

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

INTERVIEW

of

THE HONORABLE WILLIAM B. SAXBE

ATTORNEY GENERAL OF THE UNITED STATES

ON

"THE PHIL DONAHUE SHOW"

Miami Beach, Florida
November 12, 1974

Pages 1 thru 40

HOOVER REPORTING COMPANY, INC.

Official Reporters
Washington, D. C.

546-6666

EM

INTERVIEW
OF
THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES
ON
"THE PHIL DONAHUE SHOW"

3:30 p.m.

Thursday, November 12, 1974

WCKT-TV

Miami Beach, Florida

The Attorney General answered questions on the following topics:

<u>TOPICS</u>	<u>PAGE</u>
Food Pricing Investigation	2,3
Oil Pricing Investigation by FTC	3,4
Antitrust Case Against TV Networks	5,6,7,8,9,10
Legalization of Marijuana	10,11,12,13
Audience Comments on Legalization of Marijuana	10,11
Rehabilitation of Criminals	14,15,16,17
Death Penalty as a Crime Deterrent	18
Pardoning of Mr. Nixon	19
Kent State Trial	20,21,22
Scope of Justice Department's Antitrust Investigation	24
IBM Case	24,25
Patty Hearst Case	25,26,27
Diversity of State Laws	27,28
Need for Special Prosecutor	29
Comparison of Senator and Attorney General Positions	29,30,37,38,39
Investigation of Nelson Rockefeller	30
Wiretapping Authority	30,31,34
Number of Title III Wiretaps	32,33
Number of National Security Wiretaps	33
Illegal Aliens	40

P R O C E E D I N G S

MR. DONAHUE: Thank you!

And hello again from Miami Beach.

We're in Miami Beach, and I'm sure you've already guessed that. We've been visited by every bird on Biscayne Bay here yesterday, and of course, as we expect in Miami Beach, the weather is beautiful. I'm sure it's about 80 degrees here today. Balmy breezes.

And we're very pleased to have on our second show from Miami Beach, all week here, the man who does hold the highest law office in our country, a man who is an Ohioan, was born and grew up in Mechanicsburg, Ohio, which is a -- well, it's a little more than a wide spot in the road. I don't want to hurt anybody's feeling up in Ohio.

And now presides over a department of government which employs 50,000 people. And he assumed that job at probably the most difficult time in the history of our country. What other Attorney General had to deal with what he did?

At a time when Americans are saying "equal justice for all", I'm not so sure; at a time when Americans are wondering about antitrust, oil prices, who gets the biggest piece of the pie here? What about prisons? What is parole? And if he gets out and commits a crime again, that's the trouble; why don't we put him in, a man who has the Constitution

in one hand and a lot of pressure on the other, to lock these people up.

A man who gets petitioned by young people regarding the laws prohibiting the use of marijuana. I could go on and on.

I think that if there's one thing that will carry him through this enormous responsibility, it's his sense of humor.

As an Ohioan myself, I am proud to feature on my show a man who served honorably in the Ohio General Assembly, served as United States Senator from the State of Ohio, and is now the Attorney General of the United States.

Ladies and gentlemen, here is William Saxbe.

[Applause.]

[Music.]

MR. DONAHUE: Attorney General William Saxbe, as I have established, presides over one of the largest of all the branches of our government, Justice, 50,000 people.

I saw your interview recently, wherein you said that your Department was investigating the possible violation of law in food prices, that -- were you not going to investigate the middle man? Wasn't that really where you were going to key?

ATTORNEY GENERAL SAXBE: That's right. Well, the reason that people are alarmed about food prices, the price of

cattle has gone down about a third from what it was a year ago, but it hasn't shown up in the supermarkets.

And what we're trying to determine is whether it's a result of marketing, collusion, or whether there's collusion at any place along the line.

You know, there's no law that a supermarket can't raise their prices as high as they want to. So, just because the prices are high doesn't mean that you can go in and charge them with some kind of an antitrust activity.

However, if they were all getting together and Chicago and said, Well, let's drive the price of meat down, and we'll keep our prices where it is in the supermarkets; then, of course, we have the authority and the -- really, the order to go in under the Sherman Antitrust Act, and break up any kind of a monopoly or collusive organization.

MR. DONAHUE: And that's what you're going to do, and you'll announce it on --

ATTORNEY GENERAL SAXBE: If there is any such thing.

MR. DONAHUE: You don't know yet?

ATTORNEY GENERAL SAXBE: We don't know that. And the Fair Trade Commission and others -- or Federal Trade Commission and others are involved in this also.

MR. DONAHUE: What about oil?

ATTORNEY GENERAL SAXBE: Well, the Federal Trade Commission is involved in an investigation of collusive oil

pricing on world-trade commodities, that is, where there is a price all over the world. And it's traded on a world market. Of course, we have to take this into consideration. Why have an illegal combination when you can do it legally?

So we're not so sure that there's any collusion on the oil pricing. Now, when you get domestically, and you get a bunch of service stations that get together and say, We are going to price gasoline at a certain price; if you can make that case, that is illegal.

MR. DONAHUE: But does not the American citizen, Mr. Attorney General, have a right to feel as though America has really -- the whole idea of America has gotten away from him, what with the staggering increase in oil prices, the corporations becoming larger and larger, more and more people going on talk shows and writing articles saying that the United States is "a government of the corporation, by the" -- you've heard that before.

