

Presidential Oral History Program

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CARTER PRESIDENCY PROJECT
FINAL EDITED TRANSCRIPT
INTERVIEW WITH GRIFFIN BELL

March 23, 1988
Charlottesville, Virginia

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GRIFFIN BELL SESSION

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(Original transcription by the Miller Center; final transcription by the Carter Library)

Young: Judge Bell, we are all very glad to have you here and appreciate this time you are willing to give us—a very generous amount of very valuable time.

Bell: I'm glad to be here. This is the third time I've been here, I believe. The last time, I was sitting right over there and I had the honor of sitting by Dr. Dumas Malone. I'll never forget that. A great man.

Young: We don't have a prepared list of questions, but the professors here are also the students here. We are really trying to get educated. We have some thoughts.

Bell: Well, you can proceed any way you want to. My field of expertise is in the thoughts of justice.

Young: I just want to say the people here have prepared some writings, chapters from your book, some things from CQs [Congressional Quarterly], and snippets of things that would give people a general idea about—

Bell: You've got these questions, too.

Young: Right, you have those also for the forum. Those are general areas of questions that you can address. I thought this morning of some of the things we might like to hear about, and we could just go around for questions, but one of the things I think we haven't learned very much about and that you may be able to educate us a little about, is Carter before he became President. Not many of the people who have been here have had that close association or have been able to see him from the making of the President, as a Georgian, and as a President. So there might be something in there that we ought to pay attention to in trying to understand his Presidency.

Bell: I think that would be fruitful.

Young: I, for one, think that you may be able to enlighten us more on the process of Cabinet selection, too. I'm not sure how that went or how it was done. I'd like to try to get your sense of what Carter was looking for in his Cabinet appointments, and then we might move into more questions about his actual government once he got into Washington.

Bell: President Carter and I grew up in the same county down in south Georgia. And I guess the Bells and the Carters have always been friends for generations. His first cousin, Don Carter, is the retired president of Knight-Ridder for news. He lives in Sea Island, Georgia, now. He and I were in the same grade at school. I remember President Carter when he was a child. That's all I can remember about him. Don Carter and I were good friends and still are.

Of course, I knew Jimmy went to the Naval Academy and came back to run the peanut warehouse. He got interested in government down there and was on the school board and a few local things. Then he got elected to the state senate, and that story has been told many times about that fraud contest. One of my partners, Charlie Kirbo, represented him, and that's how he got to know him. He [Jimmy Carter] came to me to tell him who to get as a lawyer because by that time I was a federal judge, and I had gotten Charlie Kirbo to represent another friend down there in Americus who ran for judge and won by three votes, and his opponent contested it. So Charlie Kirbo had some expertise in that area of the law, and that's how Carter got him.

Then I renewed my acquaintance with President Carter after he got into the state senate. He would come over to the federal courthouse to see me. He had such a very inquisitive mind, and he wanted to get something to read. I wrote a few law review articles, and I would give him things like law review articles to read. He just wants to know everything. He has the most inquisitive mind of anyone I've ever known. He'd come by and visit just to chat. It wasn't too far from the state capitol over to the federal courthouse. Then one day he told me he was going to run for Governor, and I said, "Well, I don't believe you ought to do that. You are not well-known enough. I doubt you could get elected." But he ran anyway.

He never followed my advice about anything like that, and still thinks that I don't understand politics. But he did lose. He ran and he lost. But that just made him more determined than ever so he just kept running for the next four years, speaking at every little town in Georgia, and he got elected the next time. He got elected as a conservative. He made Carl Sanders, who had been a Governor, into a great liberal and gave him all the black votes, and he got all the blue collars in the campaign. That's just the way it went. He probably couldn't have gotten the black votes from Sanders anyway. But he beat Sanders. Sanders still talks about it. He's a friend of mine. In fact, I play golf with him, and he still talks about how he lost a race he shouldn't have lost.

