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INTERVIEW

OF

THE HONORABLE WILLIAM B. SAXBE

ATTORNEY GENERAL OF THE UNITED STATES

BY

ED ROGERS, UPI

January 14, 1975

The Attorney General answered questions on the following topics:

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P R O C E E D I N G S

1
2 ATTORNEY GENERAL SAXBE: Well, go ahead.

3 MR. ROGERS: I've come to get your view of your
4 accomplishments of the past year, and then, after exploring
5 that, I'd like to ask you to look somewhat into the future
6 for the Department.

7 But, first of all, I have this year-end summary
8 that your staff has put out that's got 20 pages of summarized
9 developments and accomplishments, but I'm more interested in
10 your personal viewpoint.

11 ATTORNEY GENERAL SAXBE: Well, my attitude is on
12 the accomplishments, that others can best assess them, because
13 what I think are accomplishments may or may not be, and this
14 kind of a report is kind of a wrap-up, some of it is routine,
15 some new ground, such as on the wetlands program, things
16 like that.

17 If we've made any accomplishment, I think that it
18 has to be in calling the national attention to the fact that
19 the so-called quick cures for crime just aren't reality;
20 they never have been.

21 And that law enforcement can, at best, reflect the
22 community attitude. And right now the community would rather
23 tolerate crime in many areas than take the strict measures
24 necessary to get the people off the street.

25 We're sold on the idea that rehabilitation and

1 retraining, probation, these things can get dangerous people
2 through a period of transition.

3 MR. ROGERS: Do you think that's the attitude of
4 the public at large, including that so-called silent majority,
5 or is merely the attitude of those in charge?

6 ATTORNEY GENERAL SAXBE: It's the attitude,
7 primarily, of those in charge: the courts and the social
8 workers that we have built up over the years.

9 And of course their job depends on this. Obviously,
10 a social worker is not involved with the guy in the prison.

11 But what we come down to, in trying to rehabilitate
12 people who won't live within the law, is that the community
13 that can do the job just isn't there. Our communities have
14 broken down.

15 I saw an interview on Sixty Minutes this week from
16 the guy who is on that Hawaii Five-O, the Chinese. Remember,
17 he's the second in command of the office there. And he has a
18 background of being a policeman and a detective out there.
19 He's an actor now, but he did have a background.

20 So he speaks with some -- more than just an actor
21 -- some authority. And they commented on the fact that the
22 Chinese community in Hawaii has a much smaller percentage
23 of involvement in crime, and this is true generally.

24 MR. ROGERS: Unh-hunh.

25 ATTORNEY GENERAL SAXBE: It's news when they do

1 get involved in crime, as they did in San Francisco. It's
2 news when they get involved in crimes in New York.

3 And it goes back to the attitude of the family, so
4 he says. He was brought up with the idea that if he disgraced
5 his family, that it survived that generation, the family was
6 forever disgraced. And, as you know, the second-generation
7 people over here, or the first generation, the immigrants
8 told them: Your family name is all that counts.

9 I heard an old Italian tell his son one time:
10 Don't have nothing to do with that boy. His family is no
11 good in the old country, they're no good here.

12 And so there was family pressure and community
13 pressure.

14 Well, in the black community, such as we have in
15 Washington today, we've got so many broken families, where
16 the mother tries to hold the kids together; there is no
17 family pressure, there's no family tradition, and we just
18 aren't getting to these kids.

19 And we've got people, and I get this from the FBI
20 and I get it from local police departments, we've got kids
21 in this country that get up in the morning and steal all day.
22 It's a way of life.

23 And when they get caught, there's not a great deal
24 of deterrent.

25 And you begin to wonder if we really want a

1 deterrent, because there's an easy way, and that's to talk
2 to them and turn them loose. And when I say "turn them
3 loose", I don't care whether it's probation or halfway house
4 or whatever it is, what you're in effect doing is putting
5 them back on the street.

6 And --

7 MR. ROGERS: You seem to have tried to do something
8 about it through making speeches.

9 ATTORNEY GENERAL SAXBE: I think it has had some
10 effect. Now we're so engrossed in our economic ills that
11 we aren't paying a great deal of attention to crime; it's
12 down the list, it's not on the front burner like it was.

13 MR. ROGERS: Unh-hunh.

14 ATTORNEY GENERAL SAXBE: But if it gets worse, as
15 I'm afraid it might, we can't live in a society that is
16 crime-ridden, and I don't think we want to go back to the
17 periods where you had to have bodyguards to be abroad on the
18 street.

19 And this is an American attitude that -- and we
20 may be the forerunner of it, because only recently are they
21 beginning to carry guns in England, and perhaps it's a
22 worldwide phenomena that started here. But so far the
23 streets of the world are much safer outside the United
24 States than they are here.

25 MR. ROGERS: You made, during the past year, a

1 series of speeches in which you systematically covered phase
2 after phase of the subject of morality and the person's
3 response to his obligations --

4 ATTORNEY GENERAL SAXBE: To society, and to his
5 family and to his community.

6 MR. ROGERS: Were you merely accommodating those
7 who asked you to go to their meeting and make a speech, or
8 was this a planned, systematically planned series of events
9 in which you deliberately used the speeches --

10 ATTORNEY GENERAL SAXBE: We tried --

11 MR. ROGERS: -- and the invitations as an
12 opportunity to deliver that --

13 ATTORNEY GENERAL SAXBE: We accepted those
14 invitations where we thought that it would receive adequate
15 publicity. In other words, it just wasn't an accommodation
16 to them, because there's plenty of invitations, and it was,
17 in a way, put together with the hope, anyway, that we could
18 not oversell it, but at least call it to the attention of
19 the community leaders and the judges.

