ehrlichman post-Nixon, he said "Remember, I used to tell you to call Nixon?" He said, "I used to sit through these interminable meetings with the President where he would go over and over and over the same subject and it would drive me crazy. I wouldn't be able to get any work done so I wanted you to call him and go in and let him drive you crazy." He said, "But you never bit."

Timothy Naftali

Apparently people have argued that that's how Colson got so much time with the President. Let's talk about BIA.

Leonard Garment

Well, I knew very little about the Bureau of Indian Affairs. I didn't have much to do with the Bureau. I mean, I didn't have much to do with any of the departments of the administration. I was sort of White House. I mean, I had my own little gang and my own way of trying to do things, which was quite personal. I didn't want to get into any bureaucratic arguments, to do a lot of paperwork to try to disassemble and reassemble the Bureau of Indian Affairs. I knew there were a lot of problems there. But, I got into Indian affairs after that first exposure with the Vice President's Indian affairs group when Alcatraz was seized by a bunch of Indians from, essentially from the mainland. I guess that was the first occasion for me to take advantage of what I sensed would be instrumental in dealing with problems of this sort, which was that the administration did not want any bloodshed. That there was already a lot of trouble in the country. I mean, later on when there was Kent State, I mean, all of these problems were fraught, I mean there was a time when things were quite explosive, so Indian affairs, I mean, the Indians are on Alcatraz. Bob Kunzig, who was the head of General Services Administration, had control of Alcatraz, wanted to send the Coast Guard in, in force, to take them off the island by force, if necessary. When I heard about that, I said tell him to forget about it so there was a kind of a little bit of a battle, not a battle royal, a battle royalette, a miniature battle, because he didn't have the standing to do anything nor did anybody want bloodshed over Alcatraz. So it turned into a very interesting symbolic issue, which worked well for the Indians and it worked well for the administration. It worked well for the processes of history because here was Alcatraz, this prison island, lump of rock, and here were these people, Indians, out on the island, and here was the Federal Government withholding its powerful, its armed fist, and waiting them out. And it was an interesting time, learned a lot, had a lot of people who were very angry, wanted us to provision the island and it was a way of sort of, at least for me, of striking a balance between trying to enforce the law and also not to be so heavy handed that we wind up in a mess, in a bloody mess. So that was, that was Alcatraz.

Timothy Naftali

They allowed food to go in.

Leonard Garment

They allowed food to go in, water, yeah. They supplied food, right. I don't recall. I just recall Ethel Kennedy being very angry at me on one occasion.

Timothy Naftali

Ethel Kennedy?

Leonard Garment

Ethel Kennedy.

Timothy Naftali

Hold on one second.

Leonard Garment

She reminds me of one of Nixon's campaign speech. [laughter]

Timothy Naftali

And we have speech.

Leonard Garment

I can't help it. Then the other, then there was the Trail of Tears, the caravan that came to Washington on the eve of the election in 1972 and took over the Bureau of Indian Affairs and that came close to becoming a real battle. And ultimately the Indians were, who had taken over the building, which was surrounded by the police day and night for that period of time, and it was immediately right up to the election. So with all the flammable materials that were in the Bureau, gasoline and what have you. And a lot of craziness, anger, and a lot of children, babies, it was all the ingredients of a great tragedy. Mannix who -- Mannix did talk them out with the help of one Indian in particular, Hank Adams who was kind of the in between. You always in these hostage situations you have somebody who speaks the language of the captives and the captors, and this was Hank Adams. And so we had these middle of the night meetings sitting on the floor of my office. The Indian Chiefs wrapped in their blankets and we were all, quite strange. Finally it became clear the problem was how to get them out, how to get them home because they didn't have any money. And that's when Frank Carlucci came into the story. It was at a dinner party at Ken Dam's house and Ken was George Shultz's deputy over at Treasury. And he mentioned Carlucci and OEO and the money they had brought to mind. I called Frank and I said, "Get me some money so I can get bus tickets for all these Indians." [laughter] So he figured out how much it was or I don't know, it wasn't a great deal whether it was \$70,000 or \$80,000. Pay [unintelligible] and handing out the money for the bus tickets and they left and the place was an absolute shambles but it was a very kind of a heart stopping shambles because you could see the anger that was, I mean the real rage on the part of the Indians. Everything was destroyed. And I mean there was paper all over the place, which was interesting because the Indians always drowned in paper or suffocated in paper. Well every piece of paper they could lay their hands on was flowing around the stairwells of the Bureau. But they left and they took some things with them. We had a debate over whether to arrest them or not, we just let them go. Stopped some who were carrying stolen property and then ultimately when Wounded Knee took place, some of the Wounded Knee residents brought suit charging that we were negligent in funding the Indians at the Bureau of Indian Affairs and that was a law suit that went through the Court of Claims and resulted in long, majestic opinion, vindicating Carlucci and me for giving them the money.