President Carter then got into the Governor's office, and he got into this bit of reorganizing the state government, which he was going to do to the federal government, but he found it a little more difficult than he thought. Even in the state government his reorganization is still much debated as to whether it was worthwhile or not, whether we would be better off if we had the government back like it was before he reorganized it. I don't keep up with the state government that much, so I won't pass judgment on him, but it was not such a popular thing. Some of the

unpopularity, though, probably was caused by the loss of fiefdom by some of the agency heads who lost out. But he was very progressive.

Then, I don't know how he decided he wanted to run for President, but I have an idea that Charlie Kirbo put it in his head. Charlie used to tell me—Charlie and I are very close personal friends, and I actually brought Charlie to Atlanta from a small firm in Bainbridge, Georgia, in 1959 to join King & Spalding—Charlie kept telling me that Carter was a great man and could be President. Years went by and that prophecy came to pass. The first thing you know, he was running for President.

That's about the story of his youth. I knew his father and mother. I knew his two sisters and his brother. I didn't know Billy [Carter] that well, but Ruth [Carter Stapleton] and the older sister, I forget her name [Gloria Carter Spann], were all around Americus there and Plains. President Carter would never admit to having anything at all to do with Americus. His allegiance was to Plains. It was nine miles from Plains to Americus, and he sort of resented the fact that the county seat was in Americus. We had another town in the county like that called Leslie, and they felt the same way.

When I was serving as Attorney General, I was over visiting President Carter one afternoon, and he was in this little side office next door to the Oval Office. He was reading an old Americus paper and asked me if I knew that Judge Marshall had been appointed to the Supreme Court of Georgia. Tom Marshall from Americus. I said, "Yes, I knew that." He said, "Can you imagine Sumter County has got two Supreme Court justices out of seven? We really have more than our share. We already had one from there." I said, "Well, they are both from Americus." He said, "No. They're from Sumter County." I said, "Well, they also have a President from Sumter County." He said, "Yes, and an Attorney General." That was a really unreal thing sitting there talking like that.

McCleskey: Could I interrupt to ask what the qualities were that you and Kirbo saw in Carter at that stage that said to you this is Presidential—?

Bell: I didn't say I said it. Kirbo was the one who had this vision that he could be President. I think Kirbo probably admired his mind. Kirbo is a very smart person himself and he is probably more worldly than most people. He was a company commander in the paratroops in England and jumped into France on D-Day and was over there in England a long time—a signal corps company commander. He was a good businessman, owns a lot of land. He kept buying land when he got home from the Army. If you've ever been around him, he is a very slow talker. You think he's not thinking at all. He moves so slowly. But he thinks deeply. I think he just had the vision that Carter was a bright enough person to be President, and Carter also had views Charlie thought might be accepted nationally; in the civil rights area, for example.

Most Southern politicians, at that time, had never embraced civil rights. Carter was one of the first ones to do that and was able to get by with it in Georgia. From the day he was inaugurated as Governor on, his whole line was to embrace civil rights and put all that behind us. I think that was a part of Charlie's thoughts. Here was a man—another thing, I think Charlie was probably parochial in the sense that he wanted to see a Southerner get to be President again. After all, we

had been barred from the office since the Civil War. There is not anybody my age who wasn't very proud of the fact that we could get somebody from the South elected President and rejoin the union. We didn't last too long. I don't know how long it will be before we get another Southerner, but we'll get another one eventually.

Thompson: When we visited President Carter in Plains, we asked him who influenced him and he mentioned several [people], but he mentioned, particularly, this English teacher who he said had such faith in him. Were there people—?

Bell: Well, he tells that story, and he used to honor her. She was still living when he got to be President. But you know, I don't know whether somebody in the seventh grade influences you to be President or not. I would doubt that seriously, but I think it's a nice thing for him to say. I don't remember any of my teachers ever telling me I ought to be Attorney General. I don't think but one ever told me I ought to be a lawyer that I can remember.