20 I estimated that there's 23,000 judges in this
21 country that have the authority to sentence people, that
22 have the -- that deal with serious crime, put it that way.

23 Now, this is everything from children's courts,
24 juvenile courts, up through the Supreme Court of the United
25 States.

1 And all I wanted to do was to get them to question
2 this premise that they have accepted so willingly that we can
3 cure crime by showing them the right way, and therefore they
4 will follow it.

5 One of the most discouraging things I ran up
6 against was that in our rehabilitation programs in the
7 prisons -- and I'm using the federal prisons -- that we
8 found that the people that were taking these programs did
9 not intend to pursue a course as a radio mechanic or a
10 TV mechanic or an automobile mechanic, or a printer, or
11 whatever we're teaching them to do; they were taking these
12 courses to put in their time.

13 And for most of them, they hadn't changed their
14 attitude.

15 Now, we've been telling these people that they
16 are wrong, because society is wrong. In other words, that
17 the burden is on society and not on them; that this poor
18 misunderstood guy is in prison, not because he wanted to be
19 bad, but because society forced him to be bad.

20 MR. ROGERS: Are you saying that this point that
21 you're now making is what you consider the most important
22 or significant single point of the entire series of speeches?

23 ATTORNEY GENERAL SAXBE: Because unless we can
24 get these judges and others in the chain of authority, the
25 policeman is being undercut to the point where it's dis-

1 couraging to him and will be reflected in his activity.

2 MR. ROGERS: You spoke directly to the business
3 leader or the business executive who would bend the law, the
4 private persons who would bend the law, and he knows better, --

5 ATTORNEY GENERAL SAXBE: Yeah.

6 MR. ROGERS: -- the criminal who breaks the law;
7 would you say that the most important element of your entire
8 audience were the judges, or would you say that your most
9 important message was directed to them?

10 ATTORNEY GENERAL SAXBE: I think so. I think so.
11 The judges and the people who are the big pressure groups
12 in the country, selling the idea that there are no bad
13 people, there are just misunderstood people.

14 And the point that I make is that there are bad
15 people, there always have been, in the history of the world,
16 and the success or failure of doing it is reflected in the
17 courts and in this chain of so-called correction.

18 MR. ROGERS: Adding up all the speeches and the
19 interviews in which you've touched on this question, and
20 considering the gross impact of all of them combined,
21 would you say you've done a bit of good with it?

22 ATTORNEY GENERAL SAXBE: I think that it has done
23 a bit of good.

24 Now, I want to leave that for a minute.

25 If you'll recall, when I came in here, it was after

1 the Saturday night massacre, and there had been a period of
2 confusion here for some time. Nixon was still President,
3 and I felt -- the reason I took the job was that law in this
4 country was under serious attack.

5 Most of the people involved in these affairs of
6 Watergate were lawyers. The Justice Department itself was
7 deeply involved. Two Attorneys General had been convicted of
8 -- or had not been convicted then, either one of them, but
9 were under charges that later turned into convictions.

10 The Vice President of the United States, a lawyer,
11 had already been charged at that time.

12 And these things, I felt, could only be corrected
13 by the Justice Department staying strictly out of politics,
14 playing it right down the middle, to show that we could be
15 effective, that we could operate, uncontrolled by the
16 President or by any of the forces who wanted to tell us how
17 to run our business; that we would follow the letter of the
18 law, whether it was AT&T or whether it was some guy involved
19 in a first offense; and that by doing so, we would restore
20 purpose not only to the lawyers involved in the Justice
21 Department but to all lawyers, and to all systems of justice
22 in this United States.

23 Because if there's no confidence in our legal
24 system, there's no confidence in our government.

25 Now, that much I'm satisfied in. I think the mile-

1 stone passed when we went through the last election without
2 the Justice Department ever becoming an element in any
3 campaign. With 435 House members, for a couple dozen
4 Governors, it never was raised in any campaign; indicating
5 that they didn't think there was anything they could mine
6 there, they could dredge up that would be an element to get
7 them votes.

8 I think if we hadn't done that, you would have
9 found half of the people running against the Justice Depart-
10 ment.

11 MR. ROGERS: I'm not sure I understand your
12 point. Are you saying that there was no wrongdoing on the
13 part of candidates and their campaigners, or are you saying
14 that there was no wrongful involvement in campaigns by the
15 Justice Department's own personnel?

16 ATTORNEY GENERAL SAXBE: No. What I'm saying is
17 that the Justice Department had been shown to have been not
18 imparital.

19 MR. ROGERS: Oh, all right.

20 ATTORNEY GENERAL SAXBE: In proceedings of the
21 Nixon Administration.

22 MR. ROGERS: Oh, I see.

23 ATTORNEY GENERAL SAXBE: They had gotten involved
24 in the ITT case, they had gotten involved in other cases.

25 In other words, there were political decisions

1 being made as to what to do, and obviously in the Watergate.

2 MR. ROGERS: Oh, you're saying that there was no
3 wrongdoing by the Justice Department which could be made a
4 campaign issue by a candidate?

5 ATTORNEY GENERAL SAXBE: That's right. And there
6 had been.

7 MR. ROGERS: Yeah.

8 ATTORNEY GENERAL SAXBE: And I think in a year we
9 were able to turn this around, because if we had made
10 political decisions, and we had plenty of opportunities.
11 We were approached by the Nixon people and others to do
12 this and do that, to get involved in the Watergate hearings,
13 to call off this investigation or to start another --

14 MR. ROGERS: Has that occurred since you were
15 sworn in?

16 ATTORNEY GENERAL SAXBE: Yes.

17 And we were able to dodge all those bullets.

18 And the people in this knew -- in this Department
19 knew that.

20 MR. ROGERS: At what level would you say the calls
21 came from the White House? I mean the level of the person
22 who was making the call.

