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TRANSCRIPT OF MEETING WITH

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

and

THE "FRONTGROUNDERS" BREAKFAST GROUP

SHERATON-CARLTON HOTEL
THURSDAY, FEBRUARY 7, 1974

P R O C E E D I N G S

1 QUESTION: Everything is on the record. Anyone
2 who has a question go ahead. Why were you late?

3 (Laughter.)

4 ATTORNEY GENERAL SAXBE: That's a fair question.
5 Miscalculation. No. I had a couple of phone calls this
6 morning about the strike, and I -- it took me longer to get
7 here than I thought.

8 QUESTION: Are there any new developments in the
9 truckers strike?

10 ATTORNEY GENERAL SAXBE: Yes. They think they have
11 got it settled; but the problem is, the organization is so
12 loose, that it is a lot different than dealing
13 with a recognized union. There's about 15 different
14 organizations; and some of the things they are striking for
15 are impossible to satisfy them on.

16 There is nothing they can do about the width of
17 trucks, the length of trucks, the weight; these are all
18 state matters. There are so many things. They are just
19 striking against a change in their way of life. So
20 whether they go back, I don't know.

21 QUESTION: What is the status? You say you think
22 they might have a settlement? Do you feel that the --

23 ATTORNEY GENERAL SAXBE: Well, they have reached
24 agreement, at 5 o'clock this morning.

25 QUESTION: Oh, they did?

1 QUESTION: The strikers and the Federal Government?

2 ATTORNEY GENERAL SAXBE: And the strikers say they
3 will go back and sell it to their people.

4 QUESTION: I think you asked your U. S. Attorneys
5 to watch for cases of violence and that type of thing. Is
6 there very much of that reported around the country?

7 ATTORNEY GENERAL SAXBE: There has been a
8 surprisingly small amount. But there have been two deaths,
9 shootings and rock throwings. The U. S. Attorneys -- and I
10 won't know until I get a report on it -- have been exploring
11 quite a few areas on where they can intervene, and not the
12 least of which is antitrust conspiracy; and then the so-
13 called Rennie Davis Act, which was a 1968 Act --
14 blocking the highways. And then you go back to the Ku Klux
15 Klan acts that followed the Civil War; and some of them are
16 really rugged.

17
18
19 QUESTION: Do you think any charges are going to
20 be brought as far as you know now? Is there any indica-
21 tion --

22 ATTORNEY GENERAL SAXBE: Oh, yes. We have already
23 got injunctions in two districts and we are moving into the
24 civil rights area.

25 QUESTION: Is that under Section 241?

1
2 ATTORNEY GENERAL SAXBE: 241? Yes.

3
4 But because of the nature of these strikes, -- it's
5 hard to call it a strike; it's a protest --

6 they don't want to be a part of the energy
7 crisis and some of the other things that are facing the
8 country. They are loaded down with these expensive rigs;
9 some of them cost as much as \$50,000; they are in back to
10 the bank for everything they've got; it is a cut-throat,
11 competitive business.

12 I pointed out yesterday I knew truck firms that
13 owned 150 trucks ten years ago; today they don't own any.

14
15 It's cheaper to work through these owner-drivers.
16 They will drive cheaper than you can hire people to drive.
17 And as a result of the cut-throat competition, they are in
18 financial difficulty. They want to change this. I am not
19 sure that they can by any negotiation or strike or anything
20 else. And this is one reason that it may be difficult to
21 sell any kind of a settlement. That's why we moved so
22 vigorously in this area; because they said they were going
23 to bring the country to its knees; and I think any kind of
24 a seditious statement like that has to be met headon.

25 QUESTION: Do you expect to see the trucks rolling

1 now, or is that still a question in your mind, as to
2 whether --

3 ATTORNEY GENERAL SAXBE: The negotiators believe
4 that it is settled.

5 QUESTION: Mr. Saxbe, I wonder if I could ask you a very
6 provincial question. We have, I think as you know, a Federal
7 Judgeship in Milwaukee that has been vacant for over three years.
8 I understand there has been some interest in it.

9 ATTORNEY GENERAL SAXBE: I have been working on it.

10 QUESTION: I wonder if you could tell us when you expect
something on it.

11 ATTORNEY GENERAL SAXBE: I hope to get a break-
12 through in another couple of weeks. I have been talking to
13 Congressmen, Senators, the White House.

14 QUESTION: Do you still have only one name on that,
15 Glenn Davis, or do you have other names?

16 ATTORNEY GENERAL SAXBE: No; there are other
17 names. Like Glenn Davis, just names floating. No names have
18 been sent up.

19 QUESTION: Mr. Attorney General, when you were on the
20 tube last night, you spoke about the possibility of filing
21 amicus curiae briefs on behalf of the Office of the Presi-
22 dency in the Watergate --

23 ATTORNEY GENERAL SAXBE: On behalf of the govern-
24 ment.

25 QUESTION: On behalf of the government. Can you go

1 into that a little bit and tell me -- I understand you have
2 got a study over there that is on the verge of being made
3 public about the whole impeachment question. Can you tell
4 us what that is?

5 ATTORNEY GENERAL SAXBE: It is a brief, an 80-page
6 brief, which we think is particularly good.

7 QUESTION: Who prepared it?

8 ATTORNEY GENERAL SAXBE: The Office of Legal
9 Counsel.

10 QUESTION: Is it on the impeachment?

11 ATTORNEY GENERAL SAXBE: It is a study of the whole
12 issue -- it really more a study than a brief. I hope some-
13 day it can be made public, because it is pretty good. But
14 it can't be until it is released by either Mr. Jaworski
15 or the White House.

16 QUESTION: Was this done at your request, or at
17 the White House's request?

18 ATTORNEY GENERAL SAXBE: It was under way long be-
19 fore I came in.

20 QUESTION: What did Mr. Jaworski have to do with
21 impeachment?

22 ATTORNEY GENERAL SAXBE: Nothing particularly on
23 this. But this is a brief and he is part of our office. It
24 goes into things such as: can you have an indictment
25 before impeachment. It presents pro and con on a number of

1 questions.

2 QUESTION: On that particular question also?

3 ATTORNEY GENERAL SAXBE: Yes. It treats it.

4 QUESTION: You mean they have to have his per-
5 mission to release it?

6 ATTORNEY GENERAL SAXBE: No. But the White House
7 has not seen fit to release this.

8 QUESTION: Does the White House have copies of it?

9 ATTORNEY GENERAL SAXBE: Oh, yes.

10 QUESTION: Have you recommended that it be released
11 by the White House?

12 ATTORNEY GENERAL SAXBE: Yes.

13 QUESTION: This question came up when the Vice
14 President was in trouble. Was that when the brief was begun,
15 or was it started --

16 ATTORNEY GENERAL SAXBE: No. I think not.

17 QUESTION: When was it started?

18 ATTORNEY GENERAL SAXBE: I don't know. I wasn't
19 there.

20 It was under way when I went there.

21 QUESTION: When was it completed?

22 ATTORNEY GENERAL SAXBE: About ten days ago.

23 QUESTION: Does it differ at all from the brief
24 that was filed in the Agnew case?

25 ATTORNEY GENERAL SAXBE: Oh, it is much more complete.

1 QUESTION: Does it differ --

2 ATTORNEY GENERAL SAXBE: This has a lot to do with
3 the historical background of impeachment, the English law,
4 the derivation of certain words, the meanings, and this
5 kind of thing.

6 QUESTION: But does it differ from the conclusion
7 that was made by the Justice Department in the Agnew case,
8 that the Vice President can be indicted prior to impeachment
9 but the President cannot be indicted prior to impeachment?

10 ATTORNEY GENERAL SAXBE: It doesn't come to any con-
11 clusion; that's why I say it's more a study than it is a
12 brief.

13 QUESTION: It gives both sides of that --

14 ATTORNEY GENERAL SAXBE: That's right.

15 QUESTION: What about on the issue of the defini-
16 tion of "impeachable offenses"? Is it the same thing?

17 ATTORNEY GENERAL SAXBE: It treats that.

18 QUESTION: It treats it giving the one broad
19 interpretation plus the narrow one --

20 ATTORNEY GENERAL SAXBE: People are looking for
21 definite answers are not going to like it; and that is why
22 I call it a study rather than a brief, for one side or the
23 other. It -- I don't know how many saw the House pamphlet.
24 It kind of goes from there, more in depth.

25 QUESTION: Do you have a personal legal opinion

1 about the question of whether or not a sitting President can
2 be indicted?

3 ATTORNEY GENERAL SAXBE: No. I think this is a
4 vague area that is probably going to have to be defined by
5 the court.

6 QUESTION: You wouldn't rule out that possibility
7 offhand?

8 ATTORNEY GENERAL SAXBE: Well, I think there could
9 be considerable difficulties.

10
11 QUESTION: You say you don't have an opinion on
12 whether a sitting President can be indicted?

13 ATTORNEY GENERAL SAXBE: No.

14 QUESTION: Are you --

15 ATTORNEY GENERAL SAXBE: I don't have a conclusion
16 that I would want to give.

17 QUESTION: Are you considering the possibility of
18 filing amicus curiae briefs on behalf of the government if
19 and when Jaworski hands down some indictments?

