

Kleindienst on the

The following is excerpted from the transcript of an interview conducted by Elizabeth Drew with Attorney General Richard Kleindienst for last Thursday's "Thirty Minutes With . . ." program of the National Public Affairs Center for Television.

Q: I'd like to move on now to the subject of the break-in at the Watergate and the controversies that keep coming out of that. It has recently, very recently, been reported now that some documents were torn up at the Committee to Re-Elect the President. These had to do with who the contributors had been before April 10, when they had to be revealed. They had to do with documents that spelled out what the people who had been intercepting information had learned. And so on. Are you investigating the tearing up of those documents? As I understand it, that would be a —

A: The Department of Justice is going to investigate the conduct of anybody, if it's given, you know, enough information to believe that somebody has violated our laws. As you know, when the Watergate incident first occurred the President directed myself and Mr. Gray of the FBI to conduct a thorough, intensive investigation of that.

I think the investigation that has just concluded itself has probably been one of the most intensive that the Department of Justice and the FBI has ever been involved in. Some 1,500 persons were interviewed, 1,800 leads were followed, 333 agents were involved, 14,000 man hours, 51 of the 59 FBI field offices were involved. And that, I think, is a great credit to justice in this country.

Q: Did you know that documents had been destroyed?

A: No, I did not.

Q: Well, then, how thorough was the investigation?

A: I don't know whether they had been destroyed or not. The article that I read in The Washington Post this morning when I came back from New York made an allusion to that fact. But it didn't give the source of the information, it didn't seem to be corroborated. And then the destruction of documents by a campaign committee, or a corporation, doesn't necessarily mean that the law has been violated.

Q: Right. As I understand it, it would be a violation of the law if it's connected with an investigation that might be coming before a trial. So it

could be an obstruction of justice, couldn't it?

A: Well, if they were—if you could demonstrate that documents were destroyed and they had some connection with a criminal investigation—that could bring itself within that scope. We have about 700 complaints already referred to the Department of Justice with respect to campaign violations of one kind or another involving both parties, both campaign committees, most of the candidates. This is a time of very active political activity, and one of the jobs that the Department of Justice is going to have when it's all over in November is to address itself to these numerous complaints of all kinds—

Q: But not before the election?

A: Well, to the extent that we can.

Q: Well, let's get back to the specific tearing up of the documents, though. They were in connection with the criminal —

A: I don't know if they were or not . . . And if all I had to go by was the story that I read in The Washington Post, with the lack of source, I wouldn't say that that would be —

Q: Why wouldn't the FBI know, if they have done such a thorough investigation?

A: Well, I don't know if they know or not.

Q: You don't know?

A: I don't know.

Q: Aren't you handling the investigation?

A: Well, I'm in overall charge of the Department of Justice. We have, believe it or not, more than one matter down there. And we have ourselves continuing programs involving 50,000 people. I know as a result of that investigation —

Q: Why would they tear up these documents?

A: I haven't the slightest idea, Liz. I think you'd better call them up and ask them.

Q: I will.

A: I'm not connected with the campaign committee; I don't know what they did. I don't know the circumstances, I don't know the facts. And I would be the last one—being in the Department of Justice that's charged with the obligation to investigate and prosecute people for crimes—to speculate with respect to people's behavior

or their motives. We have to rely upon facts and evidence that comes about in a due process fashion.

Q: Did your investigation — I couldn't tell very clearly from the indictments — go into who actually paid for the break-in at the Watergate?

A: That would be a matter—inasmuch as the matter is now a subject matter of trial—I don't think I would want to comment about.

Q: But it's not in the indictments, the indictments don't talk about that. So it's not clear whether it's going to be a subject in the trial or not.

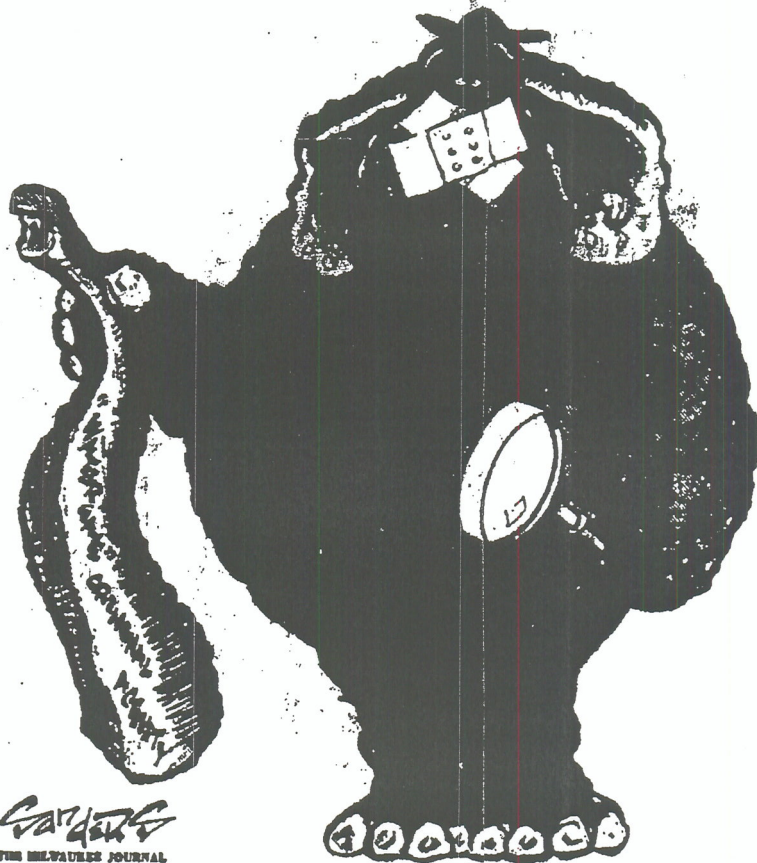
A: Well, indictments just frame out the legal requirements of the statutes. And at a trial of matters, you usually get your evidence pretty completely set forth. And we don't comment about matters that are either under investigation or involved in the trial, because you've got the rights in favor of these defendants under the law. Then you also have the interests in favor of the government with respect to its case, its procedures.