Timothy Naftali

At Wounded Knee they said they should have gotten the money, too?

Leonard Garment

I'm sorry.

Timothy Naftali

What was the case -- what were they complaining about?

Leonard Garment

Who?

Timothy Naftali

At Wounded Knee.

Leonard Garment

Oh, at Wounded Knee. Wounded Knee was another story. That was pure symbolic drama. I don't know what they wanted there. They wanted to re-do the Wounded Knee as sort of kind of a pay back for the Massacre at Wounded Knee took place in 1874, I forget what the date was. And that Wounded Knee was occupied by Russell Means and Company. If I thought it was any end to this means, say I remember that, and the --

Timothy Naftali

You say you do remember that?

Leonard Garment

I do remember that, yeah. I have enough such little clichés, pearls.

Timothy Naftali

Or's, if's, and's, and but's.

Leonard Garment

So the, that was, that was perhaps the hairiest of the three because it came to the point where the 82nd Airborne was being assembled to go in and take out the Indians. Day after day, several of us, myself representing the White House and being the senior, the senior administration person on the scene, would assemble at the Justice Department and get the bulletins from representatives on the scene, question of what to do, and it was constant pressure, particularly by the Marshals to go in and clean them up. And that would have been bloody because they did, there were weapons. And then it reached the point of having the 82nd Airborne brought into the drama and I remember talking to Al Haig about whoever is going to be assigned to look after this effort and he said, "Don't worry, there's somebody who knows what to do." And that was General Volney Warner who was a much-decorated combat veteran, who came and spoke to the assembled party of Justice Department, Interior Department, Police, those favoring some armed intervention. And he just went through what would happen. The number of troops that would be used, the tear gas, the number of deaths that were likely and when he finished there was no more talk about taking them out by force.

Timothy Naftali

Do you think he designed this briefing to discourage the use of the military?

Leonard Garment

Oh, yeah.

Timothy Naftali

Had you talked to him before the briefing?

Leonard Garment

No, but I talked to him subsequently and he made available to me a memorandum he wrote during that particular episode. I don't remember exactly what it was but it's in my book.

Timothy Naftali

Let's fast forward to Watergate. Now when does Watergate come on your radar screen? When the break-in occurs, what do you think of it? Did you read about it in the "Post?"

Leonard Garment

No, I was in Asia when Watergate took place, conveniently. And I was just finishing an inspection tour of USIA facilities, winding up in Vietnam and then going to Japan and from there to Honolulu and then home. And it was either in Japan at the airport or at Honolulu that I saw the newspaper, week after the event or some days after the event, which had an item about this break-in. I remember thinking or saying to Frank Shakespeare who was with me, "That must be Colson and his gang of cut-ups." Well, it probably wasn't, but I still don't know. I don't think history knows what his role was or wasn't you know, all of that. I came back. I didn't pay any attention to it. This is the point: life in the White House is compartmentalized in a way that persons outside the White House find hard to believe. Of course the office next to mine during these, the summer months of Watergate, after June 17, were spent by me sitting cheek by jowl, next door to Charles Colson, while everything was going on and I didn't have the faintest notion about it. I mean I knew there was -- I don't think I even knew that there was an investigation going on. I mean, I was busy with other things.

Timothy Naftali

Why did you think it was Colson? What was it about Colson, what you knew about him at that point?

