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INTERVIEW
OF
THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES

WITH
MARGARET GENTRY
OF
ASSOCIATED PRESS

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The Attorney General answered questions on the following topics:

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1
2 MS. GENTRY: Assuming that this is what -- a
3 little bit about the CIA --

4 ATTORNEY GENERAL SAXBE: All right.

5 MS. GENTRY: And I understand that it's not been
6 too long in reaching anything as to it.

7 ATTORNEY GENERAL SAXBE: No.

8 MS. GENTRY: But I might ask the important
9 question: What is now the feeling of the board of inquiry
10 with regard to it?

11 ATTORNEY GENERAL SAXBE: Well, I think you've got
12 to wait until this inquiry board comes up with their findings.
13 The Department of Justice has had very little relationship
14 with the national security, their part of the budget is not
15 a significant part of it. The FBI works with them on
16 requested domestic surveillance of foreign intelligence
17 activities, and this does go on.

18 And that's about the extent of our involvement,
19 and I think that this is done with proper safeguards. We've
20 changed the procedures to be sure that that information is
21 necessary and that our means of achieving it are legal.

22 But that's about the only involvement that we have
23 in national security.

24 MS. GENTRY: What other safeguards are there?

25 ATTORNEY GENERAL SAXBE: Well, that any request

1 has to be reviewed. But we're talking about primarily in
2 regard to electronic surveillance. But of course there are
3 other types of surveillance, and all of these requests are
4 properly reviewed and authorized by the Attorney General as
5 and for the President.

6 And we have new directives from the President as to
7 our authority in this area, and I just hope that people in
8 their revulsion against Watergate don't fail to realize
9 that there are enemies of this country, in this country, that
10 are operating for and are paid by foreign powers that are not
11 necessarily friendly to our purposes; that we have to
12 protect ourselves against such intelligence activities,
13 illegal intelligence activities, I might add.

14 And that to fail to take these measures would
15 invite them to invade our military establishment and other
16 security measures in this country and place us in a perilous
17 situation.

18 MS. GENTRY: As far as safeguards, you're talking
19 about the wire-tap guidelines
20 that you instituted?

21 ATTORNEY GENERAL SAXBE: That, that's part of it.

22 MS. GENTRY: Do you have any idea of the number of
23 requests for civilian surveillance?

24 ATTORNEY GENERAL SAXBE: No. That's all classified.
25 The CIA very seldom come to us for this type of counter-

1 intelligence activity, because it is the prime responsibility
2 of the FBI in this area to originate most of these.

3 Now, --

4 MS. GENTRY: So they would go to the FBI and the
5 FBI would come to you?

6 ATTORNEY GENERAL SAXBE: That's correct. If at
7 all. It usually works the other way around. When they have,
8 through their foreign contacts, learned of operators in this
9 country, they notify the FBI.

10 MS. GENTRY: Well, what -- are there any other
11 that would do any other type of surveillance?
12 You know, the CIA reports to

13 ATTORNEY GENERAL SAXBE: Well, the first thing,
14 just as in any criminal investigation, we first ascertain
15 that there is reasonable grounds for suspicion. It's not
16 done recklessly. It's done based upon a developed set of
17 circumstances that indicate that such activity is going on,
18 and that the people identified are the -- are connected to
19 it.

20 Most of these are people in the employ of foreign
21 countries. Some active members of their intelligence groups.

22 MS. GENTRY: Have you or anyone in the Department
23 found any cases of domestic operation -- [inaudible]

24 ATTORNEY GENERAL SAXBE: Have we found what?

25 MS. GENTRY: Are there cases of domestic operation

1 for the CIA that were reported to

2 ATTORNEY GENERAL SAXBE: On the current investiga-
3 tion, I don't have any information on that, you'll have to
4 get that from Mr. Silberman, because he's been handling
5 that.

6 MS. GENTRY: He has?

7 ATTORNEY GENERAL SAXBE: Yes.

8 But , to my knowledge, we have had a firm under-
9 standing that there is no surveillance of -- in this
10 country, except by the FBI.

11 In fact, we have an understanding there's no
12 surveillance of American citizens any place in the world,
13 except by the procedures that we have established.

14 MS. GENTRY: Well, are you saying, then, that you
15 know that CIA did not carry out any surveillance of American
16 citizens?

17 ATTORNEY GENERAL SAXBE: I have no knowledge that
18 they did.

19 MS. GENTRY: Well, do you have any knowledge that
20 they didn't?

21 ATTORNEY GENERAL SAXBE: No, but I'm not apt to
22 have that. You know, you just assume that this understanding
23 in effect is the whole story, and I believe it is.

