

## **Background: The Woodward and Bernstein Watergate Papers**

The newly opened Watergate archive of Washington Post reporters Bob Woodward and Carl Bernstein reveals that the journalists obtained extremely detailed and comprehensive information from key members of the Nixon administration, from top to bottom, including the President's chief lawyers, many of his principal aides, at least one Cabinet member, a senior presidential adviser and even the President's barber.

The reporters' Watergate papers and files were purchased for \$5 million by The University of Texas at Austin, which today opens the first installment of the collection: thousands of pages of interview notes, memos and other materials immediately available to researchers and the public at the Harry Ransom Humanities Research Center.

The materials show that even the President's closest aides and senior Republicans on Capitol Hill shared their doubts, worries and suspicions about Nixon with Woodward and Bernstein—both as to his involvement in the criminal Watergate cover-up, and his psychological frailty toward the end of his presidency. Senator Barry Goldwater, revered at the time as the “conscience” of the Republican party, told the reporters he had concluded that Nixon was “off his head.”

Under the terms of Woodward and Bernstein's agreement with the university, the identities of individual unnamed sources used in stories for The Washington Post and the reporters' two books about the Nixon presidency are to be disclosed only after the death of each source. Among those living sources is the figure identified as “Deep Throat” in the reporters' first book, “All the President's Men,” which was published in the spring of 1974. The book describes him as someone in a sensitive position of the Executive Branch during Watergate, and his identity is not being disclosed at this time.

In all, more than 75 boxes of materials, which clearly identify nearly 100 now-deceased sources, are being released today, and the substance of the information these sources provided can be seen in detail and attributed to them for the first time.

Woodward and Bernstein kept virtually all of their notes and writing-drafts dealing with Nixon and Watergate from the day of the break-in at Democratic Party headquarters, on June 17, 1972. Additional sources will be revealed—and information from them identified—after the death of each source. To preserve the physical integrity of the reporters' original files (and due in part to the chronological nature of the reporting by Bernstein and Woodward), material that makes known the identities of multiple sources, some of whom are still alive, will be released only after all sources clearly identified in these notes and documents are deceased.

The Woodward and Bernstein material opened today falls into two main categories. The first derives from their reporting for The Washington Post: interviews, memos of phone conversations, story drafts, notes, research documents, correspondence and marginalia created by the reporters while covering the Watergate story from the day

of the break-in until the resignation of Richard Nixon on August 8, 1974, and for the book and movie versions of “All the President’s Men.”

The second category consists of materials used in preparing and writing their book about the slow collapse of the Nixon presidency, “The Final Days,” which became a #1 national bestseller when it was published in 1976. These files include far lengthier and more detailed interviews than the Post material, many with the same White House and Congressional principals who had been comparatively reserved and defensive before Nixon left office, but who became increasingly candid in helping the reporters for their book on the demise of the Nixon presidency.

Among those major sources identified today are the President’s two principal Watergate lawyers, J. Fred Buzhardt and James D. St. Clair, both of whom provided Woodward and Bernstein with extensive accounts of Nixon’s legal strategies and character; Republican Senators Barry Goldwater and Minority Leader Hugh Scott, who played crucial roles in convincing Nixon he must resign or otherwise face certain conviction by the Senate for high crimes and misdemeanors; Rep. John Rhodes, then the House Minority Leader; Arthur Burns, who had served as Nixon’s presidential adviser and as chairman of the Federal Reserve Board; and Attorney General Elliot Richardson, who resigned rather than fire special Watergate Prosecutor Archibald Cox. Interviews by the reporters with Cox’s successor, Leon Jaworski, after Nixon’s resignation provide an extremely detailed account—running more than 27 typed single-spaced pages—of the investigation that eventually left Nixon little choice but to resign. The Jaworski interviews, in turn, fit almost hand-in-glove with a remarkably dramatic portrait of Nixon from the two lawyers who dealt with him almost daily inside the White House during the last 18 months of his presidency, Buzhardt and St. Clair.

Included in the papers released today is an almost day-by-day account by Buzhardt of his dealings with the President and then-White House Chief of Staff Alexander M. Haig Jr. whom Buzhardt called “the most competent, straightest arrow I’ve ever known.” Woodward’s notes of that conversation also state: “(B. [Buzhardt’s] context for saying this is that from an amoral base, Haig was a good executor; wouldn’t go over the line of illegality, but would pull and tug and lie and double deal for the purpose of getting an assignment done [for Nixon].)” According to the notes, Buzhardt thought it would be appropriate to “add Nixon to the list of people that Haig would dump on if he talked about this period.”