20 ATTORNEY GENERAL SAXBE: Well, what I am thinking
21 about, on any one of these areas where we think it goes to
22 the Presidency, the Office of the Presidency --

23 QUESTION: Yes.

24 ATTORNEY GENERAL SAXBE: -- an amicus brief would
25 be filed to be sure that any court has the full content of

1 the question before it. And amicus briefs are usually filed
2 in partisan matters where each takes their narrow view and
3 the very name is "a friend of the court," that you wish to
4 bring in full information to the court.

5 For instance, on a subpoena on the West Coast, if
6 this should go into the Federal courts, we probably wouldn't
7 get in in the lower court, but if it went to the Court of
8 Appeals, we would file an amicus brief. We don't think it
9 is in the best interest of the country that the President
10 be available for any lower court in the country to subpoena.

11 QUESTION: Is there any other remedy that you see
12 for protecting the President against a whole rash of law-
13 suits?

14 ATTORNEY GENERAL SAXBE: Well, --

15 QUESTION: Just the other day -- I was wondering --

16 ATTORNEY GENERAL SAXBE: Well, this is -- we think
17 the courts would protect him.

18 QUESTION: You don't see any need for legislation?

19 ATTORNEY GENERAL SAXBE: I don't think so; not yet.

20 QUESTION: Do you feel strongly that, in the case
21 of the Erlichman subpoena of the President, that the Justice
22 Department and the White House counsel ought to do everything
23 they can to prevent his forced appearance upon the theory
24 that this may become an issue in many other cases that stem
25 out of Watergate, where people --

1 ATTORNEY GENERAL SAXBE: Well, the White House
2 counsel, I am sure, will resist this, or just ignore it; I
3 don't know.

4 Now, in the case of Thomas Jefferson, he satisfied
5 the court by writing a letter. Maybe that will --

6 QUESTION: Are you working on the problem of the
7 President's response to a subpoena by the House Judiciary
8 Committee?

9 ATTORNEY GENERAL SAXBE: No; we are not.

10 QUESTION: You are not.

11 That has been left to the President's counsel?

12 ATTORNEY GENERAL SAXBE: Right.

13 QUESTION: Going back to the Erlichman subpoena,
14 do you think it would be in better interest of the country
15 for the charges to be dismissed rather than for the Presi-
16 dent to appear? Would that be the only alternative?

17 ATTORNEY GENERAL SAXBE: I don't think that is even
18 an issue.

19 QUESTION: Well, I am talking about Sixth Amendment
20 defense ~~that~~ Erlichman could raise the point that he is
21 being denied his best defense by the failure of the Presi-
22 dent to appear?

23 ATTORNEY GENERAL SAXBE: When you get that far,
24 you are guessing.

25 QUESTION: Well, wouldn't that be part of your brief?

1 Wouldn't you have to address yourself to the Sixth Amend-
2 ment protections?

3 ATTORNEY GENERAL SAXBE: Possibly. Possibly. But

4 QUESTION: -- as to whether or not the President --

5 ATTORNEY GENERAL SAXBE: -- that's down the road
6 a piece.

7 QUESTION: Pardon me?

8 ATTORNEY GENERAL SAXBE: That's down the road a
9 piece.

10 QUESTION: What is your relationship with
11 Jaworski's operation at this point. I mean, is he going
12 to tell you when he decides -- or when the Grand Jury votes
13 indictment?

14 ATTORNEY GENERAL SAXBE: I wouldn't think so.

15 QUESTION: Are you satisfied with your relationship
16 with him?

17 ATTORNEY GENERAL SAXBE: Yes.

18 QUESTION: Any problems?

19 ATTORNEY GENERAL SAXBE: No.

20 QUESTION: Do you question the veracity of John
21 Dean's testimony?

22 ATTORNEY GENERAL SAXBE: I have no reason to. I
23 don't know that much about it. I just -- I have not any
24 information on that.

25 QUESTION: As a former Senator who is kind of

1 familiar with the moods on the Hill, do you feel that the
2 Senate Watergate Committee ought to just close up shop and
3 call it a day?

4 ATTORNEY GENERAL SAXBE: I think so. They are
5 straining a little bit now to keep in business; and the
6 lecture fees are falling off and --

7 QUESTION: What? Lecture fees?

8 (Laughter.)

9 ATTORNEY GENERAL SAXBE: And they have got --

10 (Laughter.)

11 ATTORNEY GENERAL SAXBE: They have got to have a
12 new event in the center ring, or they are -- and with the
13 courts involved, three Grand Juries running, the House now
14 clogged up to proceed, it is going to be tough competition.

15 QUESTION: Well, if they close it --

16 ATTORNEY GENERAL SAXBE: Well, they have run into
17 things like they did on the milk thing. As I understand it,
18 the milk people said, Sure; we will come in. We will bring
19 our whole list of contributions. Oh, boy. That's the last
20 thing they want. And I guess the same way with Howard
21 Hughes. They said fine. Also tell about the \$50,000 I gave
22 to so and so and the \$10,000 to so and so. You know, they
23 aren't so anxious to get the facts as they thought they were.

24 QUESTION: Do you think they served a useful
25 function while they were in existence?

1 ATTORNEY GENERAL SAXBE: I do.

2 QUESTION: You are saying that in effect the
3 Committee, in connection with the two areas that they had
4 talked about going into, the milk producers contributions
5 and the Howard Hughes contributions, are really afraid
6 there because of embarrassing information that might be
7 developed affecting themselves?

8 ATTORNEY GENERAL SAXBE: That and the fact that it
9 is in litigation. We are defending on our milk producers
10 suit and certainly the Special Committees are involved in
11 both the milk producers and the -- not the Special
12 Committee; the Special Prosecutor -- and it might louse up
13 his activities.

14 QUESTION: Some people have seized on your early
15 statements that you were making after you were sworn in as
16 Attorney General and drawn the conclusion that you have
17 functioned early on as something of a defense attorney for
18 the President, more than the chief legal officer of the land.

19 How do you respond to that kind of a conclusion.

20 ATTORNEY GENERAL SAXBE: Show me where.

21 QUESTION: Well, some of the statements that you
22 made in your --

23 ATTORNEY GENERAL SAXBE: Well, yes, but you said
24 that I had functioned. Show me where I have functioned.

25 QUESTION: Just in your statements.

1 ATTORNEY GENERAL SAXBE: Well, I certainly couldn't
2 take the job of Attorney General if I thought the President
3 was guilty; and I had to satisfy myself that there was
4 nothing that was available to me or nothing that was con-
5 vincing to me that he was. Therefore, I did take the job.

6 QUESTION: Were you shown the transcript of the
7 March 21 conversation with John Dean?

8 ATTORNEY GENERAL SAXBE: I haven't seen any tran-
9 scriptions or listened to any tapes.

10 QUESTION: Have you been shown whatever it is that
11 Senator Scott has been shown?

12 ATTORNEY GENERAL SAXBE: No.

13 QUESTION: Do you want to see any transcripts or
14 listen to any tapes?

15 ATTORNEY GENERAL SAXBE: No.

16 The office of -- the Department of Justice is
17 operating, efficiently, I believe, for Mr. Jaworski, and I --
18 that's the way it is going to be.

19 QUESTION: What have you based your assessment of
20 the President's lack of guilt in the Watergate affair on?
21 Just on personal conversations with him?

22 ATTORNEY GENERAL SAXBE: Personal conversation and
23 the fact that nobody has at that time that I made that state-
24 ment, or since then, shown me any hard evidence that he is
25 involved.

1 QUESTION: Bill, you reported recently --

2 ATTORNEY GENERAL SAXBE: -- or soft evidence, I
3 might add.

4 QUESTION: You were quoted recently as saying that
5 you believed the tapes had been tinkered with; you were
6 convinced the President did not do it. Given the few
7 people who have had access to both the tape recorder
8 and the tape, why is the investigation taking so long to
9 find out who did the erasure?

10 ATTORNEY GENERAL SAXBE: I don't know.

11 QUESTION: Do you keep in touch with the FBI on
12 that regularly?

13 ATTORNEY GENERAL SAXBE: No. I keep in touch with
14 the FBI on a regular basis, but not on this matter; because
15 they are working for Mr. Jaworski.

16 QUESTION: Is there any --

17 ATTORNEY GENERAL SAXBE: I think it is important
18 that we maintain this charter that Congress granted. I
19 think it is something that I am obligated to do, is stay the
20 hell out of it.

21 QUESTION: How much contact have you had with
22 Jaworski?

23 ATTORNEY GENERAL SAXBE: I have seen him twice.
24 Once on an internal matter in the Attorney General's office
25 and the other time I uncovered some things in the files I

1 thought he might want and asked him to come in and look at
2 them. He came in and looked, said he had it, and that was
3 it.

4 QUESTION: Mr. Attorney General, the White House
5 quotes Mr. St. Clair as saying that it is not necessary for
6 the FBI to interview the President on the question of the
7 gap, the hum in the tape. Did this decision come through
8 you or to you in any way?

9 ATTORNEY GENERAL SAXBE: No.

10 QUESTION: Does Mr. Jaworski have the authority to
11 direct the FBI to question the President if he feels it is
12 necessary?

13 ATTORNEY GENERAL SAXBE: This is going to be a
14 point of contention I would gather, from the statements
15 between the President's counsel and Mr. Jaworski; and I am
16 not going to guess at what the outcome will be. And that is
17 all I would be doing.