Leonard Garment

Well, he was the center of most mischief, in political mischief in the White House. He was also, you know, I'll walk over my grandmother kind of braggadocio, hardline politics. And, I mean, that was just -- that's the department of idle thought, I mean, it was -- that's the thought I had. I didn't pursue it. I didn't make any accusations. I didn't investigate it. I think I just went about my business perhaps not

wanting to find out anything more. Summer of '72, with leading into the campaign, I had no particular role in the '72 campaign. It's kind of a blank.

Timothy Naftali

Why do you think Richard Nixon tolerated someone like Colson?

Leonard Garment

Well, because Colson played to that part of Richard Nixon's complex, multifaceted persona in a very effective way. I mean he did, he said and did the things that nobody else would say or do. Nixon is sort of beyond anybody's ability to capture. I mean, I've tried my best but I think that there are some historical personalities, people in history, must be others, than Nixon, who have, there's something, it may be that there's something lacking in them and therefore it becomes impossible to identify the particular feature of the personality that results in successes or failures; that it's all more a kind of existential proposition that is guided by the principal of winning or losing, surviving or not surviving. I think there's something always very puzzling to me because I really did have a feeling of affection for the Nixon that I knew, the Nixon that I had something to do with during the campaign time and then after Watergate when he was already out of office and I would occasionally see him. He just didn't allow himself, least so far as I was concerned, to be examined, understood. Me, myself and I have been and will continue to be a secret.

Timothy Naftali

Did he show some of that darker side to you? Did you ever see it?

Leonard Garment

Well, it would have been, it would have been during the campaign and I didn't, no, didn't see it -- kept, that was more or less concealed.

Timothy Naftali

On the tapes, one has a sense that he has a complicated set of ideas about the Jewish people.

Leonard Garment

He had a complicated set of ideas about every people. I mean I've said he was an equal opportunity hater. I mean, he -- if there was one central thing, someplace, somewhere he was injured or wounded in a way that resulted in a paradox that he survived and was both strengthened and weakened by the wound, that the wound was very deep and very permanent, affected his way of visiting the world and the people of the world. Couldn't get rid of it. In a way at times, could stand aside from it and regret that he couldn't get rid of it. And those are moments when I think when I saw him when I had a feeling of affection for him or a feeling of sadness about the fact that he was, that he couldn't enjoy himself. Or his way of enjoying himself was a mystery to me, that spending time with, virtually all of his free time with Bob Abplanalp and Bebe Rebozo. I mean, they're fine fellows but you sort of

wondered, why didn't he have a larger group to spend time with. I mean, he had access to almost anybody in the world. Kept himself aside from -- I mean, kept himself apart.

Timothy Naftali

I want to ask you about a few episodes. Watergate's a long story but there are some episodes we'd like, I'd like to hear you talk about please. One of them is when you hear that there are tapes.

Leonard Garment

I'm sorry.

Timothy Naftali

When did you hear that there were tapes, that Nixon had made tapes?

Leonard Garment

Well, when we were preparing the May 22nd, 1973 paper -- do I have the date right?

Timothy Naftali

Probably.

Leonard Garment

It's that long sort of explanation for the spying and doing this and doing that. It was Buzhardt, myself, I think Ray was involved and Buchanan and pieces would be -- and Haig, and pieces would be drafted and taken into Nixon in the old Executive Office Building office for him to pass on it. From time to time Haig came back with detail that did not seem to be top of the head memory. It was too detailed and it came as no surprise to any of us to think that there were recordings. That was sort of assumed during that exercise. The big surprise was that there was an automatic system that was played constantly. That was the big surprise. And I was apprised of that by Larry Higby when I was preparing the different staff people to go before the Ervin committee, staff for their interviews. And Larry Higby came and told me about the round-the-clock, non-stop tapes. What do I do if I'm asked about them? I said, "Well if you get a direct question, you've got to answer it truthfully, and don't dance around the subject too much; you'll wind up getting into trouble." Well they knew about it, I don't know, they had that information.

Timothy Naftali

Butterfield had told them.

