

*Part of the Richard Nixon Oral History Project*

# An Oral History Interview with MICHAEL CONWAY

Interview by Timothy Naftali  
September 30, 2011  
New York, NY



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## **Descriptive Summary**

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

Michael Conway served as an attorney on the Impeachment Inquiry staff of the House Judiciary Committee in 1974 under Chief Counsel John Doar. In the interview, he discussed his time as a law student at Yale University and being a part of the Barristers Union along with William Clinton and Hilary Rodham (Clinton). Mr. Conway also discussed his relationship with Yale University law professor Burke Marshall who recommended Mr. Conway for his position on the Impeachment Inquiry staff. As part of the Impeachment Inquiry staff, Mr. Conway discussed his duties which included investigating the Plumbers and the Watergate cover up, preparing the Statements of Information for members of the House Judiciary Committee and his role as editor, along with John Doar, of the final report on the Articles of Impeachment. Other topics included Mr. Conway's responsibility for the Grand Jury satchel which contained the first White House Tapes delivered to the Impeachment Inquiry staff, the calm atmosphere that existed in Washington D.C. on the night that President Richard Nixon resigned and a future lawsuit in Illinois that Mr. Conway worked on with John Doar.

### ***Biographical Note***

Michael Conway served on the U.S. House of Representatives Impeachment Inquiry Staff in 1974 where he worked on a variety of tasks. A graduate of Northwestern (B.S., 1968) and Yale Law School (J.D., 1973), Conway was with the law firm Hopkins & Sutter until its merger with Foley & Lardner LLP in 2001. Conway has also published many scholarly articles and was an elected delegate to the 2008 Democratic National Convention, as well as in 1996.

## **Administrative Notes**

### ***About the Richard Nixon Oral History Project***

The Richard Nixon Oral History Project was created in November 2006 at the initiative of Timothy Naftali to preserve the memories and reflections of former Nixon officials and others who had been prominent in the Nixon era by conducting videotaped interviews. Naftali insisted from the project's inception that it be a serious, impartial and nonpartisan source of information about President Nixon, his administration, and his times. A second goal of the project was to provide public domain video that would be available as free historical content for museums and for posting on the Internet. Donors to the project neither requested nor received a veto over interview questions or interviewee selection. Accordingly, the project includes interviews with former staff members of the Nixon administration as well as journalists, politicians, and activists who may have been opposed to the Nixon administration and its policies. Taken as a whole, the collection contributes to a broader and more vivid portrait of President Nixon, the Nixon administration, and American society during the Nixon era.

### ***Copyright and Usage***

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### ***Suggested Citation***

Michael Conway recorded interview by Timothy Naftali, September 30, 2011, the Richard Nixon Oral History Project of the Richard Nixon Presidential Library and Museum.

### ***Related Materials***

No full-scale oral history project had been undertaken by the National Archives before Naftali's arrival. There had been earlier attempts at Nixon-related oral histories, which met with varying degrees of success. The Center for Oral and Public History (COPH) at California State University, Fullerton, collected more than 200 interviews in the late 1960s and early 1970s. The National Archives and Records Service (as it was then known) ran an extensive exit interview program with departing administration officials during the Nixon and Ford administrations. Only a small portion of these interviews have been processed in full. The first Nixon Foundation, which operated during the Nixon White House years, undertook an oral history project in 1970 to cover Richard Nixon's life up to his entry into political life. Following the collapse of that foundation in the wake of the Watergate scandal, those oral histories were transferred to Whittier College and have not yet been released. The Nixon Presidential Materials Staff interviewed several former Nixon officials in the late 1980s and a few others in the early 2000s, but these programs were not sustained. Gerald and Deborah Strober published excerpts from interviews with Nixon-era figures in their 1994 book *Nixon: An Oral History of His Presidency*. In the late 1990s, the *A Few Good Women* project, sponsored by Barbara Hackman Franklin and the Pennsylvania State University, recorded interviews with approximately two dozen former Nixon officials about the administration's drive to increase the number of women in the senior levels of the federal civil service. John Whitaker, an independent researcher and former Nixon administration member, conducted several dozen interviews in the early 2000s; those interviews, which are owned by the Nixon foundation, are closed to researchers.

### ***Duplication Services***

Contact the Richard Nixon Presidential Library for information about duplication of DVDs and original master tapes.

### ***Disclaimer***

Oral history interviews are expressions of the views, memories, and opinions of the person being interviewed. They do not represent the policy, views, or official history of the National Archives and Records Administration.

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The following is a transcript of an Oral History Interview conducted by Timothy Naftali with Michael Conway on September 30, 2011 in New York, NY.

Naftali: Okay, let's go ahead. Hi, I'm Tim Naftali. I'm Director of the Richard Nixon Presidential Library Museum in Yorba Linda, California. It's September 30, 2011, we're in New York City, and I have the honor and privilege to be interviewing Michael Conway for the Richard Nixon All History Program. Michael, thank you for doing this.

Conway: My pleasure.

Naftali: Let's go back to Yale Law School.

Conway: Okay.

Naftali: Tell me about some of your classmates who later become important to the story of the inquiry.