23 ATTORNEY GENERAL SAXBE: Well, I haven't talked
24 about this, and I don't want to get into it too much, but
25 -- there were all kinds of suggestions that we interfere with

1 Jaworski, or that we do this or do that. And I had pledged
2 that we wouldn't interfere, and I gave him the protection that
3 permitted him to operate.

4 MR. ROGERS: Was this --

5 ATTORNEY GENERAL SAXBE: And Jaworski has
6 acknowledged this to me. We made his job easy. Not easy,
7 but I mean we --.

8 MR. ROGERS: Could you estimate the numerical
9 count of specific suggestions or requests or even more
10 indirect efforts to influence what the Justice Department
11 was doing?

12 ATTORNEY GENERAL SAXBE: They came pretty thick
13 and fast at first. After the first of March, I think we were
14 over the hump.

15 They just didn't bother us any more.

16 MR. ROGERS: Of all the calls that you received,
17 was there any single one which you could tell without doubt
18 came at the instigation of Nixon himself?

19 ATTORNEY GENERAL SAXBE: Oh, I think they all did.

20 MR. ROGERS: Can you make a -- you said pretty
21 thick and fast, can you say that it would number in the
22 dozens, hundreds, handfuls or --

23 ATTORNEY GENERAL SAXBE: Oh, no; three or four.

24 MR. ROGERS: Three or four in all, in the entire
25 period between January and March: three or four?

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ATTORNEY GENERAL SAXBE: Right.

That I considered some were suggestions that I just brushed off, and didn't consider. Some of them were put pretty strongly.

MR. ROGERS: Those -- would you say that they were calculated attempts to make you or cause you to take some action that you --

ATTORNEY GENERAL SAXBE: In light of what's happened since then, and the resignation and everything, they'd obviously have been wrong had I done them.

MR. ROGERS: Yeah.

Are you -- would you characterize these calls as being inappropriate or improper, in interference with the -- were they unmistakably so, or are any of them to be judged as simply borderline situations?

ATTORNEY GENERAL SAXBE: Well, of course, they were put in the context that they were proper and that I should have done them -- should do them.

MR. ROGERS: Unh-hunh.

ATTORNEY GENERAL SAXBE: Nothing was suggested with the idea of impropriety, but they were wrong in that I felt that, to live up to my charter and my promises to the Senate in my hearing, that would be wrong.

MR. ROGERS: Do you feel the calls were wrong solely in view of the specific circumstances of this being

1 in the aftermath of Watergate, where the -- Jaworski's
2 independence was something that had been formally agreed
3 upon; or are you saying that these calls are calls which
4 would have been improper at any time, even if Watergate had
5 not occurred, or if Jaworski's office were not involved?

6 ATTORNEY GENERAL SAXBE: Well, the reason that I
7 felt that they were wrong was that my concept of the
8 Justice Department -- you see, if you recall, at the time
9 that I was appointed there was a substantial movement:
10 One, take the Justice Department away from the Executive, --

11 MR. ROGERS: Unh-hunh.

12 ATTORNEY GENERAL SAXBE: -- to make it a separate
13 Department. And I was determined to prove that it could
14 operate within the constitutional structure as envisioned
15 throughout our history.

16 MR. ROGERS: Unh-hunh.

17 ATTORNEY GENERAL SAXBE: And that the mistakes
18 that had been made were aberrations of that and not the
19 true obligation and duty of the Justice Department.

20 MR. ROGERS: Unh-hunh.

21 Would you say that you are referring to calls or
22 pressure attempts that could not arguably be defended as a
23 part of the normal oversight of the White House over a
24 branch of the Executive Branch of Government, or a Department
25 of the Executive Branch?

1 ATTORNEY GENERAL SAXBE: It certainly was in my
2 concept of what the Department of Justice's duty was.
3 My idea of what the Department of Justice should have been
4 was that it should operate as an independent agency, even
5 though it's under the Presidency, and pursue wrongdoing
6 no matter where it appeared to be, without favor and without
7 any influence that we should do this or shouldn't do that.
8 The decisions had to be made here based upon the law, and
9 the precedent, not upon how it affects this person or that
10 person.

11 MR. ROGERS: You do concede that the President
12 has some authority over the Justice Department, as head --

13 ATTORNEY GENERAL SAXBE: Absolutely.

14 MR. ROGERS: -- of the Executive Branch of Govern-
15 ment?

16 ATTORNEY GENERAL SAXBE: Absolutely.

17 He appoints the Attorney General, and when the
18 Attorney General does not operate in cooperation with the
19 Presidency, he should be relieved.

20 But, once having passed that point, the decision
21 of whether to proceed on an individual case should be with
22 the Attorney General.

23 MR. ROGERS: Were all of these calls related to
24 cases under investigation or before courts, or did they
25 involve other matters?

1 ATTORNEY GENERAL SAXBE: They involved -- the ones
2 that I felt were of greatest concern were those just involving
3 the Watergate investigation.

4 MR. ROGERS: Did the pressure or the suggestions
5 or the requests seem to be self-serving? That is, calculated
6 to help a Watergate figure out of a spot, or head off the
7 growing pressure or direction toward Nixon's involvement
8 itself?

