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“President Nixon’s Secret Tapes: Evidence that Politically, Legally and Historically Defined Watergate (and More)”

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Chapman University School of Law

Transcription of 2012 *Chapman Law*
***Review* Symposium: “The 40th**
Anniversary of Watergate: A
Commemoration of the Rule of Law”

Panel 1: “President Nixon’s Secret Tapes:
Evidence that Politically, Legally and
Historically Defined Watergate (and
More)”

Friday, January 27, 2012

Moderator:

John W. Dean^{*}

^{*} John W. Dean served as Counsel to the President of the United States from July 1970 to April 1973. Before becoming White House counsel at age thirty-one, he was the chief minority counsel to the Judiciary Committee of the U.S. House of Representatives, an associate director of a law reform commission, and an associate deputy attorney general at the U.S. Department of Justice.

His undergraduate studies were at Colgate University and the College of Wooster, with majors in English Literature and Political Science; followed by a graduate fellowship at American University to study government and the presidency. He then entered Georgetown University Law Center, where he received his J.D. with honors in 1965.

John recounted his days at the Nixon White House and Watergate in two books: *Blind Ambition* (1976, with new extended afterword in 2010) and *Lost Honor* (1982). After retiring from a business career as a private investment banker, Mr. Dean returned to writing best-selling books and lecturing, as well as becoming a columnist for *FindLaw’s* Writ (from 2000 to 2010). He currently writes a bi-weekly column for *Justia.com*.

Mr. Dean’s other books include: *The Rehnquist Choice: The Untold Story of the Nixon Appointment that Redefined the Supreme Court* (2001), *Warren G. Harding* (2003), *Worse Than Watergate: The Secret Presidency of George W. Bush* (2004), *Conservatives without Conscience*

Panelists:

Scott Armstrong^{**}
Alexander Butterfield^{***}

John Dean: This is really a unique panel this morning. I take special delight in being able to moderate. I am the guy who thought I was taped; Scott is the guy who thought there might be taping; and Alex is the guy who knew there was taping. They have been together once before, almost forty years ago when they brought this information to the public, but also, realizing the historical importance of what they were doing, they paused to make a record of it. That record, made many years later in the *Journal of American History*, is a fairly detailed account. What I thought would be interesting this morning is to reminisce about these events, where we can serve as your fact witnesses. I thought that since this program is being recorded—appropriately—by C-SPAN, that what I would do is adopt my favorite television questioner’s approach, that of Brian Lamb, and be rather blunt and right to the point and let the program really evolve around the very special guests we have this morning. So let me start with you Scott, and ask, where did you go to school? That is a very Brian Lamb type of question.

(2006), *Broken Government: How Republican Rule Destroyed the Legislative, Executive, and Judicial Branches* (2008), and *Pure Goldwater* (2009).

While working on his next book, Mr. Dean continues as a visiting scholar and lecturer at the University of Southern California’s Annenberg School of Communications (since 2003), and as a regular on-air contributor to “*Countdown With Keith Olbermann*” on CurrentTV. Mr. Dean is also engaged in an extended continuing legal education series that examines the impact of the American Bar Association’s Model Rules of Professional Conduct on select historic events, like Watergate.

^{**} After attending the University of California and a distinguished career with the United States Air Force, Alexander P. Butterfield took the post of Deputy Assistant to the President in 1968. In 1972, President Nixon appointed Mr. Butterfield as the Administrator of the Federal Aviation Administration. Mr. Butterfield was tangentially drawn into the Watergate scandal after Hugh Sloan mentioned Mr. Butterfield was in charge of President Nixon’s “internal security.” In July of 1973, Mr. Butterfield appeared before the Senate Committee and revealed the details of the taping system that President Nixon used to monitor his conversations. The testimony to the Senate Committee served to launch the investigation which eventually compelled President Nixon to release the tape recordings. Mr. Butterfield remained administrator of the Federal Aviation Administration under President Gerald Ford and resigned from the post in March of 1975.

^{***} Scott Armstrong initially began studying philosophy at Yale University at the age of 17. As an investigator for the Senate Watergate Committee, Mr. Armstrong conducted an interview with Alexander Butterfield which led to the investigation and discovery of President Nixon’s White House taping system. Soon after, Mr. Armstrong began working as a reporter for *The Washington Post*, where much of his coverage focused on the Watergate scandal. Mr. Armstrong later founded the National Security Archive, a non-profit group that obtains and publishes declassified documents acquired through the Freedom of Information Act. Mr. Armstrong is currently the executive director of the Information Trust.

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Scott Armstrong: Yale University.

John Dean: Alex, how about you?

Alex Butterfield: I started at UCLA, and then went into the Air Force, and everyone said I would never continue, having dropped out of school. But I did, thanks to the University of Maryland, which was worldwide. I went to the University of Maryland in Munich, and then I went to eight other campuses in Europe and in Libya. I eventually did my final semester in Maryland. That was my undergraduate.

John Dean: Scott, what did you do when you got out of Yale?

Scott Armstrong: I went to law school for a brief time. I didn't like it. I thought it was an inferior way to catalogue the world, [laughter] a second rate epistemology, so I quit. I got involved in correctional reform—reform of the criminal justice system. I was running a program for men coming out of prison just before Watergate.

