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On June 17, I went to the Oval Office, as I had on other occasions, to discuss with the President a number of judicial appointments. Normally I meet with the President alone on these matters, but, as I indicated, on this day for

the first time Mr. Cutler was also present. The meeting concerning judgeships lasted about twenty-five minutes and when it was concluded I asked to speak with President Carter alone. I did this because I wanted to speak to the President about a number of matters relating to the Department, not involving Mr. Cutler, including my upcoming trips to the Eighth and Ninth Circuit Judicial Conferences, my planned three-week absence from the office and other matters concerning the Department of Justice.

One of several matters I mentioned to the President was his brother, Billy, and his failure to register as a foreign agent. Prior to this conversation I had thought about whether I should mention the Billy Carter matter to the President at all. I decided that it would be proper, advisable and entirely consistent with my duties as Attorney General to tell the President that the Billy Carter matter was an investigation which I would not discuss with him. I wanted to do this, if time permitted, because I wanted to be certain that the President was aware of my view since, as I earlier testified, I had reason to believe that Billy Carter had spoken to Dr. Brzezinski and possibly others on the White House staff after his interview on June 11, perhaps complaining about our inquiry. I felt that, if the President heard anything in that regard, he

should be prepared to respond immediately to anyone that the Department should not be consulted about the investigation. I wanted the President to understand that I considered Billy Carter's case different from those about which I do from time to time advise him and that this was one which we should not discuss.

I also told the President, that in my view, his brother was foolish and should have registered long ago. The President asked what was likely to happen if Billy registered under the Act, and I replied, in substance, that if he told the truth and registered under the Act, then it was my understanding that the general practice in the Department was not to prosecute.

My statement in this regard was based upon my knowledge of the Act and its purpose, as well as general Department practice. I did not consider, and the President I am confident did not consider, this to be a "deal" or a "commitment" of any kind and any suggestions to the contrary are unfair and baseless.

The whole conversation concerning Billy Carter took no more than a minute. My exchange with the President was not intended to have, nor did it have, any effect or impact on the Department's investigation. I did not advise anyone of my conversation; the Criminal Division staff continued its investigation unabated; and the decision as to whether



and how to proceed, was made within the Division based upon an assessment of the facts and the purposes of the Act. I had absolutely nothing to do with the Billy Carter matter from June 17 until after the case was filed. I did not discuss the investigation with anyone and I did not even know that a suit was to be filed until after it was actually commenced.

As I have stated, the wall between the Justice Department and the White House was designed to prevent interference by the White House into law enforcement. Neither Judge Bell nor I have ever erected an absolute barrier to prevent the Attorney General from discussing any cases, investigations or policies with the President that the Attorney General or the President deem necessary; that, in my view, would be improper. The President has a proper, indeed necessary, role and interest in many of the decisions and activities of the Department. The purpose of my comment to the President was to distinguish those situations from the investigation of his brother, and to establish that, in this instance, there would be no discussions regarding the investigation. To my knowledge, no inquiry was, in fact, made to the Department by anyone at the White House regarding the Billy Carter case either before or after my conversation with the President.

EVENTS AFTER THE JUNE 17th CONVERSATION

On July 21, I was called by Mr. Cutler and told that the White House was going to release a statement which said that there had been no discussions between the Department and the White House concerning the conduct of the investigation. I confirmed the accuracy of that statement. When I did that, I focused upon the fact that there had been no interference, and there had been no discussion about the substance of the investigation with anyone at the White House, including the President. I felt that the brief exchange I had with the President was not a significant or substantive discussion concerning the investigation, and hence, I did not mention it to Mr. Cutler.

On July 24, at a regularly scheduled press conference, I was asked a question aimed, I thought, at whether there had been any interference in the investigation by anyone at the White House. I drew the distinction between a substantive discussion about the conduct of an investigation and the brief conversation I had with the President and replied "no." That answer was wrong in two respects. First, the question did not ask about interference by the White House, but rather asked whether there had been any communications at all. Secondly, I was wrong in attempting to draw such a close, lawyer-like distinction in responding to a general, public inquiry.

The suggestion has been made that I revealed my conversation with the President because I was informed by Mr. Cutler on the night of the 24th that the President had recalled our conversation when he ran across a note he had made. This may be true but I don't believe so. Although I cannot say with certainty whether I would have, upon further reflection, decided that my answer to the press inquiry should be corrected, I can tell you that I was troubled during the day of July 24 as I thought about the questions asked at the press conference. I was concerned that they might have been broader and more literal than I had construed them and that the fine distinction I had made would not be understood commonly. In fact, I requested the transcript of the conference as soon as it was available because I wanted to review it to see whether I had given an incorrect answer. But, while I like to think I would have corrected my press statement even if I had not spoken to Mr. Cutler, I cannot assuredly state that, since on the night of the 24th Mr. Cutler and I did talk.

I regret that I drew the kind of distinction I did during my press conference. I have had, and I believe I still have, a reputation for being both a good lawyer and a person of candor and integrity. My conversation with the President was in my mind absolutely proper. My statement to the press on July 24 was wrong. I rectified that mistake the very next day, but I must and do accept the responsibility for the

error. I hope, however, that a relationship built over years based upon mutual respect can endure a single error.

In conclusion, I must advise this Committee that I am both comfortable with and proud of the conduct of the Department in this matter. The handling of secret intelligence information was, I am convinced, both proper and wise; the conduct of the investigation and the decisions made concerning the handling of the case were thoughtful and appropriate in every way and made by experienced, career attorneys. Similarly, my conversation with President Carter needs no apology. It is important, I respectfully suggest, to record the fact that neither I nor any other official in the Department took any action which in any way interfered with, deterred or diverted the course of this investigation; the final result of our efforts was, I believe, a fair and correct disposition.

Thank you. I will be happy to answer any questions you may have.