In eight major interviews recorded in 42 pages of typed notes, Buzhardt described for Woodward and Bernstein how Nixon was not forthcoming even with his attorneys. “The President would never quite level with you at all,” Buzhardt said, according to notes of one interview. He also said of Nixon, “He is one [of] the most transparent [men] I know; the worst liars... he would pull my leg and I could tell.” Buzhardt had to, in effect, dig out the facts like an investigator because he was obstructed by his client, he said.

He described in detail to the reporters how Nixon resisted disclosing to his own lawyers the contents of secret tape recordings made of his Oval Office meetings and his telephone conversations, and instead ordered his attorneys to put out stories of how his predecessors—John F. Kennedy and Lyndon B. Johnson—had supposedly resisted disclosure of their own tapes.

Buzhardt told Woodward and Bernstein that Nixon's "justification for not allowing his lawyers to listen to tapes was that it made no difference because they would never be turned over anyway." Nixon insisted to Buzhardt that "no one would ever listen to a tape... 'No, no, no, no, no, never, never, never... will you or anyone hear a tape.'" The tapes, claimed the President, had to remain private for national security and "personal" reasons. One way Nixon intended to keep the tapes under seal was to obtain and release evidence that his activities were no worse than those of Presidents Kennedy and Johnson. Nixon ordered Buzhardt to gather information from secret Justice Department and FBI files that would show that the Kennedy administration conducted wiretaps for personal and political reasons—not national security—and to release a list of such tapes.

Notes taken by Woodward state that Buzhardt "says that he was told at least 15 times to put out the info. on the Kennedy wiretaps. 'I was given screaming instructions to leak it.'" Buzhardt said he stalled, convinced that the media would not focus on past administrations while the country's focus and official investigations were directed at Nixon. According to Buzhardt, Nixon "called on telephone from California, 'I want that out. I haven't read it in the newspaper. I don't want any excuses. Do it.'"

The lawyer eventually concluded that "Nixon appeared decisive, but he wasn't and could be persuaded to change his mind." Buzhardt said he finally was able to convince Nixon that his plan would backfire, but the president was nonetheless delighted to learn that Attorney General Robert F. Kennedy had authorized wiretaps on two reporters and an author, Frank A. Capell, who had published a book in 1964, "The Secret Story of Marilyn Monroe," that alleged a relationship between the late actress and Robert Kennedy.

According to Buzhardt, U.S. District Court Judge John J. Sirica, who oversaw the Watergate grand jury, accepted the argument of the White House that certain material on a September 15, 1972 tape in which Nixon ordered the Internal Revenue Service (IRS) to investigate political enemies did not have to be turned over to the special prosecutor initially because it did not relate directly to Watergate. "Sirica kept the President in office six months longer, because if that had come out it would have forced the issue," Buzhardt is quoted as saying. The portion of the tape was later revealed in the impeachment investigation of the House Judiciary Committee.

Notes of that Buzhardt interview state, "On the part of the Sept. 15 tape that deals with the IRS, Fred told Haig and the President that it was the most damaging, exactly what impeachment was set up to prevent, using the agencies for political investigations and purposes. In any case, Fred put on the brief included with the tapes the argument that

it should not be turned over because it did not relate to Watergate. Sirica, to Fred's utter astonishment, agreed."

Buzhardt described working in an atmosphere of consternation, foreboding and continuous battles with Nixon over disclosing relevant material. Ten months before Nixon resigned, Buzhardt said he believed the Nixon presidency would end early. "I concluded in November (1973) that Nixon would not make it," and everything after that was a damage-limiting operation in which Buzhardt adopted what he called "our dilatory approach."

Buzhardt said that until near the end of the 15 months that he worked as Nixon's Watergate lawyer, he deliberately did not look at any potential evidence because as an officer of the court he would have to disclose "a smoking pistol."

After the Supreme Court ruled on July 24, 1974 that Nixon had to relinquish his tapes, Buzhardt listened to the June 23, 1972 tapes—recorded six days after the Watergate break-in—and "at once on first playing realized it was over." He had found the smoking gun. "I'd always been convinced that there was a problem somewhere," he told Woodward. When Buzhardt reported this to Haig, "It did not come as a surprise to Al," he said. "Haig agreed that the President couldn't stay in office."