ATTORNEY GENERAL SAXBE: Sure.

MR. DONAHUE: Now, here you are, you are on top of -- it is your mission, then, to insure that this kind of thing doesn't happen, and that people with fixed incomes are not taken to the cleaners.

ATTORNEY GENERAL SAXBE: Sure.

MR. DONAHUE: What are you doing in that area?

ATTORNEY GENERAL SAXBE: Well, I'd like to point out

on that, we have no laws that say that bigness is illegal. In other words, size of a corporation is not controlled under our law.

However, if a corporation gets so big that it can control the price of a product, then it's something that we can do something about it, and we have a number of cases at the present time that we're proceeding on.

We have one against the networks, I might add, the three large networks, whereby they are producing their own shows and depriving others that produce movies, and so on, of entering into this market.

MR. DONAHUE: Was not that action brought by the Nixon Administration --

ATTORNEY GENERAL SAXBE: That's what --

MR. DONAHUE: -- which, it is well known, has been anything but --

ATTORNEY GENERAL SAXBE: That's what the networks say, and they want to throw the case out because they say that it was brought by the Attorney General under Nixon, because he was -- or they were mad at something they said about Nixon.

But what I say about it is, if the court throws it out, I'll bring another one, because I think what they are doing is wrong, and Nixon has nothing to do with it.

[Applause.]

MR. DONAHUE: Well, are we not -- you don't like the

networks, hunh?

[Laughter.]

MR. DONAHUE: That suit, Mr. Attorney General, was brought at the same time that the Post Newsweek station, for example, had its license challenged here in this city by friends of Mr. Nixon.

Now, do you --

ATTORNEY GENERAL SAXBE: Do you have a connection?

I mean, do you have a connection that you could go to court on?

I filed an affidavit today in the court in Los Angeles, where it's being heard, wherein I said that I had nothing to do with such a decision and that I --

MR. DONAHUE: Which decision are we talking about now?

ATTORNEY GENERAL SAXBE: The decision to file this action. But --

MR. DONAHUE: Against the networks?

ATTORNEY GENERAL SAXBE: But if there is an illegal combination there that would fit under our case in the antitrust, that it still existed, and for whatever reason it might have been brought, and I don't think that it was brought because of any political reason, it should be tried in the courts, and that's where it should be decided.

MR. DONAHUE: All right, sir, but given the posture

of the Nixon Administration toward media, given the suit provoked by the Nixon Administration against the three governments -- against the three networks -- a slip.

[Laughter.]

ATTORNEY GENERAL SAXBE: Three governments is more correct!

MR. DONAHUE: And, all right, all right. Given also, at the same time, a challenge to stations owned by media which had reported unfavorably about Nixon policies, I don't think that the people in our business are to be accused of paranoia, are they, for wondering about the coincidence of these --

ATTORNEY GENERAL SAXBE: Oh, no. But I think they should be willing to get this resolved. And all I'm asking is that it be tried on its merits.

I don't think that just because they had a tiff with the networks that the government should be forever precluded from questioning anything the networks did.

MR. DONAHUE: Okay. What is it that bothers you most, then, about the networks?

ATTORNEY GENERAL SAXBE: Nothing bothers me about the networks. What I'm saying --

MR. DONAHUE: Well, you said you were going to bring the action if it --

ATTORNEY GENERAL SAXBE: What I am alleging is

that rather than going on the market and buying shows that are produced, and movies -- which was the custom a number of years ago -- the networks now have conspired to do all of this within their own organization and have frozen out the independent producers.

Now, maybe this is legal, this is what the judge is going to have to decide. But we want to bring it to issue.

What I am saying is that just because Nixon didn't like the networks, it doesn't preclude the Justice Department forever from bringing any such action.

MR. DONAHUE: Okay. Now, it is clear, then, that you are going to pursue with vigor this action against the networks.

ATTORNEY GENERAL SAXBE: Correct.

MR. DONAHUE: And let's pretend that you're successful.

ATTORNEY GENERAL SAXBE: Right.

MR. DONAHUE: And you've done all right so far.

ATTORNEY GENERAL SAXBE: Right.

MR. DONAHUE: You may be a country lawyer, but you've made a lot of right decisions.

[Laughter.]

What you're going to get, it is suggested, if you win the suit, is a lot more independent companies producing more game shows.

ATTORNEY GENERAL SAXBE: If that's what people want to see.

Now, in other words, you feel that the networks should be the sole judge of what the people should look at.

MR. DONAHUE: No, I didn't mean to suggest that.

All right, and so let's -- I don't want to dwell on media, but you'll forgive my more than passing interest in this subject.

ATTORNEY GENERAL SAXBE: Yes. Well, I've got more than passing interest also.

And I don't want to worry the subject. All I'm saying is that it seemed to us that the networks were getting together and saying: Look, we can make more money if we freeze out the independents, and we do all our own shows within our own system.

MR. DONAHUE: Unh-hunh.

ATTORNEY GENERAL SAXBE: And they also said, then, and we'll give the people better shows. That could be.

What I'm saying is that the practice before that time was that it permitted independent producers to produce some good shows, and they weren't all games.

MR. DONAHUE: Right.

ATTORNEY GENERAL SAXBE: And then the networks bought them and showed them, and if what they're doing is okay, why don't they let it go to court and be tested?

MR. DONAHUE: Right. You'll forgive this very self-serving reference, but I'd like to call your attention to the fact that this program is not produced by any of the three networks.