Leonard Garment

Yeah, Butterfield, but I think, I think -- I don't know. It's always been my feeling that they had that information before Butterfield. Makes no difference. And there they were. It's very strange that this was kept like a living memory of a whole lifetime, and then kept despite Nixon's own, at least tentative

instruction to Haldeman to get rid of the bad stuff and just save the historical material. And then Haldeman sort of, in this account, just neglected to do it until it was too late.

Timothy Naftali

Is that what Haldeman told you or Higby told you?

Leonard Garment

No, that's what ultimately came out when, when the tapes and everything accumulated hit the fan. I mean why is the stuff still there? And why when there was still an opportunity to have the famous John Connally, Henry Kissinger bonfire. Was the decision made to keep them on the theory, on the belief by Nixon and Haldeman that they were Nixon's salvation, totally crazy.

Timothy Naftali

Well, you were there. You participated in the hospital visit when Nixon had pneumonia.

Leonard Garment

Right, the hospital meetings.

Timothy Naftali

Well, yeah, could you -- because Haig told us a bit about that.

Leonard Garment

Oh, well, that's one of those, that's another -- The President is at Walter Reed. He has had or has bronchial pneumonia, something like that. And we now know that the tapes are an issue. What to do with them? Ervin has demanded them. That plays a role in my perhaps, bewildered legal thinking, but in any event, it's been demanded, therefore the trap is set; it's the equivalent of a subpoena. Demand for a document or a tape by a jurisdictionally, a jurisdictional committee of the Senate. What to do? Well, we go over -- let's see, it was Haig and Buzhardt and me, just the three of us. We talk about this before we go over and some work is done to try to figure out what room we have for discretionary action. I mean, can we destroy them? What ways are there to destroy the tapes? Can they be electronically erased? Can they be this? Can they be burned? How many are there? Where are they? What is the law? What risk is being run? That's what I -- that was my department and that was the case of the United States against Solo, decision by Judge Winfield. Judge Winfield, Southern district of New York, affirmed by the Court of Appeals and that where a demand is made even before the service of a subpoena but by an appropriate body for the delivery of materials, the destruction of the materials constitutes an obstruction of justice, assuming criminal intent and all of that, but that's the risk. I don't know quite how the roles were parceled out or but the way it played out was that I took the position that destroying the tapes could be an obstruction of justice which would be a felony which could be the first count in a Bill of Impeachment. I think having -- you know me, I took a more, or recall taking a somewhat more passive position than I actually did take. I think I sort of made it clear that I was not going to hang around while the tapes were destroyed, that I would consider that a risk that I was not prepared to take, the violation of law. I mean I'm trying to, I don't think that's the position I took even

when I wrote the book but reflecting on it since then and knowing that I think Al Haig wrote that I sort of really blew the whistle on the whole operation and said if they considered that seriously I was going to go public and denounce it. I wasn't going to go public but I was going to slide away and try to vanish from the scene and protect myself. I would decline to have anything to do with -- I hadn't really thought it through to that extent but I was a more active protestant than I previously indicated. Haig was the kind of master of ceremonies. He invited viewpoints. Buzhardt, who was kind of the political guy, said he thought that the President could destroy the tapes or have them destroyed and survive. I mean, he was right. I think Nixon could have survived. I don't think; I'm almost certain that he would have survived the destruction of the tapes. It was the tapes that did him in. I mean everything related to the tapes, the tape gaps, the missing tapes, the content of the tapes, what have you. Despite all of that it took a lot to get him out. So that was a crucial moment. Now these were the positions that I think allow me for a lot of back and forth and talk. This is, I think as I recall, essentially where we were. I was Mr. Milquetoast, Haig was, "We'll see what happens," conveying the views of others on the outside that they should be destroyed, bonfire and so forth. My raising the question, whose going to light the bonfire, how is it done? Buzhardt, hard-nosed political guy, said it could be destroyed and that Nixon could weather it. But it didn't end there because the President then got in touch with Bob Haldeman who had, I believe had been asked to listen to the March 21st tape and had listened to it. And as I understand it told the President that he thought the March 21st tape would help the President rather than hurt him in the battle with John Dean. Crazy, if that's what was said. Not to be credited as a sound judgment. Now it may be that somewhere in all of this the basic decision was made by the President to, not to destroy the tapes.