9 ATTORNEY GENERAL SAXBE: Yes.

10 MR. ROGERS: Could you be more specific as to just
11 what they were seeking?

12 ATTORNEY GENERAL SAXBE: At this time, I can't,
13 because to -- if there was -- there was, first, to make it
14 plain, there was nothing that I considered illegal in these
15 things. If there had been, why, I'd have immediately moved
16 on it. But --

17 MR. ROGERS: You mean you would have moved on the
18 fact that the call was an illegal request that was made?

19 ATTORNEY GENERAL SAXBE: I would have said, This is
20 an illegal request, or this is an attempt to put undue
21 influence, or this is something like that. They were brought
22 in the idea of suggestions: This would be a wise thing to do.

23 MR. ROGERS: By move on it, you mean you would
24 move to expose and prosecute the person who made the call?

25 ATTORNEY GENERAL SAXBE: Unh-hunh. That's correct.

1 MR. ROGERS: But that --

2 ATTORNEY GENERAL SAXBE: Now, I might add, that
3 some of these people that I talked to at the time, some of
4 the people who were convinced of Nixon's innocence, --

5 MR. ROGERS: Unh-hunh.

6 ATTORNEY GENERAL SAXBE: -- some of the people who
7 were saying, "My God, you can't let this happen, because
8 you're going to ruin the government." If you recall when
9 that kind of talk was going around.

10 MR. ROGERS: Unh-hunh.

11 ATTORNEY GENERAL SAXBE: You're going to -- It's
12 going to be just a catastrophe if this happens or if that
13 happens.

14 I have talked to those people since then, and said,
15 "Well, what do you think about it now?" And they said,
16 "Well, you were absolutely right."

17 These were people who had confidence in the
18 President at the time.

19 MR. ROGERS: Yeah, I see.

20 What would be, say, the level of the person actually
21 making the request? That is, he being, acting on behalf of
22 Nixon, but what level would he be?

23 ATTORNEY GENERAL SAXBE: Well, there again, we get
24 into people who are in government today, and I'm just not
25 going to name names; but, suffice it to say, I felt that it

1 came directly from the Oval Office.

2 MR. ROGERS: Have you said anything about this
3 before?

4 JOHN RUSSELL: Yes, you have.

5 ATTORNEY GENERAL SAXBE: Yes, I have.

6 MR. ROGERS: I don't -- I don't recall it.

7 ATTORNEY GENERAL SAXBE: And I've never gotten more
8 specific than I have with you, Ed.

9 MR. ROGERS: Unh-hunh. I was --

10 ATTORNEY GENERAL SAXBE: In fact, I was about as
11 specific as I've gotten on the thing.

12 MR. ROGERS: Actually, though, I was under the
13 impression that we had asked you specifically about this at
14 one of the coffee sessions, and that you had said there
15 had been no pressure from the White House, or no interference
16 -- however we expressed it; I'm not sure.

17 ATTORNEY GENERAL SAXBE: Well --

18 MR. ROGERS: And you might have been -- had in
19 mind that you were saying there was no successful inter-
20 ference.

21 ATTORNEY GENERAL SAXBE: That's what I had in
22 mind, that the -- well, I can't say that, either, because
23 what I'm talking about is that -- and I only use this as an
24 example to demonstrate, how we built morale in this Depart-
25 ment. The principals involved in our sections knew about

1 most of these things that were going on.

2 And when I backed them up, they knew it. And when

3 --

4 MR. ROGERS: I guess you're implying that the
5 reverse of that had been, if you had not backed up your own
6 officials and had bowed to the White House, it would have
7 had a bad effect on morale.

8 ATTORNEY GENERAL SAXBE: Yes.

9 And I think today that our morale is excellent
10 in this, in the Department, and I think that we're running
11 on a full and direct and effective schedule on doing the
12 things that need to be done.

13 MR. ROGERS: When these calls or suggestions would
14 come, was there ever a time when they were accompanied by
15 any form of a threat, being that: If you want to remain in
16 that office over there, you had better do this-and-such for
17 us?

18 ATTORNEY GENERAL SAXBE: Implied.

19 MR. ROGERS: Did the implication -- yeah?

20 JOHN RUSSELL: I thought you told Frank Kane that:
21 to me it was interesting. Unless it comes through, you
22 would say, Let me think about it; and then it would just die.

23 ATTORNEY GENERAL SAXBE: This happened on several
24 of them.

25 On one or two, I think, of them, we -- I said

1 "no way".

2 MR. ROGERS: And the others you just let fade out.

3 ATTORNEY GENERAL SAXBE: Yeah.

4 MR. ROGERS: But you did specifically tell them on
5 one or more occasions that you simply were not going to do
6 it?

7 ATTORNEY GENERAL SAXBE: Yeah.

8 MR. ROGERS: Was any attempt made to exert
9 pressure through an indirect way? That is, having him
10 persuade some Congressman to try to use his influence on you?

11 ATTORNEY GENERAL SAXBE: No. We had some of
12 that, but I never felt that that came from over there.
13 And after two or three incidents of that, we just didn't
14 have any more.

15 MR. ROGERS: When these were --

16 ATTORNEY GENERAL SAXBE: When I first came in, I
17 had some Congressmen that had some suggestions that I didn't
18 think were right, and I just -- .

19 MR. ROGERS: Do you think they died -- the making
20 of the requests tapered off after March, because they saw
21 that it was doing no good?

22 ATTORNEY GENERAL SAXBE: Yeah. After the first of
23 June, we were left pretty much alone.

24 MR. ROGERS: What would you say is the --

25 ATTORNEY GENERAL SAXBE: I mean, I'm saying now

1 both by Congress and by them.