John Dean: Alex, if I recall, while in the service, at one point you were at the Pentagon, and you had dealings as liaison with the Johnson White House, so you later went to the Nixon White House with some experience in the operations. Tell us a little about how you got the job for the Johnson White House, what you did, and how that might have educated you about working in the Nixon White House.

Alex Butterfield: I'll try to be brief. I tend not to be. When I came back from Vietnam, I went into the policy division of war plans in Air Force headquarters at the Pentagon. Shortly thereafter, within about six months, I was called down by the Director of the Joint Staff, Lieutenant General Burchinal, who told me about an opening in the immediate office of the Secretary of Defense. My specific job: I was the military assistant to the Secretary of Defense for White House matters. I was told every time the Secretary of Defense went to the White House, I was to go with him, even if it meant running alongside his car and jumping in while it was moving, you make sure you get over there. Oftentimes McNamara left me—I'm this little Lieutenant Colonel that he hardly recognized—but I eventually spent at least twenty hours a week in the Johnson White House. I was usually there doing some errand for the Secretary, and there is an awful lot of interplay between the Defense Department and the White House.

John Dean: So you got to understand some of the basic and broad mechanics of how the place operated?

Alex Butterfield: Yes I did, especially around the Oval Office. I came to know Johnson, and all of his key people.

John Dean: Scott, long before you got involved in Washington, you had a longtime friend who would influence a lot of your life, and you, probably, some of his life. Would you describe to this group who that person is, and what that influence was?

Scott Armstrong: Well, two years ahead of me in high school in Wheaton, Illinois, was a fellow named Bob Woodward. I was from the other side of the tracks from Bob, and I really wasn't focused on college, and Bob got me interested in the Ivy League, and encouraged me to come to Yale where he had gone. I got married when I was seventeen years old, and Bob helped me make that transition because I lived off-campus at Yale. Later, when Bob was in the military, I would come to Washington for anti-war marches. He was working in the Pentagon, and I would stay with him. It was ironic. Over one evening conversation sometime around the beginning of Watergate, I was down in Washington and Woodward was telling me about this fellow named John Dean, who was the embodiment of evil at this point because he was working on behalf of John Mitchell, and was very loyal to Mitchell. I was told that John Dean had been recommended to go to the White House by Mitchell, and Dean was working behind the scenes to cover up this thing called Watergate—this was right at the beginning—and we had this conversation about loyalty, and I said, "Isn't it possible for a person to be loyal to something good?" By that point, we determined Mitchell may not be the embodiment of good. There was a time before we realized that attorney generals can lie like everybody else, and run things out of their office that are inappropriate. And so I volunteered this notion that someday I'd like to find somebody good to work for in Washington and do something reasonably decent.

John Dean: Alex, how did you end up at the Nixon White House?

Alex Butterfield: I was minding my own business in Australia. I was what they call the Senior U.S. Military Officer in Australia. The Commander-in-Chief of the Pacific Theater was John McCain's father, Admiral McCain. I had just heard that I was going to be given another two years there. Australia is an idyllic assignment, unless you're ambitious. It's left field, it's Siberia, you do not want to be there if you are coming up for promotion.

John Dean: Contrary to some revisionist interpretations, you were not with the CIA in Australia?

Alex Butterfield: No. There were actually twenty-two Defense Department activities, which I oversaw. I didn't command anything, but in Australia there were about twenty-two Defense Department activities and about 600 U.S. troops there. So I was desperate. I didn't want to do another two years there. I had to get out of there. We were confined to our hotel in New Guinea, it was raining, and I read in the New Guinea Tok Talk—which is their newspaper—all about this guy Bob Haldeman, who was going to be the Chief of Staff to this new President that had just been elected. Haldeman and I, it was built up that we were close friends. We were not close friends, but we were friends at UCLA because of our girlfriends, who were sorority sisters and very good friends. I thought I'd write Bob a letter and mention all of my Washington experience, because

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this California mafia would be hungry for a guy like me—I was hoping—who knew how Washington worked.

John Dean: Tell us also in a summary overview what you would do when you arrived at the White House.

Alex Butterfield: It all worked out with Haldeman, and I was called in there, and I thought I was going to have a military job, and I found out at the last minute that I wasn't, so I left the military. It was my own choice to leave, but I felt that it was tradition if I was going to be in a policy-making position that I should leave the military. Haldeman said, "You and I will be the only ones working for the President. This man doesn't like to work with a lot of people. If he likes you, we will be the two guys through whom he will work with his staff." And then he said, "I have to introduce you at exactly the right time." I thought he meant later that day, or maybe the next day. Thirteen days later, he took me in hurriedly and out of breath, and that was a spectacle. I've never met a stranger person in my entire life. I've never met anyone who had so much trouble meeting me.

John Dean: Describe that. Physically? Conversationally?