24 MS. GENTRY: It has come out that the Department
25 turned over a list of ten to twelve thousand names to the
CIA, do you

1 think that was the right thing for the Department to have
2 done? Would you have done it if you had been Attorney
3 General then?

4 ATTORNEY GENERAL SAXBE: I don't know. You close
5 out a department like that and you wonder what to do with the
6 files that you have, and I'm not at all sure the CIA wanted
7 them, it might just have been an idea to get them out of
8 the building.

9 Because, from what I understand about these files,
10 they didn't amount to a lot.

11 MS. GENTRY: After the Rockefeller committee runs
12 for ninety days, it's supposed to run, do
13 you think there should be any other extensive inquiry into
14 the intelligence operations relating to -- between the FBI
15 and the CIA? Any more inquiry into what was done and what
16 should be done?

17 ATTORNEY GENERAL SAXBE: I think that the inquiry
18 should be not on the invasion of individual rights. I don't
19 think that that's, to my knowledge at this time, this has
20 not been a widespread problem. I think the investigation
21 should be rather based upon the question of whether we're
22 getting the most for our money. There's billions of dollars
23 going into our intelligence network, and sometimes it -- I
24 feel that it's a self-generating type of activity. They've
25 had pretty much of a blank check ever since World War II.

1 And all bureaucracies tend to pyramid and to grow.
2 And if the amount of hard intelligence that they're developing
3 is commensurate with the outlay of money, that is to be
4 decided. That's the question.

5 And if, on the other hand, if it's just a matter of
6 taking in each other's wash, and is self-generating, that's
7 the problem that we should consider.

8 And I think that after such a study that our
9 intelligence agencies -- you've got yourself a new bag, I see.

10 A VOICE: The first day.

11 ATTORNEY GENERAL SAXBE: After such a shakedown,
12 I think that probably it will be leaner, tougher, more
13 effective. We have to have intelligence, and we also have to
14 protect ourselves against the intelligence-gathering
15 agencies of other governments. It's part of the inter-
16 national game.

17 I don't think anybody would suggest that we stop
18 all counterintelligence activities. We might as well issue
19 them an information on every secret that we have.

20 We don't want them going to people in our defense
21 system and bribing them. We don't want them to infiltrate
22 our plants, and what few secrets we have on military
23 equipment. We don't want them to know the plans that we have
24 for diplomatic measures and discussions. We don't want them
25 to know the proposals that are made for deployment, worldwide

1 deployment. All of these things must be secret. There has
2 to be secrets in government.

3 And we have to protect that. At the same time,
4 there is certain information that is extremely important for
5 us to have, about the deployment, the effectiveness, the
6 plans and procedures of other countries.

7 And it would be an ideal situation if we could just
8 all have a conference and sit down and say, we have an
9 exchange of secrets once a month. It'd save billions of
10 dollars.

11 But the world doesn't operate that way.

12 So I just hope that we don't carried away and say
13 that we don't need any intelligence. There have been more
14 battles won, more wars won on effective intelligence than --
15 and more lives saved than probably any other single military
16 activity.

17 So I just don't want us to get carried away.

18 On the other hand, we should have a means of
19 evaluating our intelligence-gathering and our counterintelli-
20 gence activities, to see that it's not overblown and out of
21 control.

22 And there's been a reluctance on Congress to do this.
23 There's been a reluctance on the Executive to do this. And
24 it's been left pretty much to the people in the field, and
25 that's what I say when I say that we should have a deep

1 investigation after this particular CIA, a deep investigation
2 as to whether it's self-generating and whether we have an
3 involved system of taking in each other's wash.

4 MS. GENTRY: And this would -- you mean, you
5 would hope this would encompass all of the intelligence
6 activities?

7 ATTORNEY GENERAL SAXBE: All of the intelligence
8 activities.

9 MS. GENTRY: Who would carry out this investiga-
10 tion?

11 ATTORNEY GENERAL SAXBE: I don't think it matters
12 who does it, just so it's done. The President could do it,
13 -- probably the best way would be a joint effort by the
14 President and the Congress to evaluate it.

15 Because this isn't just an Executive thing, it's
16 also a congressional thing. Congress has been ready and
17 anxious to vote money for any kind of intelligence. You talk
18 about intelligence, and you close the door and whisper a
19 couple of things, and how much do you want?