Conway: Well, I was graduated from the class of 1973, which actually put me in the same class as my friends, Bill Clinton, and Hillary Rodham then, and Bob Reich, who was also a classmate of mine. And other people who ended up working on our staff, like Rufus Cormier, and we all sort of manage to graduate in the same class. Bill Clinton and I are the same age, but he spent two years in Oxford, and I spent two years in the U.S. Army in the middle of law school. And Hillary is a year younger, but she stayed around an extra year.

I met them in an organization called the Barrister's Union that was essentially what you'd call a trial practice course today, but because it was Yale, we called it the Barrister's Union.

Naftali: You actually debated or they were your adversaries?

Conway: Well, at the end, what happened was it was a course requirement that you had to do. Something, a moot court, some kind of legal aide, or you could do this Barrister's Union, and it was run by a board of third-year students, and in your second year in the spring. I participated, and you had a trial with jurors who came in from the community, and because it was Yale, we got federal district judges from New York, Providence, and Connecticut to sit in, and at the end of the term they had something they call the prize trial, and people were selected, two on a team, and then there was a third, sort of a support, but too active.

Bill and Hillary were my opponents in the prize trial. It was a criminal case, they were the prosecutors, and I was the defense lawyer. It was tried

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on a Saturday, in one of the big rooms in the law school, and Abe Fortas, who had just left the Supreme Court was our presiding judge, and this was in the spring of 1972, and I'll tell you a little story about what happened later.

I've been friends and stayed in touch with the Clinton's all my life, and been active in their campaigns. In 1972, Hillary came to where I live in the north suburbs of Chicago. She came to a town called Winnetka which is next door to where I live, it's very Republican. And she came to make a campaign appearance before the Illinois primary, and so I introduced Hillary at this event, and there were probably 100, 150 people there.

Hillary was a Democrat, I was a Democrat, and there was one other Democrat in the room that I remember, and she was sort of the grand dame of Democratic politics, and just gentele older lady. So I introduced Hillary, and Hillary said "Well, Mike didn't give a complete introduction. Said Mike and I were opponents in the prize trial at Yale, and Mike won." So after the concluding, Hillary was fabulous, and won a few converts. Dora of the Grand Dame came up to me and said in all earnest, Mike, on your best day, and Hillary's worst day, how could you be better than Hillary in anything, "I said, I have no idea."

So that was sort of the luck of the draw that day, but it put us together most importantly in related to what you're talking about in the third year, because in the third year there was a board that ran this, and I was on the board, Hillary was on the board, and Bill was on the board. And with some others, Rufus Cormier was on the board, and we had two prize trials again. One in the spring, and one in the fall, and Bill and Hillary ran one of the prize trials. They organized the materials, and oversaw it, and they selected a judge to preside that prize trial, and that judge was John Doar.

Naftali: That's how you met John Doar.

Conway: That's how I met John Doar.

Naftali: By the way, that story about Winnetka, that's when Hillary Clinton was running for president?

Conway: No, that's when Bill was running, so this is way back in '92, and she was campaigning separately for him, and it was just before the St. Patrick's Day primary in Illinois. The Illinois primary election.

Naftali: Tell us about the role that Burke Marshall played for you.

Conway: Well, Burke Marshall was a fabulous friend, and professor and mentor at Yale Law School. I took several courses from him, and of course Burke

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Marshall as you know, and John Doar were very close, and I think that's how John Doar got asked to be accepted as the prize trial judge. But Burke Marshall is the reason I was on the impeachment inquiry staff, and feel like I'll tell you that story.

Naftali: Please do.

Conway: So I went to college in Chicago, in Northwestern, and after law school I went back to Chicago to practice law, and I joined a law firm, and again, passed the bar in the Fall, and it was January of 1974. I was in my office, and the telephone rang, and I pretty much remember this conversation pretty much close to verbatim. It's Hi, Mike, this is Professor Marshall. Oh, hi Professor Marshall, how are you? I'm fine. Did you see that John Doar was named special counsel of the House of Fiduciary Committee?

Yes, I did. How would you like to work for John? Wouldn't that be fascinating? Goodbye. That was the conversation, and so shortly thereafter I got a call from John Doar, who I really didn't know very well, and John said, "Talk to Burke, see you Sunday." I said, John, see me Sunday? This is on Thursday. I said I'm at this law firm, Mary; we're just buying a house. I've got two small children, I haven't spoken to my wife, I haven't talked to anybody at the law firm. He said fine, call me back in an hour.

So I went to three senior partners, and I'm just a brand new associate lawyer, and went to one. And his politics were such that he told me to get back to my office, and get to work. And I went to a second one who was the head of the Trial Department, and he wanted me to negotiate what my responsibilities would be, and be sure it was worth doing.

And I went to the third one who was a man who at age 29 or 30 had worked in the Truman Administration in a high position, the Internal Revenue Service, and I barely told him what had happened, and he said you have no choice; your country's called you to serve. So on Sunday I was in Washington working for John Doar.

Naftali: You might not of been able to say yes had you been clerking for a judge.

Conway: True. Happy to tell you that story if you like.

Naftali: Please do.