ATTORNEY GENERAL SAXBE: I know.

[Laughter.]

MR. DONAHUE: Do you think -- let me just sneak a few more minutes, you want me to break right? Just let me add on a little one.

Should pot be legalized?

ATTORNEY GENERAL SAXBE: I think that's a question Congress is going to have to decide sometime. I don't know.

VOICES: No. No.

ATTORNEY GENERAL SAXBE: No?

MR. DONAHUE: No pot, hunh?

ATTORNEY GENERAL SAXBE: I don't think that we would legalize cigarettes or whiskey today if we had a chance to study --

MR. DONAHUE: Who said "absolutely not"?

You don't want -- well, stand up here and help me out. Tell him what you think. He works for you.

FEMALE VOICE: Well, I think it's ruining the younger generation. We never had trouble until we had that business, that pot and all that stuff.

MR. DONAHUE: How are we going to enforce this?

FEMALE VOICE: That I can't answer you; I'm not a lawyer.

MR. DONAHUE: Want to help me, son? Stand up. What do you think?

VOICE: Well, I think the law enforcement agencies spend too much time chasing people for drug addicts, alcoholism and stuff like that, when there's other things more important.

MR. DONAHUE: Do you think pot should be legalized?

FEMALE VOICE: I don't think prohibition worked with alcohol, so --.

MR. DONAHUE: Yes.

I'm not sure I caught your answer, sir, are you saying that you do --

ATTORNEY GENERAL SAXBE: I am the enforcer of these laws, the Federal Narcotics laws.

MR. DONAHUE: Yes.

ATTORNEY GENERAL SAXBE: And as long as it's on the books, I'm going to enforce it, and see that my people, do, our Drug Enforcement Agency is a big agency, we work with local authorities. We'll do our best to enforce those laws.

MR. DONAHUE: Right.

ATTORNEY GENERAL SAXBE: If Congress changes them, and that is fully their decision, we'll be happy to back off.

Now, I don't want to mislead people. We thought that crime was heroin-related a few years ago. Everybody said if we get rid of heroin, we're going to clean up crime. We got rid of 75 percent of the heroin in this country and it didn't help the crime picture at all.

I think that there are substances that take away from the individual power and will of people, but these are times that we should be spending our effort on, I think, violence.

MR. DONAHUE: So what that really means is, your priority is not going to be in the business of stamping out marijuana.

ATTORNEY GENERAL SAXBE: As long as it's a job given to us, we'll do our best. But what I'm saying is that I'm concerned more with the violent crime, the violent stranger that terrorizes all of us on the streets and in our homes.

MR. DONAHUE: Okay, --

ATTORNEY GENERAL SAXBE: And I don't want to detract from my effort to catch that violent man while I'm running down some pot smoker.

MR. DONAHUE: Okay. But what that really means is -- almost embodied in that observation, sir, is your acknowledgement that: Look, you can't go through all the dorms of all the campuses in America, looking for -- with dogs --

looking for marijuana. And so we have here a law that really is unenforcible, and it is suggested further that because of that, young people together lose respect for the law --

ATTORNEY GENERAL SAXBE: I know, but when you say "unenforcible", you could also say that speeding laws are unenforcible, but I wouldn't want to do away with it.

Until -- as long as that law is on the books, we're going to make a diligent effort to catch people with marijuana and pot. I would welcome a change in it.

But I am not lobbying for this change, and I will follow what Congress says on it.

MR. DONAHUE: You would welcome a change?

ATTORNEY GENERAL SAXBE: I would welcome a change to give my -- what I think is to turn more effort into violence. But I certainly wouldn't welcome a change on the hard drugs, such as cocaine and heroin and these things. And why people want to take even pot to give them a crutch to lean on is beyond my ken. It's -- I deplore the people who think they have to have marijuana to get through life.

MR. DONAHUE: All right. If I'm a reporter for the Miami Herald watching you, can I interpret your welcome of a change as the Attorney General's belief that we should change the law prohibiting the use of marijuana?

ATTORNEY GENERAL SAXBE: No, I wouldn't -- I'm not going to lobby for it. But what I'm saying is if the legis-

latures of the State and the Congress sees fit to change it --

MR. DONAHUE: You're not going to fight it?

ATTORNEY GENERAL SAXBE: -- I'm not going to fight it.

MR. DONAHUE: This is Attorney General William Saxbe, and we'll be back in just a moment.

[Music]

MR. DONAHUE: We're in Miami Beach with Attorney General Saxbe. Hi.

Mr. Attorney General, I have a question. On the streets you hear comments like this, you've heard them, too, that there is a great deal wrong with the courts of today, we're easy on criminals and so forth. And, as you observe the nation's picture in our courts and so on, what is your evaluation of the comments that people make?

ATTORNEY GENERAL SAXBE: Well, I share this attitude of a lot of people, in that I think we've been oversold on the idea that we can rehabilitate the violent criminal, and I think that we divert a lot of them that we believe will go straight.

Well, it just doesn't work out that way.

Now, rehabilitation is effective if it's structured properly, and it takes almost a one-on-one, I mean one person working with another. But too many judges turn people out to be rehabilitated to a storefront preacher, to a parole officer

that's got maybe 75 people he's had to supervise, and he sees them once a month. So the guy winds up back in his old neighborhood, sitting in somebody's kitchen drinking beer, and his old companions, and he drifts back into the same things that got him into prison in the first place.

