



**Moakley, Chisholm, Waldie Interview Transcript
(MS100/09.01#28)**

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Program Title: "Representative Moakley with Representative Shirley Chisholm, Interview with Representative Jerome Waldie" (WILD)

Program Participants: Congressman John Joseph Moakley and Congresswoman Shirley Chisholm

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Recording Overview: This recording includes two interviews with members of Congress that were broadcast on WILD as episodes of a radio show featuring Congressman Moakley. In the first segment Representative Joe Moakley interviews Representative Shirley Chisholm discuss new developments in guidelines, regulations and ethics related to human sterilization, as well as family planning. The second interview is with Representative Jerome Waldie and focuses on the crisis surrounding President Nixon's possible impeachment.

Part I: Chisholm Transcript Begins

RADIO ANNOUNCER: From the nation's capitol, here is our Congressman Joe Moakley. Joe represents Roxbury and other sections of the Boston Community. Today, Joe will be discussing sterilization with a guest.

JOE MOAKLEY: My guest today is one of the outstanding members of the 93rd Congress, a former candidate for President and a woman that I've grown to respect and admire for her leadership in the area of human rights, Mrs. Shirley Chisholm, the congresswoman from the 12th District of New York.



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Mrs. Chisholm, a member of the Congressional Black Caucus¹, has long been in the forefront of equal rights for all Americans and people throughout the world. Now, in her third term in Congress, she astounded many people with her successful grassroots Presidential campaign.

Shirley, it's nice to have you on the show today, and I'm sure that a lot of people in the Boston area will be very happy to hear from you, because I know that you're very active in the Roxbury area not too long ago when you were on that campaign trail.

SHIRLEY CHISHOLM: That's right. It's great to be here.

MOAKLEY: Ms. Chisholm, we're all terribly concerned when we read about the two Alabama girls that were apparently sterilized involuntarily.² The element of coercion was alarming. Now, the Department of Health, Education and Welfare [HEW] has announced new guidelines that many feel will ensure that tragedies like this won't occur again. What do you think of the current regulations? And do you think that they're the answer to the problem?

CHISHOLM: Well, the new guidelines now stipulate that the person has to be twenty-one years of age and over, legally competent and must give his written informed consent before he would go through this particular procedure. Any person who is not twenty-one and who is regarded as mentally retarded or legally incompetent would have to be subject to a review of five persons on the committee who would make the determination as to whether or not they can go ahead with the procedures as stipulated in the guidelines. However, I am a little bit alarmed over these guidelines because what has not been brought out yet with respect to the review committee

¹The Congressional Black Caucus, formed in 1969, is a coalition of African-American members of Congress working to address the legislative concerns of black and minority citizens.

²Chisholm refers to the Relf case which involved two sisters, fourteen year old, Mary Alice and twelve year-old, Minnie Lee Relf, who were involuntarily sterilized in Montgomery, Alabama, on June 1973. This case brought the issue of sterilization abuse to national prominence.



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is how is this committee going to be composed? What is going to make up a majority on the committee? What is going to be regarded as a negative or a positive decision?

So, because of the Relf case and a few other cases that occurred particularly in Aiken, South Carolina, like everything else, we get very paranoid and paralyzed. You run and establish some guidelines without thinking through this whole problem which has some very strong moral, ethical and religious guidelines that I think need to be considered very, very seriously. But at least it's a step to prevent what happened with the Relf girls from reoccurring again.

MOAKLEY: So, actually, Ms. Chisholm, I think what I understand is that the guidelines. But unless you have the community representative on the panel that knows something about the community in which they're serving, then the guidelines really don't do the job that well?

CHISHOLM: I think that is exactly right. Because, you see, what happened, when this legislation was brought forth in Congress a few years ago, the principle of volunteerism was the principle that was supposed to be established in terms of this kind of legislation. But what has happened particularly with the poor, with those who have been welfare recipients, with those who are not too knowledgeable about what really happens to them in their day-to-day existence, they have been taken advantage of in a sense in certain areas of our country. Particularly in the South where it was felt in many instances that particularly, the public assistance cases, the families in these areas should definitely be minimized. And this is one of the ways to do it without the people actually understanding their legal rights.