20 It's --

21 MS. GENTRY: And you've got it.

22 ATTORNEY GENERAL SAXBE: That's why I say this is
23 an area that everyone is feared to enter. The CIA is only a
24 part of it.

25 MS. GENTRY: Well, tell me if, as you plan to go

1 halfway around the world, are you going to be leaving any
2 recommendations for Mr. Levi?

3 ATTORNEY GENERAL SAXBE: Some, but I certainly am
4 not going to leave a great body of things. I have a few
5 realistic recommendations that I think that -- might help.
6 But I'm certainly not going to leave and leave a bundle of
7 things that, if they were good, I could have done.

8 MS. GENTRY: What, specifically, have you
9 suggested?

10 ATTORNEY GENERAL SAXBE: Well, I haven't put it
11 together yet. I'm going to try to use it for speech material.
12 I've got a couple of speeches to make at the bar associations.
13 I'm going to talk to the Dade County Bar on the 30th, and I'm
14 going to talk to the Akron Bar Association on the 6th of
15 February -- after I leave the office.

16 MS. GENTRY: Do you know when you will be sworn
17 in as Ambassador?

18 ATTORNEY GENERAL SAXBE: It's my intention to be
19 sworn in on the 3rd as Ambassador-designate.

20 MS. GENTRY: I read in the UPI wire this morning
21 that you had some pressure from the White House to --

22 ATTORNEY GENERAL SAXBE: Well, I was just reading
23 that when you came in. It makes very interesting reading.
24 I'm surprised I said all that.

25 MS. GENTRY: What kind of impression did you get?

1 ATTORNEY GENERAL SAXBE: Oh, primarily outrage
2 that -- the invasion of privilege.

3 MS. GENTRY: On the tapes?

4 ATTORNEY GENERAL SAXBE: Not only the tapes, but
5 the presidential prerogatives.

6 MS. GENTRY: Was there some effort to try and get
7 you to stop Jaworski from trying the tapes case.
8 case?

9 ATTORNEY GENERAL SAXBE: Oh, suggestions, yes,
10 that -- not necessarily on the tapes, but now it would appear
11 that they were getting warm, you know.

12 But the people, most of the people that talked to
13 me were genuinely and thoroughly in the belief that Mr. Nixon
14 was being martyred, that he wasn't guilty of those things
15 charged.

16 And I'm sure that he was telling them almost day by
17 day that, "this is a terrible thing that's happening to me;
18 destroying the Presidency", and this is the kind of thing
19 that was relayed to me: Here's an innocent man being
20 pilloried for things that are within the province of the
21 Executive, and to invade this is going to destroy it, and
22 you have to convey this message to Mr. Jaworski, and you have
23 to put a stop to this type of activity; and you've got to
24 investigate and see who's stirring this up, this kind of thing.

25 MS. GENTRY: Did you get the feeling that they were

1 contacting you with the specific instruction from the
2 President.

3 ATTORNEY GENERAL SAXBE: Perhaps not by the
4 specific instructions, but certainly they were getting a
5 daily treatment on the fact that this was an outrage;
6 what's happening.

7 MS. GENTRY: Was Jaworski, or the prosecutor's
8 investigation of Rebozo, was that a part of what they were
9 saying?

10 ATTORNEY GENERAL SAXBE: No, no one ever mentioned
11 that.

12 MS. GENTRY: And you told them?

13 ATTORNEY GENERAL SAXBE: On some of the outrage,
14 I would say, "Well, I'll look into it." I did, and I felt
15 that the Prosecutor was justified.

16 On some of the other things that required a more
17 active measure, I just told them I wasn't going to do it.

18 MS. GENTRY: What were the other things?

19 ATTORNEY GENERAL SAXBE: Oh, wanted an investiga-
20 tion or something into somebody that they said was lying, or
21 something like that.

22 But I think that almost on a day-by-day basis the
23 Prosecutor had to come to me to authorize turning over to him
24 of various investigatory files and tax files and things like
25 this, and I was determined to help him any way I could, and

1 I honored all his requests.

2 Of which I'm very glad that I did.

3 MS. GENTRY: When you first came in, did you
4 realize it was going to be that kind of daily hassle?

5 ATTORNEY GENERAL SAXBE: No. No, it was some
6 frustrating days for a while.

7 MS. GENTRY: But you had the assurance before you
8 came in that the Prosecutor would operate with independence,
9 didn't you?

10 ATTORNEY GENERAL SAXBE: That's correct.

11 MS. GENTRY: Well, were you sort of surprised
12 to hear Nixon had gone back on his promise?

13 ATTORNEY GENERAL SAXBE: Well, Nixon didn't make
14 the promise, I made the promise.

15 MS. GENTRY: But after you talked to him and you
16 had some assurance that he would let the Prosecutor continue
17 independently?