Alex Butterfield: First of all, it wasn't the right time. Haldeman was waiting for this right time, but he suddenly had to go to California. He came in breathlessly to me and said, "We've got to go and see the President right now. We have to introduce you. I didn't want it to happen this way." He could see what was coming, knowing Nixon as well as he did. I couldn't imagine what the problem would be just to say hello to the President and tell him how honored I was to be there. So we rush in sort of out of breath. Nixon gets up from his desk, and Bob said his little piece. Then I said how honored I was. And then the President—I have to stand up to tell you this—the President says [a series of guttural sounds], and he sort of circled his hand. It was like charades. I couldn't believe that he couldn't utter a word. Then he started doing this with his foot on the rug [rubs his foot back and forward on the ground]. I was perfectly at ease there for a while, then I noticed I was doing this back and forward on the rug [repeats the same motion]. The man never did say a word, just guttural sounds and hand circling. I saw him do it many times later, and I understood. Finally Haldeman just grabbed me and said, "Alex will be here tomorrow."

John Dean: Scott, what were you doing when Alex was heading toward the White House?

Scott Armstrong: Well, at that point I was still in community-based corrections, trying to get people out of prison, trying to shut down major institutions. It was before Watergate, before I got into the business of putting members of the community into prisons.

John Dean: Staying friendly with Woodward in this period?

Scott Armstrong: Yeah, and there was literally a time as Watergate was breaking open, and we knew it was breaking open because James McCord, one of the burglars, who had been the former Chief of Security of the CIA, had written a letter to the judge. As it was breaking open, I got a call from Woodward recalling our conversation about being loyal to the good, and he said, “You’re going to get a call from a guy named Sam Dash—Chief Counsel of the Watergate Committee—a wonderful man.” Dash was having trouble finding investigators and he offered Woodward a job, and Woodward said—in those days it was true—you couldn’t go back and forth between the press and government. So Dash said, “Who should I get?” Woodward said, “We should get someone that would be a good journalist, but wasn’t. Someone who is not an academic, but a practical investigator.” He recommended me, and said that I would get a call from Dash. Dash called and offered me a job.

John Dean: Alex, one day you got a request from Larry Higby to install the taping system. Can you lay that fundamental fact out there for the audience?

Alex Butterfield: Larry Higby was Bob Haldeman’s staff assistant. Bob had three staff assistants. We called them the Beaver Patrol. They were all young—twenty-three, twenty-four years old—and Larry was the main guy, Haldeman’s closest staff assistant. And everybody wanted a Higby. If you had a Higby, you had some status there in the White House. But if Higby came in and said something, you knew it came from Haldeman. He came into my office one day, and my office then, I had taken over Haldeman’s office adjoining the Oval Office, and Haldeman had moved from the grand office down the hall where we had put Spiro Agnew, and we had to kick the Vice President out so Haldeman could take that office. Nixon was the first President to put the Vice President in the West Wing or give him an office there. So Higby said, “Bob wants me to tell you that the President wants a taping system installed in the Oval Office, and he wants to make sure it’s a good taping system, and he’ll talk to you more about it later.”

John Dean: Did you know why he wanted it?

Alex Butterfield: No, I didn’t then. That’s all Larry said.

John Dean: You understand now it was because the earlier staff’s system of keeping up with their reports to the President’s file about their meetings broke down. Do you agree with that?

Alex Butterfield: I was not aware of that if it happened.

John Dean: It did happen.

Alex Butterfield: It did? The way it was explained to me, we had a postal strike, and I heard the President say, “It’s too bad that when we had that postal strike, and we solved it so well—we brought people in, the cabinet members came in, everyone contributed to the solution—and it’s

too damn bad we hadn't recorded all of that." I just assumed it was for the book of course that would always follow his presidency, and we had a system going at that very time where we had someone sitting in taking notes whenever someone came in that wasn't a staff member. At first it was for taking notes, which intimidated the guest. Then it was supposed to be just a color report, where you wrote immediately after the meeting. Those were called "memos for the President's file," and I kept those memos. We had that system, and I assumed at the time that the tapes supplanted that process, but it didn't. When we put the tapes in, we still kept taking the memos for the President's file. He was big on keeping things for the record.

John Dean: Where was the equipment placed?

Alex Butterfield: Haldeman just said one thing: "Don't have the military do it." The military could have done it. There's the WHCA—White House Communications Agency—run by an army three-star general. Lots of military people around the White House. Haldeman thought the military might screw it up, that was the intimation. The military guys can be transferred, and we didn't want anyone to know about this. The Secret Service were the best people to go to. The Secret Service had a technical security division. I worked with them all the time. I was the conduit with the Secret Service for Nixon, so I called Al Wong, who ran the division, and told him what the President wanted to put in, and he sort of said, "Here we go again." He didn't say quite those words, but the intonation was we've done this before. And of course they had. So, in the President's office, they put microphones on the mantle. I don't know how many, but up on the mantle, in the base of the lamps. And in his office, they embedded six microphones on the surface of his desk, coming up from the bottom. That came back to bite them because people often drank coffee at the President's desk, especially his aides, and you've got those coffee cups rattling. Anything at his desk really wasn't picked up as clearly as it might have been.

John Dean: In fact, when you dragged a coffee cup across the desk, it sounds like a train going through the Oval Office.

Alex Butterfield: And it was voice activated.

John Dean: Why was it voice activated?

Alex Butterfield: They just decided—I had nothing to do with it—they put it in and when it was in, they just told me.

John Dean: It wasn't because no one thought Nixon could hit the switch at the right time without being conspicuous?

