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INTERVIEW

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OF

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THE HONORABLE WILLIAM B. SAXBE

5

ATTORNEY GENERAL OF THE UNITED STATES

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WITH

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SUSIE McBEE

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11:00 a.m.

22

Friday, May 24, 1974

23

Washington, D. C.

24

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P R O C E E D I N G S

MS. McBEE: Tell me how you like the job. You've been in -- what -- not quite --

ATTORNEY GENERAL SAXBE: Four --

MS. McBEE: -- four and a half months or so.

ATTORNEY GENERAL SAXBE: Four and a half months. It's -- I kind of set six months as an arbitrary figure to -- that it would take me to get acquainted with the office, and I think I was about right. It's beginning to shape up. When I get the vacancies filled.

MS. McBEE: Do you have them all filled or --

ATTORNEY GENERAL SAXBE: Well, we've got OLC now. That's the only major vacancy.

JACK HUSHEN: We still have an acting head of the Administrative Division.

ATTORNEY GENERAL SAXBE: Pommerening. Yes. I think that will work out pretty much.

But the problems are different than I thought they'd be.

MS. McBEE: Are they more -- any harder?

ATTORNEY GENERAL SAXBE: Well, over the years there has grown up an attitude in the Justice Department, and I would guess that this happens in all offices, where they build up organizations pretty much on their own and self-generate; and the coordination is not all that it should be.

1 And they don't hassle out their problems at the right level.
2 Sometimes they get out of the Department before they are
3 settled.

4 Now, that's not a very good picture to paint to the
5 legal world, that the Justice Department is incapable of
6 settling their own domestic affairs.

7 However, that has occurred several times, and we
8 find one department saying something and another one saying
9 another thing, and we can't go to court that way. The Civil
10 Rights Division demanding something from a state prison that
11 the federal prison doesn't do; the section chiefs not knowing
12 about exactly what cases are going forward.

13 MS. McBEE: Wow. Are these things happening?
14 I mean, has Civil Rights done something on state prisons that
15 federal prisons don't do? I just don't know what you mean.

16 ATTORNEY GENERAL SAXBE: No, but that is an
17 example of what could happen.

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19
20 MS. McBEE: Right.

21 ATTORNEY GENERAL SAXBE: And what I'm trying to do
22 is to get the ones in the same areas of responsibility to
23 work closely together; the parole board, the prisons, the
24 marshals are now beginning to work out their common problems,
25 and doing it very well.

1 The business is not a pleasant business, running
2 prisons and running parole boards and hauling prisoners around.
3 But it's one that is necessary and one that's laid on us by
4 the statutes of this country; and we're going to do it.

5 The U. S. Attorneys, I feel, have not been made a
6 part of the family, as they should be, to have the input that
7 they're entitled to. They handle 95 percent of the government
8 work. They're out there slugging it out at the local level
9 and we get, sometimes, a little domineering from Washington.
10 And some GS-11 calling up a U.S. Attorney and giving him
11 directions on this case or that, and maybe the U. S. Attorney
12 knows more about it than the attorney in-house.

13 There are some areas that the U. S. Attorneys can't
14 handle as well; for instance, in antitrust, where it's
15 national in scope. But there are other areas that they can,
16 and should have the right to.

17 We're examining the strike forces to see if they
18 invade the responsibility of the U. S. Attorneys.

19 MS. MCBEE: The U. S. Attorneys seem to think so,
20 don't they?

21 ATTORNEY GENERAL SAXBE: Some of them do. Others,
22 others do not. And yet we can see in the strike force, by
23 having other governmental departments represented, a real
24 advantage.

25 MS. MCBEE: On the U. S. Attorneys, what are you

1 doing to make them part of the family? Is that that training
2 thing that you're talking about?

3 ATTORNEY GENERAL SAXBE: No. No, that's just one
4 part of it.

5 Now, for instance, we started training classes here
6 a month ago on white-collar crime. We've had our second batch
7 in already, and we're getting excellent cooperation with
8 everybody here. We take them down to Quantico, to the FBI
9 Academy, and they get the best of training.

10 MS. McBEE: Who takes those courses? Is that the
11 U. S. Attorneys? Oh.

12 JACK HUSHEN: Assistant U. S. Attorneys.

13 ATTORNEY GENERAL SAXBE: Usually people from their
14 offices, who are involved in white-collar crime.

15 And the best people we have teach them not only how
16 to investigate them, how to preserve the evidence, but how they
17 present the case.

18 But the committees that have been formed under the
19 Office of U. S. Attorneys are meeting regularly, they're
20 coming in here. For instance, on the Legislative Affairs
21 Committee, we're actually taking them up on the Hill.
22 Because they come up with many good ideas about changes in the
23 statute or rules of court, and they can't understand why we
24 don't get them done.

25 Well, two of them this week, we took them right up

1 to the Committees and let them see the problems when Congress
2 is involved, in a lot of other things, why these things are
3 not done. But they will go back and give firsthand knowledge.

