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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

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.

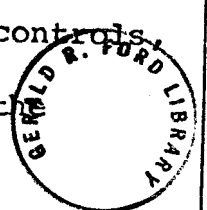
QUESTION: Well, you have --

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.

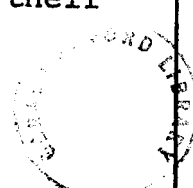
11 ATTORNEY GENERAL LEVI: So that there would have  
12 been no way, presumably, to go under Title III, for the  
13 federal government to go under Title III, and secure a  
14 warrant.

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.



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

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

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

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

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

24 If you decide that it is not, then it may be that  
25 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 --

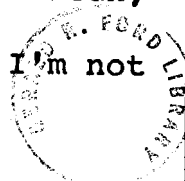
9 QUESTION: Well, there's an abstract question on  
10 conspiracy, plotting a murder is -- there's no statute of  
11 limitations on that, is there?

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?



[Laughter.]

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

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

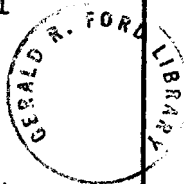
QUESTION: No, it's just that it's a -- if I can just follow up for one minute there -- it's just a thought. The President has several times indicated his worry about one generation sitting in judgment on a previous one.

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

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

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

QUESTION: Would that mitigate any criminal culpability?



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

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

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

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

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

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

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

23 ATTORNEY GENERAL LEVI: Well, it's a very specific  
24 question, but it assumes that I know at least, and I don't,  
25 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?



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

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

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

18                   There might be those factors.

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

23                   QUESTION:   If I could --

24                   QUESTION:   Wait a minute; he didn't answer the  
25 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?

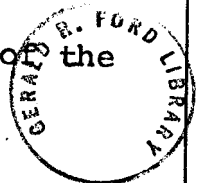
4 ATTORNEY GENERAL LEVI: //I would feel obligated to  
5 tell the President that -- that is, to communicate the position  
6 of the Department; but I would not expect the President to  
7 tell the Department what to do. //

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.

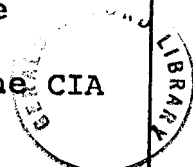
8 And I do not think the Department would say that.

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.

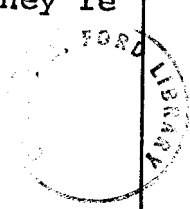
16 Are you concerned at all that --

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 ATTORNEY GENERAL LEVI: Certainly I would be  
2 concerned if I know what that means, if that's true, I  
3 wouldn't be happy about it, if that's what you mean. I'm  
4 not happy about the CIA.

5 QUESTION: But aren't you aware of some past  
6 abuses in the FBI that have not come out yet?

7 ATTORNEY GENERAL LEVI: Any abuse that we are  
8 aware of, we have always investigated, so far as I know,  
9 in terms of whether it is a prosecutable offense. And, so  
10 far as I know, one goes through the same kind of procedure  
11 that I described before.

12 QUESTION: Well, weren't there FBI vagaries of  
13 Embassies, for example?

14 ATTORNEY GENERAL LEVI: Now you're leading me  
15 into a -- I don't know what you're referring to, and you're  
16 leading me into a different field. You seem to be asking  
17 me some kind of a legal judgment.

18 But let me just say that we think that<sup>if</sup>/there's a  
19 possible offense, then the way it's handled is to have it  
20 investigated through the exact same kind of stages that I  
21 have referred to in terms of the CIA.

22 And one has to look at the possible defenses, has  
23 to look at the authority; one has to look at the -- what the  
24 law is.

25 And it's not always a simple question.



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.

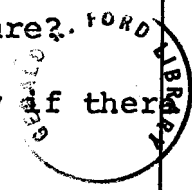
13 QUESTION: Can I -- excuse me -- can I come at  
14 my question another way?

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.

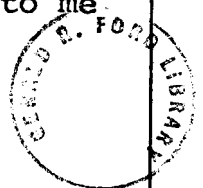
6 And then: to what extent could one add on to making  
7 the interstate shipment of guns live up to certain  
8 restrictions?

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 --

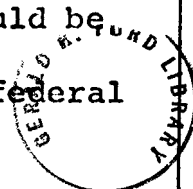
16 QUESTION: Are the American people ready in  
17 this area, because all the polls keep showing 75 or 80  
18 percent of the American people do favor --

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.]

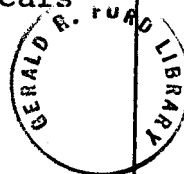
16 QUESTION: See, you hit a nerve with that question!

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?

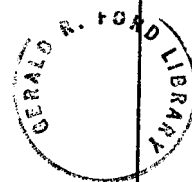
6 [Laughter.]

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.

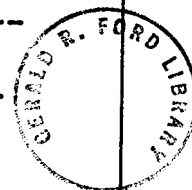
3 The only wobbling or question was this: Should we  
4 file an amicus brief? And we discussed that. We filed an  
5 amicus brief in the Court of Appeals, but this curious  
6 business of the combined District Court/Court of Appeals  
7 case, which is what I first thought we should do.

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 And it seemed to us that this bill involved  
2 serious questions about the structure of our government,  
3 and its way of working and so on, so that we wanted to be  
4 sure that there would be what we called a true amicus brief  
5 filed. It's not a brief which is going to say: these are  
6 the arguments for; these are the arguments against. It's  
7 not going to come in in that way at all, what it is going  
8 to do is to try to explore in as much depth as we can what  
9 the issues are.

10 And we felt that we owed that to the Court, and  
11 at the same time we will defend, and we will file a brief  
12 as we said we would, and I'm sure it will be an excellent  
13 brief; we will defend the client agency.

14 QUESTION: If I can just pursue that one more  
15 point: Does this whole case really make an argument for  
16 Congress to have, I guess what's been called a public  
17 attorney; I mean, for better or worse, Congress passed this  
18 law, Congress thought it was constitutional and thought  
19 it was good policy. And now that Congress is having  
20 trouble, or the agency and some others are having  
21 trouble getting/under the federal law.  
defended

22 ATTORNEY GENERAL LEVI: No, they're having  
23 no trouble at all; we are defending them. And if they want  
24 to have their own counsel defend it, that's provided for.  
25 So that --



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.

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.

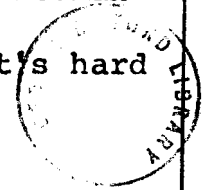
14 QUESTION: Is it conceivable you might get into  
15 this area in your organization?

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



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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.

4 - - -