Alex Butterfield: That makes a good story, and that would be true.

John Dean: Back to locations, the Oval Office—

Alex Butterfield: The Oval Office, I guess the Cabinet Room at that time or was that a little later? I'm not sure. The Cabinet Room, there was

a switch under the desk that called the people from the staff mess to come up and bring coffee, so we just put a Haldeman and a Butterfield button under there. I forget whether Haldeman was to turn the tapes on, or whether my name was to turn the tapes on. Nixon would never do anything like that. You couldn't ask him—he's not going to look for buttons—

John Dean: Or find them.

Alex Butterfield: Or find them, that's right. So I did. I was the Cabinet Secretary, which was another one of my additional duties, and I sat right behind the President just off to the right at all cabinet meetings, so when the President would be brought in—and they announced the President often, even in the White House—"Ladies and gentlemen, the President of the United States." So he would come in from the Oval Office to the Cabinet Room. When everyone stood, I would just reach forward and hit the button that turned the tapes on.

John Dean: How about telephones?

Alex Butterfield: They were on the office phones in the Oval Office. I think it was a little later we did the President's EOB office. All Presidents have an office over in the Executive Office Building. Big office, sort of a lounge room, sitting room, private library.

John Dean: Any in the residence?

Alex Butterfield: Yes, upstairs—correct me if I'm wrong here Scott, it's been forty-one years since we put them in—over in the Lincoln Sitting Room where the President spent a lot of his time, on the second floor of the residence, there was a tape on that telephone. All of these tapes came down to a—there's a Secret Service sub-command post underneath the Cabinet Room that runs over toward the Oval Office. Right across the hall from that little Secret Service command post is a little locker room where the Secret Service guys change clothes if they have to. It's just a long skinny room. Inside the wall of that room, they put a metal door, and in there, that's where all the tapes were running. Much later, we installed tapes in the President's office in Camp David. Haldeman didn't know about that. The President said, "Don't tell Haldeman." I had no idea why.

John Dean: How many people knew of the system?

Alex Butterfield: I think about seven to begin with. The President, Haldeman, Higby, and I. Later I had Haldeman's permission to tell my secretary. She was a very trusted person. She was one of five secretaries who were cleared to go with the President to Camp David, that sort of thing. She knew only about the Cabinet Room, because she had to turn it on one day when I wasn't there. The Cabinet Room also turned on from the telephone in my office. There were two buttons for the Cabinet Room. One on my phone in my office, and one under the cabinet table.

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John Dean: Before we turn directly to Watergate, let me ask you Scott: what did you do after you worked for the Senate Watergate Committee? Just to round out this introduction.

Scott Armstrong: Rather than go back to Boston and become a deputy commissioner of corrections, I took a job with Woodward and Bernstein to help them write a book called *The Final Days*. That led to a job at the *Washington Post* and then later Woodward and I did a book called *The Brethren* on the Supreme Court, and I continued on as a journalist.

John Dean: Let me ask you about *The Final Days*. To me, it is the best record, but it is of course undocumented, as is Bob's style, and it's held up remarkably well over the years, as an account with some dispute from the Nixon people about whether he was talking to portraits in the final days or not, as he roamed around the White House. How comfortable are you after all these years with the reporting that was done to gather that material?

Scott Armstrong: Very comfortable. We did hundreds of in-depth interviews, talking to people several different times, off the record, but we got as many documents as we could—we basically reconstructed—it was much like the Watergate investigation became, after a certain point—a reconstruction of very detailed events so that we had multiple sources and multiple materials on each one.

John Dean: I happen to think that *The Brethren* by Scott and Bob Woodward is one of the most remarkable pieces of journalism that goes inside the Supreme Court like no book had ever done before, or since. I happened to re-read the material on *U.S. v. Nixon*—the tapes case—it is a blow-by-blow description—we're going to touch on it a little bit as we get toward the end of this session this morning. And Scott worked on that, and it really gives some insight into how that case was resolved from the get-go, right through the issuing of the decision. We'll come back to how this all unfolded, but Alex, tell us about your post-government career?

Alex Butterfield: I feel like the guy that was going to the moon when he was asked what are you going to do, and he said, "Well, I plan to cry a lot." I cried a lot. I was looking for a job, and it was difficult, because I was not the most popular guy in town because of my testimony to the Senate. My other testimony before the judiciary committee during the impeachment was behind closed doors, and I was the first of eight witnesses in June or July of 1974. I really didn't cry a lot, but I did lose a lot of Air Force friends. People didn't seem to understand or know the context. Or if they did, then they obviously assumed that I should lie, or plead the Fifth.

John Dean: We'll get into that. Let's turn to Watergate. Scott, when did you first hear of the break-in at the Democratic headquarters? Any recollection of where you were?

Scott Armstrong: I was in Boston. I read it in the papers. I followed the *Washington Post* closely because my friend Woodward was there, and there was this thing he was reporting on called Watergate, and it didn't quite make any sense in the beginning.

John Dean: Alex, how about you? When did you first learn about the arrests at the Watergate?