Now, I think that if a person has a history of violence, I would like to see the judges take a real hard look at this person, because society's involved, and the laws are passed not to do something with this man but to protect society.

And at least if we've got him locked up and he's serving his sentence, he's not going to be back on the street.

MR. DONAHUE: But he is, though. Mr. Attorney General, he is going to be back on the streets.

ATTORNEY GENERAL SAXBE: Sure.

MR. DONAHUE: And more than 90 percent of those who are locked up.

ATTORNEY GENERAL SAXBE: Sure, they're all going to be back.

MR. DONAHUE: So what's the difference whether we send them back on the street ten years from now or five years from now?

ATTORNEY GENERAL SAXBE: But let me tell you. We know this, that the criminal life of an individual lasts from five to seven years. It doesn't last his whole lifetime.

And we know that the criminal life, this seven-year period, is between 17 and 30.

Now, if a man is sent up on a murder charge or if he's sent up on a crime of violence -- and I'm talking about the assaults, the burglaries, the things that terrorize people -- and he thinks society is wrong and he's right, how are you going to rehabilitate him?

MR. DONAHUE: Well, but I don't think -- you're not suggesting we wait until he's thirty and then let him free?

ATTORNEY GENERAL SAXBE: Well, if he's got a 20-year sentence, I don't -- and he goes up at age 20, I don't see why we should let him out in 18 months. And that's what's happening in many cases today.

The judges turn the job of deciding who goes out and who stays in to the jailer. The judge loses control, and this guy does good time, he's back on the street. And we've got people that have had, believe it or not, twenty different crimes of violence. They're out; they're back.

And I just want the judges to take a harder look at it, to be sure, because they're dealing with people's lives. We're changing everyone's way of life. You have to lock up; you don't go out at night. Those of you that live in New York or Washington or Cleveland, or Miami, yeah, you change your whole way of life.

I know people that are up in years that are prisoners of their fleabag hotel where they live, because they don't even dare go out of their room, they steal their relief money, their welfare money, their social security; they can't get to the grocery.

And we just can't tolerate that in this country. And we can't tolerate these hoodlums that are bent on violence.

Now, I think that we can do a lot on rehabilitation on crimes not of violence, and, you know, there aren't very many forgerers, embezzlers, and those people who terrorize you, you know, they may take your savings and they should be locked up; but they're not the person that you're afraid of when you step out the door of your apartment.

So I think that we should have a minimum security for these people, we can keep them at about a third of the cost, and concentrate on doing the best we can with the violent man and the career criminal.

Now, too many of these criminals don't become rehabilitated because they don't think they've done anything wrong. You have to have a recognition of guilt before you can crack their tough exterior to get to them and say, Look, you don't want to live this kind of a life of violence. This is the reason that they change after five to seven years, they change after they're thirty. They finally realize they can't survive in this kind of a life.

VOICE: Mr. Attorney General, do you think that the death penalty should be outlawed?

ATTORNEY GENERAL SAXBE: I don't think that the death penalty should be outlawed. I believe that it is a deterrent in certain cases, particularly in the killing of a policeman in the performance of his duty, and instances like this of premeditated terrorism and --

[Applause.]

ATTORNEY GENERAL SAXBE: -- and I think we are looking for a perfect man in an imperfect world. And I think that we've given up a tool that is a deterrent.

Because that's the only thing that some people understand.

MR. DONAHUE: This is United States Attorney General William Saxbe, in Miami Beach; and we'll be back.

[Music]

[Telephone calls:]

MR. DONAHUE: Hi. I'm glad you called. Are you there? Attorney General Saxbe on the line; go ahead.

VOICE: I'd like to know --

MR. DONAHUE: Hello? Have I lost my -- go ahead.

VOICE: Hi. I'd like to know what --

MR. DONAHUE: There's no audio out here; outside. No audio at all.

Okay, so while we're waiting for --

ATTORNEY GENERAL SAXBE: Somebody tripped over the wire.

MR. DONAHUE: I think maybe -- now can you hear me?

VOICES: Yes.

MR. DONAHUE: Go right ahead. You're on the air now.

VOICE: -- what the Attorney General thinks about Jerald Ford's pardoning of Richard M. Nixon.

ATTORNEY GENERAL SAXBE: Well, I think that was a decision that he had to make. He thought it would help solve the problems and the tie-up in the country and the Congress, and it was an act of contrition that he felt that -- he thought that Nixon did make this act, and that he could, he could pardon him; and he did. And I'm not going to second-guess him.

MR. DONAHUE: You have to have a lot of misgivings about the timing.

ATTORNEY GENERAL SAXBE: Well, if I did, I wouldn't say so.

[Laughter.]

MR. DONAHUE: Hi. Attorney General Saxbe. Hello.

VOICE: Yes. I'd like to ask Mr. Saxbe if he thought the --

MR. DONAHUE: If he thought what?

VOICE: If he thought that the recent trial for the guardsmen at Kent State was fair, that nobody got punished for

the murders.

ATTORNEY GENERAL SAXBE: Well, I think that the trial was a fair trial, and I think on the basis of the judge's decision, they had every opportunity to present the case. I was the one who brought the case, or the Justice Department -- I didn't, I had removed myself because as a former member of the National Guard in Ohio, I didn't think I should take an active part in this case.