Buzhardt "doesn't think that Nixon intentionally held back the tape" of the June 23, 1972 discussions, Woodward noted. "He didn't understand it; his reaction to the tape was more a reaction to the adverse reaction of his advisers. 'He never figured it out for himself,'" Buzhardt said of Nixon. The lawyer eventually had Nixon listen to copies of the tapes, and Buzhardt told the reporters that "the President was saying that the national security reasons were real. I said the tape doesn't show that, but that it was the cover story. Then we sat and looked at each other."

Woodward and Bernstein's papers also focus on the political side of the equation during the same period, in interviews with the Republican legislative leaders of the time, including House Republican Leader John Rhodes and Senator Barry Goldwater, the Arizona Republican widely considered to be the conscience of the party.

Goldwater was a major source for the reporters and supplied them with excerpts from his personal diary. One night in his apartment, Goldwater provided Bernstein and Woodward with this judgment of Nixon: "I began to think that he was off his head." Goldwater said Nixon was "lying all the way through," and any respect and reverence he had for Nixon had disappeared early into Watergate.

Over time, support for the President from his fellow Republicans began to weaken. Goldwater told Woodward and Bernstein that there was some relief that the 1972 congressional elections went well for Republicans in spite of Watergate, but the reporters note that "Goldwater told Nixon that after the election he had three months to put government in his control." Not knowing what to anticipate from Nixon, Goldwater and his fellow Republicans were prepared, if necessary, to put their political survival

ahead of feigning support for Nixon. Goldwater told the Post reporters that he “talked with Rhodes... ‘We decided that if we both mutually felt we could or should ask the President to resign, we’d do it.’” Goldwater died in 1998 at the age of 89.

Representative John Rhodes echoed Goldwater’s waning support for the President and expressed how his opinion of Nixon had changed as the situation deteriorated. From a taped interview with Rhodes, the reporters noted, “(re: perception that things might be coming to an end) ‘I believe it was triggered at the time that the first transcripts were released. I remember reading it. And I was shocked by two things. One was the obvious amorality of the whole thing and the second thing was the fact that Nixon just obviously wasn’t his own man. I always thought of him as being in command of the situation and through those tapes came the feeling, entirely different, that he was not in command of the situation. At least not at all times. And that June 23 tape, which is the one that really put the frosting on the cake as far as I was concerned, and my decision was made on that, was quite a bit different in tone. There he was saying he was in command of the situation and, by God, he was telling people what to do and doing; as I say, there was the smokin’ gun. He had it in his hand, and there it was.’”

“‘But I think you could say that after having read the transcripts, as much as I did read them, I was thoroughly shocked and was no longer of the opinion that this man was indispensable as President of the United States. That was what the transcripts did to me, was to lose the faith I had in this guy’s ability to really govern the country.’”

Rhodes told Bernstein and Woodward that “in retrospect, it seems to me that the matter really was spawned by his great desire for, well, I shouldn’t say desire but sort of a mania for secrecy, play it close to your vest. And a real demand for absolute loyalty, which he got. You know, this guy, in many ways, could have been one of the greatest leaders the world ever saw.” Rhodes was 86 when he died in 2003.

The reporters had become aware fairly early in their reporting for the Post that there was considerable resentment towards the Nixon White House from Republicans on Capitol Hill, many of whom saw the events of Watergate as emblematic of a “take-no-prisoners” political sensibility they did not share with Nixon and his aides, or admire. Accordingly, when another member of the Post’s staff wrote a front-page story intimating Republican complicity in Watergate, Bernstein wrote a strongly worded protest to the paper’s national editor, Richard Harwood, complaining that the account was “back-assward”:

“From the beginning Watergate has been a story about the men around the President...As far as allegations of undercover activity are concerned, the one thing Watergate has never been is a story about the Republican Party,” Bernstein wrote. “[Although] Richard Nixon is a Republican, the fact is we have yet to see a single shred of evidence that any of the activities we’ve written about have anything to do with the Republican Party, and we have been scrupulous in avoiding such phrases as ‘GOP Fund’ or ‘Republican campaign of espionage and sabotage.’”

In an interview with James St. Clair, the Boston attorney chosen by the White House to defend the president in the House impeachment investigation in 1974, Woodward recorded St. Clair's shock and consternation after learning from Woodward that Buzhardt and another Nixon attorney, Leonard Garment, had recommended that Nixon resign two months before St. Clair was hired. Woodward wrote that St. Clair exclaimed, "What!" and noted that "tears started coming to his eyes." St. Clair added, "'They never told me that, not to this day.' He turned half around in his desk and looked out over Boston (a great view) and just said, 'Well.'" St. Clair, who died in 2001 at the age of 80, told Woodward, "Even now I'm astonished at what I don't know."