MOAKLEY: Actually, although it would probably be difficult to prove coercion. I'm sure that if a social worker in a certain situation went to Mrs. Smith and said, maybe you should sterilize your daughters and they feel that this was a mandate and if they didn't do it that maybe their welfare would be shut off, is that some of the things that you probably feel could happen?



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CHISHOLM: Yes. Just last week I was reading about a few cases, I forget which state the cases—happenings occurred in—but again, there were women who were warned that if they did not get their tubes tied, they would no longer be eligible for certain public assistance benefits. So, there was no choice in the matter. There has been some coercion that has been used in certain parts of the country, and particularly in the Deep South. There is no question about that.

MOAKLEY: Does the new regulations specify who should be on the board and whether they should come from the community that the girl comes from?

CHISHOLM: No. This is what is so very—the new regulation just stipulates that the persons will be selected by the project, particularly if there is a particular grant for the program, or the persons will be selected by the state, particularly in the Medicaid programs. But it does not stipulate very, very carefully that these persons must of necessity come from the community. You see there is a question of who is going to be on the board, whether or not these persons are going to have any biases or prejudices around the whole concept of family planning and sterilization and what have you. It is still too much in the dark actually.

MOAKLEY: Of course, we've seen the great strides that have taken place in the sixties and seventies, and the old adage that you can't fight city hall, we find out that you can fight city hall. When we're talking about developments going up, in-fill housing, housing developments, that now, the community is part of this thing. And I think that in this specific area you're talking about it's very, very important that a community representative or representatives be on this board in order to ensure that the Alabama case doesn't reoccur.

CHISHOLM: I think it's very important for persons who might be listening and would be interested that October twenty-eighth is the deadline for all citizens or persons who are interested in this particular issue to send in their suggestions and further recommendation with respect to these tentative guidelines that have now been proposed by HEW[U.S. Department of Health,



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Education and Welfare]. See, they're not yet final. They're going to have hearings and what have you, and I think it would be very important that people particularly in the black and the minority communities who have very definite black organizations and groups should make their feelings known, should make some recommendations as to the Board, as to whether or not they feel this is the approach. It doesn't mean that HEW will actually take all of these recommendations, but to the extent that they hear from the people who are very concerned about this problem it perhaps will help us to build something in a much more certain matter within the legislation itself.

MOAKLEY: Shirley, we're on WILD³, which is a Greater Boston station. Where would the people in the Boston area write, to the Regional Commission?

CHISHOLM: They should write to Caspar Weinberger, the head of HEW.

MOAKLEY: Write to Washington then?

CHISHOLM: Write to Washington, D.C. with respect to the proposed guidelines concerning family planning services and sterilization procedures.

MOAKLEY: Does the Congress have a responsibility in this area of family planning to draft strict comprehensive statutory prohibitions on the use of federal funds in the sterilization of minors?

CHISHOLM: Oh, yes, there is no question about it. The Congress does have a responsibility. And the Congress always writes legislation in such a way as to not be sure that it has the operational guidelines. So much legislation is written, but we never provide people and agencies and departments with the mechanism or the instrument for making sure that, for example, the principle of volunteerism which was established in this legislation should be carried out. The

³ WILD (AM) was a Massachusetts radio station whose programming focused on Boston's black community.



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Congress has a responsibility not only for bringing forth the legislation, but for also telling the states how this legislation is to be carried out. Because the state laws, fifty different state laws with Medicaid benefits-- and the question is whether or not a person is an adult. Some people are adults at the age of eighteen in some states. Some people are adults at the age of twenty-one. The laws are very complex and complicated statewide. So, therefore, the federal government has a responsibility to have a national policy that will be applicable to all and thus safeguard the rights of legal minors, mental incompetence and retarded individuals.

MOAKLEY: I think the Alabama case pointed out several things quite vividly. Perhaps one of the biggest things was that we as a nation had failed even to begin to develop a consistent national policy governing the use of federal funds in federal state planning programs. Do you think that we're coming to that? Do you see any moves in that direction?

