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PRESS BRIEFING
WITH
THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES
AND
THE AL OTTEN LUNCHEON GROUP

12:00 Noon
Wednesday, June 25, 1975
Sheraton-Carlton Hotel
Washington, D. C.



P R O C E E D I N G S

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ATTORNEY GENERAL LEVI: * * find out more about it.

QUESTION: You will honor his request?

ATTORNEY GENERAL LEVI: We certainly will honor it to the extent of trying to find out what it is about, and I suppose that is, in a sense, a pre-investigation, to determine whether you're going to ...

QUESTION: Are you concerned that there were criminal violations of the law?

ATTORNEY GENERAL LEVI: I never liked criminal violations of the law.

QUESTION: Well, you have --

ATTORNEY GENERAL LEVI: You cannot tell from that letter, obviously.

QUESTION: -- you have an acknowledgement from Senator Sparkman, that he did intercede with federal agencies on behalf of a constituent company to --

ATTORNEY GENERAL LEVI: There's nothing wrong with a Congressman talking to a federal agency; it's a question of what he says.

QUESTION: Do you think you would look into that facet of the case, since there were federal price controls and the issuance of these export licenses enabled the company to circumvent these controls?



1
2 ATTORNEY GENERAL LEVI: I think we will look into
3 the matter and see what we find.

4 QUESTION: What are you going to do about this
5 Court of Appeals decision the other day on wiretapping?

6 ATTORNEY GENERAL LEVI: Well, the first thing I'm
7 going to do is re-read it many times.

8 QUESTION: The report yesterday of 140 or so wire-
9 taps last year, were all those with court order or some were
10 with court order and some without? Were they broken down?

11 ATTORNEY GENERAL LEVI: The letter which I gave to
12 Senator Kennedy, and which he made public, and which I really
13 asked him to make public -- and the same letter, I want to
14 say, went to Chairman Rodino and to Senator Church and to
15 Senator Eastland; those were all either wiretaps or micro-
16 phones which were warrantless.

17 We had previously sent a letter to Senator Kennedy
18 on the -- on describing those that were under warrant; these
19 were all warrantless.

20 And if you take the holding of the Court of Appeals
21 decision, all of these -- well, the letter describes, tries
22 to give the numbers over the years, but if you take the
23 warrantless taps and microphones that have been authorized
24 since I've been Attorney General, all of them come within --
25 to put it the other way, are not banned by the holding of
the Court of Appeals decision.



1 QUESTION: Would you care to make the same
2 comments on, one way or the other, about the '74 wiretaps,
3 the 1974 wiretaps?

4 ATTORNEY GENERAL LEVI: Well, I have to assume
5 they were, but the only thing that you can do is to -- would
6 be to take up each one and look at it, and that would be an
7 incredible review. The Mitchell case arose prior to the
8 Keith decision. So it really -- when the statement is made
9 in some newspaper that we were asserting a broadening of
10 the power, I don't -- that seems to me kind of a strange
11 view because I suppose actually there's been a narrowing of
12 our assertion of the power. That is, we have tried to
13 adhere very carefully to the guidelines of the decisions.

14 And, as I say, if you take this decision and you
15 take the holding rather than the remarks thrown out by --
16 what's his name?

17 QUESTION: Skelly Wright.

18 ATTORNEY GENERAL LEVI: -- Skelly Wright, which
19 he's very careful to say are remarks that are not intended
20 as a holding of the case; if you take the holding, why, we
21 have been in conformity with that holding. And I've written
22 a little letter to -- I thought that was clear anyway, but
23 now I'm making it clear. I mentioned the holding to Senator
24 Kennedy and to each one of the Senators or Representatives
25 that I spoke to yesterday. I thought it was clear, anyway,



1 but I have sent another little letter to Kennedy and the
2 rest of them today, just stating that.

3 QUESTION: Are you going to appeal that decision?

4 ATTORNEY GENERAL LEVI: Well, I don't know whether
5 we will or not, because the Department of Justice is only
6 in that decision -- in that case as the lawyer for the
7 nine FBI agents and Mr. Mitchell, in their official capacity
8 and in their personal capacity. So you have a problem of
9 -- and I don't know what our decision will be, nor do I,
10 I must say, do I know what the decision of the clients will
11 be.

12 So it's conceivable that they might say, well,
13 they are protected because what they did they did in good
14 faith, and so they don't want to appeal.

15 On the other hand, I think the Department of
16 Justice position really is -- I doubt if we would wish to
17 argue with the holding of the case.

18 Now, what you do with an opinion written by a judge
19 that roams all over the map and discusses how a statute of
20 the Congress can be rewritten by the -- I don't know by whom,
21 by the court or by the practice of the Department or
22 something, I really don't know what. That represents a very
23 interesting problem, whether we should try to get -- whether
24 there's any way that we can get that clarified.

25 And I'm not at all convinced that an appeal would



1 be the way to do it.

2 QUESTION: What was the point of the holding
3 that permits warrantless wiretapping in this case, in these
4 cases?

5 ATTORNEY GENERAL LEVI: Well, what it does is to
6 restrict the area of national security, taps or foreign
7 affairs taps, to those cases where the foreign government
8 or its agency, or collaboration with that agency, is
9 involved.

10 And that is the way the Department has been
11 proceeding.

12 QUESTION: General, could I take you back to the
13 oil matter for a moment, please?

14 ATTORNEY GENERAL LEVI: By the way, I may say,
15 if you think of that case, which -- I'm not defending it
16 one way or the other, but it's a kind of a paradox, and
17 it's sort of entertaining in some aspects because -- and
18 that's a bad word -- but here is a case -- that was a case
19 where the United States Government, after there had been a
20 resolution in the U.N. condemning the government for not
21 protecting the Russian representatives from the attacks of
22 the Jewish Defense League, felt that it had to do something
23 to try to stop these bombings of foreign diplomats. So
24 that the United States Government was trying to protect the
25



1 Russian representatives, and try to make -- to have a
2 certain kind of security for the U.N.

3 QUESTION: What makes it embarrassing for the
4 government to go to court to get that protection, to get
5 court approval?

6 ATTORNEY GENERAL LEVI: There was no protection,
7 there wasn't any federal law at that time which authorized
8 the federal government to protect the foreign diplomats.
9 That was passed afterwards.

10 QUESTION: Unh-hunh.

11 ATTORNEY GENERAL LEVI: So that there would have
12 been no way, presumably, to go under Title III, for the
13 federal government to go under Title III, and secure a
14 warrant.

15 QUESTION: General, on this --

16 ATTORNEY GENERAL LEVI: They could rewrite the
17 Act and say, well, anybody can do, you know, why not
18 go into creativity here and you get to all other kinds of
19 problems.

20 And you have to just sort of imagine how that's
21 going to operate. Now, Skelly Wright says, if I read his
22 opinion correctly, that there isn't anything a judge can't
23 do.

24 I like people who have strong views as to their
25 abilities, but --.



1 [Laughter.]