18 QUESTION: Won't you have to resolve that issue?

19 ATTORNEY GENERAL SAXBE: No.

20 Go back and read that charter, and you will realize
21 the power that he has. He has got extensive power.

22 QUESTION: You mean if they tell him no, the FBI
23 can't interview the President, and he says Yes, I want the
24 FBI to interview the President, you don't have to resolve
25 that? Jaworski just loses?

ATTORNEY GENERAL SAXBE: Oh, no. That would be one

1 of the issues that goes to court.

2 QUESTION: Is that the issue --

3 QUESTION: What would --

4 ATTORNEY GENERAL SAXBE: I don't know that. It
5 could be. But this and a great many other areas will
6 finally be resolved if they become points of contention.

7 QUESTION: Isn't the -- doesn't the charter
8 specify that Jaworski has the power to investigate the
9 President?

10 ATTORNEY GENERAL SAXBE: That's correct.

11 QUESTION: And would not the power to investigate
12 also include the power or the right to interrogate?

13 ATTORNEY GENERAL SAXBE: But they say no.

14 QUESTION: Who is "they"?

15 ATTORNEY GENERAL SAXBE: Well, you are talking --
16 you asked about St. Clair. So he says no. I mean you just
17 don't beat him over the head with the charter.

18

19

20 (Laughter.)

21 QUESTION: Well, in drawing up the charter, what
22 was the view of the Justice Department in terms of this kind
23 of a problem?

24 ATTORNEY GENERAL SAXBE: I don't know. I had no
25 part in it and it speaks for itself. And as I say, when you

1 reach a point of contention, you don't joust it off some
2 way. That is what the courts are for.

3 QUESTION: How would you get into the courts the
4 problem of whether the President can be interviewed by the
5 FBI?

6 QUESTION: Subpoena.

7 QUESTION: You would have to subpoena the President
8 for personal testimony by the FBI. And he would resist.

9 ATTORNEY GENERAL SAXBE: He would resist.

10 QUESTION: Then you go in a court for --

11 ATTORNEY GENERAL SAXBE: You have got an issue.

12 QUESTION: One of the central conditions under
13 which you took the job, central point of the Senate con-
14 firmation hearings was that you would have complete
15 independence to do the job as you saw fit.

16 Have you had any problem at all, any interference
17 from the White House, or anywhere else in the Administration,
18 to do what you think is necessary to carry out the job?

19 ATTORNEY GENERAL SAXBE: No.

20 QUESTION: How often do you contact the President
21 or he contacts you?

22 ATTORNEY GENERAL SAXBE: Oh; I have seen him an
23 average of once a week or twice a week, Cabinet meetings,
24 meetings on other issues; some of the litigation -- or some
25 of the messages, things like this.

1 QUESTION: Mr. Attorney General, on this privacy
2 legislation, where did that originate? Where did it come
3 from?

4 ATTORNEY GENERAL SAXBE: Well, those bills were
5 written in the Justice Department.

6 QUESTION: At the request of the President?

7 ATTORNEY GENERAL SAXBE: Well, I would guess at the
8 request of the White House. Whether it came directly from
9 the President, I don't know. We discussed this; and he was
10 for it. Now, we have got some difference of opinion that
11 will be ironed out in the Committee. We put it all in
12 there.

13 There is great opposition to the sealing of the
14 records, and maybe justifiably.

15 QUESTION: Well, knowing you are starting out
16 divided, doesn't that kill the thing right there? I mean,
17 why should Congress do anything when you can't figure out
18 what you want?

19 ATTORNEY GENERAL SAXBE: Congress has been divided
20 a long time and it never put them out of business.

21 QUESTION: Well, doesn't that give you an awful
22 burden to go up there and say, well, some people think this
23 and some people think that?

24 ATTORNEY GENERAL SAXBE: No; I don't think so. My
25 goodness; that's what the committee system is for. But rather

1 than not have the issue raised, I opt to put it in there.

2 And I talked to members of the Committee, and
3 some of them think it's great and others say it is no good
4 at all.

5 QUESTION: Will there be a Presidential message
6 on it?

7 ATTORNEY GENERAL SAXBE: I don't know whether there
8 will be or not. The bills are already up there, as you know.
9 It was included at some length in the -- not only the speech,
10 but then in the enlarged area of the speech. There is not a
11 whole lot more to be said on it. But it is an important
12 area.

13 QUESTION: Do you and the President disagree on
14 several issues in this legislation?

15 ATTORNEY GENERAL SAXBE: No; the President doesn't
16 disagree. I am talking about --

17 QUESTION: People within the Justice Department?

18 ATTORNEY GENERAL SAXBE: -- people within the
19 Justice Department. But then this is no big flap. I mean --

20 QUESTION: Well, what issues are there?

21 ATTORNEY GENERAL SAXBE: Well, the only one of any
22 moment is the sealing of the records. Most police depart-
23 ments all over the country -- and this is the attitude --
24 just think it is against public policy to seal records on
25 misdemeanors at four years and felonies on seven years; that

1 public policy demands better information than that.

2 QUESTION: What do you think about it?

3 ATTORNEY GENERAL SAXBE: I haven't made up my mind
4 on it. I'm inclined to agree with them on that; that there
5 has got to be some stigma attached to criminality. We just
6 can't remove it by a stroke of the pen; and you say, well,
7 after seven years, everybody is good again. What about a
8 record that is clear, though, for four or seven years?

9 ATTORNEY GENERAL SAXBE: That's what we are talking
10 about.

11 QUESTION: You are talking about arrest records,
12 though, aren't you? Where there isn't --

13 ATTORNEY GENERAL SAXBE: We are talking about
14 arrest records that could go out as information.

15 QUESTION: There is no criminality in being
16 arrested. You have to be convicted.

17 ATTORNEY GENERAL SAXBE: Oh, no. I am talking
18 about the criminal history of a person is not sent out unless
19 they have arrests and prosecution, conviction records. You
20 don't circulate arrest records, misdemeanors records and
21 things like that. I'm talking about proven criminals.

22 QUESTION: Now, you said that with a stroke of the
23 pen we just can't say after seven years that everyone is
24 good again.

25 Why must we say with the stroke of a pen after seven

1 years that everyone is bad again?

2 ATTORNEY GENERAL SAXBE: We don't. We just --

3 QUESTION: Right there you said there must be a
4 stigma of --

5 ATTORNEY GENERAL SAXBE: We are saying that the ones
6 who have been law violators should get some break, and maybe
7 seven years is the right number and maybe it isn't.

8 QUESTION: Are you talking in terms of a longer
9 period of years that the records would be available?

10 ATTORNEY GENERAL SAXBE: Oh, yes.

11 QUESTION: -- rather than --

12 ATTORNEY GENERAL SAXBE: Rather than -- they think
13 the period is too short. They don't question that these
14 records should be sealed; and they are talking about ten
15 years.

16 There is reason to believe this, too; because there
17 is pretty good evidence that if a person can make it past
18 age 28, he's not going to get involved in serious difficulties
19 again.

20 QUESTION: Capital punishment is an issue again --

21 ATTORNEY GENERAL SAXBE: Un-hmm.

22 QUESTION: -- what is your feeling on --

23 ATTORNEY GENERAL SAXBE: I think capital punishment
24 is a deterrent.

25 QUESTION: You think it should be reinstated for

1 certain Federal crimes?

2 ATTORNEY GENERAL SAXBE: Right.

3 QUESTION: Is there any move to do that? You had
4 the kidnapping --

5 ATTORNEY GENERAL SAXBE: Well, this kidnapping has
6 got more overtones than just a kidnapping. With the
7 violence that has been happening out in San Francisco and
8 just the wanton murder -- we just walk up to people on the
9 street or those people in that morgue, if this is tied
10 in to a terrorist organization; maybe it isn't a kid-
11 napping.

12 QUESTION: Is there -- do you think it is?

13 ATTORNEY GENERAL SAXBE: We have no proof of that
14 at the present time, but the police out there are giving
15 us indication that they fear this.

16 QUESTION: Has there been any message from the
17 kidnappers at all, either direct or indirect? There is no --

18 ATTORNEY GENERAL SAXBE: Not to my knowledge.

19 QUESTION: -- there is no idea at this point what
20 they have in mind?

21 QUESTION: What do you mean when you say it is more
22 than a kidnapping?

23 ATTORNEY GENERAL SAXBE: It is a terrorist thing,
24 like these other killings.

25 QUESTION: You mean it's racial, black-white; the

1 blacks have got a gang?

2 ATTORNEY GENERAL SAXBE: Well, you can't even say
3 that. Are you familiar with this organization that has been
4 operating out there?

5 QUESTION: No, I --

6 ATTORNEY GENERAL SAXBE: I can't give you --

7 QUESTION: -- understand the killings have been
8 blacks killing whites.

9 ATTORNEY GENERAL SAXBE: Well, there was a white
10 woman involved in the kidnapping, though, or she appeared
11 to be white.