4 We're working out problems with, coordination with,
5 State Attorneys General and local prosecutors. Sometimes
6 we have a press, especially in the border States, of drug
7 charges, for instance. We just dump them onto the local
8 prosecutor without commensurate assistance, and we found we're
9 unable to do it through LEAA. But we want them to know we
10 recognize the problem and we will try to help them on it.

11 But --

12 MS. McBEE: What are you doing, though, are you
13 kind of taking it one division by one by one by one, to really
14 learn, try to learn the exemplary problems?

15 ATTORNEY GENERAL SAXBE: Yes. In fact, next week
16 we're going to start, every morning, with a different division,
17 the Deputy is going to meet with the head of that division and
18 just keep rotating; because we've found out that there were
19 a lot of thing that we should know that we weren't getting
20 information on.

21 MS. McBEE: At least he will do that, then.

22 ATTORNEY GENERAL SAXBE: Yes.

23 MS. McBEE: What about you?

24 ATTORNEY GENERAL SAXBE: Well, we'll confer on it.
25 We meet every morning, and --

1 MS. McBEE: Let me --

2 ATTORNEY GENERAL SAXBE: We've hit upon that as the
3 only way that we can identify these.

4 MS. McBEE: When did Larry come in?

5 ATTORNEY GENERAL SAXBE: March?

6 JACK HUSHEN: Late February or early March, as I
7 recall.

8 ATTORNEY GENERAL SAXBE: I believe it was March.

9 And he's an excellent man. He's a good lawyer, he's
10 a good administrator. And I found out that I had to have that.
11 I tried to do it all myself.

12 MS. McBEE: What you said about six months, now
13 there's a little more than a month, and you really think you
14 will have command of the problems and knowledge,
15 deep knowledge of the --

16 ATTORNEY GENERAL SAXBE: Really, then we can go
17 to work.

18 But I didn't feel there was any real morale problem
19 here, because they are pros. But there was something more
20 than that. There was a lack of communication.

21 MS. McBEE: Do you think now there's a morale
22 problem? Here at Justice.

23 ATTORNEY GENERAL SAXBE: No, I never have felt
24 there's a real morale problem. There was a morale problem
25 out in the U. S. Attorneys' offices, and it was unconnected with

1 Watergate, it just was a thing that had built up over the
2 years of benign neglect to the U. S. Attorneys.

3 MS. McBEE: What have you done? Have you gone out
4 to see some of them?

5 ATTORNEY GENERAL SAXBE: I've visited every place --
6 every visit I go, I visit the U. S. Attorney. I make it a
7 point to visit his home or visit his office or -- and to meet
8 with them every time they're in here. I've done the same for
9 the wardens of the prisons. I visit the prisons, and I have
10 personally met all the wardens.

11 And they, too, felt neglected, that this was a part
12 of the Justice Department that nobody liked, so they didn't
13 pay much attention to it.

14 And it's one of the toughest jobs there is. Running
15 a prison today is an extremely difficult job.

16 MS. McBEE: You talked about, I think, the coordina-
17 tion of all the bureaus and divisions and so on. I take it
18 Larry is -- that's what he's doing. Is he --

19 ATTORNEY GENERAL SAXBE: That and day-to-day
20 operation.

21 MS. McBEE: That's a kind of centralizing, then, --

22 ATTORNEY GENERAL SAXBE: That's right.

23 MS. McBEE: -- in the Deputy's office, I take it,
24 everything will kind of flow through that office?

25 ATTORNEY GENERAL SAXBE: That's correct.

1 MS. MCBEE: Is that sort of traditional? Is that
2 the --

3 ATTORNEY GENERAL SAXBE: That's sort of --

4 MS. MCBEE: Is that the pre-Elliott Richardson way
5 of doing this?

6 ATTORNEY GENERAL SAXBE: Yes.

7 MS. MCBEE: J. D. left, I take it, because he
8 didn't think that the Associate's job would have -- that there
9 shouldn't be an Associate.

10 ATTORNEY GENERAL SAXBE: Well, we finally came
11 to the conclusion that the primary reason for the Associate
12 job was to accommodate Jonathan Moore. It wasn't for any
13 deep -- and he was a capable man, but he was a non-lawyer.
14 And what would work for one man may not work for another.

15 MS. MCBEE: And J.D.'s a non-lawyer.

16 ATTORNEY GENERAL SAXBE: And J.D. was a non-lawyer.

17 MS. MCBEE: I take it that that caused some flak in
18 the Department, that some of the assistants thought that if
19 there was such a job it should be held by a lawyer. I mean,
20 there was some concern, I think, when Moore was here.