2 QUESTION: On the oil transactions, has any
3 question occurred to you about this matter, independent of
4 Governor Carey's request? Before he had made his request,
5 had you given this matter any thought?

6 ATTORNEY GENERAL LEVI: No, I had not.

7 You mean in connection with that particular
8 thing? No.

9 QUESTION: Yes, sir; yes, sir.

10 ATTORNEY GENERAL LEVI: No. As a matter of fact,
11 I hadn't seen the letter, and knew nothing about it. I
12 just heard about it.

13 QUESTION: Had you seen any publicity about the
14 transaction at all?

15 ATTORNEY GENERAL LEVI: I don't think so.

16 QUESTION: What have you been doing, or have
17 you gotten the Rockefeller Commission stuff that the
18 President said he was turning over to you? What -- how
19 have you been handling it?

20 ATTORNEY GENERAL LEVI: There is a -- it's being
21 handled in the Criminal Division as a regular investigation,
22 which has, nevertheless, high priority; and, in addition,
23 since I feel, as I know the Deputy also feels, a sense of
24 special responsibility. And I feel it because the President
25 said he was turning it over to me.



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I have taken it upon myself to read a considerable amount of the material.

QUESTION: Mr. Colby said he didn't expect any criminal prosecutions to come out of that, do you think there's any likelihood any will?

ATTORNEY GENERAL LEVI: I don't think I ought to comment on that, because I think the only way to come to that conclusion is when one has really seen the results of examining all the considerable amount of material which has been given to us.

QUESTION: Well now, in most instances, the Rockefeller report did not fix responsibility. Your investigation at least will go that far, won't it? Fix the responsibility, at least in your own minds, where it actually belongs -- whether you decide that you've got grounds to prosecute or not?

ATTORNEY GENERAL LEVI: Well, there are various stages in any investigation which -- where the question is whether you're going to prosecute or not. And if you decide for example that -- and this is just an example -- that whatever is charged and whoever did it was barred by the statute of limitations. I mean, if you were to decide that, it would -- but that's the answer.

If you decide that it is not, then it may be that the nature of the possible offenses, as they start to appear



1 are such that the defenses are overwhelming. In which case,
2 if that's really true, you -- and it's conceivable that the
3 defenses might be defenses that would exist even though you
4 weren't quite sure how to fix the particular responsibility.

5 I think in any investigation of this kind you move
6 along several lines at once. I have asked various parts
7 of the Criminal Division to draft legal memoranda on the
8 issues as I see them, from what I've read, and I am sure
9 there are others that they have thought of also and, at the
10 same time, there's a problem of piecing together which is --
11 what appears from the material, and then you have to decide,
12 really, at some juncture, whether this is the kind of thing
13 which, in order to get more information or whatever, you
14 have to go to a grand jury and so on.

15 These are decisions that have not been made.

16 QUESTION: Can I pose a set of hypothetical
17 circumstances, on this point?

18 QUESTION: Well, that would suggest, though, that
19 you have no specific timetable or deadline, is that right?

20 ATTORNEY GENERAL LEVI: Well, I feel that we have
21 to act quickly, and I wouldn't want us to -- I have asked
22 for one memorandum which would relate to the statute of
23 limitations, because I would hate to have the situation
24 occur that while we were studying the matter, suddenly the
25 statute ran out.



1 QUESTION: Can you tell us what area that is?

2 ATTORNEY GENERAL LEVI: No, I'm not going to do
3 that.

4 QUESTION: Can you take it from the other
5 direction? President Ford was asked at his news conference
6 what law would have been violated by such activities, --

7 ATTORNEY GENERAL LEVI: Right.

8 QUESTION: -- and he mentioned only the 1947 CIA
9 law. Is there a law against -- federal law against doing
10 what's alleged to have been done? Other than that CIA
11 charging law?

12 ATTORNEY GENERAL LEVI: You have a set of terribly
13 interesting questions, if you're --

14 QUESTION: Let me call it neutrality, then.

15 ATTORNEY GENERAL LEVI: -- if you're interested
16 in jurisprudence. And one problem is whether we are only
17 looking at federal offenses which don't involve, let's say,
18 the District of Columbia. If you look at the District of
19 Columbia you have to treat that -- that is a federal
20 jurisdiction.

21 And so then the question is, Well, what is the
22 District of Columbia law on the subject, and then another
23 question is, What other law might be involved? And it may
24 be that we'll discover that we think that there's been a
25 crime -- I mean it's conceivable that we might -- but that it's



1 not a federal crime, but it is a -- that it raises the
2 question of whether there's some State crime.

3 QUESTION: In that case would you turn it over to
4 a local --

5 ATTORNEY GENERAL LEVI: I think if we were
6 convinced of that we would -- maybe we could turn it over.
7 And so one of the memoranda that I -- among the memoranda that
8 I've asked for is one which discusses what the state of the
9 law could be said to be in jurisdictions which might be
10 applicable.

11 So you have both a -- you have a complicated set
12 of problems there, whether it's the federal -- whether it is
13 the -- if it's a federal jurisdiction matter, then what kind
14 of statute are you thinking of? What does it require?

15 And if it's a State or District of Columbia thing,
16 how do you interpret it?

17 And it's a very interesting area, either on.

18 QUESTION: Let me just ask: Before what year
19 would anything be ruled out by the statute of limitations?

20 ATTORNEY GENERAL LEVI: Well, it depends -- it's
21 hard for me to go into that because you'd have to ask -- the
22 statute of limitations depends on what kind of a crime it is
23 you're investigating.

24 QUESTION: Well, what are the possibilities there?

25 ATTORNEY GENERAL LEVI: Well, one possibility



1 timelessness, and another possibility is a five-year statute,
2 something of that sort.

3 QUESTION: Are you becoming --

4 QUESTION: What about perjury?

5 ATTORNEY GENERAL LEVI: I think perjury has to be
6 looked at, too.

7 QUESTION: Let me pose a hypothetical set of
8 circumstances: supposing you were to find, without any
9 question of doubt in your own mind, that an illegal act was
10 committed by a subordinate on orders of a deceased President;
11 would you recommend prosecution in that set of circumstances?

12 ATTORNEY GENERAL LEVI: Well, I don't know what
13 I would do, but that the recommendation would be based on
14 what -- my judgment as to what the law was. And I would
15 try to have as informed a judgment on that as I possibly
16 could have.

17 It's a very interesting question.

18 QUESTION: Which of these -- which of the
19 possibilities here are timeless? I mean, I'm not familiar
20 with -- are there certain areas of law where --

21 ATTORNEY GENERAL LEVI: Well, if we were talking
22 about assassinations, I guess we really don't have a statute
23 of limitations.

24 QUESTION: So that that you would look into, no
25 matter how far back it goes?



1 ATTORNEY GENERAL LEVI: Well, I don't want to be
2 too sure about that, because the -- it might relate to the
3 question as to what particular federal law we're talking
4 about as being applicable; and it's really complicated.
5 And it's wrong for me to say more about that, on any basis,
6 because it's a set of very difficult questions and I don't
7 think one gives answers before one is as enlightened as one
8 can be.