But it was brought under the Civil Rights law of the United States. There is no other law that can be enforced at the federal level. And, as the judge said, it didn't fit under the Civil Rights statute, and if the State wanted to prosecute, that was their business, but it didn't fit under the federal law.

VOICE: Do you think there was a punishable crime committed?

MR. DONAHUE: "Do you think there was a punishable crime committed?"

ATTORNEY GENERAL SAXBE: The grand jury which was held at the State level found out that there was not. And of course you know the decision on this case.

I have not taken a stand on this, as I say, because I am biased on it. I served too long in the National Guard to have any other but sympathetic feelings for people who go out to do a nasty job and get caught in the situation

that really was pretty hard to work out.

I feel great sorrow that it happened; it's a tragic incident in our history. And I'm sure, like everybody else, I wish that it had never happened.

But I don't think putting a person in jail is going to solve this problem.

MR. DONAHUE: But you say you are sympathetic toward the position of the Guardsmen, and as a former Guardsman yourself, and a very highly placed one in Ohio, you certainly not are proud of a/unit that would fire at an unarmed group of people under circumstances, that subsequently were demonstrated, were not threatening to the Guardsmen themselves.

ATTORNEY GENERAL SAXBE: Well, I know a lot of people that shoot their wife in their house because they think it's a burglar, because they're terrified.

But, I don't know --

MR. DONAHUE: But that's not the kind of Guardsmen that you trained when you were in --

ATTORNEY GENERAL SAXBE: Well, I don't know --

MR. DONAHUE: Can't we presume upon our militia a certain maturity and discipline and --

ATTORNEY GENERAL SAXBE: I don't know how much time you've had in the military, I spent six years on active duty. We train the best that we can, and yet people are still human.

And I'm not here to defend the Guardsmen at Kent State. What they did was irresponsible, there's no question about it.

But it's not going to cure things to put the Guardsmen in jail for an act that was done in haste and probably regretted by each one of them. And I feel great sympathy for the parents of these people that were killed, and the injured who are still with us today. And I think that when we put this all behind us, we'll be all the wiser for it. Not only in the use of the Guards, but the fact that when violence is unleashed, there's no way you can capture it, and you've got to remember that this violence had been going on for some time, it just didn't happen that day.

There had been buildings burned, there had been all kinds of name-calling, rock throwing, it had built up to a crescendo, it exploded in pure emotion. And it's a black mark on those of us that think we're civilized, because all of us share the blame.

MR. DONAHUE: I'm going to move on. Thank you.

Attorney General Saxbe. Hi.

VOICE: Hi.! Hey, you were talking earlier about the prime-time TV, and I really think that the courts should leave it alone and --

MR. DONAHUE: The courts should what?

VOICE: The courts should leave it alone.

MR. DONAHUE: You like TV, hunh?

VOICE: Sure I do.

ATTORNEY GENERAL SAXBE: We're not talking just about prime-time TV.

MR. DONAHUE: No. The issue here is: are there too few companies responsible for 99 percent of what you see on the airways today.

VOICE: No, I don't believe so. I think I like what I see, and if I don't have anything to do and I like to sit down and relax.

Let them go out and fight the crime, you know, get the rapers off the street, and the murderers, stop paying out our taxpayers' money with running around worrying about what's on television. I mean, it --

[Applause.]

MR. DONAHUE: Do you feel the same way about oil companies?

VOICE: I sure do. Let them take care of it. Now --

MR. DONAHUE: Wait a minute. Hold it just a second. Do you want -- you want the Justice Department to examine the possibility of antitrust violations in view of the fact that some oil companies have enjoyed a 100 percent increase in profits, at a time when most Americans are having trouble making the budget meet?

VOICE: I'm having a lot of trouble making the budget meet, but we, my husband and I, are realizing a 100 per-

cent increase in our budget in the last ten years, too.

MR. DONAHUE: Right.

VOICE: I mean, this is happening all over the United States. It will work out.

[Jeers from audience.]

MR. DONAHUE: Well, I see her point, though. She wants to know why this massive influence the Justice Department has is being used to decide whether "Let's Make A Deal" is going to air at 6:30 or 7:00, and who's going to produce it, when there are people, innocent people being mugged.

ATTORNEY GENERAL SAXBE: You realize that we're also bringing a lot of actions on a half a dozen dry cleaners and get together and say, We're going to set the price on dry cleaning the neighborhood? On a small county, where there's two ready-mix dealers, we're bringing an antitrust when they say, "We're going to get together and set the price for ready-mix in this community."

We don't just handle the big deals against the three networks and ITT, we also try to go at it at even the local level, where there are two ready-mix dealers in one town, or something like that.

MR. DONAHUE: Do you think IBM should be broken up?

ATTORNEY GENERAL SAXBE: I can't talk about the IBM case, because the judge has put a gag order on it. I mean, this is the straight dope. We cannot discuss --

MR. DONAHUE: But your Department did bring the action.

ATTORNEY GENERAL SAXBE: We have a case against IBM, but I can't talk about it.

MR. DONAHUE: I'm going to move on. I'm glad you called. Happy televiewing!

Hi. Attorney General Saxbe. Are you there?

VOICE: Yes. Mr. Attorney General --

MR. DONAHUE: Yes. Go --

VOICE: -- at the time of the Hearst kidnapping, sir, you were very vocal as to your ideas whether Miss Heart was guilty or innocent.

MR. DONAHUE: Yes.

VOICE: I was wanting to know, now that the publicity has died down, how are you pursuing this case?

