

Speaker 1 ([00:08](#)):

Welcome to oversight matters. A podcast that gives you a behind the scenes look at legislative investigations and the people involved. This is Ben Eikey, and I am your host. This podcast is brought to you by the 11 center at Wayne law in Detroit.

Speaker 1 ([00:34](#)):

On this episode of oversight matters. I have the honor of interviewing Rufus EdonEdmisten. Rufus has served as deputy legal counsel for the Senate Watergate committee and delivered the famous subpoena to the executive office building demanding the Watergate tapes. This was the first time a congressional committee served a subpoena to a sitting president after Watergate. Rufus has went on to serve as north Carolina's secretary of state attorney general and ran for governor today. His downtown rally office feels like a Watergate museum full of newspapers from the era, a framed copy of the subpoena in various political cartoons of Rufus from throughout his career. I had the opportunity to visit and meet him on a hot spring day where we shared cigars and he opened up on Watergate working for Senator Ervin and a humorous story from his governor campaign. Let's listen in.

Speaker 2 ([01:29](#)):

Thank you for taking the time on a beautiful sunny Saturday afternoon, to give a chance to talk with me and be able to learn a little bit more about Watergate and about your background. Uh, and I really appreciate all this. Um, I think I wanna kinda start at the very beginning and just, you know, a little bit of, you know, for listeners, uh, who, who is Rufus. I mean, we, we have an audience around the world that's interested in oversight and, uh, you being, you know, such a tolerating figure in the oversight ecosystem in the community. And my question is, uh, was that always the goal for you that always the ambition for

Speaker 3 ([02:08](#)):

I grew up on a farm. My father was a wildlife protector and I was always interested in political speakers who through, and they'd go to the courthouse speech, but my original intentions were to become major in husband at NC state university become a veterinarian. I never dreamed of going often a politician, veterinarian went chapel hill forge scholarship I, and this place, I was the only first person in my family to go outta town, to go to college. The rest of 'em had gone to Appalachian state university, which is a great university, but no, nobody went off the hill and I went off the hill down to the hill and I used to be intrigued with politicians coming by to give speeches. And it was always at the county courthouse and urban would come by occasionally. And in high school, I would talk to him, said urban. I sure left work some, I guess I just idolized him so much.

Speaker 3 ([03:32](#)):

When I graduated from Carolina he thought, well, I better give this boy a chance. And I first went to Washington in 1963, the job was debate taught. Third grade year academy school here. I was shallow water Baptist teaching in a Catholic school. I first year of law school at George Washington university during and got a call in 60 from the, that interview on his subcommittee constitutional, that's where it all started. And I finished up my law degree. And often from, for years, this like two threes about the constitution and the law I did in all my four years of law school. And then things progressed. It came along that he received this assignment of becoming the chairman of the separation of power subcommittee. And he named me the, the chief council staff director at 30 years old, that's too young to have a job like that. But anyway, you don't know squat. Anyway, I was there and we studied a lot of the things that were forecasting Watergate, and we had no idea that the Watergate was coming. We were

studying excesses on behalf of the executive branch of government and the, of the separation of power subcommittee was Congress reestablish its oversight of, we studied such things like empowerment of funds. Congress funds for matters.

Speaker 3 ([05:36](#)):

Nixon, for instance just said, oh, not spend if he didn't like it. He didn't like the legislation that came with the funding. He just wouldn't spend the funds, uh, executive privilege. We studied executive privilege, which was sort of not a novel institution, but something that, of course you don't ever see a word in the constitution about executive privilege, but it was carved out and sort of common law and understanding that if you wanna be in the executive, your have to be fully protected and saying what they wanna say to you fully and openly without it being BLE to everybody else that it just grew up that with, with executive privilege and got mentioned a couple times in times and in some remote cases or something like that. So there, there was good training for Senator urban. He didn't need training cause he, he knew that he could tell you what phrase went after the next phrase in article two, section 12 of the constitution. But it was good training for, to learn about what was coming along that I didn't know about nobody ever dreamed that a break in on June the 17th at the democratic national headquarters would become probably one of the most important eras in American history next to the civil war in the world wars. We had it, it put the country in a real test of, of whether it could survive huge crises. And thank goodness it did.

Speaker 1 ([07:24](#)):

Thank goodness. Indeed Congress has been tested by huge crises in the past, including Intel abuses uncovered by the church committee, the Enron scandal. And of course, Watergate, be sure to visit our 11 center website, to check out our portraits and oversight for more historical information on these investigations. Now back to how Watergate led to the ascendancy of Congress

Speaker 3 ([07:50](#)):

In Watergate, both parties were a guest as they learned more and more about Nixon, that what he was aspiring to do was to unfold and undo the separation of powers by making the presidency of all the most important part of the triangle of the founding of the constitution of the three parts. And if you recall at one, one time on the tapes, Richard Nixon said, if the president does it, it's legal and you'd had prior to Watergate, the break in the of psychiatry office, the plumbers were not new. They weren't on new exercises when they broke the Watergate. Some of it had experience before. And, and that seems so totally unreal. Right now you can get up to 30 years. If you break in North Carolina law here, they, they broke into look into E's who, who released the Pentagon papers, of course, and it all floated away forever.