21 ATTORNEY GENERAL SAXBE: Well, we didn't have any
22 flak over it. It was just that when you got the administration
23 problem settled, and we think we've got those laid by, that
24 is, the handling of the common affairs of pay and promotion
25 and hiring and servicing -- and that includes everything from

1 mail delivery to the lighting and the accommodations; that
2 once we got this laid by, that the Associate didn't have a
3 great deal of responsibility, except where you manufactured
4 it for him. Because there's no reason that the various bureaus
5 can't work directly with the Attorney General, and that's the
6 way we're working.

7 And the FBI is one in particular where it's important
8 that I work directly with Mr. Kelley.

9 MS. McBEE: You and Mr. Kelley get along well, I
10 take it?

11 ATTORNEY GENERAL SAXBE: Get along well. And we
12 have no hesitancy in talking to each other when something
13 happens, as it does from time to time, that doesn't turn out
14 too well. And I'm very sympathetic to the -- what's happening
15 in the FBI, and it's a good thing, but it's also rather
16 traumatic. They had been with Mr. Hoover for so long that
17 the practices that built up wouldn't fit anybody else; they
18 just had to be changed.

19 But there is a veneration there that they want to
20 hang onto everything he did, right or wrong.

21 MS. McBEE: I have a suspicion, I'm not sure that
22 it's correct, that many people, within the FBI at least,
23 considered that the Assistants were still running the Bureau,
24 really.

25 ATTORNEY GENERAL SAXBE: I know. And you don't dispel

1 that overnight. You just don't dispel it overnight, and it's
2 going to take time.

3 But he's aware of this, and it's like establishing
4 yourself with your wife's children, on a second marriage;
5 you don't do it overnight.

6 JACK HUSHEN: Larry came on on March 13th.

7 ATTORNEY GENERAL SAXBE: March 13th.

8 MS. MCBEE: March 13th.

9 ATTORNEY GENERAL SAXBE: But it's working and it's --

10 MS. MCBEE: You and he confer a lot, do you?

11 ATTORNEY GENERAL SAXBE: Quite a bit.

12 MS. MCBEE: What did he say to you after the press
13 jumped on you for the Hearst statements? What was his reaction
14 to that?

15 ATTORNEY GENERAL SAXBE: I never talked to him
16 about that. I figured that was my problem, it wasn't his.

17 MS. MCBEE: What was your own reaction to the
18 flak?

19 ATTORNEY GENERAL SAXBE: It was one of bafflement,
20 I couldn't understand it. Because all I could think was if
21 this had been some poor black girl who had gotten in with this
22 bunch of toughs and held up a bank, I couldn't imagine anybody
23 saying that, "Oh, what a terrible thing to do, to condemn
24 this poor innocent girl."

25 JACK HUSHEN: Remember the outrage at Angela Davis.

1 When they couldn't find her, nobody was defending her.

2 ATTORNEY GENERAL SAXBE: No.

3 But the outrage was all over the country, and,
4 of course, the thing that --

5 MS. McBEE: What do you think, do you think the
6 facts as they are now developing are showing you were right
7 all along?

8 ATTORNEY GENERAL SAXBE: Well, I'm not worried.
9 You never make any points by saying -- looking back and saying
10 you were right.

11 MS. McBEE: To say, "I told you so".

12 ATTORNEY GENERAL SAXBE: No. But every policeman,
13 every prosecutor, has to make a decision like this, or
14 nobody would be arrested.

15 JACK HUSHEN: Or sign a complaint, per se.

16 ATTORNEY GENERAL SAXBE: Sure.

17 MS. McBEE: By saying "I think you're guilty" --
18 then let's see if a jury thinks you're guilty."

19 ATTORNEY GENERAL SAXBE: Sure. But you couldn't
20 arrest him if you didn't say that. You can't go out and
21 arrest somebody and say, "Well now, there's a possibility that
22 you might have shot your wife."

23 You go out and you say, "I charge you with shooting
24 your wife."

25 MS. McBEE: Well, so you're making the analogy,

1 then, between your role as Attorney General and that of
2 prosecutor here, is that right?

3 ATTORNEY GENERAL SAXBE: Well, I find myself --

4 MS. McBEE: Well, because the question is -- the
5 criticism was: Well, he's the Attorney General, he shouldn't
6 have said it.

7 Is that your answer to that criticism?

8 ATTORNEY GENERAL SAXBE: Well, I find that an
9 answer to criticism is wasted on the waves.

10 JACK HUSHEN: What was it that Abraham Lincoln used
11 to say: "If I tried to answer all my critics, I'd never get any
12 work done."

13 ATTORNEY GENERAL SAXBE: Yeah.

14 MS. McBEE: Did -- well, let me go to a kind of
15 fundamental thing. I think when you came in office, one of
16 the things -- you were talking about the Department, and I
17 think you -- the system of justice that this represents, as
18 kind of being the heart and soul of the country. I think
19 that's what --

20 ATTORNEY GENERAL SAXBE: That's true. If we lose
21 confidence in our system of justice, we have no alternative
22 but to make widespread institutional changes. And that's why
23 I don't want to, the people to feel that the Department of
24 Justice is not alive and well and working.