Conway: Burke Marshall's the integral of this story too, so it's very different today, but back in the late 60's and early 70's, U.S. Supreme Court Justices took their clerks straight out of law school, and it's evolved now into a very elaborate process of feeder judges were young lawyers, able lawyers,

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clerks for usually Court of Appeal Judges, and then apply after that to the Supreme Court. But when I first began law school, I think 8 of the 19 clerkships in the U.S. Supreme Court were filled by Yale Law students who graduated that year.

But by the time it came around five years later, with the Army intervening, in 1973, 8 of the 9 judges had gone to this system of having judges recommend their clerks, and be a second level of clerkship. But Justice Byron White still had not done that, so I was fortunate to be invited to interview with Justice White, and so was one of my classmates, Dick Blumenthal, who was head of the law journal, and now Senator for Connecticut. And we were interviewed, tremendous experience, but we managed to put a nail in the coffin of that procedure because Justice White didn't offer either of us the job.

So shortly thereafter, and I sent the letters off to the Justices, making application I got a letter from a judge on the D.C. circuit, and since, I guess my comment won't be too flattering, I won't say the name of the judge right now, but he said in his letter, he had my resume forwarded by Chief Justice Burger, and he would be happy to offer me a clerkship. And if I clerked for him, that the Chief might very well look favorably upon my application in the next year, so I consulted, I didn't know the judge, and I consulted Burke Marshall, and he told me in pretty plain language that the judge's politics were such that I might not be comfortable clerking for the judge.

So I wrote back a thank you for the kind of offer, but said no. And the serendipity part is had I accepted that clerkship I would of been clerking in the D.C. Court of Appeals, and Burke Marshall couldn't of called me up and asked me to go be on the Impeachment Committee.

Naftali: So you arrived in Washington, and what are your duties?

Conway: They were very fluid; I guess is the best way to say it. I'm sure it's been described to you many times. We were in the old Congressional Hotel, which was literally a hotel, and we were on the second floor, and compared with the security that is so omni present today it's sort of laughable. We had one guard at the second floor elevator, and I was initially assigned to investigate sort of called the miscellaneous. It was the political tricksters, Donald Segretti, and Anthony Ulasewicz and folks like that.

But I was also then pretty quickly assigned to investigate the Plumbers which had its own irony because when we had in this converted hotel a suite of offices, and we walked in, and got the desk. And there were three desks. In this larger room, there was this little alcove with a fourth desk

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which was kind of off to the side, and that was mine. I thought, well this is nice, touch of privacy, so forth, and I'm investigating the Plumbers. And then I realized that it was a converted hotel room, and I was in the bathroom.

So I began doing the Plumbers, but what actually happened was as the work progressed, as the investigation focused more on key things, and less on peripheral things. I sort of followed the investigations so went from the Plumbers to the Watergate, and Watergate cover-up, and that's sort of the progression that I had over the eight months I was doing this.

Naftali: Everyone I've talked to so far stresses that Mr. Doar stressed to you how important it was to be non-partisan.

Conway: Absolutely. I wasn't – you have to put yourself back in those times but, I wasn't particularly politically active. I was what you probably would call a moderator, conservative, Democratic, and I had no pre-disposition or opinion about Watergate at all. In matter of fact, I had not even thought of that closely. My wife watched all the Senate hearings the summer before when I was studying for the bar exam, and I didn't really follow it that much.

Naftali: You were in the Army?

Conway: Was in the Army from 1969 to 1971.

Naftali: Did you go to Vietnam?

Conway: I did not go to Vietnam. My brother went to Vietnam. I was trained to be a combat engineer, and the wisdom of the Army when I was sent to a combat engineer unit, they made me the company clerk, so I protected America from Fort Campbell, Kentucky.

Naftali: When you arrived, the materials you were using came from the Senate Watergate?

Conway: Largely. I mean in a way, to talk about it being an investigation is a little bit of a misnomer. It was more an effort to review and accumulate existing materials, and so the larger source was from the Senate Select Committee of the prior year, but there were other materials that were available. And essentially, and I'm sure you've heard about the card catalogue system at great length, but essentially we were to discern specific facts, and identify facts, and that was the very meticulous and slow in some sense tedious process that we went through.



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And so the first place to look before we went anywhere on our own was to really review in this context of the Impeachment Inquiry what those facts said because the earlier investigations were broad based, but they weren't focused necessarily on the President.

Naftali: In this early period, were you working with Hillary at all?

Conway: No, you know Hillary was a little bit cloistered. Hillary was given the assignment of doing the research and did the standards for what was an impeachable offence. And so she was sort of the scholar with I think 1 or 2 other folks, and we were on the facts side, so overall the same floor. One aspect of this that's really hard to overstate is the compartmentalization process of this. Not only did John Doar stress non-partisanship, he really had a need to know mentality. And if it wasn't something you needed to know, wasn't part of what you were looking into, then it wasn't shared with you.

So in a way, I think as you'll find talking to various participants, at least at the earliest stages everybody knew something about a particular area, but they really didn't have the overview that John, and perhaps Dick Cates, Bernie Nussbaum, Bob Sack and Evan Davis might have known, but I was a foot soldier.

Naftali: What role did you play in assembling the Statements of Information?

Conway: Well, we essentially went through these documents, and we would try to identify things that we thought were salient facts, and of course there were a lot of gaps we didn't know, and early on when we got the President's daily schedule, and we would look at information that we had from other sources. We did have in addition to the public information that was the Senate Select Committee.