18 ATTORNEY GENERAL SAXBE: I think that was between
19 he and the Prosecutor, I wasn't involved in that conversa-
20 tion.

21 No, but I felt deeply obligated to the members of
22 the Senate that confirmed me, and I wasn't about to -- even
23 though there had not been those promises, I probably wouldn't
24 have done it. But certainly with those promises, and on at
25 least one occasion, I sent up testimony to some of the people

1 and said, Now, here's what I said.

2 And I'm going to abide by it.

3 MS. GENTRY: Was it mostly Haig and Buzhardt ?

4 ATTORNEY GENERAL SAXBE: No, not necessarily.

5 I'm not going to mention names on the thing.

6 But I genuinely feel that in most of these cases
7 it was people who genuinely felt that he was being badly
8 treated. It wasn't people that were in any way part of the
9 Watergate affair. I never had any dealings with any of those
10 individuals. But it was people who genuinely felt that the
11 people were persecuting him.

12 And it had to do, as you recall, with the hiring of
13 people to go up there, or the -- even the active defense of
14 the President, it was suggested to me that it was the
15 Attorney General's obligation to actively defend him.

16 MS. GENTRY: You weren't upset with that, I gather?

17 ATTORNEY GENERAL SAXBE: No.

18 Remember, we used to talk about that in the coffee
19 sessions here, about who was going to defend the President.
20 And I made the statement that he was going to have to hire
21 his own lawyers, once the impeachment was accomplished.

22 MS. GENTRY:

23 ATTORNEY GENERAL SAXBE: Yeah. That went over
24 like a lead balloon at the White House.

25 And I never felt that the personnel should come from

1 the Justice Department, and gradually we phased it out until
2 there was nobody over there that was on the Justice Department
3 payroll.

4 When I arrived here, there were several junior
5 lawyers that were over there. And we had some go-round
6 about that, as you recall.

7 But that would have been a great mess if I had
8 acceded to their request and had the Justice Department
9 actively defending the President before the Special
10 Investigator.

11 But that was the kind of funny thinking that was
12 going on in those days.

13 It looks odd now, but it seemed very serious at
14 that time.

15 MS. GENTRY: I wonder if you're satisfied at this
16 point on the FBI -- well, if you're satisfied that the FBI
17 will no longer carry out the same kinds of counterintelligence
18 operations that they had.

19 ATTORNEY GENERAL SAXBE: Yes, I'm satisfied. I have
20 great admiration for the FBI and the people that are in it.

21 I think over the years generally the Executive
22 Department and particularly the Attorney General's office
23 was negligent in not exerting their authority over the FBI.
24 And, as you know, I've recommended that there be a joint
25 oversight committee. I'd hate to subject the FBI to having

1 a House Committee and a Senate Committee, and the pull and
2 haul; but I think there certainly should be a joint oversight
3 committee that is privy to the operations and is kept informed
4 of policies and practices.

5 I certainly don't think that it should be a
6 politically controlled or motivated body, but I think Congress
7 would recognize that.

8 MS. GENTRY: Mr. Kelley sometime ago said that
9 he favored legislation to set up some sort of commission or
10 committee and to give them some authority to launch counter-
11 intelligence operations in a national emergency.

12 ATTORNEY GENERAL SAXBE: If Congress wants to do
13 that, that would be fine.

14 MS. GENTRY: And I believe you said that you
15 don't really feel that it's --

16 ATTORNEY GENERAL SAXBE: No, I think if the need
17 arises, that's the time for it. I don't think something
18 like that need be on a standby basis. There could be a time
19 when it might be needed, but I think that's the time to go
20 to Congress and make your case.

21 MS. GENTRY: Well, has there been -- has the FBI
22 or Mr. Kelley pushed to get his proposal sent up to Congress
23 under Department sponsorship?

24 ATTORNEY GENERAL SAXBE: No.

25 MS. GENTRY: Do you think there should be any

1 sort of new Department regulations that would prevent this
2 kind of thing occurring?

3 ATTORNEY GENERAL SAXBE: No, I think that this
4 could very well be handled on a positive basis. As long as
5 the Attorney General is in the chain of command and
6 observing what's going on and being reported to, there's no
7 way it could happen.

8 To set up regulations, that's a bureaucratic way
9 of doing it, but I don't think that's -- it's just not
10 going to happen as long as the Attorney General is on the
11 ball, unless he wants it to happen.