CHISHOLM: Oh yes. I—sometimes I see moves in that direction and sometimes I don't. Because the administration recently began to take a backwards step from this whole family planning policy and said that it was going to return all of these determinations to the states in the nation. This is the question of decentralization. Now, we know fully well that if we return such a thing as family planning and sterilization procedures to the states in the nation, because of the complexity and the complications of all of the different state laws, we're not going to be able to have some kind of national policy, some kind of national guideline. So, I think in this particular matter, the administration has been moving away from assuming its responsibility. The only reason they began to come up with some guidelines was because of the outbursts with respect to the Relf children in Alabama and some situations that occurred in Aiken, South Carolina.

MOAKLEY: Well, of course, the Relf case really did get national publicity, and it would make you wonder just how many Relf cases took place around the country and how many of these cases went unnoticed or unheard of?



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CHISHOLM: Well this is why it's so important that we have guidelines that will be applicable to all of the states in the same way. Because I almost draw an analogy between the Relf case and the Tuskegee Institute case⁴ with regard to syphilitic men where there were no guidelines and these men had just participated in this very experimental project, some of them for over thirty years and not knowing what was going on. We've got to protect people. And that's why it's so important that we have national guidelines.

MOAKLEY: Now although we'd have national guidelines, do you think we should establish local boards? We talk about community participation, but I think that sometimes that Uncle Sam becomes too big, too far away and too unfeeling in many cases. And this is such a sensitive case. Do you feel that we probably should establish local boards like they probably did local draft boards?

CHISHOLM: Oh yes. I definitely feel that the community should have some kind of input, because the communities in this country are made up of all kinds of people. An issue that is as sensitive as this which will have some ethical and religious bearing, you should have on that board some Catholics, some Jewish persons, some black persons, some laypersons, some religious persons, some social activists so that we can get together a cross-section of the community who will bring out their ideas and their feelings around the matter. And then you will be able to come up with some kind of consensus that will be much more acceptable if all of the people in the community are represented in this kind of local board.

MOAKLEY: Of course, on other laws, the pornography law, they're talking about what are community standards. And I'm sure that's a big contest and I'm sure that what are community

⁴ The Tuskegee Institute case refers to an experimental research study that took place in Macon County, Alabama from 1932 to 1972. The study followed 399 African-American males infected with syphilis; the subjects received free meals, free healthcare, and free burial insurance but were withheld the common treatment of penicillin. This case led to regulations on the experimentation of human subjects.



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standards would also arise in a situation as this. But I think that probably local boards would probably help us greatly.

CHISHOLM: Definitely.

MOAKLEY: Ms. Chisholm, I'm only a freshman Congressman and I've got to know you a little bit in the flow of the House, and I've seen some of the things you've been interested in. And I watched your campaign and it took a lot of courage too as a woman to get out and travel around the country and meet all of those people and really tell all the nation where Shirley Chisholm was coming from and what she is all about. But now I'm a little bit saddened because I know rumors are always rampant in Washington and we really don't know if it's true or not, but I did hear on the floor that you were considering not seeking reelection after the next term I believe it was. I think—I feel that there will be a big piece of Congress missing if this happened. And I was just wondering if there was any truth to that rumor? If there is, what brought this decision about?

CHISHOLM: I've always said that I do not intend to be a career politician. I feel that there are other things that I would like to do in the area of public service before I get too old. As a result of having had the opportunity to travel around the country a great deal, appearing on over 150 college campuses, before all kinds of women's groups, I feel that what I would like to do I would like to develop a pragmatic political institute based in Washington, D.C. and be able to begin to put into practice some of the things that I have learned, the things that I have done in spite of being a person that's been persona non grata from white and black politicians, but I've been able to make it, be an assemblywoman, a congresswoman, national committee woman, running for the Presidency. How did I do it in spite of having all of these obstacles against me? I think it's so necessary that those of us who have been able to achieve certain things make sure that we don't ever leave a vacuum, make sure that we're able to pass on to others our knowledge and what have you. So, I feel that is something I would like to do.



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I want to travel. I want to do some writing. So, I felt that within another few years I will not continue holding electoral office. I will always be very involved in public service, but it will not be in the area of holding electoral office. I will definitely be running next term.

MOAKLEY: I'm very happy to hear about that.

CHISHOLM: After that I don't know.

