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Tightrope: Senator Howard H. Baker, Jr. during the Watergate Public Hearings

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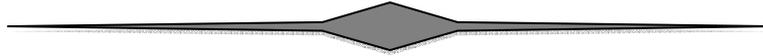
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Senator Howard H. Baker, Jr. during the Watergate Public Hearings

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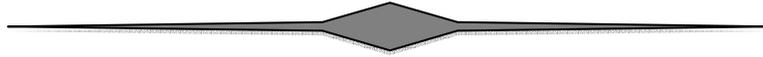
ABSTRACT



This essay, by thoroughly analyzing Senator Howard H. Baker, Jr.'s performance as Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities during the Watergate public hearings, examines whether Senator Baker, as the highest-ranking Republican on the committee, sought primarily to protect his own party's President or, rather, in the spirit of bipartisanship, sought primarily to uncover the truth surrounding the Watergate affair, regardless of political implications, for the betterment of the American people. Based on my findings, I conclude that Senator Baker, throughout the hearings of the Senate Select Committee on Presidential Campaign Activities, favored the exposure of the truth – even at the expense of exposing his own party's President.

*To my mom and dad, who have always been there for me and exemplified, through their actions,
the true value of hard work.*

TABLE OF CONTENTS



Introduction	p. 1
<u>PART I: PRELUDE TO THE HEARINGS</u>	
Chapter 1: Meet the Committee	p. 6
<u>PART II: THE HEARINGS</u>	
Chapter 2: Analysis of Senator Baker's Opening Statement	p. 16
<i>BREAK-IN WITNESSES</i>	
Chapter 3: Senator Baker's Questioning of Paul Leeper	p. 20
Chapter 4: Senator Baker's Questioning of Carl Shoffler	p. 22
Chapter 5: Senator Baker's Questioning of James McCord, Jr.	p. 24
Chapter 6: Senator Baker's Questioning of Bernard Barker	p. 29
Chapter 7: Senator Baker's Questioning of Alfred Baldwin III	p. 32
<i>COVER-UP WITNESSES</i>	
Chapter 8: Senator Baker's Questioning of John Dean III	p. 34
Chapter 9: Senator Baker's Questioning of John Mitchell	p. 41
Chapter 10: Senator Baker's Questioning of John Ehrlichman	p. 46
Chapter 11: Senator Baker's Questioning of H. R. Haldeman	p. 53
Chapter 12: Recommendations from the Final Report	p. 64
<u>PART III: CONCLUSION</u>	
Chapter 13: Senator Baker in the Press	p. 69
Chapter 14: Verdict	p. 73
Chapter 15: Afterword & Suggestions for the Future	p. 76
References	p. 79

INTRODUCTION



“Hold it, come out” (“Hearings”, 1973, p. 105).

This command, made before the break of dawn on June 17, 1972, by Washington, D.C. police officer John Barrett to five men caught burglarizing the Democratic National Committee offices located within the Watergate complex, was the igniting spark to a blazing inferno that would fiercely capture the attention of a nation and ultimately lead to the downfall of a President (“Hearings”, 1973). The arrest of the Watergate burglars made it to the pages of the *Washington Post* the next day in the form of an article by Alfred Lewis, Carl Bernstein, and Bob Woodward (“Watergate”, 2013). However, thanks to “a successful White House public relations campaign”, media reports initially did not link President Nixon, his executive officials, or the Committee To Re-Elect the President to the break-in (“Watergate”, 2013). The Watergate scandal had little to no negative impact on President Nixon’s 1972 reelection odds, as he “was reelected in a historic landslide—winning all but Massachusetts and the District of Columbia” (“Watergate”, 2013).

Shortly before President Nixon’s second inauguration, Judge John Sirica presided over “[t]he trial of the five arrested burglars and two accomplices”; the men were indicted “on charges of burglary, conspiracy, and violation of federal wiretapping laws” (“Watergate”, 2013). Five of the seven defendants entered a guilty plea, while the remaining two were convicted by month’s end (“Watergate”, 2013). Sentencing was scheduled for the end of March (“Watergate”, 2013).

In the meantime, the legislative branch decided to launch its own investigation (“Watergate”, 2013). On February 7, 1973, the United States Senate unanimously adopted Senate Resolution 60, creating the Senate Select Committee on Presidential Campaign Activities (United States Senate, 1974). The objective of this committee, according to the resolution, was:

[T]o conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen. (“Hearings”, 1973, p. 427)

The resolution gave committee members the power “to subpoena witnesses and materials, provided them with a \$500,000 budget, and required them to submit a final report by February 28, 1974” (“Senate”, p. 1). According to Senator Sam Ervin, who spearheaded the resolution and served as Chairman of the Senate Select Committee on Presidential Campaign Activities, Senate Resolution 60 “directed the Select Committee to make one of the most comprehensive investigations in the history of Congress” (United States Senate, 1974, p. VII). While Senate Resolution 60 clearly covered a wide array of issues, this paper exclusively focuses on the investigation on the part of the Senate Select Committee on Presidential Campaign Activities into the Watergate break-in and its subsequent cover-up (“Hearings”, 1973).

Senator Howard H. Baker, Jr., who had, upon the creation of the Senate Select Committee on Presidential Campaign Activities, known Richard Nixon for over twenty years, became Vice-Chairman of the committee (MacPherson, 1973 & “Baker”). Nixon had assisted with Senator Baker’s 1966 campaign (MacPherson, 1973). Senator Baker had returned the favor

by giving a seconding speech for Nixon in 1968 (MacPherson, 1973). President Nixon even went so far as to select Senator Baker for a seat on the Supreme Court; as the story goes, however, “after having dithered for a day, Senator Baker decided to accept the seat, but by that time President Nixon had changed his mind and offered the nomination instead to William Rehnquist” (MacPherson, 1973 & Rosen, 2012, p. 49). As the principal voice of the Republican Party on a committee investigating the alleged wrongdoings of a Republican Presidential administration headed by a personal and political ally, Senator Baker was undoubtedly in a challenging position. This essay, by thoroughly analyzing Senator Howard H. Baker, Jr.’s performance as Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities during the Watergate public hearings, examines whether Senator Baker, as the highest-ranking Republican on the committee, sought primarily to protect his own party’s President or, rather, in the spirit of bipartisanship, sought primarily to uncover the truth surrounding the Watergate affair, regardless of political implications, for the betterment of the American people.

We begin by taking a look at the necessary background information on the Senate Select Committee on Presidential Campaign Activities and by analyzing Senator Baker’s opening statement. We then get into the heart of the essay by examining Senator Baker’s witness questionings of a significant sampling of key actors in the Watergate break-in and the subsequent cover-up. The first five witnesses – Paul Leeper, Carl Shoffler, James McCord, Bernard Barker, and Alfred Baldwin – were involved in the June 17, 1972, break-in at the Democratic National Committee headquarters within the Watergate Complex, either on the right or wrong side of the law. The final four witnesses – John Dean, John Mitchell, John Ehrlichman, and H. R. Haldeman – were major players in the cover-up of the Watergate affair. Personal backgrounds are provided prior to delving into the testimony of each witness, and thematic analyses are

developed from the predominant topics addressed by Senator Baker throughout his questioning of each witness.

These thematic analyses provide a clearer lens into arriving at a verdict as to whether Senator Baker was more focused on uncovering the truth or on protecting President Nixon. Before proclaiming my personal verdict, however, I examine how Senator Baker was perceived in the press during the public hearings. Also, each chapter begins with a snippet of a conversation from the Nixon tapes relating to Senator Baker. These glimpses into the mind of President Nixon reveal the progression of the President's true feelings regarding Senator Baker throughout the Watergate saga and serve as introductions to some of Nixon's key aides. The essay concludes with a look into Senator Baker's reflections of the Watergate era, my suggestions for the future based on my research of Senator Baker during the Watergate public hearings, and Senator Baker's career post-Watergate.

PART I
PRELUDE TO THE
HEARINGS

CHAPTER 1

Nixon: " [Y]ou should talk to Baker and Ervin and be sure that Baker's back, you keep it good and stiff."
- 3/1/1973 CONVERSATION WITH ATTORNEY GENERAL RICHARD KLEINDIENST (KUTLER, 1997, PP. XI & 216)

MEET THE COMMITTEE



Throughout the summer of 1973, Americans were glued to their television sets to witness the Watergate public hearings (Garay). The hearings, which began on May 17, had assumed over three hundred hours of television by August 7 of the same year (Garay). Let's begin with a look into those in charge of the hearings by examining the backgrounds of each committee member and the lead counsel for both the majority and the minority.

Samuel James Ervin, Jr., born in 1896, was the Chairman of the Senate Select Committee on Presidential Campaign Activities ("Ervin"). Ervin was a Democratic Senator from the state of North Carolina who began his Senate service in 1954 ("Ervin"). In 1917, Ervin completed his undergraduate degree at the University of North Carolina at Chapel Hill and then served with the First Division in France during World War I from 1917 until 1919 ("Ervin"). Ervin then went on to attend Harvard Law School, where he graduated in 1922 ("Ervin"). Upon law school graduation, Ervin began his practice of law in Morganton, North Carolina ("Ervin"). After two judgeship stints at the Burke County Criminal Court and the North Carolina Superior Court, respectively, Ervin, in 1946, filled the United States House of Representatives seat once occupied by his brother, Joseph Ervin, following his brother's death ("Ervin"). Following a congressional stint of just shy of a year, Ervin returned to practicing law and soon joined the North Carolina Supreme Court as associate justice in 1948, where he stayed until 1954 when he was elected to the United States Senate ("Ervin"). As author of the motion to create the Senate

Select Committee on Presidential Campaign Activities, Ervin assumed the position of committee chairman (Annis, 2007).

Howard Henry Baker, Jr., born in 1924, was the Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities (“Baker”). Baker was a Republican Senator from the state of Tennessee who began his Senate service in 1967 (“Baker”). For his undergraduate education, Baker attended Tulane University and the University of the South (“Baker”). Baker, like Ervin, followed-up his undergraduate education with a stint in the military; his service was in the United States Navy from 1943 until 1946 (“Baker”). Baker then went on to graduate from the University of Tennessee College of Law in 1949 (“Baker”). Baker began his practice of law and then decided to run in 1964 as a candidate for the United States Senate (“Baker”). Baker was defeated in 1964 but ran again as a candidate for the United States Senate in 1966, this time finding success (“Baker”). Baker subsequently won reelection in 1972 (“Baker”).

Senator Baker’s involvement with the Watergate public hearings began even before the Senate Select Committee on Presidential Campaign Activities officially existed; Senator Baker favored the idea of an evenly split six-member committee over Senator Ervin’s proposal to create a committee composed of four Democrats and three Republicans and, thus, made an amendment to Senator Ervin’s motion to that effect (Annis, 2007). Even after including in his amendment that a tie would go in favor of the chairman’s selected side, the Democrats shot down Senator Baker’s amendment (Annis, 2007). The Senate Republicans nonetheless joined with the Senate Democrats to unanimously vote 77 to 0 in favor of Senator Ervin’s motion to create the committee (Annis, 2007). This unanimity amongst Republicans was aided by a promise made by

Senator Ervin “to allocate one-third of the funds authorized for staff to the minority” (Annis, 2007, p. 61).

Senator Baker then received a phone call during a trip with a Senate delegation in Moscow from Senator Hugh Scott (Lacy, 2008). According to Senator Baker, “Hugh said he wanted me to be senior Republican on the [Watergate] committee, and I laughed” and “said surely not, Hugh” (Lacy, 2008). Baker, however, ultimately “agreed to do it” but “did not relish the thought” (Lacy, 2008). Why was Senator Baker chosen as Vice-Chairman? According to Baker biographer Lee Annis, Senator Baker’s selection to and acceptance of the Vice-Chairman post of the Senate Select Committee on Presidential Campaign Activities came as a result of three things: (1) Senator Baker’s discreet expression of interest to Hugh Scott that he would be a part of the committee “under certain conditions”; (2) the unanimous inclusion of Senator Baker on lists of the top five candidates for committee participation created by Republican Senate leaders; and (3) Scott’s assurance that Senator Baker and the other Republican committee members could investigate the Watergate scandal independently (Annis, 2007, p. 62). Baker himself, however, remarked years later, “I . . . to this day do not know how I became Vice-Chairman of the committee except that Hugh Scott was Republican leader” (Lacy, 2008). He continued, “He got to choose the members of that committee – the Watergate committee, and there are some who say, I do not believe it for a moment, there are some who say that I was named to that committee in punishment for having run against Hugh Scott” for the Minority Leader post (Lacy, 2008 & Senate Historical Office).

Senator Baker early on believed that President Nixon was innocent and that the examination into the Watergate affair was simply an attempt by the Democrats “to put a different face on a bad defeat”, referring to President Nixon’s dominant victory in the 1972 presidential

race (Annis, 2007, p. 63). Senator Baker, thus, strongly felt that President Nixon's best strategy was to be as open as possible in terms of both himself and his staff (Annis, 2007). He was understandably frustrated when President Nixon apparently decided to go in the opposite direction by not allowing his presidential staff members to come before the Senate Select Committee on Presidential Campaign Activities; for precisely this reason, Senator Baker met with Nixon on February 22, 1973, in the Executive Office Building (Annis, 2007).

According to Senator Baker, in the meeting, which came at his own request, the pair "discussed the situation generally, and then I said I just wanted to let you know that I will protect your interest as senior Republican" (Lacy, 2008). As their meeting was drawing to a close, Senator Baker informed Nixon of his friendship with John Mitchell; he said, "[W]e did some legal work together – my firm and his firm – and I do hope he doesn't have any problems" (Lacy, 2008). President Nixon then looked at Senator Baker and "lowered his voice and said, "Well, he may" (Lacy, 2008). This exchange marked a key moment in Senator Baker's realization that this situation could actually amount to much more than a simple political dirty trick by the Democrats (Annis, 2007). Senator Baker later recalled: "[T]he light went on in my head, and I thought, you know, Baker, you better just put your head down and follow the facts wherever they lead you. You don't know as much about this as you thought you did" (Lacy, 2008).