2 MR. ROGERS: Yeah.

3 Thinking back through the incidents that you're
4 referring to, can you come up with a guess figure of the
5 over-all number, in its entirety, since you've been in
6 office?

7 Does three or four stand up as the over-all figure?

8 ATTORNEY GENERAL SAXBE: Three or four from the
9 White House, and I would guess another three or four from
10 Congress.

11 MR. ROGERS: Who would -- would specific
12 individuals be the beneficiary of these requests, if you had
13 complied with them?

14 ATTORNEY GENERAL SAXBE: Yes.

15 MR. ROGERS: Would those individuals be Watergate
16 defendants?

17 ATTORNEY GENERAL SAXBE: No. No, I'm -- now,
18 obviously that was, on the White House, because they were
19 concerned almost entirely with White House affairs during
20 those periods, you know.

21 MR. ROGERS: Unh-hunh.

22 ATTORNEY GENERAL SAXBE: But on the Congress, some
23 of the men that came in from there wanted things that would
24 benefit specific individuals.

25 MR. ROGERS: Unh-hunh.

1 ATTORNEY GENERAL SAXBE: And --

2 MR. ROGERS: Individuals in trouble or individuals
3 who would want a tax break or --

4 ATTORNEY GENERAL SAXBE: Individuals in trouble.

5 MR. ROGERS: Yeah. But --

6 ATTORNEY GENERAL SAXBE: And I don't -- I'm sure
7 that every Attorney General or every Cabinet officer has
8 similar.

9 MR. ROGERS: Unh-hunh.

10 ATTORNEY GENERAL SAXBE: They try. And I had the
11 same thing at the State level. After you -- when you take
12 office, it takes a while to -- people to understand the way
13 you operate. And there are people who are opportunists that
14 say, Well, what the hell, let's see, let's try it again;
15 this could be an old chestnut that goes back some years.

16 MR. ROGERS: Unh-hunh. Unh-huh.

17 ATTORNEY GENERAL SAXBE: Come in, and now's the
18 time to change this.

19 MR. ROGERS: Did Nixon himself appear to be the
20 intended beneficiary of any of these suggestions or requests?

21 ATTORNEY GENERAL SAXBE: Oh, indirectly, I would
22 think. Especially in regard to --

23 MR. ROGERS: I mean, was his own case, the case,
24 say, the subject matter that came up during the impeachment
25 inquiry, would you say that his own case was at issue in this

1 thing that they were trying to get you to do? Or was he the
2 beneficiary indirectly because it involved a person close to
3 him?

4 ATTORNEY GENERAL SAXBE: Oh, I would think it was
5 the whole picture of the Watergate intrigue that was involved,
6 not specific people. Obviously he, but -- and, frankly, I
7 question whether any act that I would have taken would have
8 changed the outcome in any way. It would have involved
9 me, I suppose, in a bad judgment.

10 But I got the feeling after a while that they were
11 grasping at straws and didn't care who they involved.

12 MR. ROGERS: Unh-hunh. Unh-hunh.

13 It seems the record is a pretty solid record, that
14 everyone whom they were able to reach and touch was
15 besmirched --

16 ATTORNEY GENERAL SAXBE: Right.

17 MR. ROGERS: -- and if he didn't end up as a
18 defendant, at least he was embarrassed by it.

19 ATTORNEY GENERAL SAXBE: Embarrassed.

20 MR. ROGERS: Have you had reason for feeling
21 personal embarrassment or have you done anything that you now
22 wish that you hadn't done, --

23 ATTORNEY GENERAL SAXBE: No.

24 MR. ROGERS: -- even though it might not be
25 embarrassing, as a result of this pressure?

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ATTORNEY GENERAL SAXBE: No.

MR. ROGERS: Has there been a case of any suggestion or request or other pressure that you thought was well-founded and you felt that you rightfully could and should comply with it?

ATTORNEY GENERAL SAXBE: No.

MR. ROGERS: I hope you know what I'm getting at.

ATTORNEY GENERAL SAXBE: Yeah.

MR. ROGERS: A news story.

[Laughter.]

ATTORNEY GENERAL SAXBE: Well, I understand, and I realized when I took the office that I was going to have to dodge the bullets. I realized that I had to be particularly cautious if I was going to re-establish the respect of the Justice Department, and that I had to remain free of influence, and I had to remain free of any hint of -- any hint of bias, or that I was playing the political game.

MR. ROGERS: Has anything at all occurred along this line during the Ford Administration?

ATTORNEY GENERAL SAXBE: No.

MR. ROGERS: You know, the other day we kept asking questions about your Ambassadorship to India, and what I was trying to get at, and wasn't able to express it very well, was whether or not President Ford was using this as a delicate,

1 indirect way of rebuffing you because he disliked anything
2 that you had done.

3 ATTORNEY GENERAL SAXBE: He says not. We discussed
4 that. He says not.

5 But I think that he was severely criticized
6 because he did not have his own people, that he didn't move
7 fast enough to clear out the Cabinet people. And it could
8 very well be that now they need another type of Attorney
9 General.

10 We've gotten the Department straightened out, I
11 believe. We've kept good people and we've attracted additional
12 good people. They can operate. And I've been abrasive,
13 because I've said some of these things that I felt needed to
14 be said. We've been criticized because we've, in the last
15 year, filed more big antitrust cases than have been filed
16 in the last 25 years, or kept alive.