The Buzhardt interviews describe in detail how, after release of the so-called "smoking gun tape," there followed an intense, two-week effort "to present the conditions to the President to get the result of resignation. Haig then began worrying about the 'How.' There was a great consciousness that you were only a staff man and on a recommendation like that you have to be sure." Nixon had to be led to the conclusion that the evidence against him was overwhelming and that he needed to resign, but Nixon "had to make the decision himself and it had to be a willing act on his own part."

Buzhardt said he was uncomfortable with outside pressure on Nixon, and described to Woodward and Bernstein his concern about a potential confrontation over resignation between Nixon and Senator Goldwater, saying "We had concluded that the President should not resign because of a demand... WE HAD TO MAKE THE POINT THAT HE HAD AN OPTION TO STAY... it had to be voluntary."

Congressional relations were strained as well. Buzhardt described one lunch with Senate Republican Leader Hugh Scott. "Fred informed him that if Watergate investigations created a total investigatory atmosphere, that Scott would be the next to go and would be in trouble... 'I went through a list with Scott' to show him 'all the political appointments and grantsmanship he was involved in.' (Says that Scott was the worst offender by bypassing Civil Service to get political appointments in regular civil service jobs...)."

In the first week of August 1974, Nixon's men began to accept the likelihood of his resignation after the public disclosure of the June 23, 1972 tapes. A long list of people needed to be warned that resignation might be near, including Vice President Gerald Ford. "We did not want to drive anyone to panic," Buzhardt told the two reporters, "but wanted not to diminish the significance of it... We all felt the end would be soon. The President was giving off strong signals... though alternated with his cockiness."

Buzhardt and Haig were convinced that on August 2, 1974 Vice President Ford had disclosed to Republican Senator Bob Griffin that Nixon was leaning towards resignation. "Haig was very convinced that Ford had leaked it to Griffin. No one felt close to Griffin other than Ford." Of this leak, Buzhardt said to Woodward that "It played havoc with us...Haig said that the President was furious and almost didn't resign."

On August 8, Buzhardt recalled, “In that Thursday meeting Nixon also said, ‘I have something I’m going to put in the speech’ himself... and then said he didn’t care if he went to jail and that the best writing has been done from jail by politicians.”

In addition to the historical detail in Buzhardt’s interviews, there is insightful analysis of Nixon’s personality. As Woodward notes from one interview with Buzhardt, “Nixon was a true introvert; did not like going out, etc, and campaigning and all; it was a front to be outgoing; ‘When a man does something like that to himself, puts on an outer shell, makes a close relationship impossible.’ Thus not at all close with Mrs. Nixon or anyone except a formalized relationship, even one with daughter Julie, he never had to come clean with his emotions; always the strong, consoling father... ‘It all makes it difficult to judge right and wrong.’”

According to the Buzhardt notes, “Nixon was really the worst judge of people and sort of knew it and often let others make decisions. ‘His style of management was to never tell you what to do. To let everyone dabble in things and then that made him free to condemn or praise.’” Buzhardt died in 1978 from a heart attack at the age of 54.

Leon Jaworski, special prosecutor from 1973 to 1975, granted Bernstein three extensive interviews in which he too stressed the delicacy of making sure that Nixon was “eased out of office,” lest the President dig in his heels and fight through a Senate trial.

Jaworski provided a surprisingly personal and emotional account of his definitively discovering Nixon’s criminal involvement in the Watergate cover-up, after the Supreme Court ordered that Nixon’s tapes be turned over to the Special Prosecutor. “Frankly, the March 21 tape really shocked me,” he told Bernstein. “It wasn’t just the business of paying the money. The worst part was Nixon’s instructions to Haldeman... The President of the United States telling Haldeman how to lie without committing perjury.”

Jaworski told Bernstein that the grand jury investigating Watergate had secretly named Nixon an unindicted co-conspirator—before hearing the tapes—and “the very fact that the White House would even consider not turning over the tapes against a threat to let loose the unindicted co-status told him all he had to know. ‘They would want to keep it quiet during impeachment because of the effect it would have there... The fact that they were weighing that damage against release of the tapes... I knew from that that there were devastating revelations on the tapes.’” Bernstein’s notes continued:

“Jaworski believed Nixon could have burned the tapes early in the game and gotten away with. But only when the tapes first came out. He could have told the American people that there were many conversations involving national security, personal discussions, that could be embarrassing to many persons and other nations... that [he] had a hard choice between letting the tapes fall in the hands of others, no matter how good their intentions, or disposing them and that the best choice for the nation was to dispose them... There would have been some verbal

abuse for a while but the decision would eventually have been accepted... It would have been very, very difficult (for the SPO [Special Prosecutor's Office]) to proceed without the tapes.”