Timothy Naftali

What kind of shape was he in? He was sick. Didn't he have a high fever?

Leonard Garment

He had a fever and all but he was, I mean, he was able to think and to discuss things. I don't really recall him being, or the fact of his being in very bad shape figuring in the discussion about what to do with the tapes, that he was not capable of making a Presidential judgment or a personal judgment. He seemed to be pretty much on the mend and I don't think he was in the hospital much longer than the time that those couple of days when we saw him there. I just thought -- he didn't, he did not want to destroy the tapes for reasons that are very, or complex of reasons. I mean they were his history. They were his way of writing about his Presidency. They were his way of proving what he did rather than what Henry Kissinger did. I mean these are -- we've been through all of these various versions of this story. It -- kind of an act of self-mutilation to get rid of these tapes and then maybe it just drifted while he was in the process of making up his mind. And then there was hovering over it was the information that this would be seized upon as a felony, that destruction of the tapes and that it would be an admission of guilt that all these tapes were destroyed. God knows what was on the tapes that would occasion their destruction by the President.

Timothy Naftali

So Henry Kissinger and John Connally both recommended that --

Leonard Garment

And Nelson Rockefeller.

Timothy Naftali

Did you speak to any of them or did they come to you?

Leonard Garment

No, that was transmitted via Haig.

Timothy Naftali

When did you find out about the 18-and-a-half-minute gap?

Leonard Garment

Eighteen-and-a-half-minute gap?

Timothy Naftali

Yeah.

Leonard Garment

I was taking my son, Paul, who was a clarinetist to the National Symphony. It was on a Saturday and I stopped by the executive mess. I knew that Buzhardt was there and we had been working with tapes, the problem of missing tapes and what have you. And some -- a gap of unmeasured proportion, something small, incidental or defect but I remember going into the dining room and Fred was there alone munching away at a hamburger. And he said, "Well," -- I had my son wait outside, I went in. He said, "We've got a real problem." He said, "There's a big, there's a big hole in one of the tapes." And I think it was later that day that we timed the 18, the buzz, it was a bzzzz, I mean you know, stop watch, 18-and-a-half minutes.

Timothy Naftali

Did you go and ask Haldeman what happened or Rose Mary Woods or the President?

Leonard Garment

Well, that came up at some early point when Rose said that she had accidentally, while answering the phone, had switched something off or on, I really don't recall but it was, it was in that circumstance that I told Rose Woods that she had to get her own lawyer because we were going in to tell the judge that there was this very suspicious gap at a point in the conversation that had to do with Watergate. And Rose had a vulnerability and I wrote a note to her saying, "Here's a subpoena," and there was a subpoena for her. I already told her to get her own lawyer and I shipped her the subpoena and signed

the letter, "Love, Len," which she, I don't think she ever fully forgave me for doing that, kind of stupid.

Timothy Naftali

What do you think happened?

Leonard Garment

I don't know. I think an effort was made to eradicate the conversation. I don't know who did it. Somebody did it. I don't think it was an accident. I just -- an electronic glitch. It was too long. It was too strategically located.

Timothy Naftali

Why that conversation?

Leonard Garment

I'm sorry.

Timothy Naftali

Why that one?

Leonard Garment

Because that was the first real conversation of, after, see I can't pin down what the event was but it was, but it was at --

Timothy Naftali

After you get back to Washington?

Leonard Garment

Right, exactly.

Timothy Naftali

There's another Rashomon. I know we don't have a lot of time but there's another Rashomon moment I'd like you to recall for us please. Saturday Night Massacre. This was before. Tell me what you thought Richardson had agreed to.