Daniel Ken Inouye, born in 1924, was a committee member of the Senate Select Committee on Presidential Campaign Activities ("Inouye"). Inouye was a Democratic Senator from the state of Hawaii who began his Senate service in 1963 ("Inouye"). Inouye served in World War II from 1943 to 1947 and progressed from private to captain ("Inouye"). During the war, Inouye "lost his right arm" (Annis, 2007, p. 62). Inouye then graduated from the University

of Hawaii in 1950 and from George Washington University Law School in 1952 (“Inouye”). Following graduation from law school, Inouye began practicing law in Honolulu, Hawaii (“Inouye”). After stints in both the Territorial House of Representatives and the Territorial Senate, Inouye was elected to the United States House of Representatives following Hawaii’s introduction as an official state (“Inouye”). His service in the United States House of Representatives lasted from 1959 until 1963, when he transitioned to the United States Senate (“Inouye”). Inouye won reelection in 1968 (“Inouye”). Senator Ervin urged Majority Leader Mike Mansfield to tap Senator Inouye for the Senate Select Committee on Presidential Campaign Activities (Annis, 2007). Senator Inouye “was apprehensive enough to decline the offer several times” but eventually agreed to join the committee (Annis, 2007, p. 62).

Joseph Manuel Montoya, born in 1915, was a committee member of the Senate Select Committee on Presidential Campaign Activities (“Montoya”). Montoya was a Democratic Senator from the state of New Mexico who began his Senate service in 1964 (“Montoya”). For his undergraduate education, Montoya went to Regis College in Denver, Colorado (“Montoya”). He then received his law degree from Georgetown University Law School in 1938 (“Montoya”). Following his law school graduation, Montoya began practicing law in Santa Fe, New Mexico (“Montoya”). After serving in both the New Mexico State House of Representatives and the New Mexico State Senate and as New Mexico’s Lieutenant Governor, Montoya won election to the United States House of Representatives in 1957 (“Montoya”). Montoya then transitioned from the United States House of Representatives to the United States Senate in 1964, the year following Inouye’s House-to-Senate transition (“Montoya”). Montoya then won reelection in 1970 (“Montoya”). Majority Leader Mansfield asked Senator Montoya to be a part of the Senate Select Committee on Presidential Campaign Activities (Annis, 2007). Montoya’s ability to

speak Spanish was viewed as a potential valuable asset for questioning the four burglars of Cuban American descent (Annis, 2007). Montoya overcame his initial hesitancy to join the committee and signed on (Annis, 2007).

Herman Eugene Talmadge, born in 1913, was a committee member of the Senate Select Committee on Presidential Campaign Activities (“Talmadge”). Talmadge was a Democratic Senator from the state of Georgia who began his Senate service in 1957 (“Talmadge”). Talmadge graduated from the University of Georgia Law School in 1936 (“Talmadge”). He then went to Atlanta, Georgia, to begin practicing law (“Talmadge”). Talmadge served in World War II and became a lieutenant commander (“Talmadge”). After serving as Governor of Georgia, Talmadge, in 1956, was elected to the United States Senate (“Talmadge”). Talmadge went on to win reelection in 1962 and 1968 (“Talmadge”). Similar to Senator Montoya, Senator Talmadge overcame his reluctance and agreed to Majority Leader Mansfield’s invitation to join the Senate Select Committee on Presidential Campaign Activities (Annis, 2007).

Edward John Gurney, born in 1914, was a committee member of the Senate Select Committee on Presidential Campaign Activities (“Gurney”). Gurney was a Republican Senator from the state of Florida who began his Senate service in 1969 (“Gurney”). For his undergraduate education, Gurney attended Colby College in Waterville, Maine, where he graduated in 1935 (“Gurney”). Gurney’s legal education was acquired at Harvard Law School and Duke Law School, where he graduated in 1938 and 1948, respectively (“Gurney”). Gurney began practicing law in New York City in 1938 (“Gurney”). In 1941, Gurney enlisted in the United States Army (“Gurney”). After fighting in World War II, Gurney moved to Florida to practice law (“Gurney”). Gurney became the mayor of Winter Park, Florida, in 1961 (“Gurney”). Gurney was elected as a United States Representative in 1962, and he served in the

House from 1963 until 1969, when he transitioned to the United States Senate (“Gurney”).

When the minority seats of the Senate Select Committee on Presidential Campaign Activities needed to be filled, Gurney informed Hugh Scott of his interest (Annis, 2007). Scott, looking to select interested members for the committee, offered a seat to Gurney, and Gurney wasted no time in accepting the role (Annis, 2007).

Lowell Palmer Weicker, Jr., born in 1931, was a committee member of the Senate Select Committee on Presidential Campaign Activities (“Weicker”). Weicker was a Republican Senator from the state of Connecticut who began his Senate Service in 1971 (“Weicker”). For his undergraduate education, Weicker attended Yale University, where he earned his degree in 1953 (“Weicker”). Prior to commencing his legal education, Weicker served, from 1953 until 1955, in the United States Army (“Weicker”). Weicker then attended the University of Virginia Law School and graduated in 1958 (“Weicker”). After serving as a Connecticut State Representative, Weicker, in 1968, was elected to the United States House of Representatives (“Weicker”). After a single term in the House, Weicker transitioned to the United States Senate (“Weicker”). Weicker’s path to his seat on the Senate Select Committee on Presidential Campaign Activities mirrors that of Senator Gurney (Annis, 2007). Both Weicker and Gurney thought that being on the committee “would improve their political standings at home” (Annis, 2007, p. 62).

Samuel Dash, born in 1925, was chief counsel of the Senate Select Committee on Presidential Campaign Activities (“Samuel”). Dash served in the United States Army Air Corps during World War II as a bombardier navigator (“Samuel”). After his military service, Dash attended and graduated from Harvard Law School (“Samuel”). After serving as district attorney in Philadelphia, Pennsylvania, a position he attained in 1955, Dash practiced law at the private

level (“Dash”). Dash was also a legal educator at Georgetown (“Samuel”). Upon the adoption of Senate Resolution 60, Dash was named chief counsel of the resulting Senate Select Committee on Presidential Campaign Activities (“Samuel”). A major factor in Senator Ervin’s selection of Dash might have been his electronic surveillance expertise (Annis, 2007).

In choosing his minority counsel, Senator Baker ignored White House suggestions (Annis, 2007). Instead, Baker sought to find “aides whose first loyalties were to the truth and to him” (Annis, 2007, p. 62). While he “got recommendations for distinguished jurists, judges, [and] professors”, Senator Baker believed that he didn’t “have time to get acquainted with these luminaries of the legal profession” (Lacy, 2008). Senator Baker’s first choice was Lamar Alexander, who had previously served him as a legislative aide, but Alexander turned down the post in fear “that his past service with Nixon would put him in the awkward position of investigating people with whom he had worked” (Annis, 2007, p. 62). Senator Baker then turned his focus to a man named Fred Thompson, who had worked on his latest Senatorial campaign (Annis, 2007).

Fred Dalton Thompson, born in 1942, became the minority counsel of the Senate Select Committee on Presidential Campaign Activities (“Thompson”). For his undergraduate education, Thompson attended Memphis State University, where he graduated in 1964 (“Thompson”). Thompson then received his law degree from Vanderbilt University Law School in 1967 (“Thompson”). Thompson served as assistant U.S. attorney in Nashville from 1969 until 1972, leading up to his selection as the leading Republican attorney on the Senate Select Committee on Presidential Campaign Activities (“Thompson” & Lacy, 2008). According to Senator Baker years later: “[I]t turned out to be exactly right. Fred did a spectacularly good job” (Lacy, 2008).

Thompson called upon Howard Liebengood, who he had known since their days at Vanderbilt University Law School, to assist him with his legal work for the committee (Annis, 2007). For his deputy, Thompson chose Donald Sanders, a “former FBI agent who had spent four years as chief counsel to the House Internal Security Committee” (Annis, 2007, p. 62). Senator Baker’s directive to his entire staff was to follow each lead and “let the chips fall where they may” (Annis, 2007, p. 63).

PART II

THE HEARINGS

CHAPTER 2

Nixon: *“I find that somebody’s got to get Baker–”*
Dean: *“Pulled around. He’s off the reservation, I would say.”*
Nixon: *“. . . “Baker–I just wonder if he’ll survive the election. Baker may not realize it, but by getting on the wrong side of this we will destroy . . . his chances ever to move into a leadership position. We will destroy it.”*
- 3/16/1973 CONVERSATION WITH COUNSEL TO THE PRESIDENT JOHN W. DEAN III (KUTLER, 1997, PP. X & 231-232)

ANALYSIS OF SENATOR BAKER’S OPENING STATEMENT



Thursday, May 17, 1973, marked the first day of the public hearings before the Senate Select Committee on Presidential Campaign Activities (“Hearings”, 1973). On that day, the Senators began the hearings by each giving their own opening statements, beginning with Senator Ervin (“Hearings”, 1973). At the conclusion of his statement, Senator Ervin said, “[F]irst I recognize the vice chairman of the committee, Senator Howard Baker, who has been most alert and most cooperative in the work of the committee” (“Hearings”, 1973, p. 4). In his book The Whole Truth: The Watergate Conspiracy, Senator Ervin included excerpts of and briefly commented on each opening statement (Ervin, 1980). In a similar fashion, the following are my reflections upon Senator Baker’s opening statement. Closely examining Senator Baker’s opening statement is a crucial step towards understanding his role as Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities, because his opening statement sets the tone for his questioning during the public hearings.

To begin his opening statement, Senator Baker concisely emphasized the vast importance of the hearings. He made clear that “[t]he very integrity of our political process itself” has been put at stake as a result of the Watergate affair (“Hearings”, 1973, p. 4). Senator Baker continued by making a necessary distinction between a congressional committee and a court of law (“Hearings”, 1973). He said that, due to this distinction, the committee members “do not sit to

pass judgment on the guilt or innocence of anyone” (“Hearings”, 1973, p. 5). Senator Baker went on to clearly explain the purpose of the committee – “to achieve a full discovery of all of the facts that bear on the subject of this inquiry” and “to assemble those facts into a coherent and intelligible presentation and to make recommendations to the Congress for any changes in statute law or the basic charter document of the United States that may seem indicated” (“Hearings”, 1973, p. 5). At this point in his opening statement, Senator Baker had essentially laid out the collective mission statement of the Senate Select Committee on Presidential Campaign Activities (“Hearings”, 1973). Americans watching the hearings on television throughout the nation undoubtedly found this introductory information immensely helpful.

Senator Baker then shifted his discussion from the role of the Watergate committee to the role of the American people, referring to the American people as “the final judge of Watergate” (“Hearings”, 1973, p. 5). He suggested that the American people should approach the Watergate hearings with a critical mindset – that they should consider the implications of Watergate with a focus on improving the future instead of on consuming the titillating facts in preparation for the next day’s water cooler discussion (“Hearings”, 1973).

Senator Baker then admitted that he previously had concerns that the committee hearings “might become a partisan effort by one party to exploit the temporary vulnerability of another” (“Hearings”, 1973, p. 5). He mentioned the fact that he offered an amendment to Senator Ervin’s resolution that would have equaled the number of Democrats and Republicans on the committee (“Hearings”, 1973). After explaining that his amendment failed, Senator Baker acknowledged that “[t]he integrity and fairness of each member of this committee and of its fine professional staff” had eradicated his concerns regarding potential loss of impartiality within the committee (“Hearings”, 1973, p. 5). Senator Baker then struck at the heart of this thesis by asserting that

the committee investigation “is not in any way a partisan undertaking, but, rather it is a bipartisan search for the unvarnished truth” (“Hearings”, 1973, p. 5).

Senator Baker then proceeded “with a few thoughts on the political process in this country” (“Hearings”, 1973, p. 5). Instead of focusing on the negative side effects of the Watergate affair, Senator Baker elected to take a glass-half-full approach by focusing on what had gone right (“Hearings”, 1973). Senator Baker posited, “[T]he very fact that we are now involved in the public process of cleaning our own house, before the eyes of the world, is a mark of the greatest strength” (“Hearings”, 1973 p. 5).

Senator Baker then stressed the importance of America’s partisan political system, “[T]he two-party system, in my judgment, is as integral and as important to our form of governance as the three formal branches of the central Government themselves” (“Hearings”, 1973, p. 6). Senator Baker then turned somber as he warned that a loss of faith in that system would “be the greatest Watergate casualty of all” (“Hearings”, 1973, p. 6). Quickly returning to his optimistic attitude, however, Senator Baker offered his suggestion that “Watergate may prove to be a great national opportunity to revitalize the political process and to involve even more Americans in the day-to-day work of our two great political parties” if the probe into it leads to “a new and better way of doing political business” (“Hearings”, 1973, p. 6). Senator Baker also added that he was “deeply encouraged by the fact” that officials from neither party’s committee “played any role in” the Watergate affair (“Hearings”, 1973, p. 6).

The next portion of Senator Baker’s opening statement is exceptionally relevant to the purpose of this thesis and speaks for itself:

With these thoughts in mind, I intend to pursue, as I know each member of this committee intends to pursue, an objective and even-handed but thorough,

complete, and energetic inquiry into the facts. We will inquire into every fact and follow every lead, unrestrained by any fear of where that lead might ultimately take us. (“Hearings”, 1973, p. 6)

Senator Baker, in his kind Tennessee manner, then ended his opening statement with a round of thanks and set the tone for the hearings by proclaiming that the committee “is fully prepared to proceed with the business of discovering the facts” (“Hearings”, 1973, p. 6). My overall impression of Senator Baker’s opening statement is that he, in the face of a difficult situation, elected to forego pessimism and instead opted for optimism, all the while making clear than he was out to find the truth – not to protect the President.

CHAPTER 3

Nixon: "[H]e's [Senator Howard Baker] not handled himself well, and he doesn't realize that he's just going to make himself a hero for a while and he will destroy forever his chances to move up in his party".
- 3/16/1973 CONVERSATION WITH CHIEF OF STAFF TO THE PRESIDENT H. R. HALDEMAN (KUTLER, 1997, PP. X & 233)

SENATOR BAKER'S QUESTIONING OF PAUL LEEPER



At the time of his witness testimony before the Senate Select Committee on Presidential Campaign Activities, Paul Leeper was a sergeant with the Metropolitan Police Department of Washington, D.C. ("Hearings", 1973). Leeper's testimony took place on the first day of the public hearings – Thursday, May 17, 1973 ("Hearings", 1973). He was the third of four witnesses to provide his testimony to the committee on that first day ("Hearings", 1973).

Senator Baker began his questioning of Sergeant Paul Leeper by inquiring into the details surrounding a man who had watched the officers as they searched a terrace of the Watergate complex from a balcony of a Howard Johnson motel room opposite the Watergate complex just prior to the arrest ("Hearings", 1973). Senator Baker asked Leeper as to the whereabouts of the man, the length of time the man spent watching the officers, and the man's name ("Hearings", 1973). The man's name, as it turned out, was James Baldwin; Mr. Baldwin's testimony will be examined later ("Hearings", 1973).