Speaker 3 ([09:03](#)):

Then Watergate did allow the ascendancy again of the Congress to sort of regain its its to in being a coequal separate of government. Now it is it's, it's ironic though that in the years the courts have become very, not much more ever in ordering Congress and executive branch to do something or, or refrain refrain from doing something so twists back and forth and back and forth. And the only way you keep that in balance is to write herd on every branch of government in the Congress' case that that's supposed to, the people, her in the Congress, every, every president, except a few that was outright lazy in our history will take every action that they can get by with. That's just part of being president

Speaker 1 ([10:13](#)):

While this might be true. It is then the role of the legislature to operate as a balance. Should the president go too far as we saw Watergate, next roof explains how the Watergate committee was formed and why Sam Ivin was selected. And why roof asked to be deputy chief council rather than chief council.

Speaker 3 ([10:36](#)):

So when Watergate was formed, Senator urban was named by Mansfield to be the chair and Senator urban wasn't even Washington. When he was in Mansfield said he wanted somebody who was impeccable in character, who was not wanting to run for the presidency. And he named other members too, to the committee where it could be shown that they did not want run for president. And he named as co-chair not cochair chair, wonderful Senator Howard baker, whom and the Watergate committee was formed Georgetown faster at Georgetown university and a person who had taught separation of powers and had been very active in this field. Senator, Senator, Senator paid me. The, I had had 10 years of experience working in, in the Senate. I, I knew how things work. Cause there, there are little things about the Congress that people understand.

Speaker 1 ([12:07](#)):

Those little things about Congress were sprinkled across my conversation with Rufus there, we were puffing our cigars in his office, surrounded by Watergate artifacts with the faint noise of a beer festival happening downtown as roof has explained to me how they secured office space for the committee, retrofitted a Senate auditorium to create an appropriate space for the hearings and how those left from this moment of history are gathering in DC to recognize the anniversary of the Watergate breakin. Let's pick up the conversation there.

Speaker 3 ([12:41](#)):

Those of us are still alive, are Senate June 17th, this year to celebrate theThing of the beginning of the break in of the Watergate committee. So I'm looking forward to see how many are alive. I'm 80 years old now, myself. And so we prepared the witnesses every time. Very clearly prepared them before any public hearings. That is how I think the January 6th committees done a good job. They're preparing their witnesses. I, I fear they're running in a time. This, this is bothersome cause they've actually interviewed more witnesses. I think that we did and ours is a little bit bigger than that one.

Speaker 3 ([13:32](#)):

Think they need to get on with the public hearings. If you don't publicize, what, what you're doing, it has no impact on the public Watergate committee is the game in town for all networks. Every day we had, and of people that wrote us called us and telegram us how awful it was, wrote me, agate away cartoons. And I killed her about it today and she's in her sixties. And so Watergate worked because Senator urban and Senator baker made it work. Senator was one who would appear one time Marine, uh, Modine wrote a book. That's John Dean's wife. And she said in that book that I, I read that when she first saw Senator I urban, she thought he was a country and she got the hearings when John Dean testified and she said, I, how B he was. And so you had had that goes from being fighting, civil rights bills in the sixties to become the American uncle Sam hero in the early seventies.

Speaker 3 ([15:03](#)):

Cause of Watergate and Watergate worked only because they will, but it would work. And you had a different sort of Senator and representative in Congress than you have today. We did not. We did not have the whole Senate, the Congress by consultants, get you vote. As long as the money flows cases like the Supremes of money wide Watergate money. We said trace the money. We traced the money. It yielded what we needed because they, they had more money than they knew what to do with. So they SQU was just like dirty tricks, like Nixon on the tape saying, pay, pay off the plumbers, no matter what it takes, we can get the money. They had the money. I remember questioning Maurice Stan. One time that he was the treasurer of the committee to reelect the president and his speech about money was like, like I would say a lot to me was nothing to him.