We did have the testimony they'd taken in private or in camera sessions, so we'd essentially find a fact, we'd fill out a 3X5 card, and the library would essentially develop these things initially chronological order. John Doar's belief was, and proved out it'd be very powerful just to say in a sort without adjectives, step-by-step-by-step what occurred, and frequently in this time period, you would have somebody testimony about an event, and then two White House people talking.

And then the person who talked didn't meet with the President, but the next one on the President's calendar would show a meeting. Then there'd be something on the other side of it. You wouldn't know, you were kind of trying to connect the dots, and infer what happened in between there, and of course that's what led to the request for tapes and the subpoenas.

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Naftali: You had a personal role in accepting the grand jury information?

Conway: Later on, what happened was when the so called black satchel came, and as I said, my role evolved in either I was someone who wasn't good at anything, and they kept trying to change me around or I was the utility infielder, whatever but when the grand jury satchel came, which was locked in a safe, John Doar gave me the responsibility of sort of being the keeper of that, and again, in this need to know process, giving information to specific people who had a need to know that information.

Naftali: So tell us what you remember from what was in the satchel.

Conway: Well, those are the first tapes that we've gotten, and the taping system, it's hard to believe that this is in a lifetime that these had been secured because so many things are different. I mean the technology we had that we had no technology. And the tapes themselves were very, very difficult to understand and hear, and what was then considered state-of-the-art to try to make the fidelity of those better.

And sort of jump ahead, I was actually had the good fortune to be in the first session of the committee which was a private session where the members heard the tapes. And they had these big bulky earphones, and the first, and I can't say what the interval was, I'm thinking a minute but it probably could of been shorter, and seemed longer, they played the tape in their original version I should say. It was impossible to hear. There was static, it was noisy, it was almost felt like if you listened very long you'd get a headache.

Then it began playing with the background noise removed, the voices enhanced, and the members were transfixed. Every one of them, it was like all of a sudden you could really – because the tapes came with a lot of pre-publicity, and you could tell when you first heard them, these are the tapes, and they got everything in this. Then you were almost a voire listening in on these conversations. I had nothing to do with the technical part of it, but the people who worked on that did that, and made a tremendous impact, and of course, every time the tapes would play, they had a tremendous impact.

Naftali: We've talked on camera with some of the members who were there. Do you remember, and discussed the impact on them of hearing the tapes, cleaned up version.

Conway: Right.

Naftali: The first time, what was the effect on you of hearing the tapes?

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Conway: Well, there's such positive evidence. I mean in almost every instance, and I think of one, and I can't tell you the date of it that was different, maybe I'll tell you that, but in every instance the information was far more powerful and incriminating hearing it than reading it, even if you had absolutely accurate transcript. It was the way conversations occurred, it was the interjection. It was the tone, and it was just much more powerful, and there was never any doubt that what you were listening to was accurate. It wasn't a transcript. It was transcribed probably, but the one I remember, and this, I got to confess that maybe my storytelling over the years has gilded this story, and if it did I'm sure it can be found out.

But I do remember looking at a transcript where in the White House where President and his advisors were there, and there was talk about making payments to people to be quiet, and someone said after some particularly incriminating statement watch out Mr. President, you'll be hurt. And he said no, I can take care of myself. Looked terrible on the printed page, but then when I actually heard that tape, everything that was said was of course said, but someone was moving around the room presumably the President, and knocked something over with a large clatter.

And someone said, "Watch out Mr. President, you'll be hurt", and he said "I can take care of myself." So that was the only example where it was more benign to hear the tape, but 99 times out of 100 the tapes were much more powerful, and actually incriminating.

Naftali: Tell us what you can remember of how the case developed. First of all, your inquiry went from being an inquiry to ultimately being a prosecution that was in the end even Mr. Doar had to make a case.

Conway: Well, it was a presentation. You know, I think if we had gone to the Senate side, it would of been a prosecution. John Doar's philosophy was to let the facts speak for themselves, and to develop the facts, develop in a way that was couldn't really be challenged in terms of their accuracy. And there really was no effort to spin the facts. I mean you laid the facts together, and they portrayed a picture, so but I think what actually happened maybe to answer your question a little more directly is the staff over the period – I began in late January. Over the period of January till April or May, I think the staff largely became convinced that the President had done something that was an impeachable offense.

Was it a crime? Probably was a crime too, but the standard was it didn't have to be a crime, but that was sort of done in an incubator. I mean I can't tell you how insular we were from the world, and so we arrived at that conclusion, and then the next stage was presenting that same evidence to the committee where the committee arrived at that conclusion, but in this day and age of instant information, I remember and Maureen Barden

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told you about it because she was our librarian, the information was so tightly held, and so lacking that I remember the Washington Post one day running a story about some work at the building to reinforce the floor under our library.

And from that to deduce how much evidence we had, I mean you know, you kind of scratch your head, but that was how tight the information was, and so we really didn't discuss this elsewhere, and we were living in a very insular world. People worked seven days a week, some people were together everyday, and it wasn't like you go out on the weekend and then talk to other people about this, and then of course, John drilled into us the importance of confidentiality, which is I suppose one reason why almost 40 years later people finally feeling free to talk about these things because that was the mantra we lived by.