9 QUESTION: Is the statute of limitations, this
10 timeless thing, conspiracy to murder, as it is in the
11 substantive criminal?
....

12 ATTORNEY GENERAL LEVI: Well, that wouldn't --
13 that's one of the problems I was referring to. But I --

14 QUESTION: Is that a question, really?

15 ATTORNEY GENERAL LEVI: Yes, I think so.

16 QUESTION: Is the Church committee --

17 ATTORNEY GENERAL LEVI: Because there would be a
18 problem of how one gets the federal jurisdiction. One really
19 has to -- it's really complicated.

20 QUESTION: Well, now, if I may pursue that, if
21 there are federal officials -- again hypothetically --

22 ATTORNEY GENERAL LEVI: First you have to ask
23 what law it's violated. Is it, a conspiracy to commit
24 murder, a federal offense?

25 QUESTION: If the conspiracy occurs on



1 property.

2 ATTORNEY GENERAL LEVI: Well, then we have to
3 ask -- find out what the District of Columbia law is, perhaps.

4 A VOICE: Or the Virginia law.

5 QUESTION: Or Florida law.

6 ATTORNEY GENERAL LEVI: Well, it's just too
7 complicated for me to give the -- I mean, I don't think this
8 is the kind of thing where --

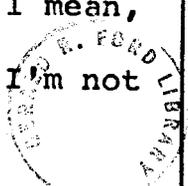
9 QUESTION: Well, there's an abstract question on
10 conspiracy, plotting a murder is -- there's no statute of
11 limitations on that, is there?

12 ATTORNEY GENERAL LEVI: Well, I don't think it
13 would come up quite that -- I don't think it would come up
14 in that simple form, and that's why I'm resisting in giving
15 an answer.

16 QUESTION: Is the Church committee helping or
17 hindering or has no impact on your work? I mean, are they
18 bringing out evidence that is useful to you? Are you getting
19 any of it from them?

20 ATTORNEY GENERAL LEVI: Well, I'm not aware of --
21 they may have given us material, but I'm not aware of
22 material which they have given to the Department. If they
23 have, it would be the Criminal Division that would have it.

24 I'm not aware of that. I'm aware that -- I mean,
25 I believe that material has been given to them, but I'm not



1 aware of material going the other way at this point on this.

2 QUESTION: To follow up on Paul's question
3 earlier --

4 ATTORNEY GENERAL LEVI: By the way, I haven't seen
5 all the material. One reason I'm hesitant in answering is
6 that, while I made it my business to read a considerable
7 amount of the material myself, there is a lot of material
8 which I have not read. And there's nothing so foolish as
9 making a comment and then finding -- [inaudible; noises
10 drowning out words]

11 QUESTION: Were you shocked to find this?

12 ATTORNEY GENERAL LEVI: I guess it's a question
13 of -- a very personal question of how one reacts, and that's
14 what you're asking me. I'm shocked by some of the material,
15 but --

16 QUESTION: Is that on assassinations?

17 ATTORNEY GENERAL LEVI: I'm just shocked by
18 some of the material, but -- and I'm not going to go further
19 on that -- but I do think we all have to try to remember,
20 which is very difficult to do, how things may have looked
21 at a prior time. That doesn't mean that that's a defense,
22 but you asked if I was shocked. I mean, that's like asking
23 me, perhaps, "were you shocked at the Bay of Pigs?"

24 QUESTION: How soon would you expect that --

25 QUESTION: Excuse me. Were you shocked by that?



1 [Laughter.]

2 ATTORNEY GENERAL LEVI: Well, I don't know that I
3 can reconstruct how one felt. It seems to me that the Bay of
4 Pigs revelation came out in degrees over the years, and I do
5 recall the -- President Kennedy saying that he took
6 responsibility for it; but I've forgotten whether he took
7 responsibility for its failure, or for having the idea.

8 So I'm not -- I think it's very hard for us to put
9 ourselves back into how we felt then. In any event, I'm
10 not sure that's relevant, because it was a different time,
11 and ...

12 QUESTION: No, it's just that it's a -- if I can
13 just follow up for one minute there -- it's just a thought.
14 The President has several times indicated his worry about one
15 generation sitting in judgment on a previous one.

16 Does that in any way inhibit you as to the question
17 whether laws have been violated here?

18 ATTORNEY GENERAL LEVI: No, I don't think it
19 should. I think that -- but I do think that it becomes a
20 factor when one asks: on what basis were people acting?
21 Did they believe they had authority to act? And so on.

22 And obviously that is one of the legal questions
23 which has to be faced up to.

24 QUESTION: Would that mitigate any criminal
25 culpability?



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2 ATTORNEY GENERAL LEVI: I'm just not prepared at
3 this point to answer that. I think -- I've tried to say
4 that the way you have to approach it is on as professional
5 basis as you possibly can.

6 QUESTION: May I follow up on that: Do you think,
7 today, the legal authority exists for a President of the
8 United States to launch another Bay of Pigs operation?

9 ATTORNEY GENERAL LEVI: Well, there is a statute
10 which talks about what the President has to do if he feels
11 that he is required to have military intervention; and I
12 assume that he would follow the statute.

13 I think that there is an inherent power which the
14 President has to safeguard American citizens. Therefore, my
15 view was that he would have had the power, did have the power
16 to withdraw and to help the withdrawal of American citizens
17 from Vietnam.

18 So I think there is that area of presidential
19 power.

20 But, again, to ask a general question as to the
21 Bay of Pigs is a --

22 QUESTION: It's not general, it's very specific:
23 does the President have --

24 ATTORNEY GENERAL LEVI: Well, it's a very specific
25 question, but it assumes that I know at least, and I don't,
all the facts about the Bay of Pigs; which I don't know.



1 QUESTION: Let me try to be more precise. Does
2 the President, in your judgment, have the authority under
3 the present law to call for military operation by proxy?
4

5 ATTORNEY GENERAL LEVI: I could imagine pressing
6 circumstances which, as I say, would be -- and I'm sure he
7 would follow the statute -- which I don't have in front of
8 me -- where the President, in order to safeguard the
9 interest of the United States, might have to engage in some
10 kind of military intervention. But I'm sure he would follow
11 the congressional statute on the point.

12 QUESTION: I give up!

13 [Laughter.]

14 QUESTION: I'd like to try to pin down this time-
15 table a little bit more. How soon do you expect that
16 people within the Justice Department would be making
17 recommendations on the CIA material? I mean, two or three
18 months, or less time than that?

19 ATTORNEY GENERAL LEVI: Well, I certainly hope it
20 will be less time than that.

21 One of the hardest things in the world is to
22 predict the amount of time that people have to take on this
23 kind of an investigation, and, as I said to you before, I
24 have not, myself, looked at all the materials. The nature
25 of the materials has something to be -- will tell you something
about how long it takes.



1 I have looked at that material which is better
2 organized. Material which is not as well organized is likely
3 to be the material which is going to raise questions, which
4 may take a lot more time. And we haven't had much time, you
5 know; we haven't had the material very long.