MOAKLEY: Well, thank you very much, Shirley Chisholm. Our guest this afternoon was Congresswoman Shirley Chisholm, as you all remember as the candidate for President. She represents the Twelfth District of New York. Ms. Chisholm was the member of Congress that really led the flight in this Alabama case and she is really right on top of the situation. I'm very happy to have you on this program.

CHISHOLM: Thank you very much, Joe for being on the program. And I think it's a wonderful thing to be able to present to the community social minded and civil rights and legal rights issues to the people because knowledge is power. I think this is a wonderful thing to do.

MOAKLEY: You're saying knowledge is power. You're a very powerful woman. Nice to have you, Ms. Chisholm.

ANNOUNCER: Thank you Congressman Joe Moakley and Congresswoman Shirley Chisholm for a very enlightening conversation. Be sure to tune in next week to WILD at this same time when your Congressman, Joe Moakley, reports on matters of interest to our community.

END OF INTERVIEW



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Part II: Waldie Transcript Begins

JOE MOAKLEY: I am very pleased to have as my guest today the veteran congressman from California's Fourteenth Congressional District, Representative Jerome Waldie. Congressman Waldie, now in his fifth term in the House of Representatives is chairman of the Subcommittee on Retirement Employee Benefits, of which I'm also honored to be a member. He is a member of the Judiciary Committee and has already distinguished himself on that committee.

As chairman of the Retirement Subcommittee, Jerry has demonstrated that he is a real friend of federal employees in guiding much needed legislation through the committee and also on the floor of Congress. He has recently been in the spotlight for the past week with his sensible and judicious approach to the constitutional crisis facing our country today.

Jerry, it's certainly a pleasure to have you on my program.

JEROME WALDIE: Joe, it's good to be here.

MOAKLEY: We know a lot of things have been happening. You've been right out in the forefront. Do you feel that the thrust of impeachment proceedings against President Nixon has been lost as a result of his reversal on complying with the court's decision that the White House tapes be turned over to Judge Sirica of the District Court and subsequently, to the Grand Jury?

WALDIE: No, not at all, not at all. And the reason I don't is because that was only one of numerous acts that constitute obstruction of justice on the President's part. The essential act and the most critical was his dismissal of the special prosecutor, Mr. Cox. And the motive for that dismissal was that Mr. Cox was getting too close to activities of the President that would



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constitute either criminal conduct or impeachable offenses, or both. And it was because of that situation that the President could no longer tolerate Mr. Cox and he fired him.⁵

I don't think at all that the people are going to be misled or dissuaded from their anger and outrage at this President because of that little cosmetic, reluctant, belated and angry concession of contrition on his part that in this one instance he would belatedly comply with a court order.

MOAKLEY: Congressman Waldie, what's the mood of Congress now? It seems that the mood of a week ago has changed just a little bit. What do you think?

WALDIE: Well, I think the mood now of Congress is reflecting the mood of the country. First, there is a mood of awe. I don't think anybody in Congress had any anticipation of the extent and depth of the anger and of the outrage, and I hate to keep using those terms. I don't know how else to describe the reaction I'm getting in my office that none of us had any indication that the contempt for this President was held as widely and deeply in the country as the events of the last several days in Congress have indicated to be the case. And I think first the Congress is astounded at that.

Secondly, I think the Congress is beginning to build the necessary courage that will only come from an insistence on the part of the country that impeachment proceedings be begun and brought to fruition against this President.

MOAKLEY: A lot of people on the street have contended that the tapes were the central issue and I never thought they were. And, what is your feeling on that?

⁵Archibald Cox, the special prosecutor assigned to the Watergate scandal, was fired by President Richard Nixon on October 20, 1973.



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WALDIE: No, I don't think they are. I am glad that they are finally going to be obtained. And I hope that they haven't been altered. And I hope that all the tapes available will be presented. But they are just such a miniscule amount of the total necessary evidence that the President has concealed and obstructed prosecutors from getting at that they will hardly indicate much towards guilt or innocence of the President. The only way we're going to make a definitive judgment on that ultimate fact, his guilt or innocence is if all the tapes and documents, all the records are subpoenaed and available for inspection and produced.

We're going to have to get everything that has been denied Mr. Cox. We're going to have to do everything on behalf of the people that no one has been able to do because the President has foreclosed anyone getting close to him. We're going to have to do that. We can only do it through the impeachment process.