Alex Butterfield: I guess that morning, Saturday morning. I heard something about it on the radio coming in, but when I got there the Secret Service called me. It was quite early on Saturday morning. The Secret Service or the FBI was asking me if a guy named Hunt was on our payroll or worked at the White House, and I looked it up—I had a book right there that had all of that in it—and I reported that he worked for Chuck Colson.

John Dean: What had happened is, Howard Hunt's name had come up fairly quickly, because at the scene of the arrests, where the Cuban-Americans were staying at the Watergate hotel, the police got a subpoena and went in, and found that Howard Hunt had written a check for six dollars and change to a Maryland country club for one of the burglars to take back to Mexico and mail from Florida so he could get out of town dues paid. It was a pretty direct clue that Hunt was somehow connected, and started the police on trying to find out who E. Howard Hunt was. They also quickly found by subpoena—apparently there were a couple notebooks in the Watergate Hotel rooms where the burglars were staying and also in one of their cars—a notebook showing the initials "H.H. White House," and Hunt's number at the White House, so this is one of the reasons Alex very quickly got a call. Alex, just to follow up with you, when you heard about the break-in, what was your first reaction?

Alex Butterfield: We did it. No really, I just felt I knew for sure that we did it, and that the President had to know about it. I'd been there three and a half years by that time and that's the way things operated. I saw things—everything that happened, Nixon was the choreographer, the director of everything, and if he knew about it, Haldeman knew about it. They were the two that had to know about anything that happened, and I still feel that White House aides don't go off and handle things willy-nilly. They're as conscious as anyone, or more so, that anything they do reflects on the presidency, so I don't think there's a lot of careless stuff going on there. I still feel that way. Although, since I've been here talking to Scott and John, who are far more erudite about this thing, and have a far more thorough knowledge than I—I defer to their wisdom, but that's what I saw up close. I was in and out of his office all day, sat in on a lot of conversations with him, and Nixon in his very funny way, ran the show.

John Dean: Scott, how about you? What was your first reaction when it started to unfold and you learned of Woodward's reporting?

Scott Armstrong: Well, you've got to go back in time to what a different world it was. It was a very partisan environment, not just partisan

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Democrat-Republican, but because of the Vietnam War. My generation was trying to shut down the Vietnam War, and felt very powerful, but we were outsiders, and the establishment was closed. And here were reporters, and eventually the Watergate Committee—I think I was the sixth person on the Democratic side, the majority side—there were seven Senators, four Democrats, three Republicans. There was a sense of partisanship that was kind of twofold—Republicans, who were protecting Nixon, and Democrats, who for partisan reasons might want to go after him, and then there was us—I was twenty-seven years old at the time—Jerry Garcia and the Grateful Dead were my notion of how I should dress for work, which was a lot different than either the White House or the Senate at that time. So there was a skepticism, and I remember on my first day of work, I interviewed Haldeman and Ehrlichman, who had just resigned, and they went back and reported to the White House that they had been interviewed by a group including a “White Panther,” who had actually been allowed to ask them questions. They thought that was quite bizarre. Within a day or so, I realized how deeply divided things were at the Committee because John had just come in and was beginning to tell the majority staff—Democrats—what was really going on. John was providing a roadmap to it, and we were—at least my position was—we were skeptical, we had to find out what was really going on. John reported that Howard Baker, who was the Senator that was the minority Co-Chair of the Committee, had backchannels to the White House, and had conversations with John and other people. This was quite astounding, the notion that we were running a committee, and yet there was this backchannel to the White House. Baker stopped having meetings, because he knew that John had now reported this to the majority staff. We weren’t telling the minority staff what was going on, because of the fear of them undercutting John, or doing something to cover up further. The question was—we were having executive sessions where there was some exchange between the majority and the minority, and that information was getting back to the White House—so they assumed that it was somebody close to Baker. His staff director—a fellow named Fred Thompson, later to become a senator, and now a spokesman for reverse mortgages on late night T.V.—Thompson was too busy. We couldn’t figure out how he could do it—we kind of monitored his phone calls frankly to make sure. The assumption was it might be Jim Johnson—I think that’s his name—Baker’s administrative assistant. So I came into the office one day, and Dash said, “We’ve got to figure out if he’s the source. Can you help us?” We had an executive session. I followed Johnson. He jumped into a cab, I jumped into a cab—just like the movies—and he got out at the old Executive Office Building—the portion of the White House where most of the staff worked, and went in the side doors, the staff entrance. So I went back and reported this and he said, “Well, we still don’t know who he’s reporting to,” and I said, “Well, give me a second.” I went over to the phone and called up the staff counsel we thought he might be working with—I think it was Buzhardt’s office—Fred

