

House Judiciary

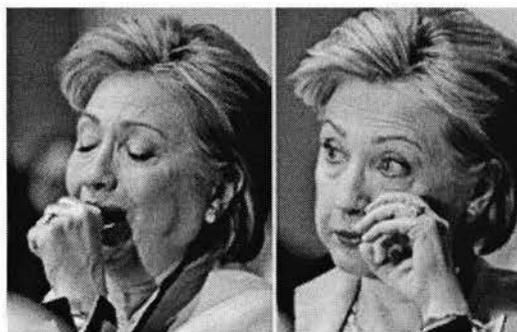


Hillary's Crocodile Tears in Connecticut  
AIM COLUMN | BY JERRY ZEIFMAN | FEBRUARY 5, 2008

*(Exclusive to Accuracy in Media)*

I have just seen Hillary Clinton and her former Yale law professor both in tears at a campaign rally here in my home state of Connecticut. Her tearful professor said how proud he was that his former student was likely to become our next President. Hillary responded in tears.

**Only a few far-left Democrats supported Hillary's recommendations.**



My own reaction was of regret that, when I terminated her employment on the Nixon impeachment staff, I had not reported her unethical practices to the appropriate bar associations.

**Hillary as I knew her in 1974**

At the time of Watergate I had overall supervisory authority over the House Judiciary Committee's Impeachment Inquiry staff that included Hillary Rodham-who was later to become First Lady in the Clinton White House.

During that period I kept a private diary of the behind the scenes congressional activities. My original tape recordings of the diary and other materials related to the Nixon impeachment provided the basis for my prior book **Without Honor** and are now available for inspection in the George Washington University Library.

After President Nixon's resignation a young lawyer, who shared an office with Hillary, confided in me that he was dismayed by her erroneous legal opinions and efforts to deny Nixon representation by counsel-as well as an unwillingness to investigate Nixon. In my diary of August 12, 1974 I noted the following:

John Labovitz apologized to me for the fact that months ago he and Hillary had lied to me [to conceal rules changes and dilatory tactics.] Labovitz said, "That came from Yale." I said, "You mean Burke Marshall [Senator Ted Kennedy's chief political strategist, with whom Hillary regularly consulted in violation of House rules.] Labovitz said, "Yes." His apology was significant to me, not

*because it was a revelation but because of his contrition.*

At that time Hillary Rodham was 27 years old. She had obtained a position on our committee staff through the political patronage of her former Yale law school professor Burke Marshall and Senator Ted Kennedy. Eventually, because of a number of her unethical practices I decided that I could not recommend her for any subsequent position of public or private trust.

Her patron, Burke Marshall, had previously been Assistant Attorney General for Civil Rights under Robert Kennedy. During the Kennedy administration Washington insiders jokingly characterized him as the *Chief counsel to the Irish Mafia*. After becoming a Yale professor he also became Senator Ted Kennedy's lawyer at the time of Chappaquidick-as well as Kennedy's chief political strategist. As a result, some of his colleagues often described him as the *Attorney General in waiting of the Camelot government in exile*.

In addition to getting Hillary a job on the Nixon impeachment inquiry staff, Kennedy and Marshall had also persuaded Rodino to place two other close friends of Marshall in top positions on our staff. One was John Doar; who had been Marshall's deputy in the Justice Department-whom Rodino appointed to head the impeachment inquiry staff. The other was Bernard Nussbaum, who had served as Assistant U.S. Attorney in New York-who was placed in charge of conducting the actual investigation of Nixon's malfeasance.

Marshall, Doar, Nussbaum, and Rodham had two hidden objectives regarding the conduct of the impeachment proceedings. First, in order to enhance the prospect of Senator Kennedy or another liberal Democrat being elected president in 1976 they hoped to keep Nixon in office "twisting in the wind" for as long as possible. This would prevent then-Vice President Jerry Ford from becoming President and restoring moral authority to the Republican Party.

As was later quoted in the biography of *Tip O'Neill* (by John Farrell), a liberal Democrat would have become a "shoe in for the presidency in 1976" if Nixon had been kept in office until the end of his term. However, both Tip O'Neill and I-as well as most Democrats-regarded it to be in the national interest to replace Nixon with Ford as soon as possible. As a result, as described by O'Neill, we coordinated our efforts to "keep Rodino's feet to the fire."