In Senator Baker's main round of questioning, he focused on two key topics – Leeper's overtime shift he was working during the course of the Watergate break-in and, once again, James Baldwin ("Hearings", 1973). Specifically, Senator Baker asked Leeper why he was working beyond his normal shift, to which Leeper replied that they "have quite a few burglaries" take place in the office buildings they patrol in the area and that they "work over quite a bit" ("Hearings", 1973, p. 109). Regarding Baldwin, Senator Baker asked Leeper who actually saw Baldwin and what Baldwin did ("Hearings", 1973). Senator Baker expressed to Senator Ervin

his interest in having Carl Shoffler, the officer who joined Leeper on the terrace and actually spotted Baldwin, called to testify before the committee (“Hearings”, 1973). Senator Baker continued, “I would like to hear his [Shoffler’s] firsthand testimony in that respect” (“Hearings”, 1973, p. 110). Senator Baker later focused on whether the arrested Watergate burglars spoke to anyone besides the pair of lawyers who showed up at the jail the morning of the arrest; Leeper responded in the negative (“Hearings”, 1973). Throughout his questioning of Leeper, Senator Baker’s main focus seemed to be on the lookout for the burglars, James Baldwin (“Hearings”, 1973).

CHAPTER 4

Nixon: “Well, you might have a little fun with some of the Senators in a quiet way.”

Colson: “I might talk to a few this weekend. I’ll also see what Baker is sniffing around on.”

- 3/16/1973 CONVERSATION WITH PRESIDENTIAL AIDE CHARLES COLSON (KUTLER, 1997, PP. X & 240)

SENATOR BAKER'S QUESTIONING OF CARL SHOFFLER



Carl Shoffler, at the time of his testimony before the Senate Select Committee on Presidential Campaign Activities, was an officer for the Metropolitan Police Department of Washington, D.C. (“Hearings”, 1973). Shoffler’s testimony took place on the second day of the public hearings – Friday, May 18, 1973 (“Hearings”, 1973). He was the first of two witnesses to appear before the Senate Select Committee on Presidential Campaign Activities that day (“Hearings”, 1973).

In his main round of questioning, Senator Baker addressed five main topics with Officer Shoffler: (1) the taping of the doors which allowed the Watergate burglars access to rooms that appeared locked, the discovery of which by an externally hired security guard for the Watergate complex hinted at potential larceny; (2) the examination of the terrace by Shoffler and Leeper; (3) the arrival of additional police to the Watergate complex; (4) the arrest of the burglars; and (5) Frank Wills, the aforementioned security guard (“Hearings”, 1973). About halfway through his round of questioning, Senator Baker “short circuit[ed] the inquiry” via summarizing the facts as he understood them (“Hearings”, 1973, p. 122). He wrapped up his list of facts by requesting Shoffler to confirm “[i]f all those things are so”, to which Shoffler replied in the affirmative (“Hearings”, 1973, p. 122).

Senator Baker then, in response to what he viewed as an unfair question asked by Dash about a disconnect between the testimonies of Shoffler and Leeper regarding the taping of the doors, spoke up before Shoffler was able to respond to Dash’s question:

All right, now, Mr. Chairman, just a second.

You know, we are not in a court of law. We don't proceed by evidentiary rules, but the witness testified yesterday very clearly in one respect and this witness has testified very clearly today. I think we ought not to try to lead the witness into a different statement. I think both statements stand on their own merit and we ought to leave it there. ("Hearings", 1973, pp. 123-124)

While Senator Baker clearly believed that each witness should be able to deliver his or her own testimony without interference, Senator Ervin sided with Dash and allowed the question by saying, "I see no harm in the question" ("Hearings", 1973, p. 124). Senator Baker's objection to Dash's question, however, exemplified that Senator Baker was willing to stand up to the Democratic majority ("Hearings", 1973). The exchange also clearly exemplified that Senator Baker was attempting to get all the details possible out of each witness while trying to limit anything that would alter their testimonies. In his questioning of Shoffler, Senator Baker again strove to uncover a great deal of facts, as exemplified by his five areas of inquiry in his first round of questioning, but he also instigated a public disagreement with the majority counsel ("Hearings", 1973).

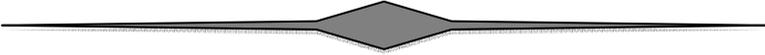
CHAPTER 5

Kleindienst: "And I said, Howard, you're not being bugged. [Laughter.]"

Nixon: "Why of course not."

- 3/22/1973 CONVERSATION WITH ATTORNEY GENERAL RICHARD KLEINDIENST (KUTLER, 1997, PP. XI & 259-260)

SENATOR BAKER'S QUESTIONING OF JAMES MCCORD, JR.



James McCord first joined the Committee To Re-Elect the President in September 1971 as a part-time security consultant (“Hearings”, 1973). In January 1972, he was named the full-time security chief (“Hearings”, 1973). In May and June 1972, McCord participated in two separate break-ins into the Democratic National Committee headquarters located within the Watergate complex, the second of which resulted in his arrest (“Hearings”, 1973). At the time of his testimony before the Senate Select Committee on Presidential Campaign Activities, James McCord stood “convicted on a multicount Federal indictment charging burglary, electronic surveillance and conspiracy arising out of the break-in” (“Hearings”, 1973, p. 125). McCord’s testimony took place on the second and third days of the public hearings – Friday, May 18 and Tuesday, May 22, 1973 (“Hearings”, 1973). He was the final of two witnesses to appear before the Senate Select Committee on Presidential Campaign Activities on Friday and began the hearings on Tuesday (“Hearings”, 1973).

Senator Baker intervened during Dash’s initial questioning of McCord to request McCord to distinguish between the sources from which he received his information, “[I]t would be helpful to me and I believe to the committee, if in each instance when the information you give us not of your own personal first-hand knowledge, you identify it as such and give us the source” (“Hearings”, 1973, p. 129). Senator Ervin submitted his own take on the matter, “We will adhere as much as possible to the rules of evidence which have been established and used in all the courts” (“Hearings”, 1973, p. 129). Senator Baker, displaying unity of leadership, then remarked, “I thoroughly agree with the statement made by the chairman, I associate myself with him as to its content and form” (“Hearings”, 1973, p. 129).

Senator Baker later asked McCord about the status of John Caulfield, whom McCord said had applied “[p]olitical pressure from the White House” on him “to remain silent” and “take Executive clemency by going off to prison quietly” (“Hearings”, 1973, p. 132). Dash replied to Senator Baker, “Mr. Caulfield is under subpoena and will be brought right after this witness” (“Hearings”, 1973, p. 132). Senator Baker, clearly unsatisfied with Dash’s answer, asked, “Is he under subpoena at the present time?”, to which Dash answered, “His counsel has been informed that he wants to testify and he will accept a subpoena” (“Hearings”, 1973, p. 132). In another instance of a Baker and Dash clash, Senator Baker dryly replied, “The answer is that he is not under subpoena” (“Hearings”, 1973, p. 132).

Soon thereafter, Senator Baker reiterated his desire for McCord to notify the committee when providing hearsay evidence, “[W]ould you identify as you go along those things attributed to other people that you do not know at firsthand?” (“Hearings”, 1973, p. 133). After asking yet again, Senator Baker explained: “I am not trying to exclude it [McCord’s hearsay evidence]. I wish simply to identify it as we go along” (“Hearings”, 1973, p. 134).

Senator Baker then discussed the purpose of his questioning, “I will try to confine my questions to an elaboration of those subjects that you have already covered, for the sake of developing either further information or a clearer understanding of those things that have already been touched” (“Hearings”, 1973, p. 155). Senator Baker then proceeded to summarize McCord’s testimony up to that point for clarification purposes (“Hearings”, 1973).

A slight slip-up from Senator Baker then provided a moment of levity: “Could we start at the beginning, Mr. Hunt—and tell us what your job was with the CIA—I mean, Mr. McCord” . . . “I don’t know who I am sorry to but I am sorry” (“Hearings”, 1973, p. 155). The pair then discussed McCord’s, not Hunt’s, job at the CIA (“Hearings”, 1973). Senator Baker was then

interested in learning of McCord's level of understanding of "electronic surveillance techniques and clandestine operations such as that which was conducted at the Watergate" ("Hearings", 1973, p. 156). McCord replied, "I learned some electronics from the FBI" ("Hearings", 1973, p. 156). In response to a question pertaining to the number of times McCord had broken into the Democratic National Committee, McCord answered that he had done so on two separate occasions ("Hearings", 1973).

Senator Baker then got into the details of the break-ins ("Hearings", 1973). For the first break-in, he wanted to know the date, the members of the break-in group, what exactly they did, McCord's specific instructions, and information about the taping of doors ("Hearings", 1973). Senator Baker wanted to know, for the most part, the same information about the second break-in into the Democratic National Committee; specifically, he wanted to ascertain the purpose of the break-in, the members of this break-in group, what exactly they did, and information about the taping of doors ("Hearings", 1973).

The next topic of discussion was McCord's employment of Baldwin ("Hearings", 1973). Senator Baker then asked McCord about any other clandestine activities he might have been involved in, "[D]id you ever conduct electronic surveillance or clandestine activities against anyone other than the DNC . . . and the McGovern headquarters which you have already described?"; McCord responded in the negative ("Hearings", 1973, p. 159).

Senator Baker then questioned McCord about his awareness of the illegality of and motivations for his actions ("Hearings", 1973). McCord told Senator Baker, "[O]ne of the basic motivations was the fact that . . . the Attorney General . . . approved it in his offices over a series of meetings in which he had obviously given careful consideration to it" ("Hearings", 1973, p. 159). In a gripping close to his round of questioning, Senator Baker asked McCord whether he

had any evidence that demonstrated Mitchell's role ("Hearings", 1973). McCord explained that because "the counsel to the President sat in with" Mitchell, he believed "the Attorney General himself had conveyed the decision to his own superior for final decision" ("Hearings", 1973, p. 160). To wrap up the day, Senator Baker requested McCord to provide more information than only that which was asked of him ("Hearings", 1973).

The following Tuesday, Senator Baker started the questioning for the day and picked up right where he left off by reiterating his request of McCord to provide more information than only that which was asked of him ("Hearings", 1973). McCord replied, "I will try to give as much information as I can" ("Hearings", 1973, p. 192). After McCord concluded his reading of lengthy prepared remarks, Senator Baker commented, "I am very grateful, I think you supplied a great deal of additional information and it raises a great number of new questions" ("Hearings", 1973, p. 202). Senator Baker once again prefaced his round of questioning by summarizing what McCord had told the committee ("Hearings", 1973).

Senator Baker then probed into McCord's political motivations for the break-in ("Hearings", 1973). McCord replied, "I was fully aware that others had such motivations" ("Hearings", 1973, p. 203). Senator Baker then asked, "Mr. McCord, speaking of electronic surveillance, do you know of or did you ever investigate the bugging of Republican headquarters of the Committee for the Re-Election of the President"? ("Hearings", 1973, p. 203). McCord responded in the affirmative ("Hearings", 1973). After McCord explained what he knew regarding the question, Senator Baker justified his question:

Mr. McCord, I am not trying to create the impression that because there were apparently taps on the Republican phones, that that justifies taps on the Democratic phones. I do not believe that, but I am anxious to know your state of

mind and the reason and rationale for your security operations, including the break-in into the Watergate. (“Hearings”, 1973, p. 205)

The next topic of discussion was McCord’s employment at the Republican National Committee (“Hearings”, 1973). The final topic for this round of questioning began with Senator Baker asking, “You recognize the term Gemstone?” (“Hearings”, 1973, p. 206). McCord responded that he had, in fact, heard of it (“Hearings”, 1973). He said, “That term I . . . first read about in the newspaper” (“Hearings”, 1973, p. 206). Senator Baker cordially concluded his round of questioning: “Thank you very much, Mr. McCord. I am very grateful. I think you responded in a very thorough and very eloquent way to the question I put on Friday and I am very grateful to you” (“Hearings”, 1973, p. 206).

Even before launching into his own round of questioning, Senator Baker was keen in requesting McCord to make distinctions between first-hand and hearsay evidence (“Hearings”, 1973). I believe this was in order to allow for better judgment of the information McCord was providing to the committee (“Hearings”, 1973). Senator Baker, throughout the course of his interrogation of McCord, was focused on further developing McCord’s testimony regarding the break-in (“Hearings”, 1973). He also probed into the mind of McCord by asking him about his rationale for participating in the break-in (“Hearings”, 1973).

CHAPTER 6

Nixon: “I think you’ve really got to be the Baker hand-holder, if you will. It’s a hell of a tough job, but if you have to have him move in with you, why do it.”

Kleindienst: “I’ll babysit the sumbitch 24 hours a day.”

Nixon: “That’s right. Get his wife out of the way and keep him in.”

. . .

Nixon: “Then let’s leave it this way. You’ll handle Baker now, you’ll babysit him starting like in about ten minutes?”

Kleindienst: “Just like he’s a brother.”

- 3/22/1973 CONVERSATION WITH ATTORNEY GENERAL RICHARD KLEINDIENST (CONT.) (KUTLER, 1997, PP. XI & 259-260)

SENATOR BAKER'S QUESTIONING OF BERNARD BARKER



Bernard Barker also took part in both break-ins into the Democratic National Committee (“Hearings”, 1973). At the time of his testimony before the Senate Select Committee on Presidential Campaign Activities, Bernard Barker stood convicted for his part in the Watergate break-in of June 17, 1972 (“Hearings”, 1973). Barker’s testimony took place on the fifth day of the public hearings – Thursday, May 24, 1973 (“Hearings”, 1973). He was the second of three witnesses to appear before the Senate Select Committee on Presidential Campaign Activities that day (“Hearings”, 1973).

Senator Baker’s only round of questioning during Bernard Barker’s testimony began with an examination into Barker’s background, which naturally lent itself to the following question: “Mr. Barker, what on earth would motivate you at your station in life, at your age, and with that background, to do something that surely you knew to be illegal?” (“Hearings”, 1973, p. 365). Barker explained that his role extended beyond just Watergate:

[I]t started out with Ellsberg, then it came to Hoover, then we came up for these operations which involved not only the break-in at the Democratic national headquarters, but I supposed, the same type of a mission into the McGovern headquarters (“Hearings”, 1973, p. 366).