6 QUESTION: Is that the assassination material
7 that's not as well organized?

8 ATTORNEY GENERAL LEVI: I'm not going to go into
9 that.

10 QUESTION: Well, you know, you seem to be more
11 troubled, though, by the whole question of the assassination
12 investigation than anything else. Is that true? I mean, is
13 that what --

14 ATTORNEY GENERAL LEVI: No, I -- well, I think
15 that that's a natural reaction, in terms of the order of
16 offenses. I regard murder as something which is much more
17 serious than lesser acts.

18 QUESTION: Do you --

19 ATTORNEY GENERAL LEVI: And that's the only thing
20 that I've -- I really haven't -- I have not meant to suggest
21 that -- you've been asking me about assassinations and things
22 of that sort. It doesn't mean that I think that there aren't
23 other possible offenses, and it doesn't mean that I -- it
24 might turn out that there are other offenses that are
25 prosecutable, and the more serious ones are not. I'm just



1 not in a position to say on that.

2 QUESTION: Do you approach this kind of issue or
3 this particular issue strictly from a legal point of view, or
4 do you have to look at other policy considerations?

5 ATTORNEY GENERAL LEVI: I have to -- what I'm
6 trying to say is that I think that I have to approach it
7 from a strictly legal point of view.

8 I don't know what you think a strictly legal point
9 of view is, but --

10 QUESTION: Well, what the law is, as opposed to
11 interests of policy.

12 ATTORNEY GENERAL LEVI: I don't -- I think that
13 on a matter of this kind, when there's referenced to the
14 Department of Justice and the Attorney General for the
15 purpose of determining whether there should be a prosecution,
16 that is what the -- that is what we have been asked to do,
17 and that is our duty.

18 I'm not foreclosing, as I tried to say before,
19 because I think it's complicated, the kind of factors that
20 one will have to take into account which might determine
21 whether there is a violation or not. But I think it is to
22 be handled on a professional -- on that professional basis.

23 QUESTION: Does that mean, General, that you would
24 not expect to discuss with the President beforehand any
25 decision on whether or not to proceed with a prosecution?



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2 ATTORNEY GENERAL LEVI: I think in a situation of
3 this kind, the -- one would -- that the Department would have
4 to formulate its position, and I cannot, myself, think of
5 -- I don't know how to put it. I'm not unaware of the --
6 but there are all kinds of policy and humane considerations,
7 which are on both sides of the issue on that thing, I think.

8 But my own view of the matter is that the Department
9 of Justice's function is to see whether there are violations
10 of law, and, if there are violations of law, to prosecute
11 them.

12 In the -- I suppose it might be conceivable for the
13 Department to conclude that there were violations and, if, for
14 some reason, -- which probably in fact would go to -- would
15 be an interpretation of whether it thought the prosecutions
16 would succeed, or whether it really thought that there were
17 good defenses. So I think what it comes to, really, is
18 the question of the prosecution itself.

19 There might be those factors.

20 In the event that it was extremely close on
21 matters of that kind, and the Department decided not to go
22 ahead, I think we would have to make a public explanation as
23 to why we would not.

24 QUESTION: If I could --

25 QUESTION: Wait a minute; he didn't answer the
question.



1 QUESTION: But is that a judgment which you will
2 make independently, or on one which you would feel obligated
3 in this area to discuss with the President?

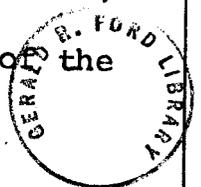
4 ATTORNEY GENERAL LEVI: // I would feel obligated to
5 tell the President that -- that is, to communicate the position
6 of the Department; but I would not expect the President to
7 tell the Department what to do. //

8 QUESTION: Yes, but that doesn't rule out the
9 possibility of consultation.

10 ATTORNEY GENERAL LEVI: Well, if the question is
11 -- would be the nature of the consultation, I'm quite
12 willing to consult with a number of legal experts on whether
13 these are crimes, or whether they are good defenses to the
14 crimes.

15 In a situation of this kind, one has to -- which is
16 very complicated -- one really has to ask for all kinds of
17 help, in the sense that you want to see a memorandum, for
18 example, which explores all the defenses. And this, then,
19 becomes, if you really get down to that point, very specific.
20 I think you have to know what you're doing. That's really
21 all I'm saying.

22 And I think the question of policy -- I don't want
23 to rule out the policy questions, because all the policy
24 questions which you will raise, that I think are relevant,
25 would become relevant in terms of an interpretation of the



1 law. So they are a needed part of the approach to the legal
2 question.

3 What I think you're asking me is something
4 different. I think you're saying if the Department were to
5 decide that there was a good prosecution, prosecutable as a
6 prosecutable offense, not barred by statute, and with no
7 good defense, would it then say, well, we will not go ahead.

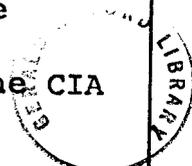
8 And I do not think the Department would say that.

9 QUESTION: How would you ask the President on
10 whether he thinks you should go ahead?

11 ATTORNEY GENERAL LEVI: No, I don't think that
12 would be a fair way to approach the President, and I would
13 not propose to do it.

14 Now, if you read the Rockefeller Commission report,
15 there's a curious sentence in it as I recall which says that
16 -- a recommendation which says that, something to the effect
17 -- I wish I had the report here with me; but I don't, so I
18 could cite it accurately. It says something about that it
19 was wrong for the Department of Justice to have more or less
20 left it to the CIA to determine the legality of its own
21 conduct; something of that sort.

22 And it says that in the future this should not be
23 the case, and that the -- but it has some sentence in there
24 about the Department should, on its own, determine the
25 legality, but it says something about -- should ask the CIA



1 for its views as to the effect of the prosecution on the CIA.

2 I may not have the exact words, but that's more
3 or less what it says.

4 I do not think that in this kind of a situation,
5 if we decided that it is a prosecutable offense, that there
6 is not a good defense, I do not think we would ask the CIA
7 what they think the effect of the prosecution would be.

8 QUESTION: In this case or other cases, then?

9 ATTORNEY GENERAL LEVI: But I don't think
10 really one should in any. But I have faced up to it in this
11 particular situation, in my own opinion.

12 QUESTION: Is that ignoring a section of the law,
13 then? I mean, if it says that, --

14 ATTORNEY GENERAL LEVI: That's not the law, just
15 the report.

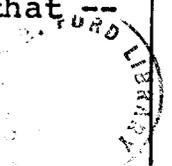
16 QUESTION: That's just the -- but there's nothing
17 in the statute which indicates that, then?

18 ATTORNEY GENERAL LEVI: No.

19 QUESTION: Right.

20 QUESTION: General, do you know if the pardon
21 of Mr. Nixon covers only his term of service as President,
22 or does it cover his entire service in the Executive Branch?

23 ATTORNEY GENERAL LEVI: I think it -- I'm not an
24 authority on that, and I don't want to shoot from the hip
25 on that; I think that -- I must say, it seems to me that --



1 didn't it speak in terms of time?