17 And maybe it's time for someone who is not a former
18 politician -- and I say former, because I'm still a
19 politician, that's what runs our government -- and that
20 could be part of the thinking on the thing.

21 MR. ROGERS: Looking to the future --

22 ATTORNEY GENERAL SAXBE: And then, again, to put
23 together your own working team.

24 MR. ROGERS: Unh-hunh.

25 Looking into the future --

1 JOHN RUSSELL: If I might say -- also, during this
2 time, you had the whole FBI transition, too.

3 MR. ROGERS: Oh, yeah, that's a good point.

4 ATTORNEY GENERAL SAXBE: Yes.

5 A VOICE: A complete turnover.

6 ATTORNEY GENERAL SAXBE: I think we've done --
7 accomplished that. And that had to be done. And it's been
8 done as quietly as possible.

9 MR. ROGERS: Well, since he's --

10 ATTORNEY GENERAL SAXBE: Without destroying the
11 morale or the respect that they've built up over the years.

12 MR. ROGERS: Since he's brought up the subject of
13 the FBI, I saw a very puzzling but extremely interesting
14 situation at a hearing before the Subcommittee before
15 Christmas, at which the witnesses were Mr. Kelly and Mr.
16 Silberman.

17 ATTORNEY GENERAL SAXBE: Unh-hunh.

18 MR. ROGERS: The Subcommittee had an array of
19 Democrats, who were of the sort that would consider law
20 enforcement, per se, as probably a dirty word. They seemed
21 that extreme. But Silberman, somehow or another, was able
22 to say the right words and satisfy them, whereas Mr. Kelley
23 obviously was not satisfying them with his responses.

24 It reached a point where Silberman would answer when
25 Kelley was asked. In other words, he would volunteer his

1 answer so quickly that Mr. Kelley would not be able to open
2 his mouth.

3 ATTORNEY GENERAL SAXBE: Yeah.

4 MR. ROGERS: Until they finally said, "We are not
5 questioning Mr. Silberman, we want Mr. Kelley to answer."

6 Mr. Kelley made such remarks as: He could foresee
7 a time when he would want to reinstate cointelpro and do
8 everything that they had done the previous round.

9 That upset the members of the Committee.

10 He even went so far as to say that he might rein-
11 state cointelpro without the approval of some future Attorney
12 General.

13 That remark has been largely judged as being a
14 slip of the tongue, that he didn't really mean to say that.

15 But, nevertheless, this all struck me as being an
16 interesting situation.

17 I'm asking you a question with all this rhetoric,
18 and I don't know quite what my question is, except the
19 general one of saying: How do you judge the situation?
20 What is your response to this situation that I have just
21 described?

22 ATTORNEY GENERAL SAXBE: Well, in talking to
23 previous Attorneys General, when I came in, they informed
24 me, well, don't worry about the FBI, you're not going to
25 have anything to do with it. They're going to run their show,

1 and you're going to run yours.

2 And I had a choice of going in and ripping into
3 the FBI and humiliating them, and saying, "This is the way
4 it's going to be".

5 I made a decision that I didn't think that we
6 -- [change tape: reverse side] -- the job that is not yet
7 completed, but is progressing with the help of Congress.

8 As you know, I also advocated close congressional
9 liaison on the operation of the FBI, that we should be able
10 to meet frequently and tell them what we were doing and
11 how we were doing it.

12 Now, this is working. As I say, it's not yet
13 complete, but it is working.

14 Now, I completely revamped our procedures for
15 foreign intelligence surveillance in this country, for the
16 origination and approval of such things, the means to be
17 employed and how, and the authority to do it.

18 And I brought everything to a screeching halt
19 along in midsummer for the purpose of starting anew with
20 new sets of guidelines and new sets of authority, which we
21 are now -- which rules we're now under.

22 And this involved meetings with the President, with
23 representatives of the National Security Council, and I
24 think that what's evolved is a procedure that will stand
25 any congressional test, and one that I could support and vouch

1 for and will give us the necessary protection.

2 MR. ROGERS: What about domestic intelligence?

3 ATTORNEY GENERAL SAXBE: Well, domestic intelligence
4 is all under court order, under Title 3, and -- I'm talking
5 about electronic surveillance. And we're comfortable with
6 it, we think it is constitutional, and it must go through a
7 court. And this proceeds under my direction and my
8 authority.

9 MR. ROGERS: Do you believe that were we to have
10 a revival of the domestic surversion that marked the Sixties,
11 and the early part of the Seventies, the government would be
12 able to deal with it as effectively and successfully as it
13 did the -- did in fact do during the Sixties and early
14 Seventies?

15 ATTORNEY GENERAL SAXBE: I think so. I think --

16 MR. ROGERS: Notwithstanding the public issue
17 that has been made of, over ~~cointelpro~~ and over ~~over~~
18 surveillance in general, and over police methods in dealing
19 with riots, such as the massive Mayday arrests here?

20 ATTORNEY GENERAL SAXBE: I think we could.

21 Again, I think it would require congressional
22 liaison, and I think that the law is plain in regard to
23 violence and civil disorder. That has not been changed or
24 diminished.

25 So all we're talking about is really surveillance,

1 for the purpose of domestic and foreign intelligence.

2 MR. ROGERS: Mr. Kelley told the Subcommittee that
3 he could foresee a situation arising under which he would
4 feel the need of reinstating something like cointelpro.

5 ATTORNEY GENERAL SAXBE: If that were necessary,
6 we should go to Congress and ask for that specific authority.

7 MR. ROGERS: A moment ago you laid aside a
8 question, you said -- you said you were laying it aside, at
9 the time that you went into the subject of White House
10 pressures.