ATTORNEY GENERAL SAXBE: We're trying to find her.

[Laughter.]

ATTORNEY GENERAL SAXBE: Well, we've received reports that she's dead, that she got too hot for her associates to hide, and they've done away with her. I hope that isn't true. But --

MR. DONAHUE: Well, what credence do you place on those reports?

ATTORNEY GENERAL SAXBE: What?

MR. DONAHUE: Do you have any reason to believe

that the --

ATTORNEY GENERAL SAXBE: We receive many reports, and we weigh them. But we still have nothing --

MR. DONAHUE: You have no serious evidence that she's dead?

ATTORNEY GENERAL SAXBE: We have no serious evidence. We have no evidence at all that she's dead.

MR. DONAHUE: What do you say to those that wonder why this FBI, one of the most sophisticated agencies in the history of law enforcement, has not been able to find a 20-year-old girl?

ATTORNEY GENERAL SAXBE: Because a girl at that age, with her appearance, can blend more easily into the sub-culture in this country than probably any other age or any other time-span in her life. And she looks just like all other 20-year-old girls, in that she can do her hair, her makeup, her dress, and if she's alive, we will find her.

MR. DONAHUE: Are you sorry you called her a common criminal?

ATTORNEY GENERAL SAXBE: Oh, I'm sorry I called her that before the rest of the people knew what I knew. Because it looked like that I was jumping to conclusions. I had pretty good evidence that -- this was after she was involved in the bank robbery, and those things; and it wasn't generally known that she had a gun and her her finger on the

trigger, but it shocked a lot of people and it upset them, and I'm not in the business of doing that.

MR. DONAHUE: But isn't there a serious question as to whether the Attorney General should call anyone a common criminal, regardless of the evidence that he may have against that person, prior to the time that that person comes to trial?

ATTORNEY GENERAL SAXBE: That's true. And it's one of the things that I've learned the hard way in the Attorney General's office.

MR. DONAHUE: Well -- yes, ma'am? If you'll stand.

FEMALE VOICE: Yes. Mr. Attorney General Saxbe, my question is this: Do the laws vary in the 51 States of our country? Thank you. Fifty, I mean.

ATTORNEY GENERAL SAXBE: Do they? Yes, they vary greatly, and there are things that are a crime in one State that are not a crime in another. For instance, in Nevada we have wide-open gambling; State-supervised, but what they do in Nevada they will put you in jail for in Florida.

And we have divergence of laws all over this country. The federal law, of course, is the same.

But when you get to crime, the federal law does not cover 95 percent of the crime. We're involved in extortion, we're involved in kidnapping, we're involved in bank robbery; and that's about it.

Auto theft, the rest of it, even murder, is prosecuted at the local level. And this is the way it should be.

The last thing we want is a federal law enforcement, a Big Brother that takes over this in this country. And I sometimes get worried because people want to send everything to Washington, you know,

I saw something the other day that kind of upset me, the dog fighting. Nobody wants dog fighting, it's a horrible thing.

And so what was the answer? Make it a federal crime.

Well now, if the local police can't control dog fighting, what can they control?

To make this a federal crime and send it to Washington, you can -- you give away all local control, and I think that people should control local law enforcement. They should run their local schools. They should do this things for the public service at a local level. Don't get the federal government into it, we'll just do a worse job.

VOICE: Mr. Attorney General, I'm a retired federal employee and I had a lot of dealings with the Justice Department. I have the highest respect for them.

I was wondering why it's necessary to have a Special Prosecutor, when we have such competent and able men

in the Justice Department, who I think could handle it with the same integrity that a Special Prosecutor could.

ATTORNEY GENERAL SAXBE: Well, I think that at that time it was a very unusual situation. You had an Attorney General who was being charged with crime, and is today charged. We had two ex-Attorneys General, really. And you had -- you had an FBI that had gone through a rather traumatic period of the loss of Hoover, who had been there for many years, and then an interim man who had come in and gotten involved in Watergate, more or less, to a degree; and it was -- an act that I think was justified at the time.

I didn't -- I wouldn't want to institutionalize it. I think, as you say, it is a reflection on our ability to run a Justice Department in a responsive manner.

But at the time, I think that that office needed the independence to do the kind of investigation that they did.

MR. DONAHUE: You are a Nixon appointee.

ATTORNEY GENERAL SAXBE: Yes, sir.

MR. DONAHUE: How secure is your job?

[Laughter.]

ATTORNEY GENERAL SAXBE: The President could fire me out this afternoon.

MR. DONAHUE: Well, have you talked with him?

ATTORNEY GENERAL SAXBE: Yes.

MR. DONAHUE: You are one of the most important

members of his Cabinet.

ATTORNEY GENERAL SAXBE: He asked me to stay on, and I have no reason to believe that he has any other plans.

And, frankly, I enjoy the job, some -- most days. You know. Like any job that --

[Laughter.]

ATTORNEY GENERAL SAXBE: But I found the Senate very boring, and frustrating, and, really, there's not many boring days in the Justice Department. And I've got a wonderful group of people to work with.

But, again, if I can't perform the job, the President should have the authority to fire me. And I think this works out pretty well.

MR. DONAHUE: You people are -- your people are spending a lot of time on Nelson Rockefeller, aren't they?

ATTORNEY GENERAL SAXBE: Well, we've generally completed our work. The FBI does a name check and then a full field investigation of anybody that's put up for an important job, not just Vice President, but a Cabinet member or something like that.