2 QUESTION: Yes. Discrepancy.

3 QUESTION: Mr. Levi, hasn't it also been essentially
4 an understanding between the Justice Department and the FBI
5 that the FBI would determine any criminal conduct by members
6 of its organization?

7 ATTORNEY GENERAL LEVI: Not that I'm aware of.

8 QUESTION: Well, maybe not written, but do we
9 know of any FBI agents who have been prosecuted by the
10 Justice Department?

11 Ever?

12 ATTORNEY GENERAL LEVI: Well, I don't know the
13 answer to that, but I certainly know that that's not our
14 attitude.

15 QUESTION: Now.

16 Are you concerned at all that --

17 ATTORNEY GENERAL LEVI: I don't think it's the
18 Bureau's attitude, either.

19 QUESTION: Now.

20 ATTORNEY GENERAL LEVI: Well, I can only --

21 QUESTION: Well, are you concerned at all with
22 the past abuses of the FBI, like the CIA, are going to start
23 coming out pretty soon and it's going to tar the Bureau
24 very much the way it has the CIA? Even though maybe they're
25 not going on now.



1 QUESTION: Well, that's what troubles me about
2 something you said earlier. I was going to try to draw you
3 out a bit more on it.

4 Doesn't a prosecutor normally go beyond considera-
5 tion of the violation of the letter of the law in a determina-
6 tion on whether to prosecute?

7 ATTORNEY GENERAL LEVI: That is an area of possibly
8 prosecutorial discussion. And prosecutors have that
9 discretion, and I suppose the administration of law would be
10 impossible without it.

11 QUESTION: Right.

12 ATTORNEY GENERAL LEVI: But when I think that --
13 I know there may be a certain harshness involved. And I
14 think in a situation where -- of the kind we're now talking
15 about -- I don't think the discretion can be used not to go
16 ahead. But, as I said before, tried to say before, if
17 that discretion is used, then I think it would be used really
18 with a consideration of the likelihood and the justification
19 of what would be a legal defense. And I suppose -- the
20 prosecutor doesn't always know how a case is going to come
21 out, after all. But if the prosecutor were to decide that
22 he ought not to go ahead in his discretion, I think it would
23 be based really on a consideration of the persuasiveness of
24 what would be legal defenses.

25 And if that were a close question, and one in which

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1 the government decided not to -- the Department of Justice --
 2 the government decided not to go ahead, then I think, at the
 3 very least, a public explanation as to that kind of a
 4 decision would be called for.

5 QUESTION: You don't find the other -- that this
 6 is a case where if it's remotely in doubt you ought to go
 7 ahead in order to somehow restore public confidence in the
 8 process?

9 ATTORNEY GENERAL LEVI: I don't know what you
 10 mean by "remotely in doubt" --

11 QUESTION: Well, if you thought there was a case
 12 but --

13 ATTORNEY GENERAL LEVI: If you said "even
 14 remotely in doubt" --

15 QUESTION: Well, that the chances were that they
 16 probably -- [end of side 1 of tape]

17 * * *

side 2 18 QUESTION: -- the relations between the Justice
 19 Department and the White House now, for example; on what
 20 kind of matters would you discuss, would you confer with
 21 White House counsel in his office?

22 ATTORNEY GENERAL LEVI: Well, I would consult
 23 with Phil Buchen or Rod Hills or Rod Areta on a variety
 24 of issues where I thought there were -- I would consult
 25 with them as one lawyer to another, really. And on that



1 basis.

2 I think it's important to -- that's because I
3 respect their legal judgment, and I'm -- and I would like to
4 get their views.

5 I don't want to give a wrong impression, I haven't
6 consulted them that much. But if I thought that this was a
7 kind of problem that I would like to talk out, in terms of
8 what the law was, I would -- I might well talk to them.

9 I think hearing myself talk sometimes helps a great
10 deal, and talking to somebody that, where you can -- where
11 you don't have to be worried about revealing all the factual
12 data and so on, which is always a problem, is a help.

13 And so I have discussed some legal issues on many
14 with them; I've also discussed appointments with Buchen
15 and Areta, when I was deliberating as to -- as I also
16 discussed them with the Deputy, after there was a Deputy,
17 what kind of a person ought to be appointed for this
18 particular job.

19 But it was always on that basis, that I was trying
20 to make up my own mind of what was the best way to go.

21 Now, what was going on in their minds, I wouldn't
22 know.

23 QUESTION: Do any FBI investigative reports go to
24 the White House without coming through your office?

25 ATTORNEY GENERAL LEVI: I don't think -- I think

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1 any -- I don't know the answer to that, frankly, and I --
2 let me go off the record on that for a moment.

3 [Discussion off the record.]

4 QUESTION: Something like your gun control speech
5 would have been cleared with the White House, wouldn't it?

6 ATTORNEY GENERAL LEVI: Well, that's very interesting.

7 I discussed the gun control speech with -- at
8 the very, sort of just before I gave the address -- with
9 Phil Buchen, and I sent it over to him to, so he could read
10 it. I certainly was not asking that it be cleared, and --
11 no, I was glad to get whatever kinds of thoughts people
12 might have; but I was not clearing it, I was not making an
13 official proposal for the --

14 QUESTION: For the Administration.

15 ATTORNEY GENERAL LEVI: -- for the Administration.

16 QUESTION: Did you go much further than the
17 President's recommendation on gun control?

18 ATTORNEY GENERAL LEVI: Did I go much further?

19 QUESTION: Yes. Or do you?

20 ATTORNEY GENERAL LEVI: Well, there's an
21 interesting development there, and I suppose an interesting
22 development in my own thinking. The President's
23 recommendations are the recommendations that the Department
24 of Justice made to him.

25 As you know, the President proceeds through options



1 and there's lots of people that are consulted, and then
2 there's sort of a voting on the option, the President
3 decides the -- the proposal that the Department of Justice
4 and therefore that I made to the President on gun control is
5 that -- are the proposals that are in the President's message.

6 Now, I knew from the very beginning, I discussed
7 in my first meetings with the President, after I was Attorney
8 General, I discussed gun control with him. I knew the
9 President was opposed to registration. I felt that it was
10 important to see if something couldn't be done on gun control.

11 And I knew there was the difficult problem of what
12 is up to the States to do and what is up to the federal
13 government to do, what is up to the cities to do, and so
14 forth.

15 It was at that meeting that I said to the
16 President, I just wonder whether something can be done --
17 we talked about "Saturday night specials", and I said I was
18 wondering whether there was something more that could be done
19 on a regional basis.

20 And he said, "Where did that idea come from?"

21 And I said, "It came from me, and it probably
22 won't work."

23 And he said, "Well, why don't you work on it and
24 see what you come up with?"

25 And it was really an attempt to get people thinking



1 as to what might be involved and what might be possible,
2 that I gave the talk that I gave on gun control.

3 It was a funny place to give the talk, I might
4 say, because it was a meeting of -- well, it was all right,
5 it was police chiefs and so on, but it was for drug
6 enforcement. And they might have expected me to be talking
7 about drug enforcement, instead here I was talking about
8 gun control.