Thompson: He said she told him that he was the best English student she had ever had and that led him to think if he could be that, why couldn't he be President?

Bell: Yes, well that's a good story. I suspect his cousin Don was just as good an English student as he was. He was a journalism major at Georgia and was Phi Beta Kappa, and has done extremely well in life. He's one of the members of the Carter family you never hear about. His brother is Hugh, who runs a store down there in Plains that sells all those curios. He sells fish bait, also. He was also a bright person.

Thompson: Who started him thinking about civil rights, or did he just observe it and make it?

Bell: I think going to Annapolis and being in the Navy might have had something to do with it. That gave him an exposure to the world that most of the Southerners would not have had. That probably had something to do with it, and I suspect that his religion had something to do with it. He is very devout in his views as a Christian. That might have been bringing him in that direction. Just a sense of fairness might have had something to do with it.

I know the first time I ever really thought about civil rights was when I was out of the Army and going to law school. One day, driving along with another law student, we passed a colored school in a rural area. There was this weird looking school building, and I said to him, "Think what we are doing to the blacks, making them go to school in a place like that." I hadn't even thought about integrating. It was just the unfairness of the thing. I think probably a lot of Southerners are like that. We never had anyone to lead us into doing anything about it, but I suspect that President Carter had a lot of those views. And then serving on the county school board probably taught him a lot.

Riley: Go ahead and continue the thought, but I wanted to direct that into when the political change came. You had indicated when he ran for Governor he didn't go after the black vote.

Bell: He couldn't have gotten them anyway. He was trying to get elected. You know politics is the art of the possible. If somebody else has got all the black votes, you would go somewhere else looking for votes. Kirby told me the day before the election that he didn't know if they were

going to win or not, but he would guarantee me one thing—that they would get every white person who made less than \$10,000 per year. They had the population divided. They were directing that campaign. Every politician does that. Otherwise, look at the votes now, everybody's trying to get the black vote.

Riley: Coming from Alabama, I've seen George Wallace do the same thing, but the sensitivity was there to begin with. It was just merely a question of demographics.

Bell: It was also very easy to do that. When Carl Sanders announced for Governor, he had a number of blacks there, like a black state senator. At that time, he had too many blacks at his opening in too many key positions. That marked him as a man who was going to get the black vote. So if you wanted to win, you had to go get the white votes. Carter didn't do anything off color, didn't engage in any demagoguery about it. He just took the role of a fiscal conservative. But people would get the idea that he was more conservative than he was. When he ran for President, I think people thought he was more conservative than he was. That's been one of the problems, you know. A lot of people voted for him, particularly in the South, thinking he was fairly conservative, and then he goes and gets all these people in the government from somewhere else, coming from another direction. Which brings us around to the Cabinet. How did he find the Cabinet?

Young: Are there any more questions on the—?

_____: One of the things that you've said, and others have said, that handicapped President Carter after he was President was his determination to make good on his campaign promises.

Bell: Oh, yes. I've got that in my book. Promises, promises.

_____: Did he do the same thing when he was running for Governor and then after he was Governor?

Bell: You know, I didn't keep up with that much. I was a federal judge, and I was on the Court of Appeals, and we had six states—I had to hold court in Texas and places like that—and I really keep up with that enough to know. I suspect he must have promised to reorganize the government because he spent all his time trying to reorganize the government. That's the way he got Jim McIntyre, and a lot of those people he brought to Washington with him were people who worked on the reorganization of the state government.

_____: Judge, I would like to ask you one question about Carter before he was President, and also if it affected his relationship with you as President and Attorney General. Some people have told me that as a small businessman, President Carter had a fairly characteristic suspicion, and even a hostility, to lawyers as a group. Not the law, but lawyers. And that attitude was something that he carried into the Presidency to some extent. Do you want to comment on that?