A second objective of the strategy of delay was to avoid a Senate impeachment trial, in which as a defense Nixon might assert that Kennedy had authorized far worse abuses of power than Nixon's effort to "cover up" the Watergate burglary (which Nixon had not authorized or known about in advance). In short, the crimes of Kennedy included the use of the Mafia to attempt to assassinate Castro, as well as the successful assassinations of Diem in Vietnam and Lumumba in the Congo.

After hiring Hillary, Doar assigned her to confer with me regarding rules of procedure for the impeachment inquiry. At my first meeting with her I told her that Judiciary Committee Chairman Peter Rodino, House Speaker Carl Albert, Majority Leader Tip O'Neill, Parliamentarian Lou Deschler and I had previously all agreed that we should rely only on the then existing House Rules, and not advocate any changes. I also quoted Tip O'Neill's statement that: "To try to change the rules now would be politically divisive. It would be

like trying to change the traditional rules of baseball before a World Series."

Hillary assured me that she had not drafted, and would not advocate, any such rules changes. However, as documented in my personal diary, I soon learned that she had lied. She had already drafted changes, and continued to advocate them. In one written legal memorandum, she advocated denying President Nixon representation by counsel. In so doing she simply ignored the fact that in the committee's then-most-recent prior impeachment proceeding, the committee had afforded the right to counsel to Supreme Court Justice William O. Douglas.

I had also informed Hillary that the Douglas impeachment files were available for public inspection in the committee offices. She later removed the Douglas files without my permission and carried them to the offices of the impeachment inquiry staff-where they were no longer accessible to the public.

Hillary had also made other ethically flawed procedural recommendations, arguing that the Judiciary Committee should: not hold any hearings with-or take depositions of-any live witnesses; not conduct any original investigation of Watergate, bribery, tax evasion, or any other possible impeachable offense of President Nixon; and should rely solely on documentary evidence compiled by other committees and by the Justice Department's special Watergate prosecutor.

Only a few far-left Democrats supported Hillary's recommendations. A majority of the committee agreed to allow President Nixon to be represented by counsel and to hold hearings with live witnesses. Hillary then advocated that the official rules of the House be amended to deny members of the committee the right to question witnesses. This recommendation was voted down by the full House. The committee also rejected her proposal that we leave the drafting of the articles of impeachment to her and her fellow impeachment-inquiry staffers.

It was not until two months after Nixon's resignation that I first learned of still another questionable role of Hillary. On Sept. 26, 1974, Rep. Charles Wiggins, a Republican member of the committee, wrote to ask Chairman Rodino to look into "a troubling set of events." That spring, Wiggins and other committee members had asked "that research should be undertaken so as to furnish a standard against which to test the alleged abusive conduct of Richard Nixon." And, while "no such staff study was made available to the members at any time for their use," Wiggins had just learned that such a study had been conducted-at committee expense-by a team of professors who completed and filed their reports with the impeachment-inquiry staff well in advance of our public hearings.

The report was kept secret from members of Congress. But after the impeachment-inquiry staff was disbanded, it was published commercially and sold in book stores. Wiggins wrote: "I am especially troubled by the possibility that information deemed essential by some of the members in their discharge of their responsibilities may have been intentionally suppressed by the staff during the course our investigation." He was also concerned that staff members may have unlawfully received royalties from the book's publisher.

On Oct. 3, Rodino wrote back: "Hillary Rodham of the impeachment-inquiry staff coordinated the work. The staff did not think the manuscript was useful in its present

form." No effort was ever made to ascertain whether or not Hillary or any other person on the committee staff received royalties.

Two decades later Bill Clinton became President. As was later to be described in the Wall Street Journal by Henry Ruth-the lead Watergate courtroom prosecutor-"The Clintons corrupted the soul of the Democratic Party."

**Geoff Shepard**

**From:** frank gannon [frankgannon@gmail.com]  
**Sent:** Saturday, February 23, 2008 3:37 AM  
**To:** Geoff Shepard  
**Subject:** FYI --- Zeifman + HRC

**the spectator**

## Hillary I vs. Hillary II

Richard Nixon returns from the grave to haunt Clinton and remind us of the costs of unresolved history.

By Ron Rosenbaum

Posted Thursday, Feb. 14, 2008, at 4:22 PM ET

Ah, Richard Nixon. It seems he—and the mystery of his character and crimes—will haunt us forever. This past week, his cold, clammy hand emerged from the grave to reach out and touch another election. This one.