25 MS. McBEE: And I think you dedicated yourself, I
think, in the beginning to try to restore public confidence

1 in the Department of Justice. Right?

2 ATTORNEY GENERAL SAXBE: That's right.

3 MS. MCBEE: Okay. Well, then, do you think you've
4 succeeded?

5 ATTORNEY GENERAL SAXBE: Not yet, but I think it's
6 -- it's a long haul, and of course it's something that you
7 can't measure. But I think we've gotten a start.

8 MS. MCBEE: You think you have gotten a start;
9 right?

10 What kinds of things -- what kinds of things have
11 happened since you've been in that would lead, do you think,
12 to restoring public confidence?

13 ATTORNEY GENERAL SAXBE: Well, for one thing, the
14 cases that we're filing today are solid cases that we feel
15 that we can win. And I'm talking about in civil rights, in
16 antitrust, in criminal. There's no one that's dictating or
17 even suggesting that there's any political interference in
18 what this Department does.

19 Now, that in itself is a major accomplishment. I
20 haven't seen any suggestion of that. And there hasn't been.

21 Now, this is probably the most important area we
22 have to re-establish ourselves on, because the courts are
23 full of people trying to influence or actually influencing
24 the Department of Justice.

25 Where we've had weak people out in the field, I

1 think of some representatives, we've either let them go or
2 put them in positions where they can't make policy.

3 We're reasserting our determination that the prisons
4 will be run fairly and firmly, respect all aspects of civil
5 rights, at the same time that we're going to be in charge of
6 them.

7 That the marshals have been given new status, we
8 hope over the long run to make this a career service; we
9 think it should be. We're starting on that approach.

10 This is the final way that we can professionalize
11 this.

12 MS. McBEE: You, yourself, talked in the first
13 instance about political/nonpolitical pressure. Have you --
14 or haven't you -- continued the policy of not speaking in a
15 partisan campaign, --

16 ATTORNEY GENERAL SAXBE: That's correct.

17 MS. McBEE: -- yourself, and your top associates.

18 ATTORNEY GENERAL SAXBE: That's correct.

19 MS. McBEE: That is, you set --

20 ATTORNEY GENERAL SAXBE: No political activity of
21 any kind.

22 Not that there's anything wrong with political
23 activity, but at this time I think we've got to demonstrate
24 that this is an objective of the Department.

25 MS. McBEE: And on the question -- I think the

1 issue was implied in your first point about no political
2 interference, you mean obviously from the White House, or
3 from --

4 ATTORNEY GENERAL SAXBE: From Congress.

5 MS. McBEE: -- from Congress.

6 ATTORNEY GENERAL SAXBE: From personal friends or
7 from associates or -- .

8 MS. McBEE: What -- how can you describe your
9 relationship with the White House?

10 ATTORNEY GENERAL SAXBE: Well, as I interpret it,
11 they wanted me to come in and run the Justice Department in
12 an effective, direct and honest manner. And I think I'm
13 doing just that.

14 MS. McBEE: So far as your contacts with the
15 President, or with Haig, or with whoever it is you contact,
16 are those -- are those not very frequent?

17 ATTORNEY GENERAL SAXBE: That's true.

18 As they've become more and more engrossed in the
19 Watergate affair, why, I've evidenced my determination not
20 to become involved in it, why, there's been less and less
21 contact.

22 Oh, I will go over -- had lunch with Haig a couple
23 of weeks ago -- just to tell him what's going on, and no
24 particular business, but just to keep in contact.

25 And of course we have day-to-day contact with the

1 people within the White House, on dealings with other
2 agencies, and on legislative affairs.

3 MS. McBEE: Have you seen the President recently?

4 ATTORNEY GENERAL SAXBE: No, I haven't seen him
5 for several weeks now. But I've had no occasion to.

6 MS. McBEE: Well, you said, I think at the
7 beginning, you didn't want to go -- you didn't want to be the
8 political adviser, in the Brownell, Robert Kennedy, Mitchel
9 kind of thing.

10 ATTORNEY GENERAL SAXBE: That's true.

11 MS. McBEE: And that has obtained. Of course,
12 as you say, he's pretty occupied, he's got his own advisers
13 on the --

14 ATTORNEY GENERAL SAXBE: Yes. Yes.

15 MS. McBEE: -- pressing activities and so forth.

16 ATTORNEY GENERAL SAXBE: Right.

17 MS. McBEE: Let me -- it seems to me that one of
18 the earlier accomplishments that you had -- and I don't quite
19 know what your role was, but I think it was great -- was
20 the getting of the impeachment study. And there was, in
21 other words, flak over that; that it was done in a kind of a
22 haphazard way, and you kind of announced it yourself on the
23 Agronsky show, didn't you?