Regarding his motivation to participate in such activities, Barker said, “[W]e were assisting Mr. Hunt” and “had hopes that Mr. Hunt’s position in the White House would be a decisive factor at a later date for obtaining help in the liberation of Cuba” (“Hearings”, 1973, p. 366-367).

When Senator Baker asked Barker when he arrived at his decision to enter a guilty plea, Barker responded, “[I]t was after the Dolphins-Redskins game” (“Hearings”, 1973, p. 367). Senator Baker comically responded with, “Do you remember the score, Mr. Barker?” (“Hearings”, 1973, p. 367). Barker, in fact, did, “Thirteen to seven” (“Hearings”, 1973, p. 367). Reestablishing seriousness, Senator Baker asked: “Mr. Barker, what part did you play in the break-in of the Watergate complex, the Democratic national headquarters on June 17? What was your assignment and responsibility?” (“Hearings”, 1973, p. 367). Barker responded, “[M]y principal assignment was the location of documents” (“Hearings”, 1973, p. 367).

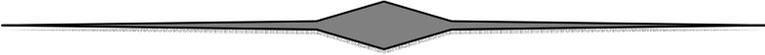
The next and final topic of discussion was “the taping of the doors” during the Watergate break-ins (“Hearings”, 1973, p. 367). Senator Baker specifically asked Barker about the decision to re-enter after the tape had been discovered during the second Watergate break-in: “Were you apprehensive, knowing that the doors had been taped and some unknown person not of your group had removed the tape? Were you apprehensive about continuing with the burglary?” (“Hearings”, 1973, p. 368). Barker replied, “I was against entry at that time, and to the best of my recollection, so was Mr. Hunt, my superior” (“Hearings”, 1973, p. 368). Senator Baker wanted to know who then made the decision to re-enter (“Hearings”, 1973). Barker replied, “I have no knowledge” (“Hearings”, 1973, p. 368). Senator Baker’s questioning of Bernard Barker, while only consisting of a single round of questioning, was one of Senator Baker’s more entertaining interrogations (“Hearings”, 1973). His main theme was Barker’s motivation for doing what he did (“Hearings”, 1973).

CHAPTER 7

Haldeman: “And what he said to the Vice President—the Vice President called me and what he said is that he has a firm conviction—Howard does now—that our stand on executive privilege is very unwise in a public relations sense”.

- 3/29/1973 CONVERSATION WITH CHIEF OF STAFF TO THE PRESIDENT H. R. HALDEMAN (KUTLER, 1997, PP. X & 282–283)

SENATOR BAKER’S QUESTIONING OF ALFRED BALDWIN III



Alfred Baldwin, a former FBI agent, was contacted on May 1, 1972, by James McCord regarding possible employment (“Hearings”, 1973). McCord told Baldwin that the job “would involve security work for the Committee To Re-Elect the President” (“Hearings”, 1973, p. 391). After taking the job, Baldwin “was instructed to monitor all telephone conversations that were being received over . . . units that were in the Howard Johnson room and to make a log of all units” (“Hearings”, 1973 p. 400). Baldwin was later instructed by McCord just before the second Watergate break-in to serve as a lookout (“Hearings”, 1973). Baldwin’s testimony took place on the fifth day of the public hearings – Thursday, May 24, 1973 (“Hearings”, 1973). He was the final of three witnesses to appear before the Senate Select Committee on Presidential Campaign Activities that day (“Hearings”, 1973).

Senator Baker, after Alfred Baldwin’s opening statement, asked Baldwin to clarify the mention Baldwin had made towards the end of his statement of a promise (“Hearings”, 1973). Baldwin replied that he was referring to “the promise of the U.S. attorneys that if I cooperated I would be a witness and not a defendant” (“Hearings”, 1973, p. 390). Senator Baker then defiantly responded, “Well, I just want it clearly understood that no promise by the U.S. attorney is binding on this member of the committee” (“Hearings”, 1973, p. 391). Baker then suggested that the committee defer to Senator Weicker for the initial interrogation of Baldwin (“Hearings”, 1973). He said, “Senator Weicker has had an opportunity, Mr. Chairman, to interview this witness on one or more occasion” and “is from Connecticut” (“Hearings”, 1973, p. 391). Senator Ervin agreed with Senator Baker (“Hearings”, 1973).

Early in his brief round of questioning, Senator Baker was interested in learning whom Baldwin communicated with via walkie-talkie during the Watergate break-in:

On the night in question, or, rather, the morning of June 17, 1972, when you were standing on the balcony of Howard Johnson's, you testified that you saw the lights come on on the eighth floor, you saw two men on the balcony of the sixth floor, you called on your walkie-talkie on the second occasion and said, are your men dressed casually? Someone replied, no, they are dressed in business suits. Did you know whom you were talking to? ("Hearings", 1973, p. 411)

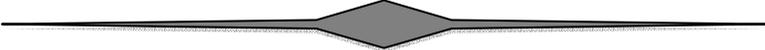
Baldwin responded, "No, I did not, Senator" ("Hearings", 1973, p. 411). Senator Baker wrapped up his questioning of Baldwin by focusing on whether Baldwin knew the arresting officers ("Hearings", 1973). Baldwin responded: "I did not at the time. I do now" ("Hearings", 1973, p. 412). Senator Baker, throughout Baldwin's testimony, emphasized the independence of the Senate Select Committee on Presidential Campaign Activities ("Hearings", 1973). During his brief questioning of Baldwin, Senator Baker was interested in Baldwin's communication with the break-in team and in any possible relationship Baldwin had with the arresting officers ("Hearings", 1973).

CHAPTER 8

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- Ehrlichman:* "Baker was a lot of help—in fact, Baker was of enormous help all through this thing today. . . . The rules of evidence—we're going to try and draft some exclusionary rules of evidence that will keep hearsay out and will keep out the thing that Bob was concerned about, about conduit people testifying to things that were told to them." . . .
- Nixon:* . . . "Did Baker help you any on [Dean]?"
- Ehrlichman:* "No, Baker did not help me. He feels Dean should come. And so he and Ervin ganged up on me on that one."

- 4/9/1973 CONVERSATION WITH COUNSEL TO THE PRESIDENT AND CHAIR OF THE DOMESTIC COUNCIL JOHN D. EHRLICHMAN (KUTLER, 1997, PP. X & 299)

SENATOR BAKER'S QUESTIONING OF JOHN DEAN



At the time of his appearance before the Senate Select Committee on Presidential Campaign Activities, John W. Dean, III had formerly served as President Nixon's counsel ("Hearings", 1973). Dean's testimony before the Senate Select Committee on Presidential Campaign Activities occupied the entire workweek from Monday, June 25 to Friday, June 29, 1973 ("Hearings", 1973). He was the only witness to appear before the committee that week ("Hearings", 1973).

Senator Baker opened his questioning of John Dean on June 28 in commendatory fashion by describing Dean as "a very patient witness, and very thorough" ("Hearings", 1973, p. 1465). Prior to beginning his questioning, Senator Baker informed Dean that the purpose of his questioning would be to provide structure "so that we have a coherent presentation against which we can measure the testimony of other witnesses" and "against whatever other information the committee can gather" ("Hearings", 1973, pp. 1465-1466). Senator Baker then memorably set forth "the central question" for which he was expecting Dean's assistance: "What did the President know and when did he know it?" ("Hearings", 1973, p. 1466). This question would serve as the underlying foundation for Senator Baker's questioning of Dean ("Hearings", 1973). Senator Baker also stated his desire to divide evidence stemming from Dean's testimony into three separate categories: (1) direct, (2) circumstantial, and (3) hearsay ("Hearings", 1973). Senator Baker then closed his introductory remarks with still more praise, calling Dean "a very remarkable witness" ("Hearings", 1973, p. 1466).

Senator Baker began his questioning by seeking to discover “what the President knew” about the June 17, 1972, Watergate break-in prior to its occurrence (“Hearings”, 1973, p. 1467). Dean provided no assistance in this regard (“Hearings”, 1973). Senator Baker then moved on to the question of, “What did the President know and when did he know it about the coverup”? (“Hearings”, 1973, p. 1467). The vast majority of the remainder of Baker’s questioning of Dean would be devoted to answering this very question (“Hearings”, 1973). Dean initially informed Senator Baker that the starting point for answering this question would be his September 15, 1972, meeting with President Nixon (“Hearings”, 1973).

Before delving into that particular meeting, however, a couple of other items were addressed (“Hearings”, 1973). First of all, Senator Baker wanted to make it perfectly clear that the overall purpose for his questionings was not “to defend or prosecute the President or any witness” (“Hearings”, 1973, p. 1469). The other items that were addressed were a draft of a September 1972 memo created by a man named Kenneth Parkinson, at the request of John Dean, and the finalized version of that memo which ultimately found its way to President Nixon (“Hearings”, 1973). Senator Baker, focusing on his fundamental question, asked Dean, “What in this exhibit sheds any further light or implies any further information about the scope and extent, if any, of the President’s knowledge of the coverup”? (“Hearings”, 1973, p. 1472). Dean replied to Senator Baker that he viewed the cover-up as a broad area of inquiry (“Hearings”, 1973). Senator Baker then found it necessary to narrow the term cover-up to “the apparent efforts to conceal the connection with and responsibility for the unlawful entry into the Democratic National Headquarters at the Watergate complex on the morning of June 17, 1972” (“Hearings”, 1973, p. 1472). The memo ultimately did not provide additional insight into the President’s knowledge of the newly defined cover-up (“Hearings”, 1973). It did, however, “shed some light

on at least the willingness to commence counteractions to avoid further prying into the situation at the White House” (“Hearings”, 1973, p. 1473). The pair then delved into Dean’s September 15, 1972, meeting with the President (“Hearings”, 1973). Also present at this meeting was H. R. Haldeman (“Hearings”, 1973). The significant finding in relation to Senator Baker’s ultimate purpose was that the meeting led Dean to believe “that the President knew that there was an on-going counter-effort” (“Hearings”, 1973, p. 1481).

Before getting into a discussion about any subsequent meetings between Dean and the President, Senator Baker and Dean discussed a few documents (“Hearings”, 1973). The first two documents related to Senator Baker’s aforementioned meeting with the President (“Hearings”, 1973). The first of these documents was an agenda created by Dean, at the request of H. R. Haldeman, for Dean’s February 27, 1973, meeting with President Nixon (“Hearings”, 1973). The agenda included the item “Baker meeting with President” and suggested that Senator Baker “wants to help” (“Hearings”, 1973, p. 1485). The second document was another agenda – this time for Senator Baker’s meeting with the President (“Hearings”, 1973). Items on this agenda included: “Take Baker’s pulse and find out how much he wants to help” and “Baker can be assured that no one in the White House had any knowledge that there was going to be a break-in and bugging of the DNC” (“Hearings”, 1973, p. 1486). Dean then said that he later learned that the main topic of Senator Baker’s meeting with the President was Senator Baker’s desire for the President to waive his executive privilege (“Hearings”, 1973).

Dean then stated that “[t]he next significant document leading up to my meetings . . . was a request again by Mr. Haldeman” (“Hearings”, 1973, p. 1488). The document was a memo pertaining to a meeting with the Attorney General (“Hearings”, 1973). Before getting into the details of this memo, however, Senator Baker departed for a rollcall vote (“Hearings”, 1973).

Upon his return and after questioning by Senator Talmadge, Senator Baker and John Dean resumed their discussion of the memo (“Hearings”, 1973). The final topic discussed by Senator Baker and Dean that Thursday was Dean’s February 27, 1973, meeting with the President (“Hearings”, 1973).

Senator Baker resumed his questioning of Dean the following day by reminding Dean that his “primary thesis is still what did the President know, and when did he know it?” (“Hearings”, 1973, p. 1537). Senator Baker informed Dean that the plan for the day was to limit discussion “to the remaining meetings that we did not cover and to direct information only” (“Hearings”, 1973, p. 1537). The first meeting the two covered that day was Dean’s March 13, 1973, meeting with the President (“Hearings”, 1973). Dean, in that meeting, which was also attended by Haldeman, informed the President “that the individuals who had either been convicted or pleaded guilty were continuing to make their demands of the White House” (“Hearings”, 1973, p. 1539). Dean then painted a picture of the President’s seemingly damning response:

The President asked me, “Well, how much are they demanding and how much is it going to cost?” And I said, “Well, to the best of my estimation it will cost a million dollars or more to continue the payments.” At that point, the President, I can recall this very vividly, leaned back in his chair and he sort of slid his chair back from the desk and he said to me that a million dollars was no problem at all. (“Hearings”, 1973, p. 1539)

The next meeting that Senator Baker and Dean covered was Dean’s meeting with President Nixon on the morning of March 21, 1973 (“Hearings”, 1973). This was the infamous meeting during which Dean told President Nixon “that there was a cancer growing on the

Presidency” (“Hearings”, 1973, p. 1541). Dean informed Senator Baker that Nixon’s response “indicated that the President still did not realize the implications of this matter” (“Hearings”, 1973, p. 1544). Senator Baker and Dean then moved on to the meeting between Dean and the President later that same day (“Hearings”, 1973). Dean said that he “was very upset at what had occurred that morning” (“Hearings”, 1973, p. 1546). It was in that meeting, which also included Haldeman and Ehrlichman, that Dean told the President, “I think that Mr. Haldeman, Mr. Ehrlichman, and myself are indictable” (“Hearings”, 1973, p. 1547).

The next meeting that was addressed by Senator Baker and Dean occurred the following day – March 22, 1973 (“Hearings”, 1973). Also present at this meeting were Haldeman, Ehrlichman, and Mitchell (“Hearings”, 1973). During this meeting, Dean insisted that “[t]here was nothing dramatic that happened” (“Hearings”, 1973, p. 1549). The next topic of discussion was Dean’s phone conversation with the President the following day (“Hearings”, 1973). According to Dean, the highlight of the call occurred when the President said, “Well, John, your prediction is correct”, referring to Dean’s statement to the President of two days prior that “not all the defendants would remain silent” (“Hearings”, 1973, p. 1550). That very day, McCord had broken his silence as he “submitted his letter to the court” (“Hearings”, 1973, p. 1550).