12 QUESTION: There was a black superintendent killed,
13 too.

14 ATTORNEY GENERAL SAXBE: Yes.

15 QUESTION: There is a group that calls itself
16 the Symbionese.

17 ATTORNEY GENERAL SAXBE: Yes. The Symbionese.

18 QUESTION: Is there evidence --

19 ATTORNEY GENERAL SAXBE: It is a fanatical group.

20 QUESTION: What is the -- do you know anything --
21 can you tell us a little bit about what intelligence you
22 have on this group? Is it a political organization or what?
23 What are their goals? Do you know anything --

24 ATTORNEY GENERAL SAXBE: I don't know that much
25 about it at the present time. We are going to get a reading

1 on it this morning sometime.

2 QUESTION: Any indication it is more than just the
3 Bay Area operation, or is it --

4 ATTORNEY GENERAL SAXBE: Yes.

5 QUESTION: -- is it national?

6 ATTORNEY GENERAL SAXBE:

7 Well, that part is what we are watching for right
8 now.

9 QUESTION: Do you have any indication that it is
10 more than a Bay Area operation?

11 ATTORNEY GENERAL SAXBE: Yes.

12 QUESTION: You do?

13 ATTORNEY GENERAL SAXBE: Yes.

14 QUESTION: Is it something--

15 ATTORNEY GENERAL SAXBE: No hard evidence to that;
16 no hard evidence, but again, dealing with people who have
17 some familiarity with this type of operation, they warn
18 that it could be -- could show up here in Washington and it
19 could show up at any place.

20 QUESTION: What kind of soft evidence do you have?

21 ATTORNEY GENERAL SAXBE: Just only the information
22 from people who have familiarity with this kind of operation
23 in the Bay Area.

24 QUESTION: What other areas could this outfit be
25 operating in, based on what you suspect or know at this
time?

1 ATTORNEY GENERAL SAXBE: In the east. Washington,
2 New York.

3 QUESTION: What's the name of that group again?

4 ATTORNEY GENERAL SAXBE: Symbionese.

5 QUESTION: A liberation army.

6 ATTORNEY GENERAL SAXBE: Yes.

7 QUESTION: How is it spelled here?

8 ATTORNEY GENERAL SAXBE: S-y-m. --

9 QUESTION: -- b-i-o-n-e-s-e.

10 QUESTION: Their MO seems to be like the
11 terrorist activities of the Palestinian groups. Do you
12 have any connection thus far --

13 ATTORNEY GENERAL SAXBE: That is one of the baffling
14 things about it. They talk about a liberating force but
15 nobody knows what they want to liberate.

16 QUESTION: You don't know what their goal is, then?

17 ATTORNEY GENERAL SAXBE: No.

18 QUESTION: Are you saying that there is some reason
19 to believe that there is a nation -- national terrorist
20 group at work now?

21 ATTORNEY GENERAL SAXBE: We have no evidence that
22 would support such a statement. I am just telling you what
23 we are looking for and what the fear is; and the only input
24 we have is from police officers with some familiarity that
25 think that it possibly could be.

1 QUESTION: What is the FBI doing on the Hearst
2 kidnapping?

3 ATTORNEY GENERAL SAXBE: They are deeply involved.

4 QUESTION: They have a lot of people -- are they
5 sending people out there to beef up their San Francisco
6 office?

7 ATTORNEY GENERAL SAXBE: No; that's a pretty big
8 office.

9 QUESTION: What kinds of methods are you employing
10 to try to track down this Symbionese group? Are you doing
11 a lot of wiretapping, --

12 ATTORNEY GENERAL SAXBE: There are no domestic
13 wiretaps except those ordered by courts; and last year, for
14 the whole year there were less than 200.

15 QUESTION: How many have you authorized since you
16 have been Attorney General?

17 ATTORNEY GENERAL SAXBE: Very few.
18 Of course, when you say "authorized," all I can do is
19 authorize them to go to court to ask for one, and I assure
20 you it is very well screened. It goes through the FBI and
21 it goes through the Criminal Division and it goes through --
22 my executive secretary reviews it and then it goes to the
23 court and they have to make a case in court. And if the
24 court -- it is like issuing a warrant. It is no frivolous
25 thing.

1 QUESTION: It is being used strictly for national
2 security purposes, or what are the criteria for wiretap?

3 ATTORNEY GENERAL SAXBE: Well, on domestic, it is
4 primarily criminal.

5 QUESTION: Have you turned down any requests?

6 ATTORNEY GENERAL SAXBE: Well, some of them never
7 get to me. In other words, they are rejected before they
8 get to me. But this is a seldom thing. And as you know,
9 under this, after the wiretap runs, the person has to be
10 informed and it is a statutory proceeding.

11 QUESTION: Mr. Attorney General, I'd like to ask --

12 ATTORNEY GENERAL SAXBE: By the way, there's ten
13 states that have wiretaps, too. But in the total in the
14 United States last year, of the ten states and the ones
15 run by the United States, there were less than a thousand
16 total in the country.

17 QUESTION: I just want to get in this one question;
18 and that is, have you or your staff looked into the
19 suggestion that Chairman Mills made about the ques-
20 tion of immunity for the President following resignation. Have
21 you had any discussions with the White House or the Counsel staff?

22 ATTORNEY GENERAL SAXBE: No.

23 QUESTION: Do you think the country would be better
24 served if the President were to step down?

25 ATTORNEY GENERAL SAXBE: That calls for an opinion

1 that I can't make.

2 QUESTION: General, you said last year, last
3 August, I believe, right after -- while you were a member
4 of the Armed Services Committee, when the disclosure of the
5 Cambodian bombing in '69 and '70 were made, you made a
6 statement, I believe, that you viewed that as -- something
7 along the lines of the most viable impeachable offense
8 if there was one. That of all the things that had been
9 disclosed this, in your mind, was -- would stand as the most
10 impeachable offense, the authorization of that bombing.

11 Do you still feel that way, or --

12 ATTORNEY GENERAL SAXBE: I don't even recall making
13 the statement.

14 QUESTION: I just want to ask you about what your
15 whole goal is in the Justice Department. I read some
16 law-and-order type statements you made claiming
17 this country was verging on becoming a country not of law.

18 What do you hope to accomplish there?

19 ATTORNEY GENERAL SAXBE: I have got a very narrow
20 corridor that I am interested in. It is like on this strike
21 thing. I didn't want to get involved in negotiation of the
22 settlement. It is none of my business.

23 I am not in the Senate any longer; I can't be an
24 expert on everything.

25 (Laughter.)

1 ATTORNEY GENERAL SAXBE: And I am interested in
2 this narrow channel of effective operation of the mission
3 that is given to the Department of Justice. Now, this
4 mission is limited to investigation, to prosecution through
5 the U. S. Attorneys, which are the front line of the Justice
6 Department. There are 94 U. S. Attorneys in this country.

7 Supporting these attorneys is our Criminal
8 Division in Washington here, which handles things beyond
9 their ability -- I am talking about syndicated crime, -- and
10 other areas that require a larger scope. Vigorous
11 prosecution on the antitrust laws, which involve investiga-
12 tion and the development of conspiracies to violate the
13 Sherman Act, the Clayton Act, and other provisions.

14 A drug division which has grown in size and con-
15 solidates all of the drug operations in the country in
16 investigation, treaty making and identification, lab work,
17 in licensing, narcotics, and all of these things, and in
18 prosecution, where it is needed; that is, an assist to the
19 U. S. Attorney, who again is the front-line guy. This is
20 an important area.

21 In supporting Internal Revenue in the prosecution
22 of tax cases. This is obviously an important section. And
23 then the backup to all of these front-line operations and
24 of course the LEAA, which has to do with the distribution
25 of money to the states for the purpose of improving law

1 enforcement; the operation of the prison system; the parole
2 system; the Immigration and Naturalization section; and then
3 the support for this, which is housekeeping first and then
4 of course the appeals through the offices of the Solicitor
5 General.

6 Now, this involves 50,000 people. The U. S.
7 Marshal is another support area. And of course, the FBI,
8 the investigative arm that works for the attorneys. And
9 this is 50,000 people, 3,500 lawyers; and it is a big order.

10 Now, a department like that can run by itself for
11 a certain period of time; it has got a life of its own.
12 The U. S. Attorneys were operating long before there was a
13 Department of Justice; for almost a hundred years, they were
14 the only people in the field. The Department of Justice
15 wasn't established until 1870.

16 So it does have a life of its own. But it needs
17 coordination. It needs somebody to ramrod it, to defend it
18 from people at the top who want favors, who demand things;
19 and also to fight for things for it that it must have:
20 budgets, the powers it seems to have.

21 Now, I talked rather naively two or three months
22 ago -- somebody said -- about depoliticizing the Department
23 of Justice. Well, I was kind of naive, I guess, because to
24 me the political involvement in the Department of Justice is
25 whether the judges are appointed politically by Congress,

1 nominated and approved by Congress; whether the U.S. Attorney
2 is appointed the same way -- to me that is the extent of the
3 political involvement in the Department of Justice.

4 I later found that some editors anyway -- I don't
5 think the reporters -- but some editors were taking it as
6 though there was political intervention in the Department
7 of Justice. My goodness, that just can't happen. I never
8 gave a thought that anybody would think that politicizing
9 the Department of Justice means that some Congressman,
10 Senator, or political boss could come in and get anything
11 in the way of a special favor.