24 ATTORNEY GENERAL SAXBE: There are several things --

25 MS. McBEE: The White House really didn't want that

1 did they?

2 ATTORNEY GENERAL SAXBE: Oh, they didn't -- they
3 had no great objection. They --

4 MS. McBEE: Well, they kind of --

5 ATTORNEY GENERAL SAXBE: They didn't want it, but
6 they didn't make any great flak over it. But there were
7 several --

8 MS. McBEE: Well, why did they push it so?

9 ATTORNEY GENERAL SAXBE: There were several things
10 that were -- I thought it was a good study and I thought it
11 would be of value, not particularly to the Committee, not
12 particularly to the President, but rather for the general
13 understanding of the people.

14 And I don't know whether it did or not. But it was
15 -- I think still the most comprehensive study, unprejudiced
16 study of the whole field of impeachment.

17 MS. McBEE: Did you have to say to anybody
18 over there, Haig or Buzhardt or anybody, something like, "Look,
19 you know, it's an important document, and it ought to be
20 out"?

21 ATTORNEY GENERAL SAXBE: I think I did, but, I mean,
22 at the time I believe they wanted one part of it to be released,
23 but not the whole thing. But I talked to them and they said
24 go ahead.

25 MS. McBEE: Was this Buzhardt, or was this Haig?

1 ATTORNEY GENERAL SAXBE: I don't recall.
2 Probably Buzhardt. But I don't know.

3 But there was no strong objection.

4 MS. MCBEE: Yeah, then that was something that --
5 as a matter of fact, that report, as I read it when I was
6 reporting on it earlier, that report was initially not meant
7 to be a public document, I don't think, and you sort of --

8 ATTORNEY GENERAL SAXBE: Well, I've taken the
9 attitude here that everything is a public document except
10 those things that are on working cases, and -- or which would
11 invade the privacy of people.

12 MS. MCBEE: There's been some question about your
13 halting, permanently or temporarily, that coffee session
14 which you had. Are you giving that up as a forum?

15 ATTORNEY GENERAL SAXBE: I don't know. I thoroughly
16 enjoyed it. But --

17 MS. MCBEE: We did, too.

18 ATTORNEY GENERAL SAXBE: -- the editors of the
19 papers throughout the country just descended on me and, like
20 the one in the Evening Star, and said, "Why, this is a
21 terrible thing, that the Attorney General is making such a
22 clown out of himself by these coffee sessions."

23 And if -- and then it impacted on me that when you're
24 in law enforcement you're in a different ballgame; as I am,
25 whether I like it or not.

1 MS. McBEE: Different from what, from the Senate,
2 you mean?

3 ATTORNEY GENERAL SAXBE: Senate, or almost any
4 other.

5 Right now law enforcement people in this country are
6 not held in great esteem. Whether you're a cop, a prosecutor,
7 or investigator.

8 And it's just something you have to live with. I
9 think it's a temporary thing. It comes and goes; but right
10 now it's --.

11 MS. McBEE: But you're not -- it seems to me you're
12 not really becoming inaccessible to the press, you've --

13 ATTORNEY GENERAL SAXBE: No.

14 MS. McBEE: You have had interviews, and you do,
15 when you speak out in the country, you --

16 ATTORNEY GENERAL SAXBE: Yes.

17 MS. McBEE: -- continue to talk to the press.

18 Do you intend to?

19 ATTORNEY GENERAL SAXBE: Sure. Sure. I always
20 have. But -- .

21 MS. McBEE: Did you feel -- I know some people in
22 the Department have felt, and I don't know whether you did --
23 that in those sessions that the press was sort of out to get
24 you?

25 ATTORNEY GENERAL SAXBE: Oh, I don't know. Every one

1 is a cross-examiner any more, I think it's the temper of the
2 times. And it's kind of adversary reporting. You don't read
3 many good things about anybody any more, on what they say or
4 what they do. And I think, again, it's a temporary attitude.

5 Over the years, there are times when papers really
6 said nice things about people. But you'll search a paper
7 through and through today to find complimentary remarks.
8 So I don't blame the reporters, I think it's an attitude that
9 if they're going to succeed they have to do it that way.

10 Just as a lawyer, if he's going to succeed in a
11 courtroom, has to be a pretty tough cross-examiner today.

12 MS. McBEE: Well, did you then get to the point
13 where you didn't really enjoy those? You said you enjoyed
14 them, but I just wanted to --

15 ATTORNEY GENERAL SAXBE: I never really got to that
16 point. I did enjoy them. I liked the pull-and-haul of the
17 thing. I liked the matching of wits part of it.

18 But, at the same time, I didn't feel that I could
19 continue it and not be completely candid. And when I was
20 completely candid, I just got ripped to pieces.

21 Maybe there would only be one reporter who would see
22 an angle on something, but by two days everybody saw the angle.