Bell: I never knew about his hostility, but he did have a lot of unkind things to say about lawyers, including me from time to time. But it was usually in a humorous vein. I never paid a whole lot of attention to it. I got into deep trouble with him one time at a meeting of the White

House Fellows, who always came to the Justice Department for a visit. They asked me what kind of President I thought President Carter was making, and I said, “Well, I think he’s doing about as well as an engineer can do.” It was a flippant remark that I should not have made because of the press in the room, and the next day it was in the *Washington Post* that I said that. Of course, one of these White House Fellows immediately said to me, “Well, you know who the last engineer was as President—[Herbert] Hoover.” President Carter wrote a note, one of his famous longhand notes—I have a number of them—saying, “I will try to help you sometime.”

Young: He had some other things to say about lawyers, too. I’m glad to know how that story got started, likening him to Hoover. I see it really started with you.

Bell: I did it—complete inadvertence. I wish I could have taken it back, but I had already said it. It was caused by the fact that he was always saying something against lawyers, so I started saying something about engineers. In the Cabinet meetings, he would make a joke about lawyers. He knew me well, and I could be his foil in some of his remarks. I never thought he meant that much by it. He grew up in a town that didn’t have a lawyer. There were only six hundred people there. There weren’t that many lawyers in Americus, fifteen, I think, during the time we were all growing up.

Today lawyers are unpopular. You ought to go around in the business circles I travel in. Not anybody says a good word for lawyers. The only lawyer anyone likes is their own lawyer. If they are in trouble they like their own lawyer, and that’s it. Otherwise, they are perceived to be a drag on the economy and a crowd of Robin Hoods taking money for their own pocket. That’s all. If he had strong views, they would be about in line with what the American people think. You can almost run a campaign for President against lawyers.

Young: I’ve often speculated about how Carter decided—I’ve heard these stories, too. I’ve heard so many it makes me wonder whether he didn’t get the advice he was already asking for, you know, that he was plotting his own future career. Do you know anything about why he didn’t try for the Congress or the Senate?

Bell: He was thinking about running for the Congress.

Young: Yes, do you know anything about that? He didn’t do it. Was it because it wasn’t opportune?

Bell: I think it was the same time he ran for Governor. It seems to me Bo [Howard] Callaway had the seat in his district, and he was going to run against Bo, and that didn’t materialize. I’ve forgotten, but he did seriously think about running for the House. And then he was in the state senate, and probably figured it would be better to be Governor, which is true. He didn’t try to run for the Senate.

Young: It’s interesting to experiment [inaudible] if he had gone to the Presidency from the Senate.

Bell: A more logical question would be, when he got out of the Governor's office—it was two years before the Presidential campaign started—why didn't he run for the Senate? Well, he could have done that, because he appointed David Gambrell, and all he had to do with David is to tell David, I'm putting you up there to warm the seat. He actually offered me the place in the Senate, called me on the telephone and asked me if I would like to be appointed to the Senate. He didn't offer it to me, he just asked me if I would like to be appointed. I said, "Just to hold the seat or would I have to run for re-election?" Someone said, "You have to run for re-election."

I can't imagine any federal judge in the South getting re-elected for the Senate. I had integrated more schools, I think, than any federal judge had in the whole South—something like 140 school integration cases. I couldn't get re-elected. So I thanked him and didn't run. All I would have done is gotten in debt and would have been out of a job. When he announced that he was appointing David Gambrell at the press conference, he announced that I was one of the ones he had considered appointing. But he could have arranged to go to the Senate. I don't know why he didn't do that. I've never heard him say, and I never asked Kirbo about it. Kirbo knows most of these things. But dragging any information out of Kirbo is one of the problems, you know. He'll just sit here and look at you and won't say much.

Young: There had also been this kind of new arithmetic, a new way of getting the nomination because of the changes in the Democratic Party rules.