12 Maybe I am naive about it, but this is the way I
13 operated as a state attorney general. I didn't care if it
14 was the Governor or who it was. The office is run by the
15 book. There's no favors; there's absolutely no ability for
16 anybody to compromise for political purposes, pro or con.
17 So to interject this attitude -- because there were some
18 who were beginning to question, you know. It is hard to
19 withstand pressure from Congressmen. And I have Congress-
20 men that have come into my office with a request, a demand.

21 I had one come in the other day
22 bringing a letter to free Jimmy Hoffa of his restrictions
23 of political activity.

24 I said, well, my intention is to release this letter
25 when I receive it -- and I still haven't gotten the original;

1 I got the copy; but do you want to be identified as the
2 person who brought it in? Hell, no. He doesn't want to be
3 identified.

4 QUESTION: Who was it?

5 ATTORNEY GENERAL SAXBE: Well, I called him up
6 yesterday, and I said, I am going to talk about this. Do
7 you want to be identified?

8 No, sir.

9 Well, I am not going to identify him. I think
10 that as far as doing anything effective, he didn't do any-
11 thing effective.

12 QUESTION: Why is he doing it?

13 ATTORNEY GENERAL SAXBE: I suppose for constituents.

14 QUESTION: In other words, he wants the word
15 to get out to Hoffa supporters that he did it, but he doesn't
16 want the anti-Hoffa people to know?

17 ATTORNEY GENERAL SAXBE: That's it, I would guess.

18 QUESTION: Don't you feel like you're protecting
19 him?

20 ATTORNEY GENERAL SAXBE: No; I want to have the
21 confidence of people. If you want to come into the office
22 and tell me something and you don't want to tell the paper
23 you came in, you should be able to. This is an unusual
24 attitude of the press, I might add. They don't want me to
25 protect my sources.

(Laughter.)

1 ATTORNEY GENERAL SAXBE: Which, as I consider, is
2 what I am doing.

3 QUESTION: Maybe you can help him politically by
4 giving him that little notariety.

5 ATTORNEY GENERAL SAXBE: I gave him the opportunity.
6 (Laughter.)

7 QUESTION: With regard to the FBI, there was a
8 report here that a 16-year-old girl from New Jersey, I
9 believe, was put under surveillance because she wrote a
10 letter to the Socialist Workers Party. Have you looked into
11 that?

12 ATTORNEY GENERAL SAXBE: Yes.

13 QUESTION: And what have you found out; what have
14 you done about it?

15 ATTORNEY GENERAL SAXBE: It could happen, probably
16 did.

17 The intelligence gathering is a continuing thing.
18 It wasn't very long ago that we thought that we thought that
19 we weren't doing enough of it. We had great hearings here
20 in Washington. The heat and the pressure goes up and down.
21 Ten years ago, you couldn't get enough; and now, any is too
22 much. And obviously this was a foolish thing to do. But
23 if you have what is classified as a questionable area, you
24 get some input; you look at the piece of paper; you have no
25 way of knowing; so it comes to individualization. What do

1 you say? You don't investigate anything?

2 QUESTION: Have you struck a balance now? What
3 can you do to --

4 ATTORNEY GENERAL SAXBE: Well, I don't know whether
5 you can strike a balance when you are involved in an
6 emotional thing. Congress says that the FBI will perform
7 certain functions. Now, if Congress doesn't want anybody
8 investigated for any purpose, they can so say. They have
9 not said that.

10 We think that it is a necessary thing. Now, when
11 you investigate anybody, there's going to be unfortunate
12 incidents such as this that happen. But there is no way to
13 prevent it. Now, if you want to throw out the baby with
14 the bath water, you can do it.

15 But I think it is a necessary function --

16 QUESTION: You think writing a letter, by anyone,
17 whether she's 16 or 60, to a political party, is something
18 that ought to be investigated?

19 ATTORNEY GENERAL SAXBE: If you are trying to make
20 a complete file on it. Obviously, this was a mistake. But
21 mistakes will happen.

22 QUESTION: Well, you still got the mail cover on
23 that outfit, then? I mean, this girl happened to be 16 and
24 it got in the papers. So the mail cover continues even
25 though this outfit is a very pathetic, powerless group. How

1 long do you keep watching this crowd?

2
3 ATTORNEY GENERAL SAXBE: Well, again I say you are
4 faced with whether to run any investigations.

5 QUESTION: Well, I am wondering about the
6 constitutionality of this. I wonder what the basis for
7 investigating anybody that writes a letter to a political
8 party. What's the basis? You're the Attorney General.

9 Doesn't a citizen have a right to write to a
10 political party without being investigated?

11 ATTORNEY GENERAL SAXBE: Sure.

12 QUESTION: Have you told the FBI that this is not
13 a proper area of investigation?

14 ATTORNEY GENERAL SAXBE: Oh, they are well aware
15 that this was a mistake.

16 QUESTION: This particular case or this particular
17 party?

18 ATTORNEY GENERAL SAXBE: I think both. But, you
19 know, it is the tenor of the times. Ten years ago, you
20 couldn't do enough of it. 20 years ago. Now, any is too
21 much. But I do think that -- well, for instance, we are
22 involved in this terrorist thing now, not only the Irish
23 terrorism, Arab terrorism, Palestinian -- and now we have
24 got a new group of these Japanese. As you know, they are
25 operating in Kuwait. There are a whole lot of fanatics in

1 this world. This Symbionese group and all of this.

2 Well, now, I think the people of this country want
3 somebody to try to find out what's going on with these out-
4 fits. Now, you are going to follow a thousand false leads
5 to get one bit of information that might save an airplane
6 or save the life of a prominent person; a senator, a Presi-
7 dent.

8 Now, if you want to pick the least of the thousand
9 failures and say, why, this is the worst thing that can
10 happen in this country, you are going to blow the whole
11 thing out.

12 Now, Congress has got this privilege. I had an
13 argument with a senator the other day on wiretaps and we
14 are talking about consensual wiretaps. Now, if you agree
15 that your phone can be tapped for the purpose of
16 maybe no more than catching a dirty talking guy who
17 is calling at odd hours of the night, or something like
18 that. This is legal. You can authorize the telephone
19 company to do it.

20 And he thinks that this is illegal. You can bug
21 your own office. You can carry your own tape recorder in
22 your pocket. You are not violating any law. You don't
23 have to carry around a placard saying I have got a tape
24 recorder in my pocket.

25 Now, there are those who think that you should have

1 to have a warrant to tap your own telephone. And one of the
2 amusing things about it, it was a social evening and he and
3 his wife were there; and I said, if your wife is kidnapped
4 and the police come in, you are going to expect a ransom
5 call, would you authorize them to tap your telephone to
6 catch your wife's kidnapper?

7 Hell, no.

8 His wife said, the hell you wouldn't.

9 (Laughter.)

10 ATTORNEY GENERAL SAXBE: They had a family fight;
11 I got up and walked away.

12
13 QUESTION: Sounds like Alioto's problems.

14 ATTORNEY GENERAL SAXBE: Yes.

15 QUESTION: Could we get back here for a moment to the
16 Hearst situation. You said there are overtones to that that
17 suggests, at least to some police officers, that it might be
18 a part of terrorist activity in the Bay Area.

19 ATTORNEY GENERAL SAXBE: And not kidnapping for
20 money.

21 QUESTION: What hard or soft evidence, or what
22 indications are there, aside from, I presume, the fact that
23 there were black people involved with a white woman and
24 there had been that activity in the Bay Area. Is there any
25 other information?

1 ATTORNEY GENERAL SAXBE: None that I have. I just
2 have -- it comes over the wire; it says veteran police
3 officers feel that this could be
4 related to the eight murders of last week.

5 QUESTION: How many? Eight?

6 ATTORNEY GENERAL SAXBE: Five, and then three in
7 the morgue, or four in the morgue -- I think the number is --

8 QUESTION: Have they actually linked the first
9 three with the five recent ones?

10 ATTORNEY GENERAL SAXBE: No. And then the shootout in
11 this mosque in New York, you know, Brooklyn, yesterday.
12 They don't know whether that is tied in or not.

13 QUESTION: To get back to the privacy thing, Mr.
14 Attorney General, you know, people are pretty paranoid about
15 this whole question of being bugged and electronic sur-
16 veillance and that --

17 ATTORNEY GENERAL SAXBE: Sure.

18 QUESTION: -- and it doesn't seem to me that you are
19 coming down very hard on the right of personal privacy.
20 I mean, there are constitutional guarantees that people
21 will have privacy.

22 ATTORNEY GENERAL SAXBE: Now, you are talking about
23 bugging.

24 QUESTION: All right. I am talking about any kind
25 of electronic surveillance by the government.

1 ATTORNEY GENERAL SAXBE: All right. Now do you
2 think that it is excessive now?

3 QUESTION: I don't know. I just know that there
4 are certain safeguards or guidelines that have to be
5 observed; right?

6 ATTORNEY GENERAL SAXBE: That's right.

7 QUESTION: I don't know that--

8 ATTORNEY GENERAL SAXBE: And they are very strict.

9 QUESTION: Are they being observed?

10 ATTORNEY GENERAL SAXBE: They are being observed.

11 QUESTION: Is our right to privacy still being
12 protected --

13 ATTORNEY GENERAL SAXBE: Yes; it is.

14 QUESTION: -- despite the occasional abuses like
15 this girl whose letters were being --

16 ATTORNEY GENERAL SAXBE: You are not talking about
17 electronic surveillance. I mean --

18 QUESTION: All right, let's put it in the broad
19 category of intelligence.

20 In other words, it is the citizen's right to
21 express his views and have his personal privacy, is that being
22 protected under your tenure as Attorney General?