Naftali: And Mr. Doar expected you to be at your desk at 8:00 in the morning.

Conway: Expected us to be at our desk at 8:00 in the morning. It was a funny work schedule. I think we would probably be in trouble with the Labor Department, but everybody was salaried. I made the lofty sum of \$19,000.00 a year, and we worked seven days a week. The difference you could tell was Monday through Friday people wore coats and ties, and worked until all hours. I remember with no sense of irony or sarcasm and joking someone asking me about 11:00 at night if I was gonna go home or work late. And then on Saturday or Sunday we only worked probably 8 or 10 hours, but we wore jeans and casual clothes.

Although we saw no one ever, so it was – but you may be eluding to that we – that's fine for the lawyers, and even for the professional staff, we had secretaries who were just employees of Congress, and who were brought there, and they were devoted, and they worked all hours. And there were times that they worked until 2 or 3 in the morning typing on electric typewriter because there were no computers, and then John would come by at 8:00 in the morning, and wonder where people were. And I'd say John, they were here till late at night, so they'll be here pretty soon. Once I said that, he understood.

Naftali: The minority suggested some members of the staff, sort of a minority staff, how close, I mean at what point was there a dividing line between minority and majority? Did that disappear over time?

Conway: It disappeared for some people, it didn't disappear for everybody. There were people on the minority staff who were as dedicated, committed, even zealous as members of the majority. Of course, Bill Weld was a member of the staff, Steve Sharp, who later became the FCC Commissioner, was Republican, Bert Jenner set a very bipartisan tone as the minority leader.

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There were other members of the minority staff some of whom had been staffers on congressional committees beforehand because this staff was pulled together from a variety of sources.

Treated like a 9 to 5 job and they went home at 5:00. They were certainly the minority, the folks who worked on the staff, but there were people like that too. But I think there wasn't really a partisan hostility in this same sense that we see today. I don't think that was present at all, and while the minority, and eventually Sam Garrison sort of became the more active minority council because Bert Jenner was viewed by some members of the committee as being not representing the minority staff's point of view or the minority members' point of view.

Naftali: When you were hired, did you know how long you were going to be staying?

Conway: No, actually you know what I did? I did find one note. This is a trial lawyer's problem. In hindsight, I wish I kept a diary, but of course I know from litigation that I would subpoena your diary, and there it goes, so I never kept a diary. But I found a note which I actually brought with me which I think was perhaps the notes I made when I got John Doar's call. But it did say it's for unlimited duration, that's what it said.

Naftali: Before the committee took its votes, did you have a sense that there would be a bipartisan majority in favor of at least one article?

Conway: I did. There were a number of Republican members who were very involved, from everything I could see, and I wasn't personally close to any of them really agonizing over some of this information as it came forward. And I know it was entirely the desire of the Chairman and John Doar that this be a bipartisan. If this had been a party line vote, it would of been a failure of the whole mission, because the mission was to conduct this in a bipartisan way, and to lay the facts out. And if it had of been a party line vote either way, I really think that we believed that the President committed impeachable offenses by the time the committee heard this we would of been expecting that there'd be bipartisan support for the articles. But if the proof had turned out differently, we would of wanted bipartisan support against the articles if they had been offered. And of course as you know, some of the articles were voted down, so there were issues that were very important to some members, Cambodia, the embodiments and so forth, some just dropped by the wayside along the way, and those were voted down.

So I think it was critical in the whole process of bringing the members along first, in sort of I guess they should of made the stages clear. We had the staff learning information, and I think becoming convinced of an

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impeachable offense, we had the members in executive session hearing the information. And of course they also heard witnesses, and then by the time the public session where the votes occurred, I think, I'm not saying every member made up his or her mind, but they were well on their way to making up their mind.

Naftali: When the committee heard the tapes the first time, that was an executive session.

Conway: Correct.

Naftali: I asked you about your reaction, can you give us a word picture about their reaction?

Conway: It was – startled I think is the right way to say it because there'd been such a buildup from the time that Alexander Butterfield had disclosed, a year. They've heard about the tapes for year. They've had the President give us the edited transcripts before they heard the tapes, so there's been tremendous buildup for its like a new movie coming out. There was a lot of hype about this. Everyone knew what the tapes were, and were they things that really could be understood because the taping system is described as being pretty crude, and it was pretty crude. So I think it just had a powerful impact.

Every time tapes were played they just had a disproportionate impact, even though we had prepared transcripts of the tapes, and the like. So the \$64.00 question is why did the President keep the tapes, but once he did keep the tapes, they were the damning evidence.

Naftali: Once the three articles were proved, what did you think you'd be doing next?

Conway: Well, I'm gonna to take a step back because I actually went, was in the committee room when they were approved, and of course the room was packed, it was being televised, and there was kind of a corner entrance where the members could come in off the side. And I was standing there, so I'm really in the corner of this huge room, and when that vote occurred, people talked about electric atmosphere, it's hard to capture. You really can't describe it in words that there was tension, there was excitement, it was a culmination of what we'd done, but it was much more than that.