There was a [strange column](#) by the *Times*' Paul Krugman, which strained beyond the bounds of credibility to make the case that Obama's supporters were engaged in Nixonian politics "of slander and scare ... the politics of hatred."

And shortly before that, Jerome Zeifman, a longtime Clinton critic who was one of Hillary's bosses on the recommended Nixon's impeachment back in 1974, charged that Hillary was guilty of unethical, Nixonian her service on the committee.

The charges serve as a reminder that—fairly or unfairly—Hillary Clinton has become the kind of political conduct and character are at least as enigmatic and divisive—if not as demonstrably illegitimate—as Richard

Zeifman has been harping on Hillary's alleged Impeachment Committee misconduct since the mid-'90s, a charges appeared on the right-leaning Web site Accuracy in Media last week, they didn't get much main

Nonetheless, they are worth examining for two reasons: First, they remind us that the conflicting picture extends back to her very beginnings in public service. (Indeed, her 1974 service as a junior staff lawyer on a judiciary committee's Nixon impeachment panel comes at the very beginning of the "35 years of experience" cited.) And secondly, the charges remind us just how unresolved the conflicting images of Richard Nixon and the Impeachment Committee's failure to resolve a key issue—whether Nixon actually ordered, rather than cover up, the Watergate break-in—has contributed to his unearned rehabilitation in some quarters. What about Hillary's conduct on the Impeachment Committee, the committee itself failed to find out the full truth about her involvement in Watergate, thus perpetuating what I regard as Nixon's final lie. The one he took to his grave

much of the media—scandalously, without examining it closely—still accepts.

Thus the Zeifman charges, regardless of their weight and motive, open up a can of worms, slippery, squishy issues that even, as we shall see, drag in John F. Kennedy, who has become a kind of patron saint of the (

Before I read the Zeifman charges, I had wondered why, in her recent recitals of her "35 years of experience" often mention her time on the impeachment panel—although on reflection I realized that perhaps her bitterness with her husband's impeachment may have soured her on the process, even on the word *impeachment*. At least one man should be remembered, never was impeached; he resigned before it could happen. But Bill Clinton was impeached and tried.

Instead, Hillary starts the 35-year clock with her experience at the Yale Child Study Center, the place she had her second "tearing up" moment at—shortly before Super Tuesday. This is Hillary I, the idealistic believer in healing children. I've always believed that, no matter what else you think about Hillary, this idealistic part is still there, whatever else the cynicism of politics (and her husband) have robbed from her.

I say this as someone who tutored a developmentally challenged child at that Yale facility myself (as part of a requirement; I'm not claiming I would have done it otherwise) and experienced the aura of idealistic and sincerity that pervaded the old wooden walk-up it was housed in at the time. Whatever you think of the first, pre-New York "tearing up" episode, I think this second tearing up at Yale was sincere. She may have been mourning the loss of a childhood back then.

So that's Hillary I. Then there's Hillary II. This is the Hillary who played the cattle futures markets as Arkansas Attorney General allowing a lawyer for the largest employer in the state to "advise" her on futures trades in a manner that brought her remarkable profits—and a lot of questions about how they were made. This is the Hillary who never could explain the disappearance—and mysterious reappearance—of those pesky billing records at her Arkansas law firm, investigated by a grand jury during the Whitewater investigation. (No, she's never been indicted for any of this, but that's the highest standard). Hillary II is the Hillary who dissembled for years about Bill's other women. Hillary II is the idealistic, ideal-eyed idealist, but the shrewd Machiavellian many see her as now.

Still, I'd always thought that her work on the Impeachment Committee was an unambiguously shining moment in Hillary I enters politics. Even if, as I believe, the committee failed to find out the full truth of Nixon's Watergate Big Truth (I'll get to that), she was a junior staffer, and any such failings surely weren't her fault. And even if the committee failed to find Nixon guilty of the primal crime of Watergate, ordering the break-in, the committee demonstrated that America was a nation in which a reigning president had to submit to the rule of law, where the command of the law was challenged and forced to leave office by constitutional means, not coups.

I covered the impeachment hearings to the bitter end when Nixon resigned in August 1974. (I was in the White House when *he* "teared up" making his farewell before coptering off to exile.) I have no memory of seeing Hillary Rodham in the hearing room, but I remember thinking at the time of the Impeachment Committee that she was a seeker of truth.