Jaworski was 77 when he died in 1982.

Jaworski's descriptions of events from the point of view of the prosecutor's office support Buzhardt's internal White House accounts. Early plea bargains with Nixon associates such as Herbert Kalmbach, the President's personal attorney, were critical in building their cases. “If they had not entered pleas we could not have developed a good part of our case... The Kalmbach plea was the wisest thing ever done. If I had been severe on him—been swayed by the fact that he was the President's personal counsel, which really was just a name—it would have embittered him and we wouldn't have gotten much. But he began to loosen up over a period of time and began to appreciate us. He's not a bad man.”

Jaworski described to Bernstein the importance of the Supreme Court's acceptance of a direct appeal regarding the tapes, May 24, 1974: “[D]elay was the greatest weapon the defense could have and if we couldn't leapfrog the Court of Appeals it could have really hurt our chances... Nonetheless, going straight to the Supremes was ‘very risky’... very little precedent for it and if they'd have lost on procedure—not merits—would have set things way back.”

Elliot L. Richardson (ELR), who as attorney general refused Nixon's order to fire the first Special Prosecutor Archibald Cox and resigned, at one point spoke to Woodward about one meeting he had with Haig in July of 1973. Woodward's notes of this interview say, “‘Haig said he couldn't tell if Nixon was guilty or really wanted to protect confidentiality. Haig was genuinely suspending judgment and showed it.’ ELR says. Says that in the meeting Haig said, ‘It makes you wonder what must be on those tapes.’”

Richardson also described a meeting with Nixon in late April, of which Woodward writes, “Nixon did protest his innocence to ELR and caused him to believe it but not fully. ‘I had to act on the premise that he might be guilty.’ Even though he was saying it, ELR felt that Nixon would not act this way if he really wanted it cleared up. That made him suspicious.” Richardson died in 1999 at the age of 79.

The files released today include transcripts of taped interviews that Woodward conducted in the late 1990s with former President Ford, Alexander Haig and several other administration officials regarding Nixon's resignation and pardon. The interviews were done for Woodward's 1999 book, “Shadow: Five Presidents and the Legacy of Watergate.” All of these interviews were conducted on the record and are therefore open for research.

Among the professional and political glimpses of Nixon and the events of Watergate found in Woodward and Bernstein's papers is the unique and personal reaction from Milton Pitts, Nixon's barber. Pitts died in 1994 at the age of 84.

Bernstein, a former client of Pitts' from his teenage years in Washington, interviewed the presidential barber soon after Nixon's resignation. His notes read that "Pitts cut Nixon's hair on the day of the resignation speech. He got a call at home from (presidential aide Stephen) Bull: 'Milt, the President wants to see you about 10:15.' Pitts went down to the shop on the West Wing ground floor (near the mess), got his tools ready. At 10:15, a secret service agent opened the door, Nixon strolled in, the door was shut (SOP) and Pitts and the President were alone. Nixon was wearing a blue-grey suit, white shirt, subdued tie. 'As he came in he flashed a smile and said 'Hello Mr. Pitts. How are you?' (He always called me Mr. Pitts).' He handed Pitts his jacket, the barber hung it up (always the same ritual) 'and I started working on him. He said 'I hope you're not too upset over all the news.' I wasn't exactly sure what he meant, but I presumed he meant the tape, and I said, 'No Sir.'"

"'Well,' he said, 'we've made some mistakes and we've done a lot of things right too, and I'd like to thank you for your good service over the years.'"

"'Then I thought, sure, he's going to resign; he said he was going to go on television that night. Then he said: 'but I'll see you again; I'll probably come over to the Carlton sometime and get a haircut from you. (Pitts owns the barbershop in the Carlton.) I'll call you for an appointment, just like anyone else—I just won't drop in on you.'"

"'He said as he was leaving, 'You've been very kind,' and he stuck out his hand and said goodbye. Then he held the door handle a moment and said 'Say goodbye to Mrs. Pitts.' I felt very sad at that moment.'"