Bell: They had studied that. Also, they had a setup. They could run against George Wallace. It was clear that Carter would be a sleeper by the time they got to Florida. Everybody would vote for Carter to get rid of George Wallace, and at that point he would be a leading contender. And that's exactly the way it worked out. It was an obvious strategy. And then he was doing pretty well until he got into Pennsylvania and ran against Senator Scoop [Henry] Jackson, and he didn't have any more money. I was off the bench by that time, and we had a breakfast in Atlanta and raised \$200,000, or something like that, so he could spend it in Pennsylvania. We got money from Republicans and Democrats on the grounds that it was a Southern movement and would help the state. We had them all pledging money. It worked out all right. We got the money for him and he got through that. You know, he didn't win many primaries after that. By that time he had it pretty well won. He lost a lot of primaries in the West.

Thompson: What do you think of the theory that if he had been in Congress or the Senate, he would not have had the Washington problems that he had when he was elected?

Bell: That's undoubtedly true. He would have known more about how the establishment operates. Coming from a small town—this is just a surmise on my part—but I've always thought that he would not want to cooperate with an establishment. A lot of people deny there's an establishment. But there's an establishment everywhere. There's an establishment at the University of Virginia. I don't know who is in it, but you can be sure there is one around here. Somebody asked me my views about the establishment, and I said, "Well, I think I'm in it, and it took me a long time to get in it, and I don't plan to get out. Still, I'm not certain what it is." President Carter and I used to talk about that. He said the establishment was somebody else. Of course, he could have been in it himself. He would have been in it all along if he had wanted to

be in it. But he was not able to bridge the gap between small town America and a large enterprise.

Young: But in a sense, in his campaign though, and I think this is probably true in Georgia, he was sort of running against the establishment.

Bell: Oh yes. He called Sanders “cufflinks.” He wore cufflinks, he said. “Cufflinks called”—that’s what they called him in the campaign—“asking for the establishment.” He said, “He meets with all these rich people at the Capital City Club.” Lines like that.

Young: Big shots. And it was the same, I think, in the state senate.

Bell: Joseph Kraft had a column somewhere, that I ought to dig out, during the Carter administration, in which he said he had concluded that it was impossible for somebody from a small town in America and that sort of background to operate and run something as big as a Washington establishment. In a way, it captured President Carter’s problems. President Carter wouldn’t agree with that. He’s very difficult to deal with on the basis of what, if anything, was wrong with his administration. He never has gotten off and thought about what he could have done differently. He feels the Iran/prisoner/hostage crisis caused him to lose the election.

Miller: One of the establishments that he didn’t identify with that he saw against him was the establishment of the Democratic Party. Was that right? Some moments I’ve felt he was outside the kind of identification with the history of the Democratic Party, with the symbols of Franklin Roosevelt and [Harry] Truman and the various others.

Bell: I think he thought he was very much like Roosevelt. Roosevelt was one of his heroes. He was never able to do what Roosevelt did, which was put everybody under the same tent, including the Congress. Roosevelt had the idea that you could take the blacks and the whites and the liberals and the conservatives and labor and management, and get them all under the same tent. He was pretty good at doing that. President Carter was never able to do that, although he probably had that thought.

Miller: Picking up on what you were saying about the mentality and the Kraft article, about the establishment that’s over there that he is not a part of—did he feel that way about the Northern urban base that’s come to be the Democratic Party in the cities of the North?

Bell: I never heard him say that, and I don’t think he did. I think he fought more with the Congress as a whole than with the Democrats in the Congress. You know, with the Democrats in the White House, and a Democratic Senate and a Democratic House, you ought to be able to get a lot of things done. But he constantly had problems with Congress. I’m not saying that any President in the foreseeable future won’t be in the same shape. You know Congress—[James] Wright’s the Secretary of State right now, handling our Nicaraguan problems for us, and it’s very difficult for anybody to deal with Congress. [Ronald] Reagan can’t deal with them because he’s a Republican. Carter couldn’t deal with them, and he was a Democrat. And then I think he had a natural inclination to be against all these lobbyists around Washington, which are really a part of an establishment. There must be 10,000 lobbyists in Washington. He would think about all that

as being bad. It had an inordinate influence on the government. And then the *Washington Post* would fit into it, and it's all there.