MOAKLEY: Jerry, both of us are co-sponsors of a bill that would create a special prosecutor independent of the administration. I feel it's very necessary to clear up the Watergate mess, and I'm sure you do also.

WALDIE: I surely do. You know, Joe, that if Cox had not been fired by the President, we would not be in the midst of this constitutional crisis, because Cox would have finally been able to unravel the allegations of fraud and misconduct and criminality that surround the White House at the present time. It was because the President fired Cox, fired his Attorney General, and fired his Deputy Attorney General and instituted, or installed in their place, compliant and yes men who would not in anyway affront the President or who would not seek information embarrassing or damaging or criminally involving the President.⁶ It was because he put people like that and

⁶ An event dubbed the Saturday Night Massacre by journalists, President Nixon ordered Attorney General Elliot Richardson to dismiss Special Prosecutor Cox. Richardson refused to comply and resigned. Deputy Attorney General William French Smith, second in command after Richardson's resignation, also refused to dismiss Cox, and he, too, resigned.



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did those things that we have to have an independent prosecutor beyond the reach of the President.

Thank God Judge Sirica was beyond the reach of the President.⁷ If he could have fired Judge Sirica, think where the country would have been. And if he could have fired him, he would have fired him.

MOAKLEY: Well, I agree with you. I just think that the prosecutor has to be a special prosecutor. He has to be independent of the administration. And he has to be beyond any power that can be brought to him by the administration. And until this is done, we just won't be able to have a full complete disclosure [of] exactly what's going on. And I think that Professor Cox was that type of an individual. And I'd like to see him brought back into the scene, either as a special prosecutor on the Judiciary Committee, or working for Judge Sirica or working for the House and Senate combined.

WALDIE: I would too, Joe. What an astounding contrast watching Professor Cox on television with integrity literally jumping out of the screen at the viewer, with honesty and conscience literally jumping out of the screen at the viewer. What a contrast in watching President Nixon on the television screen. It would be interesting to put the two before the American public with one question, ask the American public, whom do you trust? The answer would be overwhelming. They trust Professor Cox. And that's why he had to go.

MOAKLEY: Well, I know that some members have asked the question, if the reason that Professor Cox had to go was because he didn't agree with the compromise. And now the President has changed his mind on the compromise and he is going to turn over the tapes. If he admitted he was wrong in that instance, why wouldn't he then restore Professor Cox to the position that he fired him from?

⁷ U.S. District Court Judge John J. Sirica presided over the court cases related the Watergate break-in.



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WALDIE: That's a good question, and I heard it asked of a Republican the other day. And he giggled as the answer. (Both laugh)

MOAKLEY: That was full disclosure. Jerry, you probably realize, I'm sure you're aware with all the papers that carry it, the AFL and the CIO, the American Bar and numerous other groups are wondering whether any employee of the executive branch has enough freedom to weigh the merits of the case, which may now involve the ITT, the dairy industry and other personal associates of the President.⁸ What do you feel on this matter?

WALDIE: I wouldn't trust any. I don't know anyone in high office now in the Nixon Administration that I trust. The last three men of integrity and honor and conscience were cast aside and thrown to the winds by the President over the weekend. The difficulty with the President is all of a sudden he found himself confronted with men of honor and integrity, and that was a new experience with him. He has never been surrounded by people of that caliber before and he didn't know quite what to do with it. It's just too bad they weren't equal—men of equal honor, equal courage, and equal conscience surrounding the President when the incidents that began with Watergate began. The President and the country would have been in better shape if there had been decent men around him, rather than the bunch of clowns that he surrounded himself with at that time.

MOAKLEY: Congressman Waldie, as you know, before we knew who the nominee for Vice President was, I introduced along with you and another fifteen other congressmen a resolution declaring that the House should hold up the nomination of the vice president until the entire Watergate business was taken care of. Now, since the president faces possible impeachment charges, do you think we should go ahead and approve the vice-presidential nominee?

⁸ Moakley refers to President Nixon's controversial involvement in federal milk price supports and his intervention in the International Telephone Telegraph (ITT) anti-trust case.