Chairman presided in a very deliberate solemn way that members were asked in very slowly to vote. The votes weren't necessarily known in advance, and it was just a compelling, dramatic moment. But anyway, I answered a different question.

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Naftali: No, that's even a more important one.

Conway: Well, the first thing I did, and I said that my role was pretty fluid, and my degree was in journalism. I was newspaper reporter for summer, Chicago Sun Times, and editor of the Daily Northwestern, and as my wife says now, I used to be able to write, but been a lawyer too long. So one of my jobs was to be kind of an editor of the final report, obviously John Doar was the editor, but I was helping him in reading comments, and getting input from people, and so what I did immediately was work on the final report.

Now in the midst of this we have the Supreme Court decision in the *U.S. v. Nixon*, and we have the release of the tapes, so the reports being written, and then things are happening in the process. I had been asked to stay on, and be part of the prosecution if you will if it had gone to the Senate. That would of been a tremendous experience.

I had a wife that I saw very periodically and a two year old, and a less than one year old that I saw even less, so it would of been a little bit of a hardship, but my wife was so good about these things. Still married to her for 43 years, that I think I would of stayed. I think that's what I thought I was gonna be doing until President decided that he would resign instead.

Naftali: A question about the final report when we discuss the President's resignation, who was the audience for the final report?

Conway: There were many audiences for the final report. One audience, the obvious audience is Congress. They were writing the committee's report, recommending the committee's vote on impeachment to the members, and at the time we were writing the report, certainly believed there would be a vote of the Congress on this because there were the dissenters from the report, there were people who had voted against the articles, and so this was designed to make a persuasive case of the evidence that had lead the committee to vote the article's impeachment. So that's one audience.

Second audience is public, citizenry. In a very transparent way, the evidence had been shown in these televised hearings, there was tremendous interests, and these hearings are being broadcast. This is before all the channels specializing in court T.V. and all these things were being broadcast on the major channels. One was really to show that this was a factual inquiry, that there were facts based on this, and it wasn't a political decision.

I think the third audience is history. It's easy to forget. Everything's now Watergate, and something "gate". Every scandal that comes along is a "gate", and the word is in the lexicon maybe doesn't relate to actually

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what happened, and so I think it was to collect, and marshal that evidence. And then of course what happened was many of the members who had voted against the article's impeachment after the Supreme Court ordered the release of some of the tapes we've been after for so long.

Then they were released and their content known, number of those members rethought their position, and so at the end of the report there are additional and supplemental reports by various members. They didn't change their mind in all three articles, but many of them changed their mind on the principal article. And so in part it was a very fluid document. The report we were writing changed because of subsequent events.

Naftali: You must of written that report very quickly?

Conway: There was a lot of fast writing going on. Work was being done all along because a lot of the report, really if you read it, and I actually pulled it off a bookshelf, and looked at it within the last 24 hours is this again, you might say very dry, factual, recitation of the sequence of events, footnoted, documented, and so forth. So in a way we were writing the report from day one when we were making the 3x5 cards.

Now it had to be pulled together, it had to be put in some context, but a lot of the information was already there. You've probably seen them, I've got them in my basement. They look very dated, they look like a formica counter from the 1950s, but the actual statement of evidence, statement of facts were these big black binders with this garish-orange divider paper after each statement. There'd be the statement, and then there'd be an excerpt from the deposition, or an excerpt of the testimony or a transcript from the White House tapes, and so that information got published by the government. Printing out into a nice book, but that information was always there.

One of the things to come back to, how the information was compiled, in a sense we were prodded by some of the Republican members of the committee. A couple of weeks earlier there was a hearing where some Republican members said in effect, where are the specifics, where are the specifics. You say these things, President, where are the specifics, and I remember a late night, if not all night session, the people on the staff writing paragraphs, each of which began with the word specifically. Specifically on such and such a date, and then the next day those comments were distributed to members, and when someone said where are the specifics, each member had 10 or 20 paragraphs, and they read these things.

Naftali: So those were in addition to the Statements of Information. This was sort of added.



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- Conway: It was added or took Statements of Information, and kind of highlighted because the notion was you're making these charges, but they're amorphous, they're general, they're obstructing, and where are the specifics. And a lot of them came from the statement of facts, but they were sort of repackaged, and everyone began with the word specifically, and that was a writing project that gotten done overnight one night.
- Naftali: To actually, so in a sense that Statement of Information that was to be handed out the next day was rewritten?
- Conway: Well, or some of it actually happened, but it was essentially – they didn't change the Statement of Information, those existed pristine as they were, but the members were sort of giving I guess what you would call today talking points.
- Naftali: Did you participate – were you involved at all in the discussion over issuing the subpoena?
- Conway: Yes, again, because I'm sort of like who's the Woody Allen character who just sit in the back?
- Naftali: Zelig Zelig.
- Conway: Zelig. I'm Zelig of the committee I think, but I remember very much sitting around with Bob Sack, and Bernie Nussbaum. You can ask Bernie when you talk to him, we'd have the President's calendar, and would have John Dean saying, he did something, he left the White House, and then a meeting with the President, and then Haldeman or Ehrlichman would show up, and then something else, and he'd talk to Haldeman or Ehrlichman.
- So he went through these things, and we tried to identify they must be talking about Watergate. So we want to issue, so we issued the subpoenas which of course the White House ignored, but then the Special Prosecutor took our subpoena, and made it, and not totally, but many incorporated into Special Prosecutor's subpoenas which commanded more respect, attention from the White House.
- When the conference of June 23, some of these conversations came out later in the White House, our initial reaction was "Boy, were we smart. We figured out exactly this was the meeting they're talking about something that was germane to Watergate." And after time passed, and more of the tapes were made public, sort of hindsight thought, we weren't smart. We could of thrown a dart, they were talking about this all the
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time. If you had a meeting with Haldeman, Ehrlichman, and the President, at certain time they were talking about this.