The final meeting that was discussed in-depth was Dean’s April 15, 1973, meeting with the President (“Hearings”, 1973). It was during this meeting that Dean informed President Nixon that he “had been to the prosecutors” (“Hearings”, 1973, p. 1553). According to Dean, “I told him I did not believe this was an act of disloyalty, I felt I had to go and do it” (“Hearings”, 1973, p. 1553). Referring back to Dean’s March 13 meeting with the President, Dean informed Senator Baker that:

It was toward the end of the conversation that he raised on his own and asked me if I remembered when he had mentioned the fact that it would not be any problem to pay \$1 million and I said, “Yes, I recall that conversation.” He said, “Well, of course, I was joking, I was only joking when I said that.” (“Hearings”, 1973, p. 1555)

Dean also mentioned that the President later whispered to him, “I was foolish to talk with Colson about Executive clemency for Hunt, was I not?” (“Hearings”, 1973, p. 1555).

Senator Baker wrapped up his round of questioning by addressing two topics: (1) gaining access to the President and (2) a letter from Congressman Garry Brown (“Hearings”, 1973).

Regarding the former, Senator Baker stated, “So as we say in Tennessee, there are lots of ways to skin a cat and I wouldn’t presume to say how we go about it” (“Hearings”, 1973, p. 1557). In regards to the latter, Senator Baker said, “Congressman Garry Brown has written a letter to this committee that refers directly to certain statements made by Mr. Dean” and asked “that the letter be included in the record” (“Hearings”, 1973, p. 1557).

Later in the day, Senator Baker read a letter from Senator Strom Thurmond (“Hearings”, 1973). The letter opened with:

Earlier testimony in today’s hearing carried the impression that a friend of mine, Mr. Harry Dent of South Carolina, might have done something improper. I would greatly appreciate it if one of you gentlemen would set the record straight before today’s hearings are completed. (“Hearings”, 1973, p. 1563)

In a subsequent interjection, Senator Baker sought to clarify the classification of an exhibit (“Hearings”, 1973). The exhibit in question consisted of “the transcribed notes of a telephone conversation between Mr. Buzhardt, an attorney of the White House, and Mr.

Thompson, which were turned over to Mr. Dash and reviewed subsequently by Mr. Garment and Mr. Buzhardt” (“Hearings”, 1973, p. 1569). Senator Baker “caution[ed] against . . . taking that as a statement of a White House position or a Presidential statement at this time” (“Hearings”, 1973, p. 1569). Senator Baker concluded his overall questioning of Dean by reading aloud the aforementioned letter from Congressman Garry Brown in case “Mr. Dean would want to comment on it before he makes his closing statement” (“Hearings”, 1973, p. 1597).

The overall theme of Senator Baker’s questioning of John Dean unmistakably was, “What did the President know and when did he know it?” (“Hearings”, 1973, p. 1466). Traits of Senator Baker that are apparent from his questioning of Dean are his polite nature, his organized progression through his questioning, and his fairness in allowing for a defense mechanism for those cast in a negative light by Dean’s testimony (“Hearings”, 1973). Senator Baker, throughout his questioning of Dean, upheld his opening statement promise to engage in “an objective and even-handed but thorough, complete, and energetic inquiry into the facts” (“Hearings”, 1973, p. 6).

CHAPTER 9

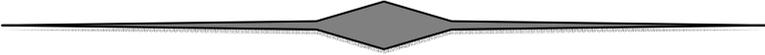
Ehrlichman: “Baker swears by this minority counsel of his. This fellow Thompson and—”

Nixon: “Says he’s tough—”

Ehrlichman: “Says he’s good and tough, a lot of experience and so forth.”

- 4/10/1973 CONVERSATION WITH COUNSEL TO THE PRESIDENT AND CHAIR OF THE DOMESTIC COUNCIL JOHN D.

EHRlichman (KUTLER, 1997, PP. X & 302)



John N. Mitchell, at the time of his appearance before the Senate Select Committee on Presidential Campaign Activities, had formerly served as the U.S. Attorney General and the campaign director for the Committee To Re-Elect the President (“Hearings”, 1973). Mitchell’s testimony was completed in the three-day span from Tuesday, July 10 to Thursday, July 12, 1973 (“Hearings”, 1973).

Senator Baker began his questioning of John Mitchell by describing Mitchell’s testimony up to that point as “significant in many respects” in that it had both provided “new insight into important new material” and brought about “apparent conflicts with the testimony of other witnesses” (“Hearings”, 1973, p. 1829). Senator Baker, much as he did throughout his questioning of Dean, relied on a fundamental line of questioning with Mitchell (“Hearings”, 1973). The question once again focused on the President and was presented to Mitchell as, “[W]hat is your perception of the obligations of the Presidency and your obligations to it?” (“Hearings”, 1973, p. 1830). In providing an example of what he was looking for in response, Senator Baker came off as poetic:

Is the Presidency so shrouded in mystique, is there such an aura of magnificence about the Presidency, is there such an awesome responsibility for a multitude of problems and undertakings of this Nation that the Presidency in some instances must be spared the detail, must be spared the difficult situations which in more ordinary circumstances might be considered by some at least to be frank, open, declarations of criminal offense? (“Hearings”, 1973, p. 1831)

Mitchell responded that he withheld the White House horror stories from the President, because it would have resulted in the President having “a choice of being involved in what you

all referred to as a coverup or he would be involved in the disclosures which would affect his reelection” (“Hearings”, 1973, p. 1831). Senator Baker then asked Mitchell to provide an example, “Is there any other important decision that you can think of that the President ought to be spared from making?” (“Hearings”, 1973, p. 1832). Mitchell replied, “I think as your hearings go on, you will find out about other ones” (“Hearings”, 1973, p. 1832).

Senator Baker then delved into the implications of Mitchell’s way of thinking, “Do you not, in fact, by that, arrogate unto yourself a Presidential decision?” (“Hearings”, 1973, p. 1833). After an affirmative response from Mitchell, Senator Baker asked Mitchell, “How do we go about making sure that Presidential-level decisions, decisions of tremendous importance, are in fact made by the President and not by someone else?” (“Hearings”, 1973, p. 1833). Mitchell managed to scoot around this question by stating that things of this nature happen all the time (“Hearings”, 1973).

Senator Baker then shifted the focus from a general discussion of the office of the Presidency to a specific discussion of President Nixon, “What is there in your perception of the man that would contribute or did contribute to your decision not to tell him about this?” (“Hearings”, 1973, p. 1834). Mitchell then basically repeated that President Nixon would have publicly revealed the damaging information, thus hurting his reelection chances, to which Senator Baker responded, “I am inclined to think you are right” (“Hearings”, 1973, p. 1834). Baker then pointed out something that seemed suspicious to him:

But I rather think that your hindsight is remarkable; that you at that time, when you yourself, according to your testimony, were completely free of any involvement in the so-called White House horrors, in the break-in incident on June 17, 1972, and certainly free of any allegations in connection with the

coverup, the payoff, and the like. At that point in time, in mid-June 1972, you made a decision not to tell the President because you were afraid he would fire those involved. Even if you do not think of it from any circumstance except how it affected you, did that not (“Hearings”, 1973, p. 1834).

At that point, Mitchell cut off Baker and explained that it was not the potential firings that were of concern to him; it was “the unraveling of some of these activities that existed over there” (“Hearings”, 1973, p. 1834). Mitchell informed Baker, “[I]t was not the break-in at the Watergate that was the concern”; instead, it was the White House horror stories – “the Ellsberg matter, the Diem papers, the Dita Beard matter, the stories of surreptitious and unauthorized wiretapping, the bombing of the Brookings Institute, et cetera” (“Hearings”, 1973, p. 1835). Senator Baker, nevertheless, brought the conversation right back to Watergate (“Hearings”, 1973).

Senator Baker then eased a tense moment with a short anecdote:

I introduced you at the [Tennessee Bar Association] reception to some of my friends who are attorneys in Tennessee. I said, Mr. Mitchell, as you know, was once President Nixon’s law partner. And our distinguished witness said, no, Mr. Nixon was my law partner. (“Hearings”, 1973, p. 1836)

Baker continued: “Now, Mr. Mitchell, I have no quarrel with you. I welcome this opportunity to find out where the threshold is, where the crossover point is on the importance of an event versus the responsibility to tell the President” (“Hearings”, 1973, p. 1836). This portion of the questioning concluded with Mitchell agreeing with Senator Baker that the administration should have been more open, “[I]t might even have been better, Senator, as you say, take them out on the White House lawn” (“Hearings”, 1973, p. 1837).

Senator Baker wrapped up his questioning of Mitchell by asking for suggestions on gaining access to the President (“Hearings”, 1973). Ironically, the lights shut off in the middle of his questioning on this topic; Senator Baker commented, “It is not significant, I hope, that at that point the lights went out” (“Hearings”, 1973, p. 1838). Baker’s humorous tone quickly turned weary as he seemed stumped on how to get access to the President (“Hearings”, 1973). He did, however, bring up the “precedent established in 1919 when the Senate Foreign Relations Committee asked President Woodrow Wilson to appear in connection with ratification of the Treaty of Versailles and President Wilson . . . invited the Foreign Relations Committee to the White House” (“Hearings”, 1973, p. 1839). Mitchell concluded the discussion by suggesting that Senator Baker “and the chairman go down and discuss it with” the President (“Hearings”, 1973, p. 1839).

In his questioning of John Mitchell, Senator Baker once again stuck to a line of questioning focusing on the President (“Hearings”, 1973). While Mitchell seemed to want to draw the attention away from the Watergate break-in, Senator Baker did not relent (“Hearings”, 1973). Baker also maintained his charm in a tense moment and made clear his desire to get first-hand information from the President (“Hearings”, 1973). Senator Baker’s unrelenting desire to hear directly from President Nixon falls in line with his opening statement promise to “inquire into every fact and follow every lead, unrestrained by any fear of where that lead might ultimately take us” (“Hearings”, 1973, p. 6).

CHAPTER 10

Nixon: “How’s Baker handling himself?”

Haldeman: “Well, he hasn’t—since they’ve been in recess, he hasn’t been heard from really.”

- 6/2/1973 CONVERSATION WITH CHIEF OF STAFF TO THE PRESIDENT H. R. HALDEMAN (KUTLER, 1997, PP. X & 564)

SENATOR BAKER’S QUESTIONING OF JOHN EHRLICHMAN



John Ehrlichman, at the time of his testimony before the Senate Select Committee on Presidential Campaign Activities, had formerly served as “chief domestic adviser to the President” (“Hearings”, 1973, p. III of vol. 6). Ehrlichman’s testimony was completed in five sittings from Tuesday, July 24 until Monday, July 30, 1973 (“Hearings”, 1973).

Senator Baker opened his questioning of John Ehrlichman on Tuesday, July 24 with a compliment to Senator Ervin, who had just concluded his round of questioning: “[Y]ou are the only man I ever saw who can read the transcript of a telephone conversation . . . and make it sound like the New Testament” (“Hearings”, 1973, p. 2579). Senator Baker then proceeded to inform Ehrlichman as to his plan for his questioning – that he would focus on “a couple of fundamental considerations” (“Hearings”, 1973, p. 2579). Senator Baker began by asking Ehrlichman if he had known of the impending Watergate break-in beforehand; Ehrlichman said that he had not (“Hearings”, 1973).

In response to a follow-up question about precisely when Ehrlichman did learn of the break-in, Ehrlichman responded, “On the day following the break-in, when I received this telephone call toward dusk” (“Hearings”, 1973, p. 2580). The call was from a man named Mr. Boggs, who worked for the Secret Service (“Hearings”, 1973, p. 2580). Ehrlichman said that Mr. Boggs told him that one of the men arrested “had in his possession the name of someone who apparently was a White House employee” – Howard Hunt (“Hearings”, 1973, p. 2580). Senator Baker learned that Ehrlichman then “called Ron Ziegler, the press secretary, who was with the President in Florida, and told him about that telephone call” and “called Mr. Colson to find out whether Howard Hunt still was employed in the White House” (“Hearings”, 1973, p. 2580). Senator Baker also asked Ehrlichman what he learned about the break-in from newspapers (“Hearings”, 1973).

Senator Baker then asked Ehrlichman if he had any communication with various other White House officials on June 17; Ehrlichman said he had not (“Hearings”, 1973). Baker then moved on to the next day, June 18 (“Hearings”, 1973). Specifically, he asked Ehrlichman, “Who did you talk to, who talked to you, what additional information did you receive, and what action did you take?” (“Hearings”, 1973, p. 2581). Senator Baker and Ehrlichman then proceeded to discuss Ehrlichman’s June 18 telephone conversation with H. R. Haldeman, during which Ehrlichman and Haldeman “discussed the fact of the break-in, the fact of Hunt’s name being involved and McCord being involved, and so forth” (“Hearings”, 1973, p. 2581). Ehrlichman then briefly touched on his meeting with John Dean the next day (“Hearings”, 1973).

Senator Baker then voiced his surprise at the lack of White House concern over the situation:

Mr. Ehrlichman, it occurs to me, and I may be entirely wrong, but it occurs to me that if someone on my staff, even remotely on my staff, were charged with breaking and entering into the Democratic National Committee headquarters or someone was even associated with it in a newspaper column, that I would be determined to find out if that happened.

Now, was there this air of urgency in the White House on your part or Haldeman’s part or Dean’s part? . . . It sounds like a routine staff operation. But this wasn’t a routine staff operation. (“Hearings”, 1973, p. 2582)

Ehrlichman responded, “It was a dumb, shocking, unredeemable kind of thing for people connected with the Committee To Re-Elect to have done to the Democrats. There isn’t any way of glossing it” (“Hearings”, 1973, p. 2582).

Senator Baker and Ehrlichman then discussed a meeting Ehrlichman had with John Dean, in which Dean informed Ehrlichman that “the Justice Department or the law enforcement people . . . were aware that this matter went beyond just the five fellows who were caught and that Liddy was involved . . . and that there was a further direct involvement of the CRP” (“Hearings”, 1973, p. 2583). Senator Baker then asked Ehrlichman: “What did you do with that information? Did you pick up the telephone and call the President, did you call Haldeman?” (“Hearings”, 1973, p. 2583). Ehrlichman informed Senator Baker that he did not pass this information along to President Nixon (“Hearings”, 1973). Senator Baker soon thereafter, consistent with his previous questioning, specifically asked Ehrlichman, “When did the President first know of CRP involvement in the break-in of the Democratic National Committee headquarters?” (“Hearings”, 1973, p. 2584) Ehrlichman, however, was of little help in this regard (“Hearings”, 1973).