23 MS. McBEE: You mean the Jewish intellectual?

24 ATTORNEY GENERAL SAXBE: Yeah. And, you know,
25 nobody can stand that test.

1 I mean, the people on the Jewish intellectual thing.
2 Twenty people there, nineteen of them saw what I was -- the
3 point I was trying to make. But within two days every paper
4 saw the curves.

5 MS. McBEE: It took some longer. [Laughing]

6 Well, --

7 ATTORNEY GENERAL SAXBE: But I liked it.

8 MS. McBEE: When you were up in the Senate, did
9 you have kind of meetings like that --

10 ATTORNEY GENERAL SAXBE: Yeah.

11 MS. McBEE: -- with the Ohio press?

12 ATTORNEY GENERAL SAXBE: Right.

13 MS. McBEE: And they're kind of -- you all were
14 kind of buddies, weren't you?

15 ATTORNEY GENERAL SAXBE: Right.

16 MS. McBEE: And that's -- I think that's really
17 the kind of transfer you were trying to make here.

18 ATTORNEY GENERAL SAXBE: That's what I was trying
19 to do here, but then it finally sunk in that when you're in
20 law enforcement you can't do this.

21 MS. McBEE: Is it just law enforcement, or is it the
22 Cabinet? I mean, I don't know of any other --

23 ATTORNEY GENERAL SAXBE: Well --

24 MS. McBEE: -- officer that they were trying to
25 do -- do you, Jack? That they were trying to do --

1 JACK HUSHEN: Not with that frequency, that I know of.

2 MS. McBEE: I mean, you know, you're kind of
3 elevated here.

4 I don't quite understand it, but probably the Ohio
5 press, whatever you may have said may not have been reported
6 as widely or with such frequency; here you've got the whole,
7 you know, the whole center of the media.

8 JACK HUSHEN: Well, there are many Cabinet officers
9 you just couldn't -- there just isn't really the news to
10 sustain a weekly press conference. There are just so many
11 things going on in this Department, that people are
12 interested in, that it's a hard news operation.

13 ATTORNEY GENERAL SAXBE: Well, I'll tell you some-
14 thing else that kind of turned me off was that I tried to
15 prepare something every week that was real news about the
16 Department. Sometimes we even saved things. And, if
17 anything, it killed it.

18 MS. McBEE: You mean, what you had prepared
19 sometimes got lost in the rest of the questions asked?

20 ATTORNEY GENERAL SAXBE: Yes. And --.

21 MS. McBEE: Then, did you just see that the
22 flak that was raised, as hurtful to the Department?

23 ATTORNEY GENERAL SAXBE: To the Department.

24 Not only that, but I had a son that was running for
25 office out in Ohio. I wasn't interfering in his campaign, I

1 never made an appearance with him, not even a picture. But
2 I know it was difficult for him, that every time he went out,
3 to be put on the spot to answer questions that he couldn't
4 answer.

5 MS. McBEE: He had to answer questions about what
6 his dad was saying in Washington?

7 ATTORNEY GENERAL SAXBE: Yeah. Yeah, "What do you
8 think of what your dad said about the Jewish intellectuals?"

9 [Laughter.]

10 ATTORNEY GENERAL SAXBE: And his wife's Jewish.
11 And so it really put him on the spot.

12 MS. McBEE: What did he do, call you up and tell
13 you about it?

14 ATTORNEY GENERAL SAXBE: No, he toughed it out.

15 MS. McBEE: Hunh?

16 ATTORNEY GENERAL SAXBE: He toughed it out.

17 MS. McBEE: He toughed it out?

18 ATTORNEY GENERAL SAXBE: Yeah.

19 MS. McBEE: Right. He did not call you and tell
20 you that --

21 ATTORNEY GENERAL SAXBE: No.

22 MS. McBEE: Which son is this?

23 ATTORNEY GENERAL SAXBE: Rocky. Charles R.

24 MS. McBEE: Charles R. What's he running for?

25 ATTORNEY GENERAL SAXBE: State Legislature.

1 MS. McBEE: From Middletown or --

2 ATTORNEY GENERAL SAXBE: Mechanicsburg.

3 MS. McBEE: Mechanicsburg, I'm sorry.

4 JACK HUSHEN: It's the same seat you once had in the
5 Legislature.

6 ATTORNEY GENERAL SAXBE: Yeah. Yeah.

7 MS. McBEE: Is he going to win?

8 ATTORNEY GENERAL SAXBE: He won the Primary, by
9 250 votes. He's a Rubgy player.

10 MS. McBEE: Is that right?

11 ATTORNEY GENERAL SAXBE: He was stationed here at
12 Quantico in the Marines, and he played on the City Champ
13 Rugby team here in Washington.

14 MS. McBEE: Was that Primary just recently?

15 ATTORNEY GENERAL SAXBE: In May.

16 MS. McBEE: In May. That's funny. Well, did --
17 even though he didn't ask you, did that have some influence on
18 your decision?