So in a way we did identify some of the key ones, and of course we never got the tapes directly, except we got them through the Special Prosecutor subpoena. I remember, and I said I was trying to check myself. I remember evening session, and it was after the President had released the so-called expletive deleted or edited tapes, and again, this shows something could be done in a law firm in an hour in the afternoon or PowerPoint's or something, but the idea was to visually display – John had the idea, visually display what we had gotten, and what we hadn't gotten.

So I was given the job of creating, of having created a big board for the committee, big rectangular board, and the board was simplistic in the extreme. It listed the various dates of conversations that we had subpoenaed. Then it listed a column that said notes, and memorandum and tapes and transcripts. I've forgotten them all but it was just a grid, and the board was all white, and then we filled in, and I went out to some photo shop or something in Washington. I don't know where I went to get this board made.

We filled in, in red what we gotten, but of course what we gotten was very little. We got no tapes, we got no notes, and we'd just gotten these edited transcripts, so the area of the board was largely white which we hadn't gotten in little red column where we had gotten it. So we had an easel, and we brought that into the committee room, and we put the board up, and the staff alerted the Republican members that this board was out there. And of course the hearing was gonna be televised, and the word came back that they weren't gonna come until this board was removed.

So the board was duly removed, but my memory is, but I'd have to go back and look that it was on the front page of one of the big newspapers the next day, the picture of this board which could of been made by a fourth grader with modern art skills.

Naftali: It was in the room, but they weren't there.

Conway: It was set up in the room ahead of time to explain because one of the issues of course to the committee was the White House wasn't complying with our subpoenas, so this was a little graphic to do that. And as crude as it was the graphic was too pointed for some people, and they didn't want to come in until it got removed.

Naftali: Can you recall whether the committee listened to the tapes before or after the White House issued its edited transcripts?

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- Conway: Oh, I'm sure it was after. I'm sure it was after because – the minute I say I'm sure, I'll probably doubt myself, but I believe it was because there was a big issue about the edited tapes, and by the time it was presented, we had our tapes, and we had done our transcripts, and could compare. And one of the issues in the report are the discrepancies or the mistranslations between the edited tapes or not.
- Naftali: Because your staff –
- Conway: Have I done something wrong here? Oh, thanks. More disheveled than usual.
- Naftali: Because the staff had listened to the tapes before the edited transcript.
- Conway: Right and we were able too – but not everyone on the staff –
- Naftali: Not everyone. But you had a special group
- Conway: Very limited group.
- Naftali: Very limited group.
- Conway: So in many senses we were hearing the tapes, many of us on the committee heard the tapes.
- Naftali: Had you heard them before?
- Conway: No, I don't think so. I don't think so.
- Naftali: Did you finish your draft of the final report before the President resigned?
- Conway: I don't think so entirely. My memory because I remember working on it afterward, and I do have this vivid memory of the night he resigned. We were in our offices working, had a television, sure it wasn't a fancy television, and we had all these deadlines, and we had to get our report out in tremendous urgency and pressure, and then the President came on and said he resigned.
- It was just like the game ended in overtime, I mean it just ended. All of a sudden everything that was crucial, pressing, important wasn't crucial, pressing, and important. So I remember people – it wasn't like a large group, it was a small group of us we were watching it at least on this television set. And I remember we just sort of left for the day, and I said to my wife and children, we rented an apartment in Rosalind, just over the Key Bridge, and I used to come to work back and forth by taking the bus.
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It was a bus that went from Key Bridge, and went down Pennsylvania Avenue, actually past the White House, and came up the hill on the Senate side, and I came very used to the bus schedule, and knew the last bus at night.

So that night after the President resigned, I got on the bus to go home, and I don't know what, early evening, I can't remember the exact time, 8:00 or so at night. And there were 2 or 3 people on the bus, the bus driver was listening to the baseball game on the radio, some kind of radio he had, and we came up Pennsylvania Avenue, went right past the White House. The lights were blazed, there were no people there. It was calm and serene, nobody was agitated, and I thought we just changed who the President of the United States is.

It was reassuring in a way. It was reassuring, the bus went out, I went home, but really events that had never happened in our country occurred, and you couldn't have told from what you saw at the White House. There was some concern early on, and probably totally unjustified, but early on in the first weeks or months of this thing envisioning showing up to work some day, and having some law enforcement person saying no, this is closed, go home.

So against that setting I'm sure that was paranoia or exaggeration or whatever it might of been because nothing like that ever, ever happened, but to have such tumultuous things happen, and have the world around you not be in turmoil was just striking to me.