The pair then moved on to a discussion of Ehrlichman’s June 20 meeting with President Nixon (“Hearings”, 1973). As for the nature of the discussion surrounding Watergate in that meeting, Ehrlichman said, “[W]hat we really had for certain at that time was a kind of lingering concern because we did not know all the story” (“Hearings”, 1973, p. 2585). Senator Baker then brought up the White House tape recording system, “Mr. Ehrlichman, do I understand that you did not know that tape recordings were being made of Presidential conversations at the White House during this period?” (“Hearings”, 1973, p. 2585). Ehrlichman assured Baker that he was unaware of the tape recording system (“Hearings”, 1973).

Senator Baker then wrapped up his first round of questioning by summoning his famous line of questioning: “[T]he question, what did the President know and when did he know, can be answered in part that he must have known on June 20 that certain major figures were involved?” (“Hearings”, 1973, p. 2586). After an affirmative response from Ehrlichman, Senator Baker

ended his questioning for that day by requesting Ehrlichman to contemplate over “what the President knew, if anything, prior to June 17” (“Hearings”, 1973, p. 2587).

On Thursday, July 26, Senator Ervin read aloud a letter from President Nixon in which, according to Ervin, “[T]he President flatly refuses to give us the tapes that we identified in the subpoena as recording conversations between the President and John Dean” and “tells us he will furnish us the documents that he does not consider to be Presidential papers if we can identify the specific documents, which is an impossibility” (“Hearings”, 1973, p. 2658). Senator Baker responds with, “[F]or those of us who are lawyers, and that is meant to be a term of approval rather than disapproval, I think the best way to summarize the present situation is to say thus, the issue was joined” (“Hearings”, 1973, p. 2659). Baker emphasized the importance of this situation, “[T]he third branch of the Government now, the Judiciary, may, in fact, be called on to resolve a historic conflict between the remaining two branches” (“Hearings”, 1973, p. 2659).

Senator Baker went on to restate his potential solution to the conundrum – “an informal panel of distinguished Americans not now holding a position in Government may review these tapes” and make recommendations based on their relevance (“Hearings”, 1973, p. 2659). He also submitted a new suggestion, which was a slight variation of his aforementioned proposal (“Hearings”, 1973). Senator Baker even made the following motion:

[T]hat counsel for the committee be authorized under the appropriate laws and statutes of the United States including the Declaratory Judgments Act to present a justifiable issue to the appropriate court based on the subpoena issued lawfully by this committee and on a letter declining the honoring of the subpoena, dated July 25, 1973, signed by the President of the United States, and to take such steps as

may be necessary to present such issue for adjudication. (“Hearings”, 1973, p. 2660–2661)

The court, however, would end up dismissing this motion “for lack of jurisdiction and appeals affirmed the lower court’s ruling” (“Senate”, p. 2).

Senator Baker began his round of questioning that day by asking Ehrlichman about an August 1971 memo written to him from Bud Krogh and David Young (“Hearings”, 1973). Specifically, Senator Baker was interested in the missing fifth paragraph (“Hearings”, 1973). He asked Ehrlichman, “What happened to paragraph 5, if you know and what did it say?” (“Hearings”, 1973, p. 2702). Ehrlichman informed Senator Baker that the missing paragraph “deals with an extremely sensitive subject relating to another country” and that he “would probably be violating two or three statutes if” he “disclosed at this point” (“Hearings”, 1973, p. 2702–2703). Senator Baker and Ehrlichman then discussed a different memo Ehrlichman received later in August 1971, this time solely from Young (“Hearings”, 1973). According to Ehrlichman, this memo was meant to inform him “(1) [t]hat Daniel Ellsberg may not have been the man to turn the stuff over to the New York Times, and (2) there were a number of other people involved either in association with him or operating separately” (“Hearings”, 1973, p. 2704).

The conversation regarding this second memo led Senator Baker to explain, “What I do want to know is the breadth and range of your information as to that event or other security problems that may have had some bearing on the contentions of the President in his May 22 statement” (“Hearings”, 1973, p. 2705). Senator Baker had already addressed the portion of the President’s May 22, 1973, statement that he sought to examine, “Important national security operations which themselves had no connection with Watergate have become entangled in the

case” (“Hearings”, 1973, p. 2703). Senator Baker learned that while President Nixon in his May 22 statement named three separate “instance[s] of the activities of the Plumbers”, a fourth existed (“Hearings”, 1973, p. 2706). When Senator Baker asked Ehrlichman to reveal the fourth instance, Ehrlichman replied, “Under this letter I cannot, sir”, referring yet again to White House restrictions on discussing issues of national security concern (“Hearings”, 1973, p. 2706).

Senator Baker later addressed this concern over national security with the profound question, “How great must that national security issue be to take all the punishment that an administration and witnesses have taken?” (“Hearings”, 1973, p. 2707). Senator Baker then turned even more pointed, “What I am asking you is, is it that important or am I playing games?” (“Hearings”, 1973, p. 2708). Senator Baker later admitted to his rather active role in his questioning of Ehrlichman, “I have lectured you more than I have questioned you, but I think you understand the dimensions of my concern” (“Hearings”, 1973, p. 2709).

After a suggestion from Ehrlichman’s attorney as to how the Senate Select Committee on Presidential Campaign Activities could garner access to the information they desired via “an executive session with the seven responsible Senators of this committee . . . with no one else”, Senator Baker replied, “I intend to take under advisement the whole thing and I will make an independent judgment on how I will proceed taking fully into account your very generous suggestion” (“Hearings”, 1973, p. 2710). Senator Baker finished his round of questioning by providing the reasoning for delving so deeply into something that “has nothing to do or very likely has nothing to do with the Watergate break-in”:

[I]t may or may not have something to do with a material allegation of the President in his May 22 statement. If there is information available that validates it, it is important to know. If there is information which tends to discredit it, we

sure need to know that, and I reserve the right to pursue that further, Mr. Chairman. (“Hearings”, 1973, p. 2710)

On Monday, July 30, 1973, Senator Baker wrapped up Ehrlichman’s time on the stand, “You have given us a great volume of information and we thank you for it” (“Hearings”, 1973, p. 2865). With his questioning of Ehrlichman, Senator Baker unsurprisingly focused on the President (“Hearings”, 1973). Specifically, Senator Baker was interested in the President’s knowledge of those involved in the Watergate break-in and in the validity of a national security claim made in a Presidential statement (“Hearings”, 1973). He was also interested in learning about the White House atmosphere in the immediate aftermath of the break-in and emphasized the need for the committee to obtain access to information that potentially could, even tangentially, assist in finding answers to the questions surrounding the Watergate affair (“Hearings”, 1973). Senator Baker began with his familiar dose of humor, proceeded in an unreserved fashion, and closed with a sense of independence and civility (“Hearings”, 1973).

CHAPTER 11

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- Nixon: *“I think you should call our friend Brother [Howard] Baker. . . . He’s put out a story as we were going out there on a plane that he made it a point, he made it a point, never to be alone with the President. He was practically on us, all of us, with his camera, you know taking pictures and the rest of it. For him to make such a point like that was utterly insulting.”*
- Woods: *“Well, it was insulting. What he’s trying to do is protect himself, from the other people saying he’s—”*
- Nixon: *“Well yes. . . . [L]et me just say, we’re watching him closely because he’s not behaving well.”*
 - 6/19/1973 CONVERSATION WITH PRESIDENTIAL SECRETARY ROSE MARY WOODS (KUTLER, 1997, PP. XII & 614)
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SENATOR BAKER'S QUESTIONING OF H.R. HALDEMAN



At the time of his appearance before the Senate Select Committee on Presidential Campaign Activities, H. R. Haldeman had formerly served “as the President’s chief of staff” (“Hearings”, 1973, p. 2871). Haldeman’s testimony immediately followed that of Ehrlichman and stretched from Monday, July 30 until Wednesday, August 1, 1973 (“Hearings”, 1973).

Upon the conclusion of H. R. Haldeman’s opening statement to the Senate Select Committee on Presidential Campaign Activities, John Wilson, Haldeman’s attorney, read aloud a letter sent to him by Fred Buzhardt, Special Counsel to the President (“Hearings”, 1973). The final paragraph of this letter read:

If asked to testify as to facts which he [Haldeman] learned about meetings or portions of meetings which he did not attend, but of which he learned solely by listening to a tape recording of such meeting, the President has requested that you inform the Committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters, and that the President, in so instructing Mr. Haldeman, is doing so pursuant to the constitutional doctrine of separation of powers. (“Hearings”, 1973, p. 2893)

Senator Ervin subsequently made known his view towards the letter and the request made there within, “[T]he matters which this committee is authorized by Senate Resolution No. 60 to investigate, are not covered by executive privilege of any kind” (“Hearings”, 1973, p. 2894). Senator Baker agreed, “[W]e will be better served by having the tapes themselves, but we are about to have litigation over that” (“Hearings”, 1973, p. 2894). He continued, “So in the

meantime, I think, we have got to make do as best we can and I concur in the chairman's ruling" ("Hearings", 1973, p. 2894).

Senator Baker then inquired into the details surrounding Haldeman's listening to two of the Nixon tapes ("Hearings", 1973). Senator Baker later made his thoughts known on the current state of the hearings:

We have come a long way as a united committee, by and large free of at least the grosser forms of partisan political confrontation. We have come a long way in terms of time, in terms of the expenditure of emotional traits and energy and resources. As I said this morning, we are tired. I have no apology for that, and I find that in attitudes and I am not being critical there. I simply mean that we have got to get about the business of finishing these hearings. ("Hearings", 1973, p. 2905)

He then once again complimented Senator Ervin "for very effective action in trying to establish and maintain decorum in this hearing room" ("Hearings", 1973, p. 2905).

The following day, Haldeman's second day of testimony, Senator Baker pointed out the impropriety of the following comment made by Sam Dash to Haldeman: "Please do not rest on a no or a yes answer. You are giving me more of those than I got from Mr. Ehrlichman" ("Hearings", 1973, p. 3044). Senator Baker demurred, "[T]o say we get more yes or no answers from him than we did from Mr. Ehrlichman may not be significant to the record but it seems to me not particularly in assistance to our inquiry of this witness" ("Hearings", 1973, p. 3044).

Senator Baker later focused on the necessity of the Senate Select Committee on Presidential Campaign Activities to acquire the tapes, "I can't resist the temptation to find out all

we can find out” (“Hearings”, 1973, p. 3066). Senator Ervin, using the President’s own words against him, then added the following to the discussion:

I will give my interpretation of the letter the President wrote to me on July 23, 1973, and I think he sustains our desire, the necessity of us having the tapes. He says:

However, as in any verbatim recording of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways.

And since the President assures us that the committee might interpret the tapes in quite a different way from the way Mr. Haldeman has interpreted them, I am going to have to confess that I am going to be rather scrupulous in considering whether I accept Mr. Haldeman’s interpretation. (“Hearings”, 1973, p. 3066-3067).

Senator Baker, in yet another compliment to Senator Ervin, then approvingly remarked, “Mr. Chairman, I think what you have said is what I struggled to say” (“Hearings”, 1973, p. 3067).

Just after a rather heated exchange between Senator Ervin and Wilson, Senator Baker, at the outset of his next round of questioning, implored Senator Ervin, who had stated he was leaving to vote, to “wait just for a minute” (“Hearings”, 1973, p. 3086). Baker continued, “I don’t want to take very much time on this but just as a preamble, Mr. Chairman, just as a preamble, nobody is mad, I trust” (“Hearings”, 1973, p. 1973).

Senator Baker then asked Haldeman about whether or not he had worked in conjunction with the White House on the preparation of his testimony; Haldeman assured Baker that he had not (“Hearings”, 1973). Senator Baker then delved into the issue of executive privilege, calling

it “a legal principle that . . . has never before been really defined or determined by the highest court of the land” (“Hearings”, 1973, p. 3086). He then inquired into Wilson’s contact with the White House before getting back to whether or not Haldeman worked with the White House on the preparation of his testimony (“Hearings”, 1973). Senator Baker then put forth the following lengthy question to Haldeman:

How in the world could you run such a tight ship and still on the morning of June 17, 1972, have the papers emblazoned with the charge that 5 defendants, later 7, had been caught in the Democratic National Committee headquarters at the Watergate, followed on closely with the identification of one of them as the security officer of the Committee To Re-Elect the President, soon involving the general counsel for the Committee To Re-Elect the President, soon involving the transaction of funds, the number of other things that this record is burdened with now for many weeks; how could you run a tight ship and know all these things and not suspect that something was going on. (“Hearings”, 1973, p. 3088)

Haldeman replied that he “knew something had gone on” but that he “didn’t know what” (“Hearings”, 1973, p. 3088).

Senator Baker then moved on to his core line of questioning:

The one thing that keeps recurring to me, and the one thing I have tried to put to every witness who has unique information in addition to their own personal information and knowledge is, “What did the President know and when did he first know it?” You were closer to the President of the United States more often than probably any other person in the world outside his immediate family. (“Hearings”, 1973, p. 3088)

Haldeman answered the question by revealing the nature of a September 12, 1972, meeting involving the President, the Cabinet, “some of the Republican leadership in the Congress, and the senior members of the White House staff” (“Hearings”, 1973, p. 3089). Haldeman said that in that meeting “the Attorney General of the United States spoke on the subject of the Watergate” (“Hearings”, 1973, p. 3089).

Senator Baker was then interested in discovering President Nixon’s reaction to learning about the involvement of Liddy and McCord in the Watergate affair (“Hearings”, 1973). Haldeman replied that Nixon’s consistent response to anything pertaining to the Watergate break-in was “utter incomprehension as to how such a thing could have happened and why such a thing would have happened” (“Hearings”, 1973, p. 3089). The next topic of discussion was President Nixon’s use of executive privilege to withhold the tapes (“Hearings”, 1973). Senator Baker said, “I feel very strongly about this subject” (“Hearings”, 1973, p. 3090).

Senator Baker then sought to test the accuracy of Haldeman’s transcription of a portion of the tapes:

[O]ne statement in your addendum . . . reads, “The President said there is no problem in raising \$1 million. We can do that but it would be wrong.”

Now, if the period were to follow after “We can do that,” it would be a most damning statement. If, in fact, the tapes clearly show he said “but it would be wrong,” it is an entirely different context. Now, how sure are you, Mr. Haldeman, that those tapes, in fact say that? (“Hearings”, 1973, p. 3090)

Haldeman claimed that he was sure the President did add the trailing caveat (“Hearings”, 1973).