MR. DONAHUE: Yes.

We have to break here.

You decide who gets wiretapped?

ATTORNEY GENERAL SAXBE: I do only on foreign security, not on domestic.

MR. DONAHUE: You approve domestic taps?

ATTORNEY GENERAL SAXBE: I approve them, but they are, what we call, Title III, and go to a judge, and they are issued just like a warrant, and they have to be justified, and the person tapped has to be told that he's been tapped.

MR. DONAHUE: And so --

ATTORNEY GENERAL SAXBE: And can only be used in a criminal proceeding, to get evidence to prosecute on, not for any other purpose. And --

MR. DONAHUE: Wait a minute. The person who gets tapped has to be told?

ATTORNEY GENERAL SAXBE: Yes.

MR. DONAHUE: Well, then, what good is the tap?

ATTORNEY GENERAL SAXBE: Well, within sixty days afterwards.

[Laughter.]

MR. DONAHUE: Oh!

ATTORNEY GENERAL SAXBE: Well, here, if you are running some kind of a business over the telephone, if you're booking, or you're running an extortion, or something like that. They go to -- you get a warrant, and it says this man is doing this, and if we put the tap on we'll get this kind of information, we'll prosecute him for extortion.

And I approve this. It goes to a judge in the district where it should be. The judge approves it. They put it on.

They get the evidence. The man is brought in and charged. And tried.

Now, suppose they get it on there and they don't get the evidence? They just say, Well, you know, tough. They have to notify them, that he was tapped. And they have to notify -- if you call him up and maybe it's the ice man or the carry-out, and you call up and you talk to him, they have to notify you that your conversation was overheard.

MR. DONAHUE: How many taps do you have out there now?

ATTORNEY GENERAL SAXBE: Oh, last year we had less than, I think, 275 in the whole country.

MR. DONAHUE: How many of those were reporters?

ATTORNEY GENERAL SAXBE: None.

MR. DONAHUE: Can you tell us how many we have now?

ATTORNEY GENERAL SAXBE: Well, I can't tell you because -- but it's a matter of record. I would say that it runs about the same. We -- now there are 13 States that have their -- or 17 States, I think it is, that has authority to tap also on criminal matters. And the total of all the States and the Federal Government last year were less than a thousand.

MR. DONAHUE: Of the 275, taps that are currently

operative, how many of those --

ATTORNEY GENERAL SAXBE: No, they are not all currently operative.

MR. DONAHUE: Oh, well, that's a cumulative total then, throughout the year?

ATTORNEY GENERAL SAXBE: That's a cumulative total for the year.

MR. DONAHUE: Okay. All right. Of those 275, what percentage of those would be domestic?

ATTORNEY GENERAL SAXBE: They're all.

MR. DONAHUE: So you have no --

ATTORNEY GENERAL SAXBE: We're talking about Title III.

MR. DONAHUE: Oh, I see.

So, you add to that, then, foreign nationals who may be tapped?

ATTORNEY GENERAL SAXBE: Foreign nationals are --

MR. DONAHUE: For which you have exclusive authority to --

ATTORNEY GENERAL SAXBE: -- people. For which I have exclusive authority, and these are very limited in number. The last year which we released a count, I think it was something like, around 100. But -- a total for the year. And these are people who are employed by and report to and are directed by a foreign country, and we feel that they are conducting espionage in this country.

MR. DONAHUE: All right. Just to make this -- they want us to break here.

On a domestic tap, you approve, but a federal judge --

ATTORNEY GENERAL SAXBE: Yes. That's Title III.

MR. DONAHUE: -- has to give the green light. If the federal judge says, I disagree with the Attorney General, I think this tap would be a constitutional violation, you can't do anything about it?

ATTORNEY GENERAL SAXBE: That is correct.

MR. DONAHUE: We'll be back --

ATTORNEY GENERAL SAXBE: Now, there's another kind which is -- anybody here can use, but we still control those people who do it, and that is what we call consensual. You put your tape recorder in your pocket, and you talk to somebody and record a conversation. Or you --

MR. DONAHUE: If a wife thinks her husband is running on him -- her. Can she tap him?

ATTORNEY GENERAL SAXBE: Not legally.

MR. DONAHUE: But it happens all the time, doesn't it?

[Laughter.]

ATTORNEY GENERAL SAXBE: If we know of such a case, we prosecute them. We even had a case where we prosecuted an automobile dealer, and he had a tap up in the

closing room -- you know, these little rooms they get you in and hot-box you -- and they had a tap in there, and they'd say, "Now, you folks talk this over and I'll be back."

Well, then, he'd go out and listen, you know. And they'll say, "Well, let's offer him so much; but if he won't take that, this is our limit."

And that is illegal. And even, you cannot bug people. And we prosecuted that guy and put him in jail.

MR. DONAHUE: Attorney General William Saxbe returns in a moment.

[Music; applause.]

MR. DONAHUE: We're under a beautiful south Florida sky, with Attorney General Saxbe, at Miami Beach.

Hi!

VOICE: Hi! Attorney General Saxbe, if a businessman, doing business with a government agency, runs into an attempt at extortion, who does he go to? Where does he get started to --

ATTORNEY GENERAL SAXBE: You mean a shakedown?

VOICE: Right. That's exactly it.