23 ATTORNEY GENERAL SAXBE: I hope to. I hope to
24 protect it.

25 QUESTION: Okay. Now, you got --

1 ATTORNEY GENERAL SAXBE: And I hope to make it
2 more difficult, keeping in mind, however, that we do have
3 to have intelligence gathering in this country. I think
4 it is a public purpose that we keep intact our intelligence-
5 gathering activities to protect the public; that there
6 be as little invasion of the privacy of law-abiding citizens
7 as possible. Now, mistakes will happen; but it is going to
8 be my effort to guard it as zealously as I can.

9 QUESTION: You mentioned the Hoffa thing a moment
10 ago. What is going to be done on that?

11 ATTORNEY GENERAL SAXBE: Nothing.

12 QUESTION: Nothing will be?

13 ATTORNEY GENERAL SAXBE: I know of nothing. There
14 is only -- the only way that that can be removed is the way
15 it was put on there and that is by the President.

16 QUESTION: Well, I think the Attorney General is
17 listed as the one who could or could not remove it if the
18 President approved it.

19 ATTORNEY GENERAL SAXBE: No, sir. I can't sign any
20 pardon.

21 QUESTION: Well, this is a restriction that's part
22 of the parole.

23 ATTORNEY GENERAL SAXBE: It is a restriction on the
24 clemency.

25 QUESTION: I see.

 ATTORNEY GENERAL SAXBE: And the clemency is only
handled by the Pardon Attorney and the President.

1 QUESTION: You don't see any role for the Attorney
2 General in lifting or not lifting it.

3 ATTORNEY GENERAL SAXBE: The only thing is we would
4 have a role in preparing such a thing if they were about to
5 do it.

6 QUESTION: But not in decision-making.

7 ATTORNEY GENERAL SAXBE: No.

8 Let me tell you what I -- this is a letter from
9 Hoffa, Jr. And we already received one in January, demanding
10 that -- saying that this was an illegal restriction and that
11 it couldn't be enforced and --

12 QUESTION: From his son?

13 ATTORNEY GENERAL SAXBE: From his son.

14 QUESTION: He is a lawyer?

15 ATTORNEY GENERAL SAXBE: He is a lawyer.

16 -- and they -- we treated it as a preliminary step
17 to filing court action. In other words, to keep from
18 getting thrown out of court, you would exhaust your admin-
19 istrative procedures first; and that is what we anticipated.

20 Now, if on the other hand he does as he says he is
21 going to do, that he is going to just disregard it and run
22 for office, my instructions are that they arrest him and
23 put him back in the penitentiary.

24 QUESTION: How long does he have to run? Do you
25 happen to know that offhand, on his parole?

1 ATTORNEY GENERAL SAXBE: 1980.

2
3 QUESTION: Mr. Attorney General, you said that we
4 need to keep the intelligence-gathering system going,
5 functioning, as it is. Does that include the FBI's request
6 for telephone records of newspapers? Do you see that as a
7 continuing part of the intelligence gathering system? I
8 ask that specifically because our newspaper apparently has --

9 ATTORNEY GENERAL SAXBE: Under the order that was
10 put out by -- let's see, was it -- AT&T last week-- you are
11 going to have to go to court to get a subpoena to get those
12 records.

13 QUESTION: Mr. Attorney General, what other groups
14 besides Socialist Workers are under surveillance?

15 ATTORNEY GENERAL SAXBE: I can't tell you. I don't
16 know. And I wouldn't if I did know.

17 QUESTION: One other thing. My understanding is the
18 IRS is investigating the situation in the propane industry.
19 There have been some letters written on it. Is the Federal
20 Energy Office sending any information on to Justice?

21 ATTORNEY GENERAL SAXBE: We are investigating this
22 area. It just seems an unconscionable raise of propane gas--
23 almost 400 percent in some regions. And if there is anti-
24 trust; if there is any violation, why we are trying to find
25 it. This is true.

QUESTION: Mr. Attorney General, do you have any

1 policy on political involvement -- that is your own personal
2 political -- the involvement in campaign appearances or fund-
3 raising speeches at fund-raising dinners?

4 ATTORNEY GENERAL SAXBE: No, I have rejected all of that.

5 QUESTION: You are not going to make any --

6 ATTORNEY GENERAL SAXBE: No.

7 QUESTION: -- appearances for friends?

8 ATTORNEY GENERAL SAXBE: No.

9 QUESTION: General, sir, to what extent is the
10 Department involved, other than the U. S. Attorney in New
11 York, in the trial of John Mitchell and Maurice Stans?

12 ATTORNEY GENERAL SAXBE: I can't tell you that.
13 I don't know.

14 QUESTION: This is going to be about the last
15 question. It is 10 o'clock.

16 ATTORNEY GENERAL SAXBE: Yes.

17 QUESTION: I was going to ask what I attempted to
18 ask a while ago and I guess maybe you didn't understand what
19 I was asking. Do you think the country is becoming a lawless
20 society?

21 ATTORNEY GENERAL SAXBE: No; I don't. I think
22 that the people of this country are law abiding and who want
23 to feel that their police, courts and lawyers are competent
24 and honest; and I believe they are. But I think that we
25 have been through an experience in this country that we have

1 to reestablish ourselves and reaffirm this with the people;
2 and this is part of my job.

3 I think that we want to live under law. And that
4 we can best do this by cultivating a respect for the law,
5 based upon fairness and competence.

6 QUESTION: Watergate, for one thing --

7 ATTORNEY GENERAL SAXBE: Well, Watergate, the
8 things like -- the Maryland thing; things that are popping
9 up in other states, kickbacks and now we have got a -- there
10 appears to be a scandal out in Ohio. And this is certainly--
11 undermines the respect for the system and --

12 QUESTION: Does the one out in Ohio involve
13 Gilligan?

14 ATTORNEY GENERAL SAXBE: I don't know. It is a
15 GAO investigation, campaign spending and activities, and
16 does involve, I would guess, the Gilligan Administration.
17 It has to do with hiring and kickbacks and things like this.

18 QUESTION: The Democratic Party has been cited;
19 and the GAO has recommended that the U.S. Attorney General
20 look into the possibility that State Highway Department
21 employees were partially paid with Federal funds -- be
22 investigatigated. Have you looked into that yet?

23 ATTORNEY GENERAL SAXBE: We are working on it.

24 QUESTION: Last Question?
25

1 ATTORNEY GENERAL SAXBE: I am not taking an active
2 personal part in it. It is like anything else; I put it
3 over in the proper division and cut them loose.

4 QUESTION: You have said that you were going to
5 maintain an arm's length relationship with Jaworski. What
6 kind of a relationship are you going to maintain with Jack
7 Chester, your good friend with the White House defense
8 counsel?

9 ATTORNEY GENERAL SAXBE: Well, he's a lawyer over
10 there. Socially, I'll talk to him and hope I'll see him.
11 When he's doing his job, why he's doing it.

12 You know, this is a funny attitude. It seems to
13 prevail down here that the only people that you can litigate
14 with are strangers or enemies. And if that attitude pre-
15 vailed in my county, nothing would ever get to court, be-
16 cause all the lawyers in the county sit down at a table
17 like this for lunch every day. And even in a town the size
18 of Columbus, the litigants belong to the same country club,
19 travel in the same social circles. It doesn't seem to
20 impair their effectiveness. Down here, if you get a post
21 card from a guy, all at once, you can't negotiate with him.

22 QUESTION: Were you asked about Chester by the
23 White House before he was hired?

24 ATTORNEY GENERAL SAXBE: Yes. I gave him a good
25 report.

1 QUESTION: Last question.

2 ATTORNEY GENERAL SAXBE: He's a damn good lawyer.

3 QUESTION: Did you know he was going to serve as
4 liason with the Justice Department for the White House?

5 ATTORNEY GENERAL SAXBE: I don't know it. Is
6 he? I haven't been informed of that. I don't recommend
7 that.

8 QUESTION: There has been for over a year now,
9 a widespread investigation of kickbacks and so forth in
10 connection with FHA operations. We had a grand jury going
11 in New York; a number of people have been indicted --

12 ATTORNEY GENERAL SAXBE: Philadelphia.

13 QUESTION: Philadelphia. There hasn't been much
14 said about this recently. I haven't seen much activity.

15 Is this a major problem? Is it being worked on
16 by your Department; and how widespread is it?

17 ATTORNEY GENERAL SAXBE: Just hold on a little bit.

18 QUESTION: Do you expect to be in court?

19 ATTORNEY GENERAL SAXBE: I don't know how wide-
20 spread it is. I assure you it is being investigated every
21 place.

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3 QUESTION: 'When are you going to get a Deputy and
4 who is he or she going to be?

5 ATTORNEY GENERAL SAXBE: Larry Silberman. It looks
6 like his hearings will come up a week from Monday.

7 QUESTION: Has the nomination been set up for
8 hearings?

9 ATTORNEY GENERAL SAXBE: Yes. Last Friday.

10 QUESTION: One last question.

11 Did you throw Candy Stroud out of your house?

12 ATTORNEY GENERAL SAXBE: Yes.
(Laughter.)

13 QUESTION: What did she ask you?

14 ATTORNEY GENERAL SAXBE: Some questions that I
15 couldn't answer. You know, do you think Nixon's guilty?
16 Are you still beating your wife?