Buzhardt had come over from the Pentagon. He was kind of their go-to guy for these sinister and mysterious things—so I call up Mr. Buzhardt's office and I said, "Can I speak to Mr. Johnson? I need to speak to him." And so they brought him to the phone, and he was quite surprised to hear me, saying, "Why are you calling me?" I said, "Just to prove you're there." He resigned that night because it was considered to be such a breach of trust that he had immediately left an executive session—a very private meeting at the Senate—and then went over to report to the White House. That was it, he was done. So that was the kind of atmosphere in which we were working. The majority staff was working with John—we were testing his ideas—he was still the evil John Dean who had worked for Mitchell and had been responsible for the cover-up, and we were trying to understand and follow the details that he gave, and trying to establish them independently, and we weren't doing a very good job up through the time that John testified. Just before he testified, Nixon said, "You have to stop the committee hearings," because Leonid Brezhnev, the Premier of the Soviet Union, was coming to the United States—a big détente meeting—and we couldn't have Watergate going on during that period. This gave us a little bit of a reprieve, a little respite. So just before that we began saying, "This is not the way to investigate," and I'm serious when I say that the law, the criminal process in particular, but even the law when applied to the Senate context—you can't just go around questioning people under oath. You have to go work around the edges. One of the things that we found out was that there were all these invisible people in the White House, and these invisible people were to some extent the lower-level staff, but particularly women. We didn't have any women professional staff members at the time. The White House didn't have very many. It was the secretarial staff. It was an invisible world. And here we would be, going into the White House, and get nothing from these senior staff members. But if you talked to their secretaries, and they felt comfortable, if they weren't represented by someone from the White House staff—including, remarkably—John's secretary, who was an extremely forthright person, and gave us enormous help, and that's where we began to realize that we could reconstruct things. There was a day I remember going to the Monaco Restaurant, right near Capitol Hill. They have paper tablecloths over the regular white tablecloths, and we sat there, and I made an organization chart of the White House. The question was: here's Nixon [indicating the top of the chart] and here's Dean [indicating below Nixon]. We already knew from John's testimony that John didn't have notes other than the material that he gave us, which was very limited on the subject of his meetings with the President. So there wasn't going to be paper documentation. So we had to figure out who else would know, so we made a satellite chart of all the people that were in touch with Nixon, and all the people that were in touch with Dean. And in the middle of this, there was this guy that controlled everything that came in and out of the President's office—named Alexander Butterfield—and lots of other people. We began

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going down that list, particularly talking to their secretaries. So that was the process that we were using to reconstruct things.

John Dean: Amongst the development of the satellite chart, I wonder if you ever had occasion to go over to the DNC and actually visit those facilities where the arrest occurred?

Scott Armstrong: We did, but we didn't have—again, it was all under these odd circumstances. The Democratic staff going over to see the Democratic National Committee We were not really investigating as much as we were just looking at the scenery—although we were skeptical.

John Dean: Were you able to fill in your satellite chart as to who was there that you might want to reach?

Scott Armstrong: Yes.

John Dean: Did you ever find the fact that I hired one of the first female attorneys in the White House?

Scott Armstrong: I had forgotten that part. We were looking for people that were knowledgeable of the interactions that John was having with the President.

John Dean: I just wanted to share that. Let's proceed along. You developed the satellite chart. You noticed some people you had not talked to . . . some you had started to talk to. Tell us how you reached Alex Butterfield.

Scott Armstrong: Well, what happened was Butterfield was on a list of people, and we were going through it. You've got to look at the Senate side. We had no women in the professional staff. We had a lot of women around—they were stenographers and secretaries, and what not—but they were just as bright. I was one of those people, because I was from the Jerry Garcia era, who understood that women were human beings, and I liked to spend time with them. They were just as intellectually vibrant and perceptive. And because they were invisible, people said things all the time in those days, and didn't think there was anyone else in the room if there were just women there. The same thing was true of our staff, and I treated these women with respect, and one day, about eleven o'clock at night, I was working late. This staff was very dedicated, and they worked around the clock. This woman came by—we were in a converted auditorium and we had open work areas, little cubicles—and she said, "I'm about to put a memo that you would like to see on the desk of the deputy Republican staff member." I wouldn't go into his cubicle as a matter of principle, but she said, "I will lay it out," and I went there and read it leaning over, and it was this remarkable account that was being given to Fred Thompson—the minority staff director—from Fred Buzhardt, who was inside the White House, who was their go-to man to continue the cover-up, if you will, and Buzhardt was telling Thompson what to ask Dean about his meetings. So I saw this and said, "Wow," and went to Sam

Dash—the majority Democratic staff director—and said we’ve got to get a copy of this, and he arranged quietly to get a copy of this. There was an extraordinary amount of detail. Very much what John had told us, but always with a little twist at the end, in which it was John that was covering up, and the questions were all oriented that way. By this point John had testified—when I’m seeing this memo for the first time—and I said, “This is why the Republican questions were so pointed.” This was not a sharp staff—these were not the sharpest knives in the drawer. They were spoons, if anything. But they were asking pretty pointed and direct questions of John, and this is where they came from. And I thought, “Wow, this is really interesting,” so in one of the first interviews on this satellite chart, was this former Air Force colonel who had left the White House and went over to the FAA. So I called up and said, “We would like to talk to you about procedures and whatnot about how things are run at the White House. It will be a very informal interview.” He agreed to come.

John Dean: So no idea there is a taping system. It is a fishing expedition at this point?

Scott Armstrong: It was a fishing expedition, but from my point of view, once I had this bizarre memo from Thompson, there were two things that were important to me. One was, how was this reconstructed by the White House? I thought it probably came out of Nixon’s attempt to come up with an account, but I thought that process would be interesting. I wasn’t thinking tapes. The second thing that was important to me was—remember that Howard Baker had been embarrassed by John’s testimony about the backchannel, and his chief of staff had to resign when that was discovered—so I was thinking that now Thompson was going to have to resign, and Baker probably was going to leave the committee. I was very naïve, but that was my belief.