11 I believe I asked about the message that you were
12 trying to get across to the judges and penal authorities.

13 ATTORNEY GENERAL SAXBE: Right.

14 MR. ROGERS: And I was going to ask if you thought
15 the message was sent across, and I believe you were about to
16 say that -- or had said that you believe it had had some
17 effect.

18 ATTORNEY GENERAL SAXBE: I think it has had some
19 effect.

20 MR. ROGERS: Can you be more specific? Has a
21 few instances of heavy sentencing appeared to you to be a
22 response to your speeches?

23 ATTORNEY GENERAL SAXBE: I think that that -- from
24 what I have been able to glean in talking, at least through
25 the federal judges, I think it has. But until this extends

1 to the State courts, where most of the criminal activity is,
2 it's not going to be effective.

3 Now, my concern is simply this: Violence is what
4 we're basically after, and I just want the judges to be
5 aware, in sentencing, -- sometimes it seems to me they
6 aren't -- that the citizen is entitled to consideration
7 at the time a decision is made to send a known violent
8 criminal, under sentence, back onto the street.

9 In Columbus, Ohio, day before yesterday, a man was
10 apprehended with a crowbar, after breaking into a, I think it
11 was a hi-fi store; and the man was at that time on probation
12 from a similar break-in on the same store just three months
13 before. Same store.

14 And the pattern of people that we're developing,
15 as I say, the guy that gets up in the morning and steals all
16 day, and if violence is necessary he uses it. We've got
17 to recognize that there are such people.

18 And the only way that we can protect the citizen
19 and a victim is to keep that man off the streets until such
20 time as we're at least relatively sure that he's not going
21 to again go out and prey on the innocent.

22 Now, we can't run the prisons with the idea that
23 they're unnecessary, and that they have a bad effect on
24 people and therefore we should do away with them; which
25 somehow has crept into our thinking: one, prison doesn't

1 rehabilitate, therefore we should do away with the prisons.

2 The purpose of the prison, in the first place, is
3 not to be a rehabilitation place. It's probably the worst
4 place for rehabilitating. It was set up as a deterrent.
5 Because this is the only kind of punishment that's available
6 in a civilized society.

7 Now, I think the judges have to realize that that
8 deterrent capability is still there, and that the people who
9 say, "Well, the prisons don't rehabilitate, therefore they
10 don't perform their task, therefore they should be done
11 away with", isn't realizing that we have performed a
12 deterrent when we lock the man up. First, we've indicated
13 that he's not smarter than society, that the forces of
14 society finally got him.

15 The effect is not only on him, but it's on the
16 people that he runs with, his peers, and that in many of
17 these cases the only thing that is going to cure that man is
18 time, anyway. When he gets to be thirty years old, he's
19 not going to be able to run as fast, he's beginning to
20 realize that he can't make a career out of violence.

21 And it's perhaps to our advantage to have him off
22 the streets during that period of time that it takes to slow
23 him down.

24 And that's where the key criminal element comes in,
25 the major violator. Most every police department can tell

1 you of a dozen major violators.

2 Back in Ohio I was talked to a deputy sheriff last
3 week. They had arrested one man that had solved 26 breaking-
4 and-entering cases.

5 Now, this man had perpetrated 26 breaking-and-
6 enterings. At least if you've got him in the jail for a year,
7 he's not going to be able to do 26 more. Because this has
8 been in a period of one year.

9 And those who look to him as outsmarting society
10 are also going to be discouraged in their life of crime.

11 Now, we have established, through LEAA, this year,
12 an advanced program that had previously been there, this
13 Promise Program, where, in every major city, we're going to
14 have a list of major offenders, guys with proven histories
15 of violence. And when we get one of them, they're not
16 going to be lost through the cracks; we're going to see
17 that they are processed.

18 Now, I think everyone that has anything to do,
19 including the police, with law enforcement, want to give a
20 break to the first offender, want to give a break to the
21 -- to the youthful offender; in fact, want to give a break
22 to anybody who indicates that they're going to take their
23 place in an orderly society.

24 MR. ROGERS: What would you think the major goal
25 of the Justice Department should be hereafter, from now into

1 the immediate or distant future?

2 ATTORNEY GENERAL SAXBE: Well, I think that you've
3 got a split goal there. I think the Attorney General, by the
4 very nature of his job, has to be a spokesman for the law
5 enforcement people in the country, at every level. He's
6 got to be on their side. I think the very nature of the thing
7 indicates that, that he is the man who can speak for them.

8 And I've talked to many police chiefs, I've talked
9 to many policemen, I've talked to many sheriffs, all of these
10 people, and they get damn discouraged in bringing in people
11 and then finding that they are almost the ones who are under
12 attack rather than the criminal.

13 And I think that there's a failure to understand
14 the role of the law enforcement man. He cannot be the
15 rehabilitating agent. For one, he doesn't have the time and
16 the nature of his job is to be a policeman.

17 Now, the idea of the cop on the beat who's passing
18 out all-day suckers and doing all these things is an idea
19 that's great, but it just doesn't work; he doesn't have the
20 time nor does he have that role to play.

21 Now, off-duty, these things can be accomplished,
22 and the Police League in New York, they provide playgrounds,
23 basketball and all of these other sports, and they do an
24 effective job.

25 But when that guy's on duty, his job is primarily

1 to be a policeman.

2 Now, to bring a man caught in the act into the
3 court and then to have the jury, because of facts, really,
4 that are extremes, you know, because the guy's wife is
5 there crying in the front row, or his children or something,
6 to find him not guilty is a pretty tough thing to take for a
7 policeman who this fellow was shooting at.