Leonard Garment

At the moment I'm not even clear that I recall I wrote about this. But let me try. I don't think anybody -- I don't think there was an agreement of a sort that would constitute even a quasi-contractual

agreement. That is a sufficient understanding on the part of the parties to a conversation that was sufficiently coherent and focused to say "yea" or "nay." Whether he said "I'll stay" or "I'll go" or what, that it was, it was one of many occasions where people, including myself, heard what we wanted to hear rather than what was actually said and did not pursue the question with the kind of care that one would address to a matter of this kind of importance if we really wanted to find out what was what. But that whole moment, that period of time, with airplanes flying senators back and forth and with trying to buy some time and with the war going on in the Middle East, it was a very hysterical, kind of a semi-hysterical time. Things -- everything hung in the balance. Richardson was very key. There was a knowledge that if he went, everything was likely to go. And therefore the recollection of what took place is governed by wishful thinking.

Timothy Naftali

So you thought that the Stennis compromise might work?

Leonard Garment

Yeah. Did I think that the compromise might work? No, I didn't think that. I don't think -- it wasn't close enough to that to the discussion at the -- what I heard of the compromise and whatever I heard about it, this was all -- it was not going to go down satisfactorily.

Timothy Naftali

Do you recall any pressure from the President to get rid of Archibald Cox?

Leonard Garment

Well, that -- I didn't hear that from him directly but I heard -- I knew that he was at Haig and Buzhardt, I mean, who were his confidant's at this time. We just have to get rid of Cox and that the investiture of a new Vice President, the end of Agnew as vice President, the war and the successful conclusion of the Yom Kippur War. This was a circumstance where President Nixon's instinct was that he might be able to get this done. In any event he was emboldened by the fact that Presidential things were happening to think that he could behave in a Presidential way and cut the Gordian knot and get rid of Cox and survive.

Timothy Naftali

Why weren't you speaking to him directly at this time?

Leonard Garment

It was pretty clear to me that he did not -- he thought of me as a -- whether it's as a lightweight or as a soft person or somebody without political gravitas or political balls, he wasn't talking to me about these things. He knew I was present and was willing to have me as part of an advisory group under the control of Al Haig and Fred Buzhardt and Charles Alan Wright. I mean he didn't carry on this way with Charlie Wright either.

Timothy Naftali

But you were his lawyer, right?

Leonard Garment

We were his lawyers. I mean fundamental consideration: lawyers to a President are members of his staff. They are not real lawyers.

Timothy Naftali

One of the things when we've been studying Watergate, one thing you wonder is why didn't -- why weren't all the characters brought into a single room and asked what happened.

Leonard Garment

Because of the fear that doing that would reveal things that people did not want to know.

Timothy Naftali

How much do you think the President knew?

Leonard Garment

A lot.

Timothy Naftali

So he knew about the break-in before it happened?

Leonard Garment

I doubt that. I doubt that, there's no evidence of it and I doubt it. And I don't think it was necessary for him to know that kind of thing for it to happen and for it to be his responsibility.

Timothy Naftali

Why he --

Leonard Garment

Of course, that was the climate that was created to do everything, get everything done. And when you have a staff that includes Liddy and Howard Hunt and you've been through and have had knowledge of the fact that there was a break-in at Ellsberg's psychiatrist's office then you're witting so to speak of all kinds of felonious possibilities by people that are in your direct line of the command. See I think that sort of effected a lot of a great deal of the paralysis was the fact that the Ellsberg -- had to break in, the Ellsberg break-in, which went sour and was known to the President and prompted him to make a number of statements that appear on the tape that cast a shadow and indicate what was, why he

couldn't make a forthright statement about Watergate because it would open up what John Mitchell called it, sort of a house of horrors.

Timothy Naftali

What role do you think Haldeman played in this?

Leonard Garment

Well, I tend to see them all as kind of victims of their own aimless activities. I mean aimless in the sense that various things were done, various things happened that they didn't plan for, that they should have anticipated, that they allowed to happen and then were caught by the tides that were created, it just pulled along, and then made decision after decision, one after another that was, that got them in deeper. I think Nixon understood that when he finally, when he came around to, to thinking about it and writing about it.

Timothy Naftali

Excuse my naiveté, okay, but we talked about what a great lawyer he was.

Leonard Garment

Well...

Timothy Naftali

How could he have created what, I'm trying to reconcile how a great lawyer can countenance this kind of climate.