Young: I think that was probably very much of his political style though, to push against an establishment, and it wasn't—

Bell: And not unlike Reagan's style. When Reagan came in he was running on the same ticket. Reagan got inside. It didn't take him long. I've been to things around Washington where Reagan was there. The press, for example, likes him very much, particularly the electronic media. He is very popular with them. More so than you would think from what you read in the newspaper and all.

_____: In terms of the congressional relations, I notice in one of the reading materials you were talking about how you spent your time, how you divided up your time.

Young: This is when you were here at Dan Meador's conference. You were talking about how you spent your time as Attorney General, I think.

Bell: I've forgotten those fractions I had.

Young: Twenty-five percent each.

Bell: I testified forty-something times in the Congress. For any kind of a news story, you're summoned to the Hill to testify and give an explanation of why something happened or why it didn't happen. That's the oversight power of the Congress.

_____: Right, and I think that's what most of your comments were directed toward. You said you spent twenty-five percent of the time with Congress and you seemed to take a sort of defensive posture—that is to say we had to defend ourselves against the Congress.

Bell: If you had to argue at least once a week with a man like [Howard] Metzenbaum, wouldn't you be defensive? I can't tell you how bad that is to have to live under a system where you have to put up with people like Metzenbaum.

_____: I don't think there is any doubt that there's that rivalry. I can see that. I guess my natural response was similar to what you said before about having a Democratic President and Democratic Congress. I just thought I would ask if President Carter ever gave you a sort of agenda that he wished to get through Congress, sort of in a more positive way instead of you being in such a defensive posture?

Bell: I had two things. One time he assigned me to the problem of the legislative veto, to meet with the leadership in the House and Senate to get them to stop writing a legislative veto into all those bills. There had been twenty-some-odd that he'd had attached a special message to. And we had a meeting over at the White House, and he told me to see if I couldn't get that worked out. I don't know why he assigned that to me, but I went over to see Tip [Thomas P.] O'Neill and he said, "Well, now this is a Georgia problem. We didn't have all this going on until you

sent this Congressman Lavitus up here.” Congressman [Elliott] Levitas’ name is Levitas but O’Neill called him Lavitus, like St. Vitus’ dance. He said, “He brought that up here from Georgia and y’all better get your own people under control.”

The problem wasn’t that bad in the Senate. I went over there and met with the leadership and they agreed to try to bring it more under control in the Senate. Before Levitas got elected to Congress, they were having a big fight with the Federal Trade Commission, and I think he must have sworn on the Bible that he would get the Federal Trade Commission some way before he got through. That’s the way he started on the legislative veto on legislation. He was not the first person to ever try to do a legislative veto on legislation, but he was a modern day father of the idea.

Anyway, I handled that, and then I frequently had to go over and meet with the leadership about foreign intelligence problems. I worked great deal in the area of foreign intelligence and the briefings. I don’t know why I ended up doing that. You would have thought [Zbigniew] Brzezinski would have done it, or [Cyrus] Vance, or somebody. I think I got along better, in a way, with a lot of the leadership, so I would have to go and brief them on fast-breaking events, or something that was coming out that might be embarrassing that they needed to know about. Other than that, of course, we had the immigration problems. The immigration legislation we finally passed somewhat like we had it drawn up. I worked some on that. I can’t remember any of the other things I worked on for the President. Most of the other things were—the Justice Department was before him, too, but I separate that out.

If you read Tip O’Neill’s book, he’s got a good deal to say about the Carter administration. I advise you to get his book, *Man of the House*, and see what he said about the Carter administration. He didn’t think a whole lot of it. I think he said of me that I would have been just as well off to be with the Republicans as the Democrats. I don’t apologize for that. I consider myself to be a Southern Democrat, more conservative maybe than somebody from Massachusetts, but it doesn’t mean I have anything against other people in the Democratic Party. I have not read what he said, but somebody told me he said that. I always got along with Tip O’Neill fine.