Speaker 3 ([16:32](#)):

And they, they financed all these things. And the one thing that I think is most sign in the whole Watergate scheme that came about from committee through staff teams, we had staff teams who have certain chores to do one of the, the team led by a man named gene here in Raleigh, north S now years old. And the reunion had a team to question a man named Alexander Butterfield. Well, that meant nothing to us. In fact, most of us I'm gonna say senior staff. And I was 32 years old, not very senior having a at, we thought who's but well somehow during John Dean's testimony, gene voice and his team are another guy named Don Sanders had heard Dean say something where he, he thought he was being paid to provide further context

Speaker 1 ([17:49](#)):

Here. Alexander Butterfield revealed the existence of a white house taping system. During the Watergate investigation. This was an incredible revelation as Rufus reels. They found out about the secret interview of Butterfield while at a party while there is a moment from John Dean's lengthy testimony where he mentions, he thought he was being taped at times, it was this secret meeting with Butterfield where the direct question was asked. Let's listen in to hear about what happened during this secret session with Butterfield and Senate

Speaker 3 ([18:25](#)):

John Dean's went on for almost three days opening. Yes. So during that session, secret session with Alexander team, gene and member of asked, the Sanders, asked the question of Mr. Butterfield, are you aware of any tap in the house? I wasn't that long drawn. And then he went on to tell them that yes, there was a tape system in the white house that everything the president said for a number of years in the oval office, in, in his office, in the executive office at camp David was on tape. Okay. That's the biggest surprise. I remember Jean came to and said something.

Speaker 3 ([19:37](#)):

He told course consequences. Paul was the Senator state of, and he knew that had been releasing things. The press, its the only secret the, the very were called for Alexander Butterfield. And remember previous to this John Dean had did on the stand for almost three days, going into meticulous detail about all that. He thought the president knew it, that he told the president, there was a on the presidency. Other things like that. Well they had made out John Dean to be a big liar. Total liar at the white house. The hope was to make fo guy absolutely the hope was to pin everything hope was to take everything all on Dean, dump it on Dean. And this was, this was the telling story. Uh, if there's a taping system, it would all be revealed if we could get the tapes. So Fred Thompson, the question went public and I have never seen anything in my life like the, with maybe a hundred reporters, uh, flying like a, a

Cub of flail to try to get somewhere, to make a phone call. Of course there were no such things as cell phones, no internet, uh, and they patiently waited until guess was over in. They haul just went like a, as I said, a Cub FLA, which out hunting quail to find a way to call that. Cause this was extremely significant.

Speaker 1 ([21:36](#)):

As you might expect. Since this interview, the expression a cubby of quail has immediately entered my stable of favorite expressions. Take a moment to imagine how news would break on congressional investigations during Watergate, everyone had to rely on live broadcast, the major news hour programs and newspapers point. The contrast to today's hearings, which require all sorts of social media approaches to ensure media interest and attention. Now hearing about the meeting in Senator Irvin's office, where the discussion focused on securing the taped conversations, the idea to issue a subpoena and an amazing story on rufuss phone call to the white house.

Speaker 3 ([22:19](#)):

Well the committee in Senator Urban's office, I was in there and they were discussing about how they're gonna get the tapes from the white. And I think it was, it was, it was Senator that suggested why don't we subpoena? And Senator said's never been committee of Congress, never Senator said's call the president. And all of a sudden he said, Ru is gonna get the, on the, we said it in a way like, could you bread while you're out cup this room? Of course I knew that I knew the number they recall all during that time had. And over again, committee rang the Senate, deputy chief council, the Senate body committee, and Senator Ivin would like to speak to the president and you'd thinks of come back. This voice comes on the phone and says, I dunno if this is Richard Nixon, iLab. I said on Mr.

Speaker 3 ([23:57](#)):

President sent I on the said, the Senator wants you windshield up and down. And when it was over with, I told them what I'd done. I thought they were gonna in the floor. But I had told them that I had sent president Nixon, Senator the slipped outta my course. I would never have said that million years. So the upshot of it is that the committee voted just submitted the president. Yes. And, uh, obviously since I, this is historic certainly. And uh, it was July the 23rd, I think 19 three, I got car, one of my smarts. That's the first time legitimately I said shut up. And we drove down there and was like the was just microphones out executive office. And I, we had called ahead to say to the president's council that we were coming with subpoena and they'd be there to meet us. So yes, Mr. Leonard garment was the, at that time, Nixon had a habit of changing lawyers when they wouldn't do exactly what he wanted. I, I said he had his weak, but the garment was very nice. He received little country. I had always one of those constitution in pocket used a lot of the hearings. And I went through my about pursuant to Senate resolution constitution need one of these. Oh. And he took it with great grace. He took it with great grace.

Speaker 2 ([26:48](#)):

That's a relief to hear that, that he took it with grace because that could have gone a lot of different ways.

Speaker 3 ([26:53](#)):

He took it

Speaker 2 ([26:54](#)):

With grace. You could be famous for delivering the subpoena for more ways than one on how that response

Speaker 3 ([27:01](#)):

Right there.

Speaker 2 ([27:02](#)):

Oh my yep.