Leonard Garment

Well, he wasn't being a lawyer, great or otherwise at this time. He was part of a set of activities that were of a highly questionable nature that were either forced upon him by his Attorney General, by his friend or by his staff or by people taking his angry instructions and running with them to serve their own lunatic purposes. I mean it was anything but Richard Nixon, lawyer, being asked to analyze a situation with any degree of objectivity.

Timothy Naftali

When did you first advise him to resign?

Leonard Garment

I didn't advise him to resign, that's sort of exaggerated. When Buzhardt and I flew down to Key Biscayne to Miami, that would have been in the Fall of '72, that's when a lot of these things were accumulating.

Timothy Naftali

'73.

Leonard Garment

'72.

Timothy Naftali

'72?

Leonard Garment

No, no, '73, sorry. And I had made up a whole list of all the -- ultimately turn out to be the 10 different categories of criminal investigation that Cox put together. I mean it was more or less the same list. I thought we should go down there, both Fred and I were a little bit panic struck by the President's off hand instruction, suggestion to Fred to make up a cassette to replace the one that actually wasn't there with the tape that he had mentioned to Cox that was subpoenaed that wasn't available. He said, "Well, I know what I said, so why don't we just make it up," which was very alarming to Fred and to myself and that's what led to the exercise of looking, where are we now because this is going to be, testifying, you, Fred, or I, Fred, whoever said that will be on the witness stand in a couple of days and a question is asked about this tape and any conversation with the President about it or any instruction about it. This is the time to sort of think things through and, thinking it through, we decided to go down, lay this before, hopefully before the President. Actually, what we should have anticipated would be before Haig and Zeigler to prepare for what we saw to be inevitable and to think about resignation, not to resign at that point.

Timothy Naftali

This is before the Saturday Night Massacre.

Leonard Garment

Yes.

Timothy Naftali

So for the next 10 months or so -- it takes 10 months -- on into August.

Leonard Garment

Now wait a minute. I'm getting -- the dates are a little bit -- we're in the Fall of '73.

Timothy Naftali

The Fall of '73 and he doesn't resign until late, till '74.

Leonard Garment

'74, Saturday Night Massacre is the Fall of '73 so it's this -- it's about that time. I think this was before the Saturday Night Massacre.

Timothy Naftali

But it, it takes another 10 months for him to resign.

Leonard Garment

Right. Well, it took that much time for the support to dissolve and for him to reach the conclusion that he'd be better off leaving office rather than being pushed out of office.

Timothy Naftali

What you're saying, you and Buzhardt were already anticipating that.

Leonard Garment

Yeah.

Timothy Naftali

In the Fall of 1973.

Leonard Garment

Yeah, it seemed inevitable in the light of all the stuff that was there and that the Cox gang -- I mean it was a huge, like 100 lawyers and they were all hell bent on nailing Nixon.

Timothy Naftali

Did you, when did you listen to the tapes? Did you listen to the tapes?

Leonard Garment

I listened to fragments of them. I didn't have any real need to listen to tapes. That's something that Fred had to do. It drove him half crazy.

Timothy Naftali

Why did he have to do it?

Leonard Garment

Well, because he had the -- he was able to and he was sort of the principal Watergate lawyer, in house lawyer. I mean I was nominally counsel to the President but that was a lot of bologna. I mean I was just there filling a slot and doing what I could, maybe adding to the confusion rather than helping to resolve it looking back on that time. But I was you know, it was all very interesting.

Timothy Naftali

Where were you those last few days of August before he resigned? Did you see him at all?

Leonard Garment

No. I didn't even see him in a crowd. I mean, I may have seen him at some kind of a mass meeting with the staff, but I don't even recall that. There was certainly nothing, there was no personal exchange between.

Timothy Naftali

When in the last few months of this drama did you have a face-to-face meeting with the President to talk about strategies regarding Watergate?

Leonard Garment

Last few months?

Timothy Naftali

Yeah, of the administration.

Leonard Garment

I never took part in a face to face, even as part of a group. Well, there were some times when Charlie Wright and I spoke to the President about the appeal process in connection with the decision of the district court, the record and so forth. But that was you know, go ahead and do this or don't do this. I mean it was not a real discussion. It wasn't a discussion of the condition of what was going on. So I never had that kind of a discussion with him. I mean I just have to remark on the strangeness of my continuing to be in there and allowed to be in there with my deficiencies as an aggressive defense lawyer, White House staffer, or what have you, allowed by Richard Nixon to continue.