19 ATTORNEY GENERAL SAXBE: Well, I was embarrassed
20 to have him put on the spot, on things he couldn't explain.

21 MS. McBEE: Well, it's -- you know, you've probably
22 got one of the toughest jobs in the, in any Administration,
23 I mean, this just is that kind of thing; and you have gotten
24 some knocks.

25 Is it, though, still a rewarding thing to you,

1 personally, or do you --

2 ATTORNEY GENERAL SAXBE: Oh, there are some days
3 when something goes right, I feel real good about it; and
4 I've got some really fine people, and I just look ahead a
5 few months and I can see the thing shaping up.

6 MS. McBEE: Unh-hunh.

7 ATTORNEY GENERAL SAXBE: The real problem here,
8 and I've never talked about this before, but the real problem
9 here, that I've been aware of since I first came here -- and
10 I don't expect anybody else to recognize it -- is to remain
11 free and independent of Congress, of the White House, of my
12 friends and supporters. And for the first few months they all
13 tried me. I don't hear from them much any more.

14 So we're past that.

15 I don't mean that it's anything improper, overtures
16 or bribes or anything like that, but the usual parade of
17 people who --

18 MS. McBEE: Who want something.

19 ATTORNEY GENERAL SAXBE: -- want something.

20 And sometimes desperately.

21 What have you got?

22 JACK HUSHEN: Gesell refused to postpone the trial of
23 the Elsberg break-in.

24 ATTORNEY GENERAL SAXBE: Whose trial?

25 A VOICE: The Erlichman-Colson trial; he refused to

1 end it or move it -- move or postpone it.

2 MS. McBEE: When is it coming up?

3 JACK HUSHEN: It doesn't say.

4 ATTORNEY GENERAL SAXBE: And that's where I say --
5 and that's where I say that half of my job is to provide the
6 umbrella under which the Department of Justice can operate.
7 And I think we've got a tremendous opportunity, and I tell
8 this to the U. S. Attorneys and to the Attorneys General,
9 we've got a tremendous opportunity because we're relieved from
10 pressures that have been heavy on every previous Department
11 of Justice, on every U. S. Attorney, and on every Attorney
12 General in many cases.

13 MS. McBEE: You said they all tried you, and you had
14 earlier -- you've said Congress, White House, friends; the
15 White House, too, have?

16 ATTORNEY GENERAL SAXBE: Yeah.

17 MS. McBEE: You've pretty well, then established --
18 and on the other part of this, providing the umbrella, is also
19 providing the umbrella for Saxbe?

20 ATTORNEY GENERAL SAXBE: Yeah.

21 MS. McBEE: Or, I mean, excuse me, for Jaworski.

22 ATTORNEY GENERAL SAXBE: Well, I found -- for Jaworski.
23 Well, this is what I consider part of it.

24 And I found when I came in here that it was not
25 uncommon for people from other departments, for people from the

1 White House, for people from God knows where, to be conned,
2 gcing down into the Department of Justice. And --

3 MS. MCBEE: For their own special friends and so
4 on?

5 ATTORNEY GENERAL SAXBE: For their own special
6 friends, their own special contacts.

7 MS. MCBEE: Well, how do you know they still don't
8 do that?

9 ATTORNEY GENERAL SAXBE: Well, I don't know that
10 for sure, but I'm damn well working on it all the time.
11 And I just don't think it happens.

12 MS. MCBEE: Well, you know it just --

13 ATTORNEY GENERAL SAXBE: This was true in legislative
14 affairs. My God, every department we had here had their own
15 ideas. They were going up there and promoting their own
16 bills, had their own people on legislative matters. We put
17 a stop to that.

18 And the same way with publicity. Everybody had
19 their own P.R. guy putting out their own stuff. There was
20 no one speaking for the Department of Justice. You know that.

21 MS. MCBEE: They don't any more, is that it?

22 ATTORNEY GENERAL SAXBE: Well, we're --

23 MS. MCBEE: Don't have their own P.R.'s any more.

24 ATTORNEY GENERAL SAXBE: We're trying to --

25 MS. MCBEE: You've got all -- haven't you got them

1 all, except Prisons, I guess?

2 JACK HUSHEN: Each of the Bureaus has its own, but there'
3 been coordination --

4 ATTORNEY GENERAL SAXBE: It's coordination we're
5 after. We aren't trying to throttle them, we just --.

6 MS. McBEE: Do you know what happened -- I'm
7 suggesting that they shouldn't do it, but it seemed to me
8 this week you had two examples, I think in the same paper,
9 back-to-back, of total Justice Department independence from
W 10 what one might perceive the White House policy would be.

11
12 Maybe you're aware of the LEAA thing in Philadelphia, and the
13 Pottinger comments. Are you aware of that?