9 I was trying to get a discussion going, and I
10 wanted to set the basis for conferences which followed, with
11 States' Attorneys General, and U. S. Attorneys, and State's
12 Attorneys.

13 QUESTION: Can I -- excuse me -- can I come at
14 my question another way?

15 Can the White House, for any executive purpose,
16 request information from the FBI files without going through
17 your office?

18 ATTORNEY GENERAL LEVI: I think not. I think
19 not. What I -- the reason I hesitated for a moment is that
20 I don't know whether there's some kind of a quick check,
21 name check, that might be possible; but any real request
22 of the Bureau would --

23 QUESTION: Is there something on paper that
24 you're responsible for which establishes this procedure?

25 ATTORNEY GENERAL LEVI: Well, I don't know if there



1 is or not. It is the understanding, and it is the thing
2 we've been working on in terms of the guidelines, and every
3 time anything has come up, it has always been understood
4 that it was to go through me or --

5 QUESTION: Through the Deputy?

6 ATTORNEY GENERAL LEVI: That's right.

7 QUESTION: I'm not clear what the development
8 was on the gun control.

9 ATTORNEY GENERAL LEVI: Well, the problem that
10 one runs into if one tries the geographic approach or tries
11 -- well, I wanted to come up with something that I had
12 thought would have the possibility of Administration
13 support.

14 I remember Representative Conyers saying to me
15 that he would like to have me come up and testify -- this
16 was in the very early days, when I was trying to work out
17 something -- and I said, "Do you want me to come up and
18 testify individually, and say just that it had the support
19 of the Administration, but just some bright ideas, you know,
20 or would you rather have me wait and be able to say that
21 this is the Administration proposal?"

22 And, to my humiliation, he said, "No, I'd like to
23 wait till you can say this is the Administration proposal."

24 [Laughter.]

25 So I -- my whole approach to it, really, has been



1 to see what was possible, because, obviously, people want to
2 go off on their own, they really don't need my technical
3 skill on that.

4 QUESTION: Well, why (?) from the
5 President on gun control?

6 ATTORNEY GENERAL LEVI: Well, I really don't.
7 As I said, I made these recommendations at this point,
8 because I think this is the way to go.

9 Now, what I was going to say is that what we ran
10 into was, when I tried the geographic approach, while the
11 U. S. Attorneys, many of them said it would be helpful, and
12 some of them said, "Look, we've got a touch law in this
13 city, or in this State, and what is the point of adding on
14 top of that a federal law?"

15 And, "Are you going to" -- and this is a terrible
16 problem -- "Are you going to make all crimes of violence in
17 this city or in this State a federal offense: Is that
18 what you're going to do?"

19 Well, that was the last thing in the world I wanted
20 to do. That would completely put into the U. S. Attorneys'
21 office the whole urban crime in the streets problem, where
22 it certainly doesn't belong; it would crowd the federal
23 courts, it would be an impossible situation.

24 So they said, "Well, what are you adding?"

25 Well, of course, what one wants to add is the



1 shipment of guns into the area, into a prohibited area.

2 So the problem was: to what extent could the
3 cheap handguns be eliminated? That's the "Saturday night
4 special".

5 And that seemed possibly to be do-able.

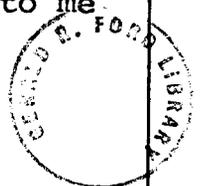
6 And then: to what extent could one add on to making
7 the interstate shipment of guns live up to certain
8 restrictions?

9 And that took us to the present law. And I must
10 say that it was some embarrassment to me as I got into this,
11 to have various people say to me: Well, that's in the
12 present law.

13 And so as one looked at the present law, one saw
14 that here are dealers, dealers are licensed, dealers are
15 not supposed to sell a gun to a person who lives in another
16 State; a dealer is not supposed to sell a gun to a person
17 who lives in the same State but in an area where the sale
18 or possession or other disposition -- I think that's the
19 language of the statute -- would be illegal.

20 And quite clearly that has not been effectively
21 enforced.

22 QUESTION: But your -- but that's what bothers me
23 about your position, sir. That, you know, I still don't see
24 how you get at it from where it's coming in; it seems to me
25 you have to get at it from where it's coming out of.



1 ATTORNEY GENERAL LEVI: That's right.

2 QUESTION: And South Carolina --

3 ATTORNEY GENERAL LEVI: Well, you're not going
4 to --

5 QUESTION: -- is not going to enforce its law,
6 that you just quoted; 4,000 agents in New York City or
7 Detroit aren't going to --

8 ATTORNEY GENERAL LEVI: It isn't a question of
9 South Carolina not enforcing its law. If you ban the
10 "Saturday night specials", that's a federal ban, and that
11 will be effective.

12 But I think what you're asking me is why not
13 ban other handguns. Well, I don't think that's -- I don't
14 think you get that -- I don't think the -- I don't think that
15 Congress would go for that, and I don't think -- and I think
16 you might get very -- might get nothing.

17 QUESTION: Would you favor --

18 QUESTION: What about getting some leadership --

19 ATTORNEY GENERAL LEVI: Not on this system.

20 QUESTION: What about some real leadership on
21 this issue from the Justice Department and --

22 ATTORNEY GENERAL LEVI: I think you've gotten it.

23 QUESTION: -- the White House, because --

24 ATTORNEY GENERAL LEVI: I think you've gotten it.

25 This is the first time that a proposal of this kind has been

1 advanced. I think they are -- I think that for them to take
2 the ten major urban areas, to double the enforcement power
3 of the Treasury on it -- and not only double it but to add
4 500 agents who have no other duties -- certainly is
5 worth trying.

6 And that ought to be quite effective, I think, in
7 seeing that illegal guns are -- guns that, where the sales
8 are illegal, do not come into the area.

9 Now, that is the regional approach, as it has come
10 out in this document.

11 QUESTION: In your last briefing you used a phrase
12 which sounds like good University of Chicago doctrine, which
13 was "to do the minimum that was effective". Why isn't
14 this an area where you can do the maximum that's effective?

15 ATTORNEY GENERAL LEVI: I'm not --

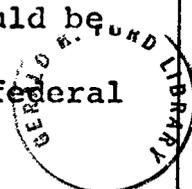
16 QUESTION: Are the American people ready in
17 this area, because all the polls keep showing 75 or 80
18 percent of the American people do favor --

19 ATTORNEY GENERAL LEVI: I'm not an authority on
20 that.

21 QUESTION: -- top measures.

22 ATTORNEY GENERAL LEVI: I know that -- well,
23 that's a political pattern; I don't know the answer to that.

24 I think you should do the minimum that would be
25 effective. And I don't -- I don't like seeing the federal



1 government take over the local law enforcement. And that's
2 another reason why I -- I realize that consistency is a
3 problem for all of us. I couldn't help but keep asking
4 myself, when I was taking the position that I was on no-
5 fault insurance, where I don't like to see the federal
6 government swamp the States, what was I saying about gun
7 control.