17 (Laughter.)

18 ATTORNEY GENERAL SAXBE: She said I have never
19 been thrown out in five years in Washington; I said, well,
20 you have now.

21 (Laughter.)

22 QUESTION: Since you are still drinking your
23 coffee, I would like to ask you what is going on vis-a-vis
24 organized crime?

25 ATTORNEY GENERAL SAXBE: I would rather do this than

1 go back to work.

2 (Laughter.)

3 QUESTION: 'It's all right with me.

4 What are you doing with organized crime?

5 Kleindienst made a big point of saying that he had this
6 big drive against organized crime but it didn't have much
7 effect. Are you making a big push against it, or is that
8 a priority consideration right now?

9 ATTORNEY GENERAL SAXBE: Well, it is certainly
10 priority. The pattern of organized crime has changed. I
11 have learned that you get preconceived
12 ideas of what is going on and then you find out it is not
13 exactly true.

14 Organized crime is alive and well in this country.
15 That's why it is a priority. But in the drug racket it is
16 not; it is falling off in drugs; because the nickel-dime
17 people are putting them out of business. So it is just one
18 of these things -- it's like prostitution. Prostitution is
19 not such much a big organized crime moneymaker as it once
20 was.

21 QUESTION: What is?

22 ATTORNEY GENERAL SAXBE: Well, the juice racket is
23 very lucrative now.

24 QUESTION: Juice -- exorbitant interest?

25 ATTORNEY GENERAL SAXBE: Exorbitant interest; and

1 loan sharking; and they go where the
2 money is; and for gambling, of course, is still
3 the backbone; but with more and more legalized gambling
4 coming it, it isn't the syndicated problem that it once
5 was.

6 QUESTION: Did you say loaning money or exorbitant
7 money?

8 ATTORNEY GENERAL SAXBE: Loan sharking.

9 QUESTION: Are they preying on the legalized
10 gambling customers? In other words, we hear about people --

11 ATTORNEY GENERAL SAXBE: We get reports of that --

12 QUESTION: -- New York off-track betting and they
13 wait for them at the counter --

14 ATTORNEY GENERAL SAXBE: Yes; but this is nickel-
15 dime stuff. Loan sharking on the big scale is industrial,
16 business; yes, you know, \$100,000, \$200,000.

17 QUESTION: Is that very, very big now? Are they
18 moving in?

19 ATTORNEY GENERAL SAXBE: A desperate man, losing
20 his business, seeing big orders coming around; he will
21 get involved in these things.

22 QUESTION: He's going to lose his business for sure
23 then; isn't he?

24 ATTORNEY GENERAL SAXBE: That's right.

25 QUESTION: I mean, they take it over; they move in

1 to take it over.

2 ATTORNEY GENERAL SAXBE: But they are desperate men.

3 QUESTION: Senator, friends of mine out in the West
4 told me that they were in Houston once and one night they woke
5 up and the syndicate had bought some major apartment buildings
6 in Houston. Later on they were in Las Vegas and they woke up
7 one morning and they had bought different apartment buildings
8 in Vegas. Is the Justice Department trying to keep track . . .

9 ATTORNEY GENERAL SAXBE: Legitimate business activity;
10 yes, sir.

11 QUESTION: (Inaudible).

12 ATTORNEY GENERAL SAXBE: Yes, sir.

13 QUESTION: General, are they into anything except
14 real estate?

15 ATTORNEY GENERAL SAXBE: Oh, yes. They are into
16 manufacturing. You name it, they're in it, trying to find
17 outlets for money. If they can launder this money through
18 legitimate businesses, they do it. But, I'll tell you,
19 Internal Revenue does a whale of a job in this and the strike
20 forces have moved into this organized crime area and we are
21 getting good records of indictments and convictions and it is
22 a combination across the board of taxes, of violence, of
23 everything.

24 QUESTION: What do you recommend for the desperate
25 businessman who seems to have no other alternative?

ATTORNEY GENERAL SAXBE: Well, it certainly isn't
getting involved with these people. I mean, if the guy is
broke, he's broke.

QUESTION: A legitimate businessman with say \$100,000
that they need to invest for a tax shelter, how are they to

know that their real estate development over here is shabby?

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1 ATTORNEY GENERAL SAXBE: That isn't hard to find
2 out. I mean, you do it just like you do on every other
3 investment: you check the history of it and you check the
4 records and the character of the people involved and if
5 you will take the time, you can get a readout on practically
6 all of these things. There are organizations in every city
7 for the purpose of giving you this information. And your
8 best way is to rely on reputable brokers, people whose
9 names are at stake and the businesses are at stake; if you
10 deal with fly-by-night people, you are going to get just
11 about what you would expect.

12 QUESTION: Is organized crime any stronger or any
13 more extensive in this country than it was five, ten years
14 ago?

15 ATTORNEY GENERAL SAXBE: They are in different
16 businesses with a lower visibility. And we have seen some
17 entering into the oil business, for instance.

18 QUESTION: They were in it all the time.

19 (Laughter.)

20 QUESTION: General, there have been some stories
21 from time to time that strike forces are on their way out.

22 ATTORNEY GENERAL SAXBE: As long as they are
23 producing, they will stay in business.

24 QUESTION: General, as a former politician, what
25 kind of advice would you give to --

 ATTORNEY GENERAL SAXBE: I am no former politician,

1 I am a politician and proud of it.

2 QUESTION: What kind of advice would you give,
3 privately, perhaps, to members of Congress, Republican
4 members of Congress as to reelection; how they could tune
5 their campaign or attune it to the Administration?

6 ATTORNEY GENERAL SAXBE: I am in no position to
7 give them advice right now.

8 QUESTION: Could you give us some idea of what
9 cities are being looked at now for possible antitrust
10 action, vis-a-vis newspaper owners and television, radio, --

11 ATTORNEY GENERAL SAXBE: Just the ones that have
12 been filed are all I know about.

13 QUESTION: Is that something you are really going
14 to press or was that just kind of a one-shot deal?

15 ATTORNEY GENERAL SAXBE: I can't tell you.

16 There has been no policy decision on that at the
17 top. That is an area of antitrust law. I urge them to exercise
18 all the ingenuity that they can to enforce the antitrust
19 laws. And the only way they can do this is by exploring
20 those areas and hassling them out. These cases have kicked
21 around over there for a long time.

22 QUESTION: I mean is there an off-the-cuff feeling
23 about whether it is good for a city to have a radio -- TV
24 and radio and newspaper all owned by the same company?

25 ATTORNEY GENERAL SAXBE: Well, that's what the cases

1 are about, isn't it?

2 QUESTION: Yes; but what is your personal feeling?

3 ATTORNEY GENERAL SAXBE: Well, obviously, if we
4 file a case, my feeling will be in support of that case;
5 if we think it is in violation of antitrust laws.

6 QUESTION: I am talking about the idea --

7 ATTORNEY GENERAL SAXBE: I know what you want. And
8 it is not my job to put my philosophy -- substitute my
9 philosophy for what the law says and what the court says.
10 And for me to come here and make a political speech about
11 what's good and what's bad wouldn't necessarily comply with
12 what the law says and what the court says. And it puts me
13 in an area that restricts my freedom to shoot off my mouth
14 quite a bit.

15 (Laughter.)

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17 QUESTION: I mean your feeling of what the law
18 says.

19 ATTORNEY GENERAL SAXBE: My feeling of what the
20 law says is in that petition. I will get you a copy of it.

21 QUESTION: Well, is that applicable in general?
22 Or is that applicable --

23 ATTORNEY GENERAL SAXBE: It is applicable on the
24 case that it is filed on and will be applicable on those
25 cases where it fits. But there is no policy that says all

1 of this is bad. If we think it is bad, we will file a case.
2 And if we don't file it doesn't mean that we say it's good.
3 Maybe we just haven't got around to it.

4 QUESTION: Well, would it be reasonable to await
5 the outcome of these cases to see how the law develops on
6 -- in this area before you go ahead on a broader scale?

7 ATTORNEY GENERAL SAXBE: Perhaps. Perhaps. You
8 can only get so much hay down at once. And to
9 start wildly filing cases until you know the direction
10 isn't too wise.

11 QUESTION: Use these as test cases?

12 ATTORNEY GENERAL SAXBE: Maybe we haven't got the
13 best test case yet.

14 QUESTION: General, the investigation of the FHA
15 came up, and you said to wait a while on that one. Do you
16 know if there is any -- we had some cases out in St. Louis
17 about that. Is St. Louis one of the areas that you are looking into?

18 ATTORNEY GENERAL SAXBE: I can't tell you. I just
19 don't know. One thing I want to get
20 across to you is that I don't get down in that Antitrust
21 Section and say, now this is the target for the week.

22 (Laughter.)

23 ATTORNEY GENERAL SAXBE: And you hire good,
24 competent lawyers and, like an inventor, you put him in
25 that room with the law books to investigate a problem. It is

1 his job to determine if somebody is violating the Sherman
2 Act or the Clayton Act.