14 ATTORNEY GENERAL SAXBE: There will be others.

15 MS. McBEE: And you're backing your own people?

16 ATTORNEY GENERAL SAXBE: Sure.

17 MS. McBEE: Did you know --

18 JACK HUSHEN: You don't get the impression that we're
19 thumbing our nose at the White House, do you?

20 ATTORNEY GENERAL SAXBE: Oh, no.

21 MS. McBEE: Oh, I understand.

22 ATTORNEY GENERAL SAXBE: We have daily contact.
23 And frankly, they are -- I think we're operating the way they
24 want us to operate.

25 MS. McBEE: Well, did anyone from the White House

1 ever say anything to you about any of your public statements?

2 ATTORNEY GENERAL SAXBE: No.

3 MS. McBEE: You got no comment from over there?

4 ATTORNEY GENERAL SAXBE: No.

5 MS. McBEE: They don't give much comment on
6 anything, is that it?

7 ATTORNEY GENERAL SAXBE: That's correct.

8 MS. McBEE: Because they're just -- just so tied
9 up, or because they know how you're operating and not
10 commenting --

11 ATTORNEY GENERAL SAXBE: No, because I think that's
12 the way they want me to operate. I like to think that. And
13 I believe it's true.

14 I don't want to demonstrate independence just for
15 the privilege of being independent. I've known some pretty
16 sorry people that made a career out of that. And --

17 JACK HUSHEN: Just getting it on principle.

18 ATTORNEY GENERAL SAXBE: You know. And take
19 advantage of it.

20 I have no interest in doing that, and I certainly
21 would never use it to humiliate or embarrass somebody, just
22 to demonstrate your independence. That's a cheap shot.

23 All I want to demonstrate to the country is that
24 we're objective. And that we can operate that way, and
25 that's the way the system is put together to operate, I believe.

1 And it doesn't mean that I don't want feedback
2 from Congress and from the White House and from the citizenry.
3 We should have it.

4 But the Congressmen and the Senators that call any
5 more --

6 MS. McBEE: Well, do they still put -- if a
7 Congressman or Senator calls, say, Civil Rights or something,
8 or Antitrust, on a case, would that call still go into the
9 file?

10 ATTORNEY GENERAL SAXBE: Probably.

11 MS. McBEE: I thought you indicated you didn't --

12 ATTORNEY GENERAL SAXBE: If he doesn't want it in
13 there, it won't go in there.

14 MS. McBEE: If the Congressman doesn't want it?

15 ATTORNEY GENERAL SAXBE: Right.

16 MS. McBEE: I see.

17 ATTORNEY GENERAL SAXBE: I don't want to do anything
18 to stop feedback from people involved. But, as a matter of
19 course, it usually did -- it usually does. Because when a
20 Congressman calls, he usually doesn't want any affirmative
21 action. What he's really asking for is maybe to accelerate a
22 case, or he's asking for factual knowledge, so he can
23 familiarize himself with it.

24 This is the reason for calls.

25 MS. McBEE: Well, what if a Congressman did ask

1 that a case either be speeded up or quashed, then would that
2 call go in the file?

3 ATTORNEY GENERAL SAXBE: Well, speeded up, is
4 just -- this means that it could be on a sewage plant that's
5 held up by litigation or something like that. But when
6 you're talking about quashing, again it could be something that
7 had to do with a municipality or something; but on a criminal
8 case or something like that we don't get those kind of
9 calls.

10 Now, maybe they once came, but we don't get them now.

11 MS. McBEE: What if the White House called on some
12 project, would that White House call go into the file?

13 ATTORNEY GENERAL SAXBE: We've never had that kind
14 of -- oh, we have routine inquiries from other departments
15 all the time, and from the White House: What's the status?

16 MS. McBEE: Those go into the file?

17 ATTORNEY GENERAL SAXBE: They usually go into the
18 file.

19 MS. McBEE: Even if somebody in the White House said,
20 "I don't want this in the file"? Would it go in?

21 ATTORNEY GENERAL SAXBE: Well, the White House has
22 never suggested that. No.

23 MS. McBEE: Well, so that --

24 ATTORNEY GENERAL SAXBE: It just goes as a matter of
25 course that it will be so recorded. And, frankly, I've never

1 had a Congressman ask that it not be recorded.

2 But I tell them that "We want your comment".

3 Now, one of the areas that we get calls on, and
4 rightly so, is on this reapportionment in the States.

5 MS. McBEE: Like the New York case, you mean?

6 ATTORNEY GENERAL SAXBE: Well, like New York, like
7 half a dozen States. Because they can't have their primaries,
8 and all they want -- and we get calls on this from time to
9 time -- all they want is: "For God's sake, get a ruling.
10 We don't care what it is, just get a ruling. Because if we're
11 going to have to change our primary, we've got to get cracking."

12 But, other than that, I can't think of any.

13 And that's why I say that we've got such a tremendous
14 opportunity to do things now, that probably no other Justice
15 Department has had in a long, long time. And we don't want to
16 abuse it.