But Hillary's boss on the staff, Jerome Zeifman, asserts now that one reason she's downplayed her Impeachment Committee service is that she has something to hide.

He accuses her of "unethical" conduct, says that "Hillary ... lied to me" and that she was a pawn in a Kermit the Frog conspiracy to manipulate the impeachment hearings. And he claims he has a witness to corroborate this charge.

"After President Nixon's resignation," Zeifman writes, "a young lawyer, who shared an office with Hillary Clinton, told me that he was dismayed by her erroneous legal opinions and efforts to deny Nixon representation by counsel."

unwillingness to investigate Nixon. In my diary of August 12, 1974 I noted the following:

'John Labovitz apologized to me for the fact that months ago he and Hillary had lied to me' [to conceal dilatory tactics]. Labovitz said, "That came from Yale." I said, "You mean Burke Marshall [Sen. Ted Kennedy's political strategist, with whom Hillary regularly consulted in violation of House rules]. Labovitz said, "Y was significant to me, not because it was a revelation but because of his contrition.' "

The "dilatory tactics" Zeifman alleges were part of what he portrays as a Kennedy clan strategy to stretch impeachment hearings (which ended in August '74, when the so-called "smoking gun" tape—which revealed attempting to use the CIA to cover up a White House connection to the break-in—caused Nixon to lose enough loyalist support and resign). Zeifman claims the Kennedy strategy was to keep Richard Nixon in office as long as a liberal (perhaps a Kennedy) could run in 1976 against a Republican candidate weakened by the lingering scandals.\*

Zeifman claims that to implement this strategy, Hillary attempted to revise the procedural rules for the Senate Committee, potentially opening up divisive delays. Zeifman also asserts that a "second objective of the strategy was to avoid a Senate impeachment trial, in which as a defense Nixon might assert that Kennedy had authorized the use of power greater than Nixon's effort to 'cover up' the Watergate burglary (which Nixon had not authorized or known about in advance). In short, the crimes of Kennedy included the use of the Mafia to attempt to assassinate Castro, the successful assassinations of Diem in Vietnam and Lumumba in the Congo."

Let us set aside, for a moment, the statement that "Nixon had not authorized or known about" the Watergate advance, a statement with which I emphatically disagree. And I have some doubts about the Kennedy cover-up, whether Hillary was a pawn in one.

But let us look a little closer at Zeifman's claim about the Diem and Lumumba assassinations. Few deny that the Kennedy family—Jack and Bobby—*were* involved in plots to assassinate Castro. Their direct involvement in the death is somewhat more in dispute. Most agree that, at the very least, JFK acceded to a coup against the Soviet strongman Diem, although the historical record is not definitive over whether it was meant to include murder.

Indeed, one of the misdeeds of Nixon's illicit "plumber's squad" was E. Howard Hunt's forgery of cables that incriminate JFK in Diem's murder. Hunt did so because he couldn't find a real such cable. That doesn't mean that sort didn't exist at one time, but they haven't turned up, and the Nixonites were never able to prove that he ordered Diem's assassination.

These Castro and Diem assassination attempts are long-standing controversies, but I hadn't heard JFK linked to the Lumumba assassination before. When I looked into it, it turned out that Lumumba—the leftist leader of the newly decolonized Congo—was murdered several days *before* JFK's 1961 inauguration, when the Eisenhower administration was still in power. And Larry Devlin, who was then the CIA station chief in the Congo, has said that it was Eisenhower who wanted Lumumba removed.

I e-mailed Zeifman about this, and he replied that he believed there had been pre-inauguration meetings between JFK and CIA head Allen Dulles in which various secret matters, including (Zeifman appears to believe) Lumumba's assassination, were discussed, and JFK could have given assent then.

I'm not entirely convinced, but it is interesting how Camelot is still regarded by many as a shining monument. Lumumba or not—JFK *was* guilty of repeatedly attempting the murder of at least one head of state, Castro, and guilty of illicit schemes, break-ins, and lies during Watergate, but not attempted murder, and yet, who is he? A white knight? It's tricky separating myth and history.