John Dean: I’ve got to be frank, and one of the reasons I did ask you in the pre-session before I appeared publically, I decided to let Howard Baker know that I knew he had a backchannel to the White House, because I had written the President’s talking papers and helped facilitate and set up the meeting. Rather than pull the rug out from underneath him publically, I felt I would gently tug on it privately—which I did. In a sense, I think it neutered him. He said, “What else do you know that I should be careful about?” I knew from my meetings with Sam Dash in preparation of my appearance that Howard [Baker]—much to the frustration of Sam Dash—seemed to be always taking anti-positions to my testimony in private, but as soon as the majority would resolve that they needed my testimony, he would come out and make it look like it was his position, so I tried to use this strategically when I did. Tell us what happened once you got Alex in there?

Scott Armstrong: It was Friday the thirteenth, which was not something that occurred to me at the time. It felt like one hundred and ten degrees and we met in the air conditioned basement of the Dirksen office

building, in a little room that was maybe fifteen by twenty, that was never cleaned because we were afraid it would be bugged. It had originally been very formal, with hearing tables and felt covers, but over the course of months of interviewing constantly, it was just filthy. There were dust balls the size of soccer balls on the floor. Everybody that came in with an attorney—the attorneys smoked cigars in those days, so there was a permanent cloud that never left the room and came down to where the edge of the door was. In this unpleasant circumstance, Alexander Butterfield walks in not accompanied by counsel, which was very rare. We start going through and I was methodical. I went through what every drawer in his office held. I went through every procedure. I went through how they kept track of the President's time, who took notes, how they gave him briefing memos, how they recorded the briefing memos, or whatnot. It was quite enlightening. For three hours—it must have bored him to death—but it was very useful for us. We found out what the presidential calendar is, how the Secret Service monitored what he did, and when they destroyed those things or didn't. And then at the end of it, I took out this bizarre Thompson memo. I took off the front part that indicated exactly what it was, and gave him the part that described the meetings between the President and Dean.

John Dean: And they were set up like a transcript?

Scott Armstrong: It was like a summary of a transcript. Everything had a twist that Dean was the one responsible for whatever the evil act was at the end. But none of this had been available, or came out publically. It was not known. I handed this document to Alex, and asked, "Can you explain, given the systems you just described, how this would be reconstructed? What's it from?" We went through the President's dictabelts, all the different things—I was thinking it was a document created by Nixon based on what they thought Dean would testify to. It was very precise and detailed. As my recollection is, Alex took it and looked at it—he had been very straightforward. I asked, "Could this have come from the President's recollection on a dictabelt?" "No, too detailed for that." "Could this have come from somebody else being present at the meetings?" "No, John would have been the only note taker," and we already knew that John didn't have notes. So we went on like this, and I said, "Well where did this come from?" Alex took it and very deliberately set it down in front of himself and said, "Well, let me think about that for a minute." The questioning went on—I finished up the questioning—Don Sanders, a very skilled FBI agent, very fair—

John Dean: Before we get to Don, let me turn to Alex at this point. Alex, let's back up just a little bit, and get in your head when you got called to come up to the Senate. What were you thinking and what were you anticipating?

Alex Butterfield: I had called Howard Baker on Sunday to see if I could come over and see him, only because he was a Republican and the Co-Chairman of the Watergate Committee.

John Dean: This was before you were in there?

Alex Butterfield: No.

John Dean: Back all the way up to before you even arrived, when you get a call to come up and visit with the Senate.

Alex Butterfield: Alright, I said I'd be free Friday at two o'clock, and I was very conscious of the fact that I was due to go to the Soviet Union the following Tuesday, and I'd be gone for almost three weeks.

John Dean: And do what in the Soviet Union?

Alex Butterfield: I was leading a government-industry trade group cutting a ribbon at a trade fair, and then the FAA was going to be negotiating—we hoped—with the Soviets, a contract to upgrade their air traffic control system.

John Dean: At that point you were the administrator of the FAA.

Alex Butterfield: Yes.

John Dean: So not an unimportant trip?

Alex Butterfield: No, not an unimportant trip. I had been at the FAA for four months from when I left the White House. So I met with these people, and—

John Dean: Were you worried about the tapes coming out?

Alex Butterfield: No, not really, but they were the only thing that hadn't come out. Throughout your testimony, which preceded mine by about three weeks, I thought a lot about the tapes. I said, "There they are, I know about them." Only seven—maybe eight—people knew about them. Four Secret Service guys, Haldemen, Higby, myself, and my secretary only knew partially about the tapes in the Cabinet Room. So no, but I thought I would be called as I usually was, to tell people about the White House. I worked right there in the office that adjoined the Oval Office. Process questions—I was good for process questions. And I thought it would be more of the same. Of course I thought about the tapes, but I did not think it would be likely to get anything on the tapes.

John Dean: And you had no question at that point of their significance?