8 And for the judge to say, Well, we'll put him on
9 probation; and the guy's back on the street before the
10 policeman is.

11 That's why I say the Attorney General has to be on
12 the side of the policeman.

13 MR. ROGERS: Unh-hunh. You said split goal --

14 ATTORNEY GENERAL SAXBE: All right. Now, that's
15 the Attorney General.

16 The Department of Justice, on the other hand,
17 operates independently, through its Bureaus, to perform the
18 job that they have to do as lawyers. Because all of our
19 duties are -- in fact most of them -- are not concerned with
20 law enforcement, the people in this building. We handle,
21 as you know, the tax appeals, we handle the drugs, we
22 handle the civil cases of this country, we handle the lands
23 of this country, we handle the antitrust, both civil and
24 criminal.

25 Now, in all of these affairs, the Attorney General

1 has to be an objective and guiding force, towards good law
2 work, fairness, impartiality, and enterprise in getting the
3 things in and get them decided. This takes a lot of drive,
4 which the Attorney General can impart through leadership.

5 MR. ROGERS: Do you have any idea when your
6 successor will be nominated?

7 ATTORNEY GENERAL SAXBE: Today I -- it's supposed
8 to be announced at 11:30.

9 MR. ROGERS: Do you know who he's going to be?

10 ATTORNEY GENERAL SAXBE: Well, I suppose --

11 MR. ROGERS: Or was?

12 ATTORNEY GENERAL SAXBE: --Levi; I don't know.

13 MR. ROGERS: Do you have any knowledge of or
14 impression about Levy and --

15 ATTORNEY GENERAL SAXBE: No, I don't.

16 MR. ROGERS: -- what his policies will be?

17 ATTORNEY GENERAL SAXBE: No, I've never met him.

18 MR. ROGERS: Do you expect to sit down with him
19 and go over any of your unfinished business, or your goals
20 or aims for the Department?

21 ATTORNEY GENERAL SAXBE: Well, if he wants to.
22 However, the Deputy intends to stay, for a transition period,
23 anyway; and --

24 MR. ROGERS: Do you --

25 ATTORNEY GENERAL SAXBE: -- I'll probably be gone

1 before he's confirmed.

2 MR. ROGERS: So you do expect there to be a
3 transition period in which Silberman will be Acting Attorney
4 General for a time?

5 ATTORNEY GENERAL SAXBE: Well, I would certainly
6 hope so.

7 MR. ROGERS: Yeah, unh-hunh.

8 Do you now have an indication as to when you will
9 actually --

10 ATTORNEY GENERAL SAXBE: Well, my plan originally
11 is to be sworn in on the 3rd of January -- or the 3rd of
12 February, and --

13 MR. ROGERS: The 3rd of February?

14 ATTORNEY GENERAL SAXBE: Yeah. But I -- it
15 may come sooner.

16 MR. ROGERS: Unh-hunh.

17 Are you taking anyone with you?

18 ATTORNEY GENERAL SAXBE: Yes. Rakestraw.

19 MR. ROGERS: Unh-hunh. Is he going to India?

20 ATTORNEY GENERAL SAXBE: And his wife.

21 MR. ROGERS: Unh-hunh. What title or capacity
22 will he have?

23 ATTORNEY GENERAL SAXBE: I don't know.

24 And O. T. Berkman.

25 MR. ROGERS: Brookley? I don't know him.

1 ATTORNEY GENERAL SAXBE: B-E-R-K-M-A-N, from --
2 he's in Administrative, he's in our Administrative Section.

3 MR. ROGERS: Yes. Is he going to India?

4 ATTORNEY GENERAL SAXBE: He's going to India.

5 MR. ROGERS: Any others?

6 ATTORNEY GENERAL SAXBE: No.

7 MR. ROGERS: Are there any members of the staff,
8 your staff, that you feel are going to resign simply because
9 you, yourself, will not be in office? In other words, who
10 don't care for the job if you are not here.

11 ATTORNEY GENERAL SAXBE: Well, I'd rather they
12 speak for themselves.

13 MR. ROGERS: Unh-hunh.

14 ATTORNEY GENERAL SAXBE: There are people that
15 came in with me that I would expect -- would expect him to
16 want to build his own.

17 MR. ROGERS: Like old Mr. Russell over here, we're
18 going to see him around, I hope.

19 MR. RUSSELL: I'm a career employee; I'm stuck.

20 MR. ROGERS: Unh-hunh.

21 ATTORNEY GENERAL SAXBE: I hope so.

22 And Mr. Hoiles is leaving -- I'm pretty sure; I
23 haven't talked to him this week, but he's planning to leave.

24 MR. ROGERS: Well, Mr. Saxbe, I must say that
25 you've only done one thing since you've been here that I have

1 taken exception to, or been disappointed in, or disliked, and
2 that is your decision to resign.

3 ATTORNEY GENERAL SAXBE: Well, thank you, Ed.

4 I really am looking forward to this Indian thing.
5 The rapport that's needed at the White House with the people
6 that are over there just isn't present at the present time,
7 I just don't know them, I've never worked with them, and
8 I'm sure that they have a feeling that they want to work with
9 their people.

10 I had a pretty close relationship over there when
11 General Haig was there -- of course, he was kind of running
12 the whole thing.

13 Yeah?

14 SECRETARY: Things are kind of backing up; can
15 you see these people?

16 ATTORNEY GENERAL SAXBE: Yeah. Okay.

17 MR. ROGERS: Yes, indeed.

18 General, I thank you --.

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