The explanation I think is that Nixon never recovered from being—as it turned out—right about Alger Hiss in the 1940s, he led the congressional investigation into Hiss' alleged connection to a Soviet spy ring. It was his establishment favorite and high-level State Department official Hiss that stained Nixon forever in our minds. I believe this incident—in which he was pilloried when he *knew* he was right—probably helped explain why we have come to call "Nixonian" and that ultimately led Nixon to believe he needed to pre-empt his enemies with the schemes that have come to be grouped under the term *Watergate*.

Meanwhile, the seamy and murderous underbelly of Camelot has failed to stain the JFK legend so that it is an honor for Obama to be compared to him. These confusions are the consequences of leaving the myths of Camelot unchallenged. Which is why the Zeifman charges about Hillary, however minor they might seem, go to the heart of the matter: she was then and who the potential president is now.

I e-mailed the Clinton press office asking them if they had any response to the Zeifman charges, but as of yet has been no response. (I'll be happy to update if one should come in.)

I must admit, I found myself taken aback at Zeifman's charges because I didn't think Hillary had lost her early—*or even now*—had become as cynical as some now say she is.

But just last week, on the Sunday following Super Tuesday, Frank Rich, no right-wing attack dog, accused her of a bigoted lie at that" in her attempt to portray Hispanics as a group as hostile to blacks. And Rich characterized her as one that "will stop at little" and is "so ruthless that [it risks] shredding three decades of mutual affection in America to win a primary."

In the past, I've had a kind of grudging admiration for Hillary Clinton's Machiavellian side; there is such Machiavellianism, the use of complex tactical manipulation to achieve noble idealistic goals.

But neither Zeifman nor Rich see her as idealistic so much as opportunistic at best, corrupt at worst. Will the example of the historical evolution (or failure of evolution) of the consensus opinion of Nixon-and-I-Watergate is instructive here.

It's fairly clear that Nixon was right and most of the liberal media (with the exception of a few clear-sighted ones like the great Murray Kempton) were wrong about Hiss. Yet even some historians who write about Nixon still assimilate this.

But having pilloried him unfairly in that case, the media largely let Nixon off the hook on a central element of his role. They've avoided looking at the new evidence on tapes released long after he left office, and, with few exceptions, decided to *accept Richard Nixon's word*, his "public line" as he called it, that he had nothing to do with the break-in to Democratic Party Watergate headquarters, only with being loyal to misguided, overzealous subordinates who cover up *their* roles in the break-in. In other words, according to the consensus that Zeifman repeats and biographer Conrad Black endorses, Nixon was really impeached for being loyal to a fault.

I go into detail on the scandalous flawed history of Nixon's role here. Suffice it to say, posthumously revealed a different story, one that I believe shows him guilty of ordering the break-in, not just covering it up. And the picture of one of the great American characters and his role in one of the most dramatic episodes in American history has been obscured and distorted. Some Nixon historians such as *Slate* contributor David Greenberg have become increasingly persuaded by my argument, which should give us a new view of the final stages of Nixon's life. He kept his guilty secret to himself—like Hiss!—took it to the grave, and was probably laughing at his enemies in the press who bought his "public line" (which was a public lie) the whole time.

Sometimes I wonder whether there is something almost unconscious going on with reporters who cover the

A historical splitting of the difference: the press making up for what it knows to be a collective failure in case by letting Nixon off the hook for full responsibility for Watergate. And the press "balancing" its novel assumption of Hillary's Machiavellianism by idealizing her past.

The lesson here seems to me to be that true history, true judgment of historical characters, is not made by trade-offs between past and present, by evening out erroneous past misjudgments by putting a thumb on the present consensus. Accurate history is not made by such compromises but by incorporating and assessing extent possible.

Having said that, I must admit something I never thought I'd say: I find Hillary Clinton more of a mysteriously complex character in a novelistic sense, than Richard Nixon. And she's one that, unlike Nixon, history might completely figure out. I'd *almost* want to see her become president just to solve the mystery. Although a Clinton administration might actually compound it.

*Correction, Feb. 19, 2008: This piece originally stated that Zeifman believed the Kennedys wanted to keep Nixon so it would be easy for a liberal to defeat him in the 1976 election. Nixon wasn't eligible to run for president. Zeifman believed the Kennedys wanted to keep Nixon around so that the Republican candidate would be plagued by lingering Nixon scandals. ([Return to the corrected sentence.](#))*

Ron Rosenbaum is the author of [The Shakespeare Wars](#) and [Explaining Hitler](#).

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