8 Now, you know, human nature is such that when one
9 can concoct distinctions and one can say this is important
10 or that isn't important, and so on; but certainly that is,
11 if you wish to call it a University of Chicago approach,
12 I don't really think -- I think that also -- I don't
13 think the University of Chicago approach should be encapsulated
14 in --

15 [Laughter.]

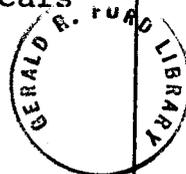
16 QUESTION: See, you hit a nerve with that question!

17 [Laughter.]

18 QUESTION: Have you heard anything on the border
19 wars going on, involving a real struggle between
20 Immigration and Customs at the borders of California and
21 Texas?

22 ATTORNEY GENERAL LEVI: Well, I --

23 QUESTION: Where some Customs people supposedly
24 actually dragged some Immigration agents out of their cars
25 and beat them up and so on?



1 ATTORNEY GENERAL LEVI: You mean recently?

2 No, I've not heard anything about any recent
3 events of that kind. Have you heard of any recently?

4 QUESTION: How long ago?

5 QUESTION: When was the last one?

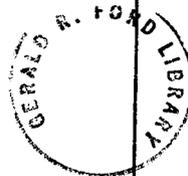
6 [Laughter.]

7 ATTORNEY GENERAL LEVI: Well, before I came down
8 here, I gather there were all kinds of stories and whatnot,
9 but my understanding is that the relationships with the
10 Treasury have vastly improved, and that General Chapman
11 has worked out much better arrangements, so that I don't
12 that's a problem.

13 QUESTION: You don't think that's a problem?

14 ATTORNEY GENERAL LEVI: No.

15 QUESTION: On the issue of prosecutorial
16 discretion and a kind of a general question of how you view
17 your role as Attorney General, there is -- I guess the
18 obvious case was the Department's position on -- or is it
19 the Department's position on the -- in defense of the '74
20 Campaign Act, where the Department perhaps did not
21 100 percent -- has chosen not to 100 percent defend the
22 position on the client agency; perhaps a similar point could
23 be made with respect to no-fault, where probably the
24 Justice Department has taken a different position than
25 the client agency on a legislative matter.



1 ATTORNEY GENERAL LEVI: Well, but that's very
2 difficult to apply. I mean, you really believe in kept
3 lawyers, don't you?

4 QUESTION: Well, how -- to what extent -- if
5 you want to defer -- obviously there's a difference between
6 the two cases. But to what extent do you view your role as
7 Attorney General with respect to the other agencies, as one
8 of simply -- how far can you go beyond simply representing
9 them from a legal -- how much can you put policy into this
10 position?

11 ATTORNEY GENERAL LEVI: Well, in the first
12 place, they are quite different, because the no-fault
13 insurance really is a question of policy, but -- and I
14 don't see any reason why an Attorney General shouldn't have
15 views on policy, even though he's a lawyer -- or hopes he's
16 a lawyer.

17 When he speaks, though, about the constitutionality
18 of the proposed law, he's obviously doing the -- making the
19 best judgment that he can; and when he speaks about federalism,
20 which is related to constitutionality, it seems to me that's
21 appropriate for an Attorney General and for a lawyer.

22 That was involved in the no-fault.

23 When it comes to the client agency kind of a
24 concept, that's a very different thing. That's where the
25 client is in litigation. As far as the Federal Election Law



1 is concerned, I'm a defendant, when they keep referring to
2 the Attorney General and his brief, I found that very
3 humorous, because I wasn't the lawyer, I was the client;
4 I'm being sued.

5 And the Department, at the moment, is kindly
6 representing me, but somebody -- I couldn't go out and hire
7 another lawyer.

8 QUESTION: Mr. Levi, it wouldn't give us any
9 sensitive information to tell us how many assassinations
10 were under investigation, or at least how many allegations
11 of different --

12 ATTORNEY GENERAL LEVI: I don't know whether it
13 would or not, but I'm not going to discuss it.

14 [Laughter.]

15 QUESTION: Can't you -- well, you know, we've
16 had so many figures, though, can't you just give us a rough
17 estimate of how many are --

18 ATTORNEY GENERAL LEVI: Well, why don't you let
19 me finish this federal election thing, because I really think
20 it's misunderstood.

21 The -- it was always clear from the beginning that
22 the Department of Justice, even though it was -- as a matter
23 of fact, it was not officially at that point, or technically,
24 representing the Commission, but it would represent the
25 Commission if the Commission wanted to be represented. And



1 the Commission said it was relying on the Department.

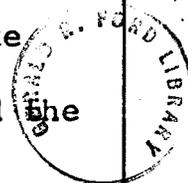
2 It was always known from the very beginning that
3 the Department was not going to defend the authority of
4 the Commission to bring prosecutions.

5 QUESTION: And this argument --

6 ATTORNEY GENERAL LEVI: And that was -- that's a
7 question as between the Executive Branch and the Congress,
8 and the Commission recognized that, and it was for that
9 reason -- and I think Congress really did, too -- for that
10 reason that the Commission had, for that purpose at least,
11 its own lawyers.

12 So that was never -- that was really never an issue.
13 Now, it happens that the Department made the argument against
14 the prosecutorial enforcement authority of the Commission.
15 As a matter of convenience, they made it in the brief which
16 they filed for me. They could have filed some kind of a
17 separate thing, or come in as an intervenor or been an
18 amicus, or something of the sort; but that was just to
19 simplify the papers, really, that the argument was made
20 there. And that was always known that that was going to be
21 the case.

22 Now, the real problem was that I think and the
23 Solicitor General thinks that there are grave constitutional
24 questions in that law. And, as I've said before, I take
25 very seriously the position of the Attorney General and the



1 Solicitor General as officers accountable in some sense, some
2 special sense, to the Supreme Court.

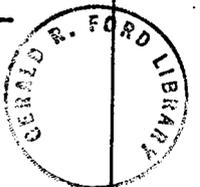
3 The only wobbling or question was this: Should we
4 file an amicus brief? And we discussed that. We filed an
5 amicus brief in the Court of Appeals, but this curious
6 business of the combined District Court/Court of Appeals
7 case, which is what I first thought we should do.

8 When that was -- we didn't know whether we would
9 do it. We said, well, we'll try it and see what an amicus
10 brief looks like. And immediately it was all over the
11 newspapers, which is sort of interesting.

12 But, anyway, the Commission said, in effect, "you've
13 let us down, you've given us no time at all; we were relying
14 on you", even though, as I say, we were never officially
15 their lawyers at that point; but, anyway we were -- "and
16 that puts us in a difficult position if you do that right
17 away in the Court of Appeals."

18 So, in order to avoid any appearance, because I
19 didn't want it to look as though we were being less than
20 helpful or deceptive or anything of that sort, I don't
21 think that was involved, we said: Well, all right, we won't
22 do it in the Court of Appeals, but we will do it in the
23 Supreme Court.

24 Then there was a snafu on the press release --
25 which you can discuss with Bob Havel, if you want to --



1 [Laughter.]