Senator Baker then inquired into whether or not other people would be allowed to listen to the tapes (“Hearings”, 1973). Haldeman claimed that it was his “understanding that no one

would” (“Hearings”, 1973, p. 3090). Wrapping up the discussion of the tapes and his round of questioning, Senator Baker asked, “Would you be agreeable, Mr. Haldeman, if it could be negotiated otherwise, to bringing those tapes up here, those two tapes and playing them?” (“Hearings”, 1973, p. 3091). After speaking with Wilson, Haldeman answered, “I would welcome that opportunity because they would confirm what I have told you” (“Hearings”, 1973, p. 3091). The early portions of Senator Baker’s next round of questioning dealt with financial concerns related to excess campaign funds from 1968, which went to such things as polling and advertising (“Hearings”, 1973). The next topic centered around Mr. Ulasewicz’s employment (“Hearings”, 1973).

Senator Baker’s initial round of questioning the following day, Wednesday, August 1, Haldeman’s third and final day of testimony, began with questions surrounding surveillance of Senator Kennedy, “Mr. Haldeman, did you or did you not in June of 1972 arrange directly or through John Dean or anyone else for a 24-hour surveillance of Senator Kennedy?” (“Hearings”, 1973, p. 3158). Haldeman answered, “I don’t recall making such an arrangement” (“Hearings”, 1973, p. 3158).

Senator Baker went on to ask Haldeman yet another lengthy question, which concluded with, “What is there about the institutional arrangement at the White House that would not inevitably lead you into a quick, urgent inquiry of what in the world happened down there, if nothing else on the basis of newspaper accounts?” (“Hearings”, 1973, p. 3160). He later even provided a personal analogy to make the question even clearer:

Had I in my campaign for the U.S. Senate in 1972 read in the Nashville newspapers that someone on my campaign staff had done thus and so and had

been arrested for it, it wouldn't have been 30 seconds until I picked up the phone and would say what in the world is going on? . . .

What I am asking is any insight you can give me on why a situation in Nashville, Tenn., is different from a situation that you might expect from the White House in Washington. (“Hearings”, 1973, p. 3161)

Haldeman responded to Senator Baker's question by saying that President Nixon had delegated the investigation into the Watergate situation (“Hearings”, 1973). Senator Baker then asked Haldeman, “Do you think it could have been done otherwise?”; Haldeman replied that the President had other concerns to worry about (“Hearings”, 1973, p. 3162).

Later on in the morning, Senator Baker asked to be excused from the hearings for “the Federal aid to highways bill” that was “pending on the floor of the Senate” (“Hearings”, 1973, p. 3171). Senator Ervin humorously granted his request, “That is a very important bill and you have been a very interested member and after 75 or 80 conferences getting a compromise bill, and since your views on the bill are almost the same as mine, I will excuse you” (“Hearings”, 1973, p. 3171).

Upon his return to the hearings, Senator Baker's next round of questioning began with a clarification of his purpose, “I am not trying to lead you into the criticism of the staff arrangement, nor of the President, but rather simply to probe into the nature of things” (“Hearings”, 1973, p. 3183). Senator Baker then posed a familiar inquiry, but this time in a slightly new light, “[W]hat is there about this or preceding administrations that creates a situation where a President—let's just take the incumbent President and 1972—is not involved in the major decisionmaking situation” (“Hearings”, 1973, p. 3183).

Senator Baker then said, “I believe in your statement you say the question is not what did the President know but how could the President have known” (“Hearings”, 1973, p. 3184). He then explained to Haldeman the problem he had with that particular way of thinking, “[H]ere we are dealing with a matter that has turned out to be one of extraordinary importance” (“Hearings”, 1973, p. 3184). Senator Baker then forewent his “vote on final passage on the highway conference report” in order to continue his questioning, demonstrating his dedication to the hearings (“Hearings”, 1973, p. 3185).

Senator Baker then turned his focus to the immediate White House reaction to learning of the Watergate break-in (“Hearings”, 1973). He then inquired into whether President Nixon’s delegation of political responsibility meant more work for Haldeman (“Hearings”, 1973). Haldeman answered, “Not mine personally as long as I was satisfied that other people were doing so, and on a satisfactory basis and that I was so satisfied” (“Hearings”, 1973, p. 3186).

Senator Baker then espoused a Senator Ervin analogy to ask about the past in order to figure out how to improve the future:

Let’s adopt the lightning bug . . . theorem that the chairman alluded to in the most colorful terms. As you know the lightning bug illuminates from behind and has a better view in retrospect than he does about where he is going. I don’t know where we are going but looking at it in retrospect, could you devise a situation for us, or can you conjure up a set of affairs where a President would be more keenly in tune with the political consequences of a situation and still not neglect his foreign policy and domestic initiative? Can you see how it might have been handled differently? (“Hearings”, 1973, p. 3186)

Haldeman responded, “I don’t think you can lay out a formula, Senator Baker, that is a way that a President’s office should be staffed or conducted that will solve the problems that might arise” (“Hearings”, 1973, p. 3187).

Senator Baker wrapped up this round of questioning by examining the political responsibility of the President (“Hearings”, 1973). In this regard, Haldeman stated: “I would not say he [President Nixon] withdrew from the political scene. I would say he withdrew from the mechanics of the operation of his political campaign” (“Hearings”, 1973, p. 3187). This response led Senator Baker to ask, “Are we about to draw the inference that maybe it is necessary for a President to be more involved in the nitty-gritty of politics in a campaign?”, to which Haldeman replied in the negative (“Hearings”, 1973, p. 3187). Drawing upon an opening statement intention, Senator Baker concluded this round of questioning with an eye towards improving the future, “[Y]ou might think about how you would have gone about designing a system that would have prevented this” (“Hearings”, 1973, p. 3188).

In his next round of questioning, Senator Baker started right where he left off – with an eye towards improving the future (“Hearings”, 1973). He asked Haldeman, “How on earth can we reinject Presidential presence from the political standpoint or a staff rearrangement so if this thing were ever to come up again, someone would zap it before it got out of hand” (“Hearings”, 1973, p. 3199). Haldeman responded by informing Senator Baker that it was his belief that it was more of a campaign problem than it was a problem with the institution of the Presidency (“Hearings”, 1973).

In response to a question from Sam Dash, Wilson asked Senator Baker, “Mr. Vice Chairman, what is the relevancy of this inquiry?”, to which Senator Baker deferred to Dash (“Hearings”, 1973, p. 3208). After a brief heated exchange, Senator Baker came to Dash’s

defense, “Mr. Wilson, I think we will really get to the relevancy of it quicker if we let Mr. Dash proceed” (“Hearings”, 1973, p. 3208).

Senator Baker later addressed Wilson’s motion pertaining to Senator Inouye (“Hearings”, 1973). Wilson described the reasons for his motion, “[T]he things that were said, the questions that were asked, which were highly irrelevant . . . are going out to the world as a part of the record of this case, and this comes from a man who also called my client, John Ehrlichman, a liar over national television” (“Hearings”, 1973, p. 3229). Senator Baker proposed that the committee “see what he [Wilson] has in mind and reserve the right to treat it either in public session or in executive session as the facts and merits may indicate” (“Hearings”, 1973, p. 3229). Senator Ervin agreed with Senator Baker’s proposal (“Hearings”, 1973).

The next day, prior to the introduction of the next witness, Senator Baker defended Senator Inouye:

I do not know anyone on this committee who has made a greater contribution to its efforts than Senator Inouye. I have a great affection for him as well as a great admiration for him. We are in a tension-filled atmosphere and it is unfortunate that things of this sort occur. (“Hearings”, 1973, p. 3232)

A glimpse into the work of Senator Baker’s staff shows that Senator Baker, throughout his questioning of Haldeman, touched on the following prospective topics for Haldeman’s testimony listed in a preparatory memo sent from Howard Liebengood to Fred Thompson: Ulasewicz, use of funds, intelligence operations (specifically, surveillance of Kennedy), and the tapes (H. Liebengood, personal communication, July 25, 1973 & “Hearings”, 1973). Senator Baker’s underlying theme for his questioning of H. R. Haldeman was the White House’s seemingly nonchalant response to the Watergate break-in (“Hearings”, 1973). He also made

clear his negative take on executive privilege and explained the necessity for the committee to gain access to the Nixon tapes (“Hearings”, 1973). As always, Senator Baker posed his central question, “[W]hat did the President know and when did he know it?”, while also placing an emphasis on figuring out how to improve the future (“Hearings”, 1973, p. 3088). While tensions seemed to be flying high throughout the course of Haldeman’s testimony, Senator Baker often placed himself in the position of referee (“Hearings”, 1973). The unity between Senator Baker and Senator Ervin was obvious throughout Haldeman’s testimony, as well (“Hearings”, 1973). Senator Baker’s questioning of Haldeman aligned with his opening statement, because his clear desire to obtain the tapes exemplifies his desire to gather as many facts as possible; Senator Baker said, “I can’t resist the temptation to find out all we can find out” (“Hearings”, 1973, p. 3066).

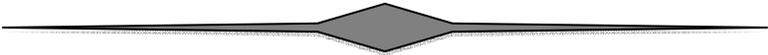
CHAPTER 12

Nixon: “Baker will not be in this office again—do you understand that?”

Haig: “Yes sir.”

- 7/12/1973 CONVERSATION WITH CHIEF OF STAFF TO THE PRESIDENT (FOLLOWING HALDEMAN) GENERAL ALEXANDER M. HAIG, JR. (KUTLER, 1997, PP. X & 631)

RECOMMENDATIONS FROM THE FINAL REPORT



Less than a week after Haldeman's testimony before the Senate Select Committee on Presidential Campaign Activities concluded, "the first phase of hearings ended" (United States, 1974, p. 96). By this point, "the break-in, the details of the coverup, and much more had been revealed" (United States, 1974, p. 96). Future witnesses to appear before the committee would not have been directly involved in the break-in or cover-up ("Hearings", 1973). Then in the early part of 1974, Leon Jaworski, who was serving as Special Prosecutor, "asked the committee to postpone releasing its final report so as to not unduly influence the criminal cases he was preparing against former White House staff" ("Senate", p. 3). Once "[t]he House Judiciary Committee launched an impeachment inquiry", the committee decided it was time to step out of the spotlight; they "voted unanimously on February 19, 1974, to conclude public hearings and complete the committee's remaining tasks in private sessions" ("Senate", p. 3). The final report was released on June 27, 1974 ("Senate").

According to the report itself:

The Watergate drama is still unfolding. Because all the facts are not yet in, because all the Watergate criminal trials and the impeachment proceeding are not concluded, and because the President has refused to produce to the Select Committee many crucial tape recordings and other evidence, this report—although it is the committee's final report—is incomplete. (United States, 1974, p. 1)

The committee, in its final report, made several committee-wide recommendations regarding Watergate (United States, 1974). The first was "that Congress enact legislation to establish a permanent Office of Public Attorney which would have jurisdiction to prosecute criminal cases in which there is a real or apparent conflict of interest within the executive branch" (United States, 1974, p. 96).

The second was that:

Congress should treat as a separate Federal offense, with separate penalties, any felony defined in the code (except those felonies that specifically relate to Federal elections) that is committed with the purpose of interfering with or affecting the outcome of a Federal election or nominating process. (United States, 1974, p. 100)

The third recommendation read:

The committee recommends that Congress enact legislation making it unlawful for any employee in the Executive Office of the President, or assigned to the White House, directly or indirectly to authorize or engage in any investigative or intelligence gathering activity concerning national or domestic security not authorized by Congress. (United States, 1974, p. 101)

The Senate Select Committee on Presidential Campaign Activities then suggested, in its fourth recommendation, “that the appropriate congressional oversight committees should more closely supervise the operations of the intelligence and law enforcement “community” (United States, 1974, p. 101).

The fifth recommendation read:

The committee recommends that Congress amend:

- (1) The false declaration prohibition of 18 U.S.C. sec. 1623 to make it equally applicable to congressional proceedings under oath.
- (2) Section 1621 of Title 18 to provide that, once the oath has been properly administered by a Congressman in a public or private congressional hearing, it is not a defense to a perjury charge that

subsequently a quorum was absent or no Congressman was present when the perjurious statement was made. (United States, 1974, p. 102)

The sixth recommendation was a call for restraint:

The committee recommends that the Congress refrain from adopting proposed revisions of title 18 which would unjustifiably broaden the present defenses to criminal charges of official mistake of law and execution of public duty. (United States, 1974, p. 103)

The seventh and final recommendation made by the Senate Select Committee on Campaign Activities regarding Watergate read:

The committee recommends that the appropriate committees of Congress study and reconsider title III of the Omnibus Crime and Safe Streets Act of 1968 for the purpose of determining whether the electronic surveillance provisions contained in that act require revision or amendment. (United States, 1974, p. 104)

Senator Baker began his individual section of the Final Report with the following:

I believe that the activities and inquiry of the Senate Select Committee on Presidential Campaign Activities have been, by and large, useful and appropriate. The bipartisan tone for the committee was established by the unanimous adoption of Senate Resolution 60 by the vote of 77 to 0 on February 7, 1973. I think, with some exceptions that bipartisan attitude was preserved throughout the long and tedious proceedings. (United States, 1974, p. 1105)

Senator Baker also set forth his own recommendations (United States, 1974). Senator Baker's first recommendation was to establish "an Office of Public Prosecutor within the

Department of Justice, appointed by the President for a fixed term and subject to Senate confirmation” (United States, 1974, p. 1105). His second recommendation was to establish “within the Congress of a Joint Intelligence Oversight Committee so as to provide for increased congressional monitoring of governmental intelligence-gathering activities” (United States, 1974, p. 1106). Thirdly, he called for a “[r]eformation of congressional investigatory hearings procedures so as to provide increased protection for the rights of individuals” (United States, 1974, p. 1107). Senator Baker also called for an “[i]ncreased national party committee role in Federal elections” (United States, 1974, p. 1114).

Senator Baker also contributed to the Final Report a summarization of “the highlights of an investigation of CIA activity, if any, in connection with the Watergate incident and aftermath” (United States, 1974, p. 1115). This section of the Final Report was “designed to generally describe the areas of interest and concern pursued during the staff investigation and executive session interviews since the conclusion of the Committee’s public hearings” (United States, 1974, p. 1115). This section concludes with “the recommendations of the staff for further inquiry” (United States, 1974, p. 1117).

PART III

CONCLUSION

CHAPTER 13

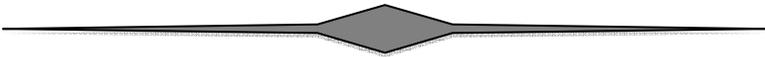
Nixon: “I think it’s despicable conduct and I just don’t understand how, out of Tennessee or something. . . . [John Mitchell’s] helped all these guys, including Howard Baker—”

Timmons: “That’s right.”