Naftali: Must of been strange working on the final report after the President resigned?

Conway: It was, it was. Some people I think pretty quickly left. I stayed till the end of August as I remember kind of Labor Day being going back home. But at that point, and we had the members supplementing their remarks, and of course they got to write what they wanted. We weren't editing what the members said, so at that point you knew you were writing pretty much a historical document because it would never be acted on.

Naftali: What did you think of the pardon?

Conway: I think it was probably the right thing to do. It's hard to know, in a way you say well, he did these things, and he should be held accountable, there are system of laws, but he was held accountable, and it would of been a very, very difficult time to have had any kind of criminal trial, criminal proceeding.

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- Naftali: You finished the final report before the pardon. Did you think that the final report would play some role in his trial?
- Conway: Certainly the evidence, but we didn't really – we did interview witnesses, we did do a few things, but we really didn't gather a tremendous amount of evidence, so I mean the report was more of maybe a roadmap of what happened, and of course you still would have the issue about whether that conduct is criminal because our point was he didn't have to establish criminal culpability to have him not be faithfully executing the laws.
- So it wasn't like the prosecutor could of put our report on the table, and said, Ladies and gentlemen of the jury, please find the defendant guilty, there'd be a lot more to it. So what we were doing was more of amalgamating, and organizing the evidence than it was really investigating the evidence.
- Naftali: Do you remember the debate over whether Mr. St. Clair could of cross-examined?
- Conway: Well, I again played a little trivial role in this. You may remember a person, Judge Matt Byrne, who was the judge over the Ellsberg trial, and in my meandering of responsibility, and having something to do with the Plumbers, I can remember being given the assignment to take his deposition, but then the word came out that we were taking the deposition not in the sense you would in the court house where another lawyer got to be. We were gonna take his statement or deposition without Mr. St. Clair there.
- And that raised a ruckus, so we didn't, and so I remember from that point of view, early on, and then later on he was involved in the actual hearings itself, that was kind of a precursor to it.
- Naftali: Was Mr. St. Clair, there were some interviews the committee did where he was not.
- Conway: Yeah, but I think this was more in the nature – people would come in and talk to us, but I think we were actually gonna try to take a formal deposition.
- Naftali: Under oath?
- Conway: Yeah, under oath of the judge, and the potential offer to be the FBI Director. I'm pretty sure it didn't happen. I remember the assignment, and I remember thinking okay, I've done something else to cause a confrontation, my board and my deposition I guess.
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- Naftali: Tell me, did you have an occasion to talk to Mr. Marshall, Burke Marshall during the period that you were on the staff?
- Conway: Uh, I didn't really. He came down I think to visit. I will tell you my wife said I didn't talk to her, and I don't remember doing that. We were very, very insular, it's the only way I can describe it, so we talked with one another.
- Naftali: Did you ever talk to him afterwards about this?
- Conway: I did, and you know it was a tremendous experience. I mean you know the history of Burke Marshall and John Doar, and I actually had the good fortune to work with John Doar afterward to. But really, the sort of tenure of Burke Marshall, John Doar, that kind of even, steady, professional attitude just permeated everything. I don't remember, I'm sure I thanked him for the opportunity to have done this because I was 26 years old.
- Naftali: What did you do with John Doar?
- Conway: We actually had a little lawsuit together in Illinois. We were co-counsel of a lawsuit. Nothing that made any big waves of publicity, but it was just fun to see him again and work with him again. He brought – I was born in Missouri, and went to Yale Law School, but came back. I'm a midwesterner, John's a Midwesterner, and sort of shared some sensibilities, although I'm not as stoic and quiet as he is, but.
- Naftali: Are there any other stories you'd like to preserve?
- Conway: I'll tell you a couple of antidotes maybe.
- Naftali: Go ahead, please.
- Conway: If you're a reader of Catch 22, you remember Major, Major. Well, our staff had a Marshall, Ben Marshall or Marshall Marshall, and Ben Marshall was given the task of serving the committee subpoena on the White House. And he was a very nice man, but by the books, and the joke was, and he didn't really do this, but the joke was that he would appear at the White House, be invited in and say, I have a subpoena, which one of you is Mr. Nixon, but he didn't do that.
- The other story is a fellow by the name of Lee Dale was in our little suite where I was in the bathroom, and Lee's job was to look into the CIA's involvement, and we each had a telephone on our desk, and so the telephone rang we all knew we got a call. And Lee had a peculiar experience. He would deal with whoever his contact was with the CIA for information, request information to give us information, this was all they
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had, then usually on a Monday after Senator Baker had been on a talk show on Sunday, talking about CIA's involvement.

Lee would get an unprompted call, someone with the CIA. They'd just happened to look in another desk that had not been searched, and they found some more documents that had come in that would be incriminating of the White House, and that's all they had, but this occurred repeatedly. So it became a little bit of a standing joke to see on Monday morning to see whether Lee would get a phone call, and he did a few times.

Naftali: Michael, thank you very much for your time, it's been wonderful.

Conway: Been a pleasure. Thank you for undertaking this, and certainly as the youngest, I'm really gratified that some of the thoughts of my colleagues were gonna be preserved to, and mine too since I'm not that young any more.

Naftali: Thank you.

Conway: Thank you.