2 ATTORNEY GENERAL LEVI: -- there really was, it
3 was just a snafu; that I didn't see the release -- I can't
4 see everything -- there might have been a worse snafu if I
5 had seen it, probably. But I didn't see it.

6 What really happened was that Mr. Tyler said to me
7 at a cocktail party that he had seen the release, that he
8 thought was garbled, and so he cut out everything except the
9 first sentence.

10 And then, I guess I was standing there drinking, and
11 it didn't occur to me to say, "Well, what was the first
12 sentence?"

13 The next morning, when I saw it, I was shocked!

14 And so we immediately issued a release which said
15 what we were going to do, which we said we were going to do;
16 namely, to file an amicus brief in the Supreme Court.

17 Now, what -- the amicus brief that we were talking
18 about, we always described as a true amicus brief; it is
19 occasionally done. It is not a brief which takes sides.
20 It is a brief which is filed as a friend of the court, to
21 make sure the issues are explored in depth.

22 ? There was such a brief filed, for example, in the
23 saboteur case, the Department went out and hired Willard
24 Hearst, a professor, to write the constitutional history and
25 so on.



1 QUESTION: For Congress or for the Commission?

2 ATTORNEY GENERAL LEVI: Oh, the Commission has
3 the authority, so there's no problem. There's really no
4 problem. The problem is you can't have it both ways.

5 The reason the Department of Justice may be
6 effective with the Court is -- when we are -- is not only
7 because the cases, I hope, are on the right side; but because
8 that
9 we do understand/there is a position of special obligation
10 to the Court. And we are going to -- and I'm sure that our
11 defense of the Commission will profit from that, sense about
12 the Department of Justice.

13 But if the Commission wishes to have its own
14 attorneys and not have us defend them -- but if I have to
15 be defended, I hope -- but as far as -- that's quite all
16 right with us, but I don't see how they would gain anything
17 from it.

18 QUESTION: General, to what extent, if any, do you
19 get involved in national security council matters?

20 ATTORNEY GENERAL LEVI: I'm not a member of the
21 National Security Council, and --

22 QUESTION: Well, neither was Mitchell, but he sat
23 there.

24 ATTORNEY GENERAL LEVI: Well, he -- I don't sit
25 there.

26 QUESTION: You don't get involved in any of the



1 ?
grants?

2 ATTORNEY GENERAL LEVI: Well, no, I can't tell
3 you, since I don't know what goes on there. I don't want to
4 --

5 QUESTION: Well, were you consulted at all, for
6 example, on the ; any aspect of it?

7 ATTORNEY GENERAL LEVI: No, I was not. But we
8 were consulted in the -- and I think it covered it -- on the
9 legal authority for what could be done in the withdrawal from
10 Vietnam.

11 When the particular case came up, I was in Vienna,
12 so I wasn't consulted, although it would have been very
13 dramatic if I had been --

14 [Laughter]

15 QUESTION: A number of dramatic things might
16 have happened.

17 QUESTION: May I ask one other thing about these
18 FBI abuses? Do you now know of any past abuses by the
19 FBI?

20 ATTORNEY GENERAL LEVI: Well, everything that --
21 I think more or less everything that I know, except in
22 terms of details, I've tried to kind of make public. And
23 so that I've repeatedly said I don't know what turns up, you
24 know, from --

25 QUESTION: But isn't there still the attempt over



1 in the Bureau, though, to conceal things that went on
2 simply because of the people who are still over there who
3 were J. Edgar Hoover's supporters?

4 I mean the people who were in control when Hoover
5 was there are still pretty much in control, with the
6 exception of Mr. Kelley; isn't that true? Callahan,
7 Jenkins, and there were a few --

8 ATTORNEY GENERAL LEVI: I have never run a name
9 check on them. I don't have a list of the people that tells
10 -- I do not sense that. Maybe I'm naive, but I don't
11 sense that.

12 QUESTION: Back to the : Do you think,
13 in light of the history of the Forty Committee and the CIA
14 operations and whatnot, do you think it would be sound
15 public policy generally to have the Attorney General a
16 member of that committee?

17 ATTORNEY GENERAL LEVI: I don't even know what
18 these committees did, so I'm not going to answer that.

19 QUESTION: But they are the executive oversight
20 authority for clandestine operations, intelligence operations.
21 In light of what you now know, as a result of the Rockefeller
22 Commission report, do you think it would be sound public
23 policy to have the Attorney General represented on this
24 oversight body?

25 ATTORNEY GENERAL LEVI: Well, it seems to me the



1 Attorney General has got his hands full with the -- that so
2 far as any surveillance of an electronic type is concerned,
3 the Attorney General has grave responsibilities now under
4 the present situation.

5 The CIA apparently told Mr. Saxbe, and has told
6 me again that so far as any surveillance of that kind
7 abroad, it would be subject to the approval of the -- of
8 an American citizen, it would be subject to the approval
9 of the Attorney General and so on. So that -- now, the
10 President has asked for the recommendations of the
11 Department in response to the recommendations made by the
12 Rockefeller Commission. We haven't made those recommendations
13 yet.

14 QUESTION: Is it conceivable you might get into
15 this area in your organization?

16 ATTORNEY GENERAL LEVI: Well, I don't know.

17 QUESTION: Sir, before you have to take off,
18 I'll try one more quick area. Have you gotten very far in
19 making up your mind where justice lies in the Drug
20 Enforcement Agency?

21 ATTORNEY GENERAL LEVI: I'm not sure I understand
22 the implications of that question.

23 QUESTION: Well, I mean there are very grammatic
24 differences of the stories being told by Inspector Brosman
25 and so forth, and Mr. Bartels and his people, and it's hard



1 Mr. Dawes and Mr. Tortalino -- or however you pronounce his
2 name -- seem to be charging actual illegalities and
3 cover-up.

4 ATTORNEY GENERAL LEVI: Well, of course, anybody
5 can make whatever charges they want to make, I think that
6 it's terribly tough running a good Drug Enforcement
7 Administration, and I think a -- this isn't an excuse, Steve
8 -- but I think any Drug Enforcement Agency is always, by
9 the very nature of the thing, always going to be subject
10 to various charges. It's the area in which it operates
11 that this is inevitable.

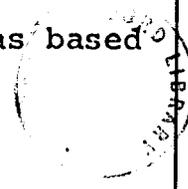
12 I'm not passing judgment on the charges. I'm
13 really not in a position to do that.

14 I looked at that operation, as I looked at other
15 operations in the Department, after I became Attorney
16 General. I waited till the Deputy was appointed, confirmed,
17 and on the job. And he and I and Bartels consulted, and
18 it seemed clear to me, and I think to them, that we had to
19 make a change in order to get a more effective administra-
20 tion.

21 It was on that basis that we acted. And we acted.

22 It's true that it's a White House appointment, and
23 therefore, when we acted, I wanted to be sure that the White
24 House would support me.

25 But the responsibility was mine, and it was based



1 on, just on that, really.

2 MODERATOR: General, thank you very much for
3 being here.

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