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WALDIE: I don't, Joe. I agreed with your approach on this issue when you introduced that resolution, and that's why I co-sponsored it. Which essentially was that, if ultimately, we may end up impeaching this President, how absurd it would be to confirm anyone that he designates as his successor. Now, clearly, we ought to dispose of the first question. Do we impeach the President for having committed impeachable offenses? If we do, we certainly don't confirm anyone that he appoints. If we don't impeach the President, then we proceed with consideration of his nominee. But I don't see anything that has changed except it just has proven to me again the wisdom of that approach that you suggested.

MOAKLEY: Well, I know that some people, in fact some people in the leadership, in our leadership feel that we'll be accused of political maneuvering if we hold out on the Ford nomination. And if the President is impeached, then Carl Albert automatically becomes President. This is not your motive. This is not my motive. I just feel the same as you that I think that Gerry Ford hasn't withstood the test, and if the President, in effect, is just putting a man in who is going to be his replacement, we should wait until the pall of suspicion is taken away from his head. And I just don't think we have any other choice.

WALDIE: It just seems to me to be so basic that it hardly is worth arguing. And I—the argument that is posed, and unhappily, is posed by Carl Albert. And Carl, the speaker, is in a difficult position, because anything he does to encourage a resolution of impeachment of the President might be construed as a desire on his part to become President. So, he has to kind of place himself above that suspicion. But I tell you, any member of Congress that is frightened that we might be accused of being partisan because we fail to take a course of action that we think is in the worst interest of the country, and if a member of Congress takes that action even believing it's in the worst interest of the country because he is afraid it might be construed as being partisan otherwise, that member is not performing his responsibility as a congressman.



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To confirm Gerry Ford for a lot of reasons would be wrong, let alone that the reason that in my view, and I express it only as an individual, he's inadequate and incompetent to become a President of the United States. I cannot think of many things that would be worse with perhaps the possible exception of the President incumbent as President of the United States. And I'm not going to vote for him under any circumstances. But I don't think we ought to consider any nominee, even if the President had come up with a capable nominee to become President until such time as the cloud surrounding him is disposed of.

MOAKLEY: Of course, there are some rumors and very slight, of course, that in view of the recent news coverage of the Cox and Richardson and Ruckelshaus situation that the President may now think that because he has lost so much of the public support may think of resigning from the office he now holds. Do you feel that there would be any truth to that rumor?

WALDIE: I think that's a real possibility. You recall Agnew, of course, resolved his dilemma, which was do I either go to prison or resign by resigning. But in making that decision he had a lot of help. He had President Nixon telling him to resign, which is a lot of help. Unfortunately, there is no one now telling President Nixon to take similar action as he was able to tell Agnew. But I really don't believe that the President will permit the impeachment process to go to the point of conviction. Once he has persuaded that the Congress in fact is going to exceed to the demands of the country, and once he is persuaded that the Congress is going to impeach him for impeachable offenses, my own view of the matter is he will, in fact, resign before that happens. And that would be placing himself—or his country before himself. And that is something the President ought to start getting used to. It's not going to be easy to break lifelong habits, but he ought to try.

MOAKLEY: Well, of course, a lot of strange things have happened in the last three or four months, starting with the Vice President now to the President. And I'm sure that nobody really could have called the turn of events that transpired in the Cox, Richardson, Ruckelshaus thing.



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But I think that I've never seen public opinion molded together so cohesively and all at once and all over the country over one issue.

WALDIE: Gee, I haven't either, Joe. I was in Congress during **the Cambodia disaster and outrage**, and the country was terribly upset, very angry and very outraged with the President's actions in Cambodia. But none of that even, that response reached the level of intensity of this response. This is the worst I've ever seen in terms of a President's loss of confidence on the part of the people that he seeks to govern.

MOAKLEY: I agree. Well, my guest today has been Representative Jerome Waldie of California. Jerome Waldie, as I said, is the chairman on the Subcommittee on Retirement Employee Benefits and also a member of the Judiciary Committee which ultimately, will hear the impeachment proceedings. Jerry, it's very nice to have you on the program. And I once again, congratulate you for your forward steps that you've taken this last week on the impeachment process.

WALDIE: Thank you, Joe, for letting me be here.

MOAKLEY: Thank you very much.

RADIO ANNOUNCER: Be sure to tune in next week to your Congressman Joe Moakley.

END OF INTERVIEW