Q: Did the investigation look into whether Mr. Mitchell or Mr. Stans knew about this?

A: The investigation, as I said, involved the interview of some 1,500 people.

Q: Were they interviewed?

Watergate Case



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"After an exhaustive investigation I find this elephant trunk, acting independently and of its own accord, guilty of . . ."

Q: There were reports that they didn't look into the sources of the money. Are those reports, then, untrue?

A: Well, they had a comprehensive investigation of that matter, and that matter was submitted to a grand jury. And the grand jury returned some indictments. And that is all that I think I could comment about with respect to any specifics of what occurred.

Q: The General Accounting Office has referred to you for prosecution what they consider to be a violation of the campaign practices.

A: They referred several.

Q: Yes, they have. One of them has to do with a great deal of money, though, at least \$350,000 that was lying in Mr. Stans' safe. There are reports that this amount of money could have been as high as \$700,000. There are now reports that there was a secret fund, perhaps the same fund, as high as \$300,000, which people could draw for, you know, clandestine practices, all of which sounds very odd. Are you looking into that?

A: We're looking into those, and as I said a moment ago, I think we have 700 referrals to us right now.

Q: But will any of this come out before the election?

A: Well, you know, an investigation, you can't really determine how long an investigation takes because when you start —

Q: Well, you can, though, can't you?

A: Well, no, you can't really. If you do a thorough job you really can't anticipate or determine the length of time an investigation of complexity takes because you talk to one person, that can lead to another . . . I'm sure that on one would want the FBI to do such a quick investigation, just in order to satisfy somebody's desire to have it heard before the election, because if they did that then they would be accused of, let's say, a whitewash of it.

Q: Yes, on these accusations —

A: So that I think our standard really has been, Liz, that we're going to follow our normal procedures that we would follow in any kind of a case, and if that means it's going to be done before the election, it will be, and if it means that it won't, it won't be.

Q: On these accusations, you and the President have both rejected the idea of an independent investigation . . . Now, you're not only an appointee of the President, but you are now named as one of his surrogate campaigners for reelection. Do you see

some conflict of interest there, or that people might think that there's a conflict?

A: I don't. I'm a surrogate in a very limited way. Since I have been in the Department of Justice, almost four years now, I have never attended a political meeting. I don't attend political gatherings. The only exception to that, I went home to Phoenix right after I had been confirmed by the Senate and an old fund-raising group there had a dinner in my honor. But that's the only political meeting that I've attended since I've been in the Department of Justice. I don't go to Republican affairs, I don't go to fund-raising affairs.

But I'm a surrogate in this respect, that I'm doing now what I had been doing for three years, and I go about the country talking to labor union groups, chambers of commerce, teachers, other associations, and tell them about the programs of the Department of Justice and what I think are the accomplishments of President Nixon, and I'm going to do that until the day of the election.

Q: But do you understand that people might have some questions to your independence in this?

A: Well, they might have some, but I think that the proof of the pudding is in the eating thereof . . . I don't think that this kind of question ever was raised when Sen. Kennedy was President Kennedy's attorney general, his brother, you know, who was intimately involved in his campaign.

Q: I don't know that he had this kind of investigation before him, though. I think that's why it has come up now.

A: Well, they've had investigations like that in the Justice Department's functions. Keep in mind also you have an attorney general who is in the President's Cabinet but my department is really run, day in and day out, by fine career lawyers who have been there 10, 15, 20, 25 and 30 years.

Q: Don't you run it?

A: And those professionals—well, I set the general policy, but if I called in these career lawyers and said, "Well, we're going to investigate the Watergate case, but really don't take it seriously—"

Q: Well, you wouldn't be so dumb as to say that. I know that.

A: Well, I know, but those men have a very, very high concept of the law in this country, and it's what makes my department a great department, and it doesn't lend itself to the expediency of any one particular political problem or another.

A: I know that they were interrogated by the grand jury. I think 180 persons testified before the grand jury. There were 35 days of testimony that were presented. The grand jury was empaneled on June 3 by a federal judge, weeks before this incident occurred.

I was disturbed when Sen. McGovern made the comment after the indictments came down that this grand jury was under my control and was a whitewash. The grand jury is composed of just ordinary citizens, as you know, who are chosen because they are voters. They are empaneled by a federal judge. They have been sitting as a grand jury on other matters before this occurred . . .

Q: Did you have anything to do with the direction of the investigation?

A: Well, I had this to do with it: Number one, pursuant to the President's direction, I ordered that it commence. And then from time to time I got periodic status reports from Mr. [Henry] Petersen, the assistant attorney general in the criminal division, just as I do in any major investigation, so that I was generally informed about it. I know the direction that Mr. Gray gave to the agents of the FBI, and that is that they were to follow every lead as quickly and as expeditiously as possible. And they did.