Thompson: Were drugs an issue for you?

Bell: Not much. That hadn’t gotten to be a big thing at that time. In retrospect, maybe we should have gotten ahead of it. Heroin was a big problem, and we were able to negotiate with Mexico and get them to destroy all the poppy fields in return for us cutting off marijuana; they think marijuana hurts the Mexican people very much. They’ll make most any kind of trade with you if they can cut down the use of marijuana by Mexican people. They’ll help you in other areas. But since then the cocaine business has started, and that’s something that sort of came on the scene after we left there. Cocaine is the big drug problem right now.

Young: Could we backtrack a minute before we go on with things—once the administration got under way, how did things go? About the selection of the Cabinet people, after inauguration, how were the people identified? What was Carter’s way of doing this and how did it proceed? Was there any pattern there? You were involved.

Bell: I was only involved in getting the Attorney General and the other people at the Justice Department.

Young: But he had teams of people to do this. Was Kirbo very much involved in this?

Bell: I think Kirbo was in it. Jack Watson was working on the transition, and Watson was Kirbo's protégé in the law firm. I think Kirbo probably knew what was happening. I think [Walter] Mondale got into it pretty heavily though. I think Mondale, for example, picked [Joseph] Califano. I can't prove that, but I always was told that by some people around the White House.

Young: I was looking at the list and there are quite a number of these people in his original Cabinet who have Washington connections, quite a few who have strong policy credentials, too. That is, they are specialists in some field, like Ray Marshall. And most of them are not Carter's political acquaintances or friends.

Bell: Most of them he didn't know.

Young: Didn't know at all. You were the only one, I think, he probably personally knew.

Bell: I think he probably knew [Cecil] Andrus, who was Governor at the same time he was—Governor of Idaho, and I suspect he knew him.

Young: Yes, he would have known him then. I'm just wondering what you think he might have been looking for here?

Bell: He probably had met Vance. I think President Carter maybe had joined this foreign policy group, the Trilateral Commission.

Young: I wonder if you can cast any light on what you think he had in mind.

Bell: You know what he did. I've never gone into this. I just suspected that he had some one person assigned to find one or two people in the Cabinet. He assigned me to find an Attorney General several weeks before the election. Even before the election he had told me to start thinking about finding an Attorney General. I had put quite a list of people together. I kept going over these names with him, and finally ended up—he never said so, but in retrospect, I have to conclude he wanted an Attorney General he knew.

If I was President, I would have to say I would not, under any circumstances, take an Attorney General I didn't know. That would be folly. I'd try to get a good lawyer or even a judge, but he would have to be a good lawyer. There is a lot of law to be known in the Department of Justice. If you don't know a lot of law then you are lost. That could be one situation that's going on there right now.

McCleskey: Could I follow up that question? Why do you think it is so important for the President to know the Attorney General but not necessarily the other people?

Bell: There's so much power in the Attorney General. You've got to have absolute confidence in the Attorney General. You could have somebody who's such a big, towering figure for integrity, we'll say, that you wouldn't necessarily have to know him, but I believe you'd feel more comfortable with an Attorney General he knew. And there was hardly a day that I didn't have to talk to President Carter about something.

McCleskey: What was the measure of that power?

Bell: Foreign intelligence. We were getting ready to prosecute a Congressman. I had to tell him one time not to take a Congressman on a trip on Air Force One. While the man was in the air with him we were going to indict him. So we had to put him off the plane.

There are a lot of things like that you had to talk to the President about. A lot of sensitive things. If I was Attorney General again, I would insist that I be in all the National Security Council meetings. I would never serve as Attorney General again unless I knew what was going on at the National Security Council. This thing, Irangate, where they had a Lieutenant Commander in the Navy in there serving as a lawyer on the National Security Council, who got a legal opinion from the lawyer at the CIA. That is shocking to me. That shows that the Justice Department system has come unraveled.