Speaker 3 ([27:03](#)):

Yeah. I did that and got back to Capitol hill and then, you know, the rest,

Speaker 1 ([27:10](#)):

Indeed, we do know the rest of it next Rufus. And I wrap up our Watergate discussion where he remarks about the backgrounds of the Watergate perpetrators and how he believes Nixon might have survived Watergate. If he had just come clean with the American public in the first place.

Speaker 3 ([27:29](#)):

Most of those folks that got in that difficulty were from the best homes. They were well educated were common criminals that never went through high school. The plumbers here's John McCort people've ever was in former agent here were all those people that everything that life has to for the privileged people who got in trouble over, over Watergate, cause they were following some folks that had no business being where they were surrounding Nixon. My, my theory is that Richard Nixon had he, not this Watergate in the very beginning had come said, I've bad things happen here. Your very, his on the, like on the tapes, he wouldn't give those up. Cause he was so concerned about preserving his legacy. Uh, I think he could those tapes up, they were his tapes, but his legacy was so, so important to him that he let, he let everything get by and surrounded himself with a bunch of walls to of wall street advertisement, people Halman all that crowd. They had never so much as stepped into a county courthouse or a city council. No, never.

Speaker 1 ([29:15](#)):

I feel so lucky to have had a chance to meet Rufus and to hear his insider Watergate stories. Next, I had the opportunity to ask group as a few extra questions. I am thankful I did because his answers were fascinating. Listen on for a couple amazing stories on campaign finance and his barbecue

Speaker 2 ([29:35](#)):

Earlier, you told me a story about Senator. I was recording around how much money was it again that

Speaker 3 ([29:43](#)):

He got about \$80,000 in his campaigns had sent it in 1972 to go for the, the fourth term. And he had, he was listed, never solicited

Speaker 2 ([29:54](#)):

Money, \$80,000 for a statewide

Speaker 3 ([29:56](#)):

Race. Yeah. And this had been people that voluntarily sent him money. Yes. And we were sitting there one Saturday and I was happened to be over there in my office was there was writing checks. I said, Senator help. He said he was letters contributed to he, he out. And he was giving back a percentage of what they gave and mailing it to him in a check. I thinking I haven't like that thousand was about what it was.

Speaker 2 ([30:37](#)):

I mean, I'm just thinking about you state house sort of races around the country. And one candidate will raise somewhere in that neighborhood. If it's the sort of can't imagine

Speaker 3 ([30:52](#)):

Almost are the,

Speaker 1 ([31:00](#)):

State's some more numbers for context and to show why this story is so incredible. In 1972, Senator Irvin raised \$80,000 for his campaign and decided to return some of the money because he did not see a point in spending it in 2016, the two candidates running for us Senate in North Carolina raised over 26 million for the race, according to the nonpartisan non-profit open secrets. Next I asked Rufus to pretend I was a Senator and offer me advice here is what he had to say.

Speaker 2 ([31:35](#)):

Rather if it was somebody that was Senator that's here today, you could partake in offer any sort of advice. Anybody that, that cares about the country cares about the ability of legislatures to be able to find facts, be able to do something doesn't have to be the level of Watergate, even just the ability to get information and work together on finding truth. What, what might you say to,

Speaker 3 ([31:59](#)):

I would say first of all, find yourself as staff who, when you're about to go telling. So cause that's where most of it comes from from staff. And I would say if, if you, if you don't generally care about democracy, don't run for public office don't won't history with the constitution. And I would hope they'd take it

Speaker 1 ([32:47](#)):

At this moment. I took my chance to ask about a story I heard from one of Rufus's friends. Uh, I don't wanna ruin it. So I'll just let the tape play here.

Speaker 3 ([32:59](#)):

I heard there was some story about a campaign and a little bit of a barbecue <laugh> had to ask little bit about happened was the democratic nominee for governor had attorney general 10 years. And of course on the campaign trail, what you get north SBB north, which database you, you don't get into that. But at one point here I was in heavy campaign and the devil must somebody in the audience. Uh, I never forget was the North Carolina association said, have you been getting enough barbecue to eat? I said, hell yes, I've eaten it. Another as ed the barbecues, the food of North Carolina, pork. I kidding headline after headline. So I press two days and I said, look, I know I said, that's that demo? Not I'm back on it now at least twice a day. And maybe sometimes three, well it's finally shut down, but then if you

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look in a North Carolina barbecue cookbook, in the index will be my name and some guy named Rufus Edmisten who ran for Governor in North Carolina, condemned barbecue and guess what he didn't get to be Governor.

Speaker 1 ([35:30](#)):

Thanks again, Rufus for a memorable interview in your beautiful downtown Raleigh office. I learned a great deal from our time together and I hope everyone listening also enjoyed our conversation until next time. This is Ben Eikey. And thank you for listening to oversight matters.