3 Now, when he uncovers one that is obvious, clear
4 sailing, -- here's a set of circumstances you walk into
5 that is obvious on the face of it -- which are getting
6 harder and harder to find, I might add -- but this is a
7 routine case; this is what 75 percent of all the cases
8 are, routine. Stupidity, dishonesty, lead them into a
9 set of circumstances that makes them in violation of the
10 law.

11 Now, on the other hand, you look at sets of circum-
12 stances which are fuzzy and you say, well, this seems to
13 fit; and these are kicked around. It is like on this news-
14 paper and TV, kicked around for a long time. Then people
15 in the Department said, let's go. We think we have got a
16 case. Another guy in the same department says, oh, hell,
17 you haven't got a case; you will get thrown out of court.

18 Finally, they got enough consensus, they go. And
19 in the Criminal Division, it's the same way. You have got
20 divisions down there, organized crime, used to have
21 internal security -- it's other things now. But most of
22 the things they do are routine. A guy is in violation;
23 there is a pattern; it shows up; it is just a matter of
24 getting a warrant and going out and laying it on him.

25 There are areas, other areas, where it is fuzzy.

1 You don't know whether you have got a case or not. This
2 is particularly true in the tax area.

3 There is very little innovation in the tax area.
4 If you fall into one of the slots, you are caught.
5 It is less than two percent where you are going out and
6 breaking new ground.

7 So all I try to do is to provide an atmosphere to
8 get the guy the freedom to perform. If I went down there
9 and said, we are going to lay off everybody in the oil
10 business because it might discourage the production of
11 oil. Half the guys would quit; I would hope they would
12 anyway.

13 Or if I went into the Criminal Division and say
14 we are going to lay off everybody in the juice racket be-
15 cause we don't want this poor guy that's going under the be
16 deprived of that 40 percent money. They would run me out.
17 And they should.

18 The best thing that I can hope to do is to establish
19 an atmosphere where competent lawyers are exercising their
20 own good judgment. And I think that is the highest way that
21 you can run a department. I ran the Attorney General's
22 office in Ohio this way. And I would have irate people
23 come storming in: did you see what those crazy so-and-so's
24 did? They would file suit against my grandma and we are
25 going to beat hell out of you on the next election, and so

1 on.

2 Well, I found out those guys never can beat anybody.
3 And I felt it was my job to protect that guy. Maybe I
4 didn't agree with what he was trying to do, but if he had
5 a concept, unless he was clear out of the ballpark, or it
6 was obvious harassment, I would cut him loose.

7 Now, I will not tolerate just harassment for the
8 hell of it. And sometimes you get eager beavers
9 who are mad at somebody or something, or maybe mad at the
10 world at large; and they figure out wild schemes. And of
11 course that's where it sometimes becomes tough, because
12 as soon as you go in and say to this guy, well, now, look,
13 this is unreasonable, why, he says, I am getting political
14 pressure to stay out of this and he may try to get an
15 injunction against the weather, or something like that; I
16 mean something that is ridiculous and wasting your time
17 and making the whole department unproductive.

18 QUESTION: General, do you think the appointment
19 of federal judges and U.S. Attorneys should be taken out of
20 politics?

21 ATTORNEY GENERAL SAXBE: I don't think you would get
22 qualitative people if you did. Our history on career jurists
23 anyway, is not too good. They play everything so cozy that
24 their motto is don't make nobody mad; and they aren't
25 effective and they don't have the independence.

1 Now, when you get right down to it, who is going
2 to pick them? Are you going to let the American Bar pick
3 them? Most people say no. Are you going to let the local
4 bar pick them? Well, hell, they are going to get patsies
5 that they can deal with.

6 QUESTION: Does the American Bar have a veto
7 power?

8 ATTORNEY GENERAL SAXBE: No; they don't have a
9 veto power. They have got --

10 QUESTION: As I understand it, there hasn't been
11 a Federal judge selected without ABA concurrence since 1955.

12 ATTORNEY GENERAL SAXBE: Yes; but I might add that
13 sometimes they adjust.

14 (Laughter.)

15 QUESTION: General, --

16 ATTORNEY GENERAL SAXBE:

17 For instance, we had a guy nominated down in Louisiana.
18 Competent man. And the American Bar said, well, he hasn't
19 been practicing long enough. They say he's got to be active
20 practice 15 years. He's a great guy; we all love him; but
21 he just hasn't been practicing long enough. He's the best
22 man down there.

23 Well, we said, to hell with you; we will appoint
24 him anyway. So they said, let us reconsider. I mean they
25 don't want to lose their batting average. But I think their

1 input is good, and they should have an input. But not a
2 veto. And I think that the Judiciary Committee of the
3 Senate will tell you the same thing. They are anxious and
4 willing to get the attitude of the American Bar Associa-
5 tion. But they also will tell you if the American Bar
6 Association is going to do it, what the hell does it come
7 to our committee for?

8 So their input like anybody else -- any citizen
9 can go up there and appear against any nominee. Now, on
10 the selection of prosecuting attorneys, district attorneys,
11 U. S. attorneys, whatever you call it. You get ambitious
12 young men who want to use this as a stepping stone for a
13 career in law. You get much better people than you would
14 get if it were a career thing.

15 Now, the turnover is tremendous. Regardless of
16 politics, the turnover is tremendous, even if you get four
17 years or eight years out of a guy that's a real comer, you
18 are getting better people than you would almost any other
19 way.

20 Now, the people that work for him tend to reflect
21 this. They are in there to get experience, to get
22 exposure. Now, I wish that we could get people that would
23 stay in these offices on a career basis. But with the
24 impaction of the pay the way it is at the present time,
25 you are not going to get the kind of people you would want

1 to have in there. You know, this impaction at \$36,000 no
2 matter how smart you are or how long you have been around,
3 well, the kind of people we want could go out in private
4 practice and make a lot more money than that. And you
5 know how difficult it is to get doctors in Federal service,
6 you can imagine how difficult it is to get crackerjack
7 lawyers to come in.

8 QUESTION: General, why did you raise the -- bring
9 up the topic of the Johnson and Kennedy tapes. It seems
10 that this was brought up by the White House some months
11 ago and your receiving it yesterday seems to indicate you
12 are climbing on the White House train.

13 ATTORNEY GENERAL SAXBE: I don't know why I
14 brought it up. I was just talking too much.

15 QUESTION: I mean is this consistent with the
16 position of neutrality?

17 ATTORNEY GENERAL SAXBE: No. It is just a state-
18 ment of fact. I have good reason to believe, from an
19 extremely competent source, that they were there.

20 QUESTION: Was the competent source out of the
21 White House?

22 ATTORNEY GENERAL SAXBE: No.

23 Again, you want me to disclose my source.

24 QUESTION: Well, not, not necessarily by name,
25 but by some means of identification.

ATTORNEY GENERAL SAXBE: No; he was not connected

1 with the White House.

2 QUESTION: Out of the Justice Department?

3 ATTORNEY GENERAL SAXBE: No.

4 QUESTION: Do you know where these tapes are now?

5 ATTORNEY GENERAL SAXBE: They say that the Johnson
6 tapes are in the Johnson Museum. They did an expert job;
7 they were properly catalogued; indexed and cross indexed
8 and filed.

9 QUESTION: Do you know where the Kennedy tapes are?

10 ATTORNEY GENERAL SAXBE: I don't know.

11 QUESTION: The original question, General, how does
12 this jibe with your position in terms of neutrality on the
13 Watergate tapes?

14 ATTORNEY GENERAL SAXBE: I don't see that that has
15 got a damned thing to do with it. I could say it rained
16 on January 1, 1911 as a statement of fact because I believe
17 it.

18 QUESTION: Are you going to keep all your present
19 assistant AG's, or have you got plans to replace any?

20 ATTORNEY GENERAL SAXBE: Right now I am still try-
21 ing to fill up. Once I get full, then I can look at what
22 I've got. But I still need several people; and I haven't
23 got any head of the Civil Division and we sent the name up;
24 I haven't got the Deputy yet; I haven't got my legislative
25 man; all these names are sent up. I need people.

1 QUESTION: What is the status of the Kent State
2 reopened investigation? Is that before a grand jury now?
3 Is that out of your hands pretty much now; or is it --

4 ATTORNEY GENERAL SAXBE: Yes; but the indication
5 being that if it wasn't Kent State that it somehow would
6 be in my hands. I wouldn't have a damned thing to do with
7 that no matter where it was.

8 Again, this is an area for the Chief of that
9 section; and he is proceeding on it in his own time and
10 his own way.

11 QUESTION: Have you had any indications from him
12 yet that there may be indictments?

13 ATTORNEY GENERAL SAXBE: No.

14 QUESTION: Or a report?

15 ATTORNEY GENERAL SAXBE: No.

16 QUESTION: Have you talked to him about it at all
17 recently?

18 ATTORNEY GENERAL SAXBE: No.

19 QUESTION: What role will you play, if any, if
20 there is another confrontation between the Watergate
21 Special Prosecutor and the White House?

22 ATTORNEY GENERAL SAXBE: I don't see that I would
23 play any role.

24 QUESTION: I have a feeling that we are holding up
25 the wheels of justice here, but you are free to go.

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Thank you.

ATTORNEY GENERAL SAXBE: Thank you.

(Whereupon, the press conference was concluded.)