Nixon: “—he’s held their hands, he’s appointed their nominees and the rest, and for him to treat him like a common criminal was inexcusable. He’s finished. Absolutely totally finished”.

- 7/12/1973 CONVERSATION WITH WHITE HOUSE CONGRESSIONAL LIAISON WILLIAM E. TIMMONS (KUTLER, 1997, PP. XII & 633)

SENATOR BAKER IN THE PRESS



In this portion of my paper, I examine various accounts of Senator Baker's performance as Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities throughout the press during the Watergate public hearings. John Pierson of *The Wall Street Journal* described Senator Baker on June 7, 1973, as "young (47), smart, good-looking, moderate" and that his "good looks are beginning to get to the women out there in television land" (Pierson, 1973, p. 1). The love was not gender specific, however; Pierson continued, "Even the men seem impressed with his ability to walk the thin line between being a loyal Republican and asking tough questions of the Watergate gang" (Pierson, 1973, p. 1). The following day, Horace Newcomb of *The Baltimore Sun* said that "[t]he brightest of these new stars" on the Senate Select Committee on Presidential Campaign Activities "is undoubtedly Senator Howard Baker of Tennessee" (Newcomb, 1973, p. B5). He goes on to describe Senator Baker's focus on the "ancient question of individual responsibility":

Always he is cool. He waits. His questions are often reaching to the heart of Watergate, but it is a different heart than that represented by the machinations of spys [sic] and mercenaries. He is probing for the moral center of the issue.

Or perhaps it is more accurate to say that he is probing toward the lack of a center, toward the moral void that allowed the situation to develop in the beginning.

(Newcomb, 1973, p. B5)

Robert Shogan of the *Los Angeles Times* also expressed his favorable opinion towards Senator Baker in a June 17, 1973, article, in which he propounded that Senator Baker, whom he described as "folksy, with telegenic boyish looks", had "made a significant contribution to the hearings" (Shogan, 1973, p. 10). He further described Senator Baker's questioning style as "adroit, precise and usually good-natured" and found that he had a talent for "piercing the fog of

statistics and hearsay to reach underlying moral issues” (Shogan, 1973, p. 10). That same day, Mary McGrory of the *Boston Globe* called Senator Baker “a prosecutor with charm, probing but pleasant” (McGrory, 1973, p. A6). She seemed to think Senator Baker’s role on the committee had boosted his own chances to become President, “[I]n contrast with the other 1976 possibilities, he is running like Secretariat” (McGrory, 1973, p. A6).

Gilbert Lewthwaite, in his July 1, 1973, article in *The Baltimore Sun* said: “The White House itself apparently hoped that Senator Baker would be co-operative and actually drew up a plan to woo him. It did little good” (Lewthwaite, 1973, p. K1). He added that Senator Baker “has established himself as one of the panel’s sharpest members. His pre-session commitment to follow the trail of truth wherever it might lead has been translated into pointed questions and pithy comments” (Lewthwaite, 1973, K3).

Senator Baker also received letters from the public “at the rate of about 300 a day” throughout the course of the hearings (Sperling, Jr., 1973, p. 16). One particularly glowing review came in a letter that read:

It’s rather ironic that my first fan letter in my life (I’m 62 and a Democrat) should be to a young Republican. I have been impressed with your thorough and unbiased handling of the witnesses, and your in-depth probing of the whys and wherefores of this mess. I hope you consider running for the presidency. You’re young, vigorous, and fair minded. We surely need this! (Sperling, Jr., 1973, p. 16)

Representative William Wampler (R–VA), Senator Baker’s brother-in-law, provided a look into how Senator Baker’s family thought of his performance as top Republican on the Senate Select Committee on Presidential Campaign Activities; Wampler “always felt Howard

was presidential caliber” and believed that “the Watergate hearings could very well escalate him into the limelight sufficiently for him to become a presidential aspirant” (Lewthwaite, 1973, p. K3).

The perceptions of Vice-Chairman Baker weren’t all positive, however. Senator Baker remarked that some people said he “should hush up and come back home to Tennessee and practice law again” (Sperling, Jr., 1973, p. 16). He explained, “Many are saying I am using my office to crucify the President” (Sperling, Jr., 1973, p. 16). One negative letter from a New York City woman wrote:

We never heard of you before, and we wish we had not heard of you now. And it would be a great service to the nation if you and all the members of your great investigation committee would get yourselves off TV and from the pages of the newspaper. You do not seem to have a particle of judgment now that you are in ‘show business.’ You are only thinking about this big opportunity of getting to be known across the land. (Sperling Jr., 1973, p. 16)

Another letter opened with, “Dear Fellow Democrat (I can’t believe that you are a Republican)” (Sperling, Jr., 1973, p. 16). An even more spiteful letter read, “I am wondering what your father-in-law would think of you at this point” (Sperling, Jr., 1973, p. 16).

Jim Squires of the *Chicago Tribune*, on August 1, 1973, said that “Baker struck out” with “a thinly disguised slap at Ervin for making a preliminary judgment on the weight of Haldeman’s testimony” (Squires, 1973, p. 4). Squires continued by saying that Senator Baker, along with the rest of the committee “had shown a national television audience what most close observers had known for some time—that the Watergate committee investigation is far from being the nonpartisan love affair it has often pretended to be” (Squires, 1973, p. 4).

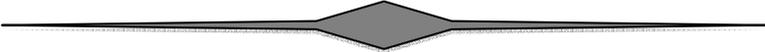
While both positive and negative opinions were expressed, it seems that the majority of reviews on Senator Baker's performance as Vice-Chairman of the Senate Select Committee on Presidential Campaign Activities were positive. That being said, the real question is how did Senator Baker judge his own performance? In a 2008 interview, Senator Baker said, "[T]hat's what I tried to do, and I think by-and-large I succeeded in doing – that is, following the facts wherever they led" (Lacy, 2008).

CHAPTER 14

Nixon: "Howard has no excuse, Howard's smart enough to know better. He also owes a great deal to all of us. I've campaigned for the sonofabitch time and time again. He's been in here; we've done favors for him. He's not gonna get away with this now."

- 7/12/1973 CONVERSATION WITH WHITE HOUSE CONGRESSIONAL LIAISON WILLIAM E. TIMMONS (CONT.) (KUTLER, 1997, PP. XII & 633)

VERDICT



I find that there were two distinct phases in Senator Baker's approach to the investigation conducted by the Senate Select Committee on Presidential Campaign Activities into the Watergate affair. The meeting between Senator Baker and President Nixon of February 22,

1973, shifted Senator Baker's thinking and, thus, serves as the divide between the two phases (Annis, 2007). During the first phase, Senator Baker simply viewed the Watergate affair as a political dirty trick conducted by the Democrats to temper the Republican momentum after their dominating 1972 Presidential election performance (Annis, 2007). He, thus, thought it was his responsibility to shield President Nixon from this Democratic onslaught (Lacy, 2008). This phase was short-lived, however.

Once President Nixon informed Senator Baker during the meeting as to John Mitchell's potential problematic situation, the second phase began as Senator Baker resolved that he might, in fact, not know all there is to know regarding the Watergate affair (Annis, 2007). "I had only the personal prejudice and the political prejudice in favor of Nixon, but when it came home to me in that conversation that there was more to it", the act of "balancing what was right for the country", meaning the discovery of the unadulterated facts of the Watergate affair, with "a partisan political loyalty and responsibility", according to Senator Baker, "wasn't difficult at all" (Lacy, 2008). Senator Baker's insistence upon President Nixon during that meeting to be as open as possible exemplified Senator Baker's stance on executive privilege contrary to that of President Nixon and parallel to that of Sam Ervin (Annis, 2007).

Senator Baker decided that he and his staff should follow each lead they find and "let the chips fall where they may" (Annis, 2007, p. 63). It is also important to keep in mind that those aides on Senator Baker's staff were chosen not based on White House suggestions but, instead, for having "first loyalties [that] were to the truth and to him" (Annis, 2007, p. 62). Once the hearings actually commenced, Senator Baker upheld his opening statement promise "to proceed with the business of discovering the facts" with his plethora of questions aimed at the heart of the details surrounding the Watergate break-in and its subsequent cover-up ("Hearings", 1973, p. 6).

Throughout this fact-finding process, Senator Baker did not attempt to divert attention away from the President; rather, he made a concentrated effort to publicly uncover all he could regarding the President and his knowledge surrounding the Watergate affair, even to the point of making it his central focus over the course of the hearings (“Hearings”, 1973). He even set forth the motion to sue the President over his refusal to provide tapes to the committee (“Hearings”, 1973).

There were, however, a couple signs over the course of the hearings that could be construed as Senator Baker aiming to protect President Nixon (“Hearings”, 1973). For instance, some people might point to Baker’s frequent commendatory nature towards witnesses as potential signs of Senator Baker’s pro-Nixon stance throughout the hearings (“Hearings”, 1973). I, however, chalk these complimentary comments up to simple acts of civility on the part of Senator Baker (“Hearings”, 1973). Others still might point to Senator Baker’s public disagreements with Sam Dash as being partisan-driven and, thus, pro-Nixon; I, on the other hand, do not read much into these Baker-Dash clashes, as I believe they can simply be attributed to occasional stylistic differences between the two men (“Hearings”, 1973). I believe that these signs, however, are heavily outweighed by the numerous pieces of evidence pointing towards Senator Baker’s desire to uncover the unadulterated facts surrounding the Watergate affair; therefore, it is my verdict that Senator Baker, throughout the course of the hearings, did, in fact, tip the balance in favor of discovering the whole truth at the expense of potentially aiding in the exposure of the wrongdoings of President Nixon and his staff before an immense television audience (“Hearings”, 1973).

CHAPTER 15

Nixon: "Howard Baker, Rose, I have no hatred at this time, I have no hatred here. . . . But I remember loyalty. Howard Baker will never be in the White House again, as long as I am in this office. Never, never, never".

. . .

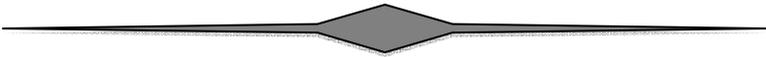
Nixon: "Baker will never be in this office again. He'll never be in the White House again. I mean it, Rose."

Woods: "I, I agree with that, too."

Nixon: "His name will not be on the Christmas list; there will never, never ever be Baker in the White House as long as I'm here."

- 7/12/1973 CONVERSATION WITH PRESIDENTIAL SECRETARY ROSE MARY WOODS (KUTLER, 1997, PP. XII & 634)

AFTERWORD & SUGGESTIONS FOR THE FUTURE



As the summer of 1974 progressed, things began getting even worse for President Nixon (“Watergate”, 2013). The United States Supreme Court, on July 24, ruled that President Nixon had to give up the tapes (“Watergate”, 2013). Just a few days later, the Judiciary Committee of the United States House of Representatives “passed three articles of impeachment” (“Watergate”, 2013). President Nixon, on August 5, released “transcripts of three tapes that clearly implicated him in the cover-up” and, thus, lost his bare thread of Congressional support (“Watergate”, 2013). Nixon resigned from the office of the Presidency on August 8 (“Watergate”, 2013).

Looking back on the Watergate affair more than three decades later, Senator Baker said, “[E]ven today when I think back on it, I get shivers” (Lacy, 2008). He referred to the time as both “extraordinary” and “terrible” (Lacy, 2008). Senator Baker explained:

[E]very day, almost, that it went forward I began to understand that, once again, there are forces here I don’t understand. And the circumstances tumbled over each other, and it got worse and worse. And it wasn’t until long I realized that we had a big, first-class problem on our hands – not just a political problem. (Lacy, 2008)

Senator Baker, however, saw both “a good side and bad side” to Watergate (Lacy, 2008). He explained, “The good side, clearly, was that it showed that the political system in America works – that it was able to focus on the allegations, the charges, against Richard Nixon and to deal with them in a methodical and careful and judicial way” (Lacy, 2008). Another bright spot “was that the system . . . recovered” (Lacy, 2008). Senator Baker continued, “[W]e were able to continue doing the country’s business . . . and continue with the political system . . . and not be put off or disillusioned to the extent that people dropped out” (Lacy, 2008). In fact, Senator

Baker added, “More people participate in politics now than before Watergate” (Lacy, 2008). It, thus, seems that the nation was able to avoid the “public disillusionment with partisan politics” that Senator Baker referred to in his opening statement as potentially “the greatest Watergate casualty of all” (“Hearings”, 1973, p. 6).

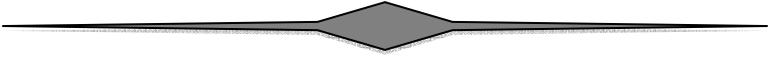
According to Senator Baker, “One of the bad things was that it created a whole corps of reporters who wanted to be the champion of this inquiry” (Lacy, 2008). He believes “that the alleged transgression of political figures is often exaggerated in an effort to analogize it to Watergate”, but he added, “I don’t think you’ll see an analogy to Watergate in my lifetime” (Lacy, 2008). As Monica Hesse of *The Washington Post* cleverly expounded, “All of the salacious occurrences of the world . . . have been corralled together to reside in one vast gated community” (Hesse, 2012).

On another note, I find that a key component to the success of the Senate Select Committee on Presidential Campaign Activities was the political moderateness of the two men in charge – Senator Ervin and Senator Baker. Their not-too-distant political views enabled them to effectively work together in leading a bipartisan committee to impartially investigate the Watergate affair. In today’s extreme partisan political climate that urges, if not forces, current and would-be politicians to distance themselves from the “moderate” moniker, a similar partnership would be much less likely and increased political bickering throughout the course of the investigation would, thus, be much more likely. For example, the December 2012 Benghazi hearings “morphed into a political face-off . . . as Democrats and Republicans sought to position themselves and their parties for the months and years ahead” (Soloman & Gorman, 2012). I recommend that our nation’s future political leaders and the American citizenry as a whole draw

upon the bipartisan spirit of both Senators Baker and Ervin in order to minimize the effects of the partisan gridlock that is all too prevalent in today's political landscape.

Following Watergate, Senator Baker would go on to become Senate Minority Leader, Senate Majority Leader, Chief of Staff to President Ronald Reagan, and United States Ambassador to Japan. Throughout it all, Senator Baker brought people together in order to solve problems in his warm and lighthearted, yet powerful Tennessee manner. The world we live in today surely could use a few more Howard Bakers.

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