Timothy Naftali

Where were you the day he resigned?

Leonard Garment

Well, I was one of those that was on the call list the night before. Sorry about all of this, regrets, it's terrible, let you down, I hope you can forgive me, you know -- that was like eleven o'clock the night. It was after he made his television speech, so it was about 11, 11:30. I can remember being awake, you know, getting out of bed and then of course the next day was his remarks to the whole staff and then bye-bye.

Timothy Naftali

Were you in the -- you were in the audience?

Leonard Garment

Oh, yeah.

Timothy Naftali

What was that -- how do you, what do you recall of that?

Leonard Garment

Just remarkable. I mean, just myself along with everybody else including the President just either in or close to tears.

Timothy Naftali

It's been a long time -- what were you thinking?

Leonard Garment

You know, I think I was so absorbed by the drama of the moment and of Nixon's ability to deliver a kind of Shakespearean farewell without notes, covering his own personal history, his family, his acts, his regrets and the miraculous terminal insight that if you hate, you wind up destroying yourself. I mean those, the last words he spoke as President were the wisest words that he or any other President ever spoke.

Timothy Naftali

Were you still thinking of him as an older brother at that point?

Leonard Garment

Yeah, I always had that feeling towards him. Kind of a familial feeling.

Timothy Naftali

Had he disappointed you?

Leonard Garment

Hmm?

Timothy Naftali

Had he disappointed you?

Leonard Garment

Oh, yes. I don't know if the word is "disappointed." I mean that kind of trivializes the feeling I had, which was a sense of monumental loss and confusion, tragedy. I personalize it as my hidden, disappointing me, I didn't think of it that way.

Timothy Naftali

What was the surprise to you?

Leonard Garment

In what?

Timothy Naftali

Well, there must have been surprises that you learned things in those months. What did you find shocking?

Leonard Garment

Well, of course one of the, one feature of this kind of event or series of events is that one event hardens you to the next event till you reach a point where you have become psychologically numb so that nothing is that much of a surprise. I don't have a kind of exclamation point moment in mind.

Timothy Naftali

Did he ever resume the midnight calls to you?

Leonard Garment

No, the last one was the kind of pro forma, "sorry, Len."

Timothy Naftali

When did you see him again after the resignation?

Leonard Garment

It was some time later. It was -- I did not see him in California. I did not try to visit him. I think I felt a certain amount of personal shame at the extent to which I had capitalized on all these experiences and talked to Woodward and Bernstein when they wrote "Final Days." I mean I thought I was off the record but come to learn that, that background or deep background means one thing, something different to them. But I felt that I had caused unnecessary hurt to him if he were aware of what I had done and said. So some time passed before, I think it was when he was back in New York I went up to see him and ask him for advice on matters that I was handling. Saw him there a couple of times, saw him out at Saddle River, saw him at the office, the executive, the Vice Presidential office in the Federal Building here. I mean, you know, a handful of occasions. I wrote about one of them when it was, kind of when he, I thought, let his guard down a little bit and was slightly, slightly choked up by the sadness of recall because I got very personal with him on my way out of the office.

Timothy Naftali

Do you think he was letting his guard down?

Leonard Garment

I'm sorry.

Timothy Naftali

Do you think -- you had concluded that he was letting his guard down?

Leonard Garment

It was almost a reflex. Of course, I said that I'd missed him. I mean, I let my guard down. We'd had a good meeting, he had been very warm, clear in what he had to say, very helpful, very intelligent, and so as I was leaving I said, "you know, I really, I miss you," and he, you know, it sort of, it was like a little bit unfair on my part to do that and he seemed, whether he winced or reacted and sort of waved it off. Something in the nature of take care of yourself, standing behind the desk. It's always hard to know what you're seeing, what you're, what is evident, what's taking place and how much you read into the moment. But that was the sense I had.

Timothy Naftali

Thank you, Mr. Garment.

Leonard Garment

My pleasure.