Alex Butterfield: Yes, those things were running all the time. The only thing I remember differently from what Scott just said—I remember getting that piece of paper early on, shortly after two o'clock in that four-hour session with the staff. Scott was the lead investigator, and I remember there was only one sheet of paper, and when he said, "Where might this have come from," I looked at this thing and it looked exactly like a

transcript—a verbatim transcript. It had a “P” for President, a “D” for Dean, and it made sense. I didn’t follow the discussion, but I thought to myself that this had to come from the tapes . . . the very thing I’m worrying so much about. So I just hemmed and hawed and said, “Gee, this looks very detailed, the President had great retentive powers, but this is too detailed for that.”

John Dean: Your mindset at this point is, you don’t want to be perceived as a whistleblower, but you really understand the importance of this evidence, and maybe you do have to reveal it. You’re really in a conflicted state at this point.

Alex Butterfield: Absolutely. Yes. I’d hate to be the one, and I felt as if I were a peripheral person really. I wasn’t that involved in Watergate, or the cover-up. Anyway, I said—finally—in a sort of panic, threw it back down, it slid out to the center of this little conference table, and said, “Let me think about that for a while,” and to my great relief, they went on to other items, until Scott turned it over to Sanders, representing Fred Thompson—he was the minority deputy counsel—and he started with a few preliminary questions, and then said, “You had mentioned the dictabelt,” and I had mentioned a dictabelt. The President dictated things on the dictabelt—personal letters to family members, to a few contributors—and Rose Woods was the grand mogul of the dictabelt. No one was supposed to touch them except Rose. He said, “Apart from the dictabelt, was there ever any other listening device in the Oval Office?” And as I said to my wife at breakfast that morning, “I guess if they ask me a direct question, I will just have to answer it.” I knew it would be the end of my career, certainly in Washington. I just knew that. Nixon was so set on this thing being an absolute secret—and it was an absolute secret for all that time. We know that from what’s on the tapes. So, I said, “I’m sorry you asked that question. Yes, there was, and that’s where this document had to have come from.” And then we spent forty-five minutes describing the system. I felt reasonably sure that they had not heard that from any previous witness. That secret of Nixon’s was too closely held. I remember being more concerned about foreign dignitaries, who had been in our President’s office—bugged—and the repercussions from that, than I did about the domestic fallout. And I hated to be the one to do that. I knew that Haldeman hadn’t come up yet.

John Dean: When foreign dignitaries stayed at Camp David, you actually removed the facilities, is that not correct?

Alex Butterfield: Yes.

John Dean: Alright, let’s go to what happened, as soon as you get this information from Butterfield on Friday the thirteenth—

Scott Armstrong: There’s one other aspect—I went back later and looked at the stenographer’s notes, and this is what she had down. Sander’s asked a number of different questions, and in those days, we were

kind of leading the investigation, and it was like being followed by a member from the minority staff. They were kind of just there to make a showing and figure out what we were learning. The questions jumped around a little, and then he asked the question, then Dean testified. He said that at one point in one of the meetings, Nixon went over to the corner of his EOB office and lowered his voice when he was talking about the clemency questions, or I had the impression they might have been money conversations. But at any rate, Sanders said, "Dean thought that the President lowered his voice, and Dean speculated that the President's conversations might have been recorded. Did Dean know what he was talking about?" and Alex's answer was "No. Dean wouldn't have known. There were very few of us that knew, but that's where this came from," and picked up the document. The way it affected me was, I thought he was answering my question, rather than Sanders' question, until I looked at the transcript later. As soon as we heard that, this little tingle went up my spine. We then asked him the nature of this system, and I think Alex said, "I think you guys must know"—I had the impression that he thought Sanders and I were working together to try and trap him—it apparently wasn't his reaction, but he then described in detail how it was constructed. I tried to imply that we knew this all along, and we just needed a little bit more. Of course we had no idea. The question then became, how do we get to this material quickly? He told us who else knew about it, how it was organized and run. We had to get to it, at least from my point of view, before it was destroyed. We had to do something to nail it down. So, as we're walking out of the room, Alex said, "Now remember, I need to leave the country later next week for this very important meeting with the Russians." We're beginning to think "Wait a minute. We're putting him in the hands of the Russians?" I can already see a civil air disaster if Brezhnev decides to do Nixon a favor. So, I run back into the conference room and call upstairs to Sam Dash. I said, "Sam, Sam, I need to come talk to you." He said, "What are you so excited about Scott? It can wait." It was either his wife's birthday or their anniversary. He said, "Sarah will kill me if I'm late, I've got to leave right now." So I blurted out "Sam, Nixon taped all of his conversations," and he said, "Oh, well come on up!" Even then, he only spent about five minutes because he was so worried. His wife was a very formidable force. He got this down, called Rufus Edmisten, who was Senator Ervin's closest aide. I then began the process of trying to find out who knew about the tapes. I called Al Wong, the Secret Service man who by this point had gone to the Supreme Court as their chief clerk, so I was calling him at the Supreme Court to find out his version about it. He actually started to talk with us, and then he decided he should confer back with the Secret Service. I was trying to track down Higby, and a fellow named Steve Ball, who later was a confirming source. But to get this thing documented and get affidavits and get something on paper so that we could then make sure it wouldn't be destroyed.

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John Dean: As you can see from this chronology, we are at about the halfway point, and the entire focus of Watergate shifts with this revelation of the tapes.

End Transcript