12 MS. GENTRY: That puts an awful lot of faith in
13 all future Attorneys General.

14 ATTORNEY GENERAL SAXBE: There is a lot of faith
15 in all Attorneys General. I think this is one of the things
16 that's coming to be recognized in this country, that the
17 Executive Department of this government has tremendous
18 powers, as exercised through the Cabinet members and through
19 the Attorney General.

20 And there's no way that you can run this around
21 through a power train and dilute it. It's either you have it
22 or you don't have it. The alternative is to make an in-
23 effective agency.

24 You just can't take all the power away from people
25 and expect them to operate, or so muddle it up in bureaucratic

1 gobbledy-gook that nothing can be done.

2 There is tremendous authority in the Attorney
3 General's office, and it must be handled with restraint.

4 MS. GENTRY: Getting into what seems to be the
5 main topic of the day in the country, the economy. You've talked
6 on numerous occasions about the coincidence in sending White-
7 collar criminals to jail, cutting down on business violations.
8 Have you seen any impact, from your job in the Senate to now, on
9 proposed judges?

10 ATTORNEY GENERAL SAXBE: I think we've caused
11 people in the business world to become newly aware of the
12 fact that there is a Clayton Act, and there is the Sherman
13 Act, and they cannot conspire to cheat the public. This is
14 a small percentage of business, and it's unfair to the
15 whole business community when they let them get away with it.

16 And, as I said in a couple of speeches, the free
17 enterprise system cannot survive unless it is a free
18 enterprise system. In other words, that the interplay of
19 competition keeps it going, and when you have monopoly and
20 when you have price-fixing, you don't have free enterprise.

21 MS. GENTRY: Has the business community protested
22 the fact that you're saying these things? Have you
23 the reception in a few of these places, that

24
25 ATTORNEY GENERAL SAXBE: No. There are some

1 people that don't like to hear them.

2 I had a very interesting experience at several
3 of the meeting where I talked. The super corporations were
4 all complaining about it, and all the small, relatively small,
5 corporations were saying: Right on!

6 Because these are practices that are ruinous
7 to them.

8 MS. GENTRY: You've had the energy unit here
9 in the Antitrust Division, is there anything that we should
10 expect from them?

11 ATTORNEY GENERAL SAXBE: Well, of course, the
12 most important area of it we're not in. As you remember,
13 the FTC undertook the oil company investigation, and moved
14 into this field. Now, we have some peripheral examinations,
15 but everybody wants to find a scapegoat in the energy field.

16 And one of the difficulties is, of course, that
17 by and large the costs are not a result of conspiracy, but
18 -- if it's a conspiracy, it's on the part of the OPEC
19 nations, which aren't subject to the Sherman Act.

20 MS. GENTRY: Are you satisfied now that there was
21 no conspiracy in American oil companies?

22 ATTORNEY GENERAL SAXBE: No, I can't speak on
23 that, that's an area that the FTC is working on at the
24 present time, and I'm not going to comment on it.

25 But the conspiracy, if there is a conspiracy, if it

1 does exist, is not going to change the price of oil very
2 much today, it might in the first few days, but today --
3 and there's no question they did get some windfall profits.
4 But that's not illegal.

5 MS. GENTRY: Okay, I just want to update one more
6 thing that you had started recently with the survey of
7 political trials, which --

8 ATTORNEY GENERAL SAXBE: We hope to have a release
9 on that before I leave.

10 MS. GENTRY: Can you say what you found?

11 ATTORNEY GENERAL SAXBE: No. I don't have it
12 before me, and I --

13 MS. GENTRY: But the study is complete?

14 ATTORNEY GENERAL SAXBE: Yes, but -- the study is
15 complete. I just gave it to Bob today, to see how much of it
16 we can release. We can't release those parts that reflect
17 on judges or on pending cases.

18 MS. GENTRY: Any surprises?

19 ATTORNEY GENERAL SAXBE: Hunh?

20 MS. GENTRY: Any surprises? Any bombshells?

21 ATTORNEY GENERAL SAXBE: Oh, I don't think there's
22 any bombshells, but I think it summarizes pretty much what
23 we always suspected, that there are political trials. And
24 we aren't very well equipped to handle them.

25 MS. GENTRY: Have they made any recommendations?

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ATTORNEY GENERAL SAXBE: I don't know.

MS. GENTRY: Thank you.

ATTORNEY GENERAL SAXBE: Well, Margaret, it's
been a pleasure working with you.

- - -