ATTORNEY GENERAL SAXBE: Well, you should go immediately to the FBI and notify them, and if you don't get satisfaction, write to me.

MR. DONAHUE: You mean, if he writes to you, you will really get the letter?

ATTORNEY GENERAL SAXBE: Yes, sir, I get thousands of letters every day from people who feel that they are wronged and --

MR. DONAHUE: I don't want to interrupt you, I have a feeling that you're going here on a specific issues and we wouldn't have time to --

ATTORNEY GENERAL SAXBE: The only -- the only deal, though, many people don't realize that we don't have jurisdiction over husband-and-wife domestic affairs, children, general crimes; we get these kind of letters, and obviously we can't.

But on this case, where you have a federal contract and you have an attempted shakedown, that comes under the Hobbs Act, and we can act in that case.

VOICE: Now, the FBI will tell you that it's up to the Attorney General to prosecute, they just investigate --

ATTORNEY GENERAL SAXBE: That's correct.

VOICE: When you hear nothing more about it, what do you do then?

ATTORNEY GENERAL SAXBE: After -- if they say that they have investigated and they find reasonable cause, then it goes to the U. S. Attorney, and if it goes there, that's the place to take it.

Now, if the FBI comes up with nothing to indicate a violation of law, then that's it.

MR. DONAHUE: Excuse me, sir, but I want to just return a moment.

We have what is known in this country as the Most Exclusive Club in the World, made up of 100 -- men; true? All men and no women.

ATTORNEY GENERAL SAXBE: Yeah, they're all men now.

MR. DONAHUE: \$42,500 a year we pay all of them --

ATTORNEY GENERAL SAXBE: That's what I used to get.

MR. DONAHUE: -- plus significant allowances. Plus a lot of prestige, plus high speaking fees. We have men all over this country, and women, spending millions and millions and millions of dollars to get there for this coveted six-year term, and you made it, and you said it was boring.

Now, isn't -- don't I, as an American who looks to Washington in these troubled times, with inflation and crime in the streets, here, these are the men who are supposed to rescue America from its doldrums, and you said it was boring.

ATTORNEY GENERAL SAXBE: That's right.

[Laughter.]

ATTORNEY GENERAL SAXBE: It was.

You know, you spend about 60 percent of your time trying to get re-elected. And I decided, to hell with it.

[Laughter.]

[Applause.]

MR. DONAHUE: But if the nation's high -- highest law officer says "to hell with it", then why shouldn't we all say "the hell with it"? Why shouldn't we say "to hell with America"? Why shouldn't we say, "It didn't work, let's turn it over to Jarry Rubin"?

ATTORNEY GENERAL SAXBE: You want an argument?

No, let me tell you. First, as a member of the minority and a junior member of the minority, you're pretty well down the line. And I went in there, I was age 52, and I couldn't serve for 30 years, nor could I ever be chairman of a committee, the way the tendency is going, with the declining Republican representation.

Nor could I even be chairman of a subcommittee. And I found myself outvoted in practically every committee. I didn't have the seniority. And I just didn't have the clout.

There are people who are better adapted at this than I am. There are people who --

MR. DONAHUE: The go-alongers.

ATTORNEY GENERAL SAXBE: Well, they --

MR. DONAHUE: That's just what we need.

ATTORNEY GENERAL SAXBE: -- they wear better.

No, but I think that we've got some outstanding people in the United States Senate, and --

MR. DONAHUE: But it sounds like the best way to make it there is don't rock the boat.

ATTORNEY GENERAL SAXBE: Well, that helps. But --

MR. DONAHUE: Well, but, the result is high prices, increased --

ATTORNEY GENERAL SAXBE: No, you've got people there that make a real impact. I think of --

MR. DONAHUE: You think of several Republicans, I am sure.

ATTORNEY GENERAL SAXBE: Well, Jake Javits, from New York --

MR. DONAHUE: Well, all right, I'll give you a chance to --

ATTORNEY GENERAL SAXBE: Javits has got clout, and he's a hard worker, and he's extremely capable.

MR. DONAHUE: We'll be back in just a moment.

[Music.]

MR. DONAHUE: We have time, yes?

VOICE: Okay. I would like to know if you think that the economic signs point to a depression?

MR. DONAHUE: Are we going to have a depression?

ATTORNEY GENERAL SAXBE: I try to avoid talking about things that I can't do anything about.

And I'm worried like everyone else. But I wouldn't make -- hazard a guess on that.

MR. DONAHUE: Is your Department pursuing with vigor the business of illegal aliens in the --

ATTORNEY GENERAL SAXBE: Absolutely.

MR. DONAHUE: How many illegal aliens are there in America?

ATTORNEY GENERAL SAXBE: We estimate that we've got seven million in this country --

[Sounds of incredible astonishment.]

ATTORNEY GENERAL SAXBE: We think that if we could get them back to where they came from, we could open up a million jobs that are now held by illegal aliens.

MR. DONAHUE: Do you have any estimate as to how many illegal aliens may be resident here in Miami or this area?

ATTORNEY GENERAL SAXBE: I don't, but I know that this is a substantial area where they come into. But we do know this, that we apprehended over 800,000 last year, and sent them back, mostly to Mexico.

MR. DONAHUE: This is United States Attorney General William Saxbe. He works for you. You're paying his salary. Write to him: The Justice Department, Washington, D. C. Let him know how you think.

Thank you very much, sir. And thank you for joining us on this program.

[Applause; music.]

- - -