I used to be invited. I never did understand how I was invited to some National Security Council meetings and not others. I suspect that I probably went to half. Apparently, Brzezinski would decide who was coming. He was the director of the National Security Council. That would be another thing, you see, where you could help the President. There is something wrong with a system where the President has to get his legal opinions from the Department of Justice, but his staff people can get legal opinions elsewhere. The only one he can rely on is the one he gets from the Office of Legal Counsel.

Brzezinski once told me he wanted to get him a lawyer. I objected to it and told President Carter about it, that this would be the worst thing he could do, let Brzezinski get him a lawyer. It's all the fault of the system. He never did get a lawyer. He had his own press agent, which I don't think is fair and ought not to be allowed. I think all of that started back in Mr. Kissinger's time.

Thompson: You probably talked to him and gave him the idea, but after Irangate Clark Clifford made this same proposal that the Attorney General ought to go to every NSC meeting.

Bell: I haven't talked to him. He's had enough experience in the government that he understands that. There are certain basic anchors in the government. If you'll just leave them in place, things will work out pretty well. But if you want to have something that's lawful, it would be a good thing to have when you are meeting about a borderline situation, like a covert operation. It would be a good thing to have a lawyer in there who has been confirmed by the Senate, not just some lawyer who was picked up somewhere and put on the payroll. Somebody who's responsible to the Congress. I always figured I was wearing three or four hats. I had a heavy responsibility to

the Congress. The President was my boss, but in a sense, the American people went in there too. You've got a lot of public duties you have to worry about. I didn't know Clark Clifford said that. I agree with him a hundred percent.

Thompson: A little group in Washington wants us to hold a mini-commission discussion of the role of Counsel. It's not by accident that they all were former Counsels. They say under Roosevelt, Counsel played a much more significant role than he has in recent times and that [Philip] Buchan and [Fred] Fielding and others were used when they were needed but not really called on. Is that anything anybody ought to study?

Bell: I don't know that you can study that by itself, though. The thing the Attorney General has to do is fight off the White House Counsel. Because they would set up a Justice Department—they've got a State Department over there now in the National Security Council, that's a mini State Department. They would have a mini Attorney General's office under the White House Counsel if you weren't careful. That's another reason you need to have an Attorney General who knows the President, who can get in there on a moment's notice.

I've told this story a lot of times. The first time I went to see President Carter, the first time I met with him, was right after the inauguration when we had the order on the draft dodgers. The next day I went over there to see him about something, and the appointment secretary wouldn't let me in. Tim Kraft was his name. I said, "You mean that you think I have to get an appointment to see the President?" He said, "Oh, yes, everybody has to get an appointment." I said, "Well, I'm never going to get one." If the President is too busy to see the Attorney General, he is really in bad shape. He hadn't even started yet. But I went in to see the President, and I never did make an appointment. I'd just go over there. But I never did see him more than about five minutes. It would be a rare thing for me to be in there longer than that because he and I relate to each other. I can say something in a few words to him and he understands it. He tells me, "yes" or "no" or "use your own judgment."

That was the way it worked, but I had a lot of trouble. My book tells about it with the White House Counsel, Lipshutz and his staff, particularly a woman by the name of [Margaret] McKenna who had decided that there wouldn't be anybody appointed to the federal bench except women. We were getting all of the women we could find in the United States. President Carter had already told me to do that. But it was struggle with them. Finally Lipshutz left. Ms. McKenna left, too, I guess. When Lloyd Cutler came over there, he cleaned that whole place out.

Ceaser: I read that account, and I also read your account of the Bakke incident. One of the themes I got through that was a sense of Vice President Mondale being sort of an on-and-off piece in those disputes. Did you ever feel that you were bucking not just the Vice President, not just the people who had been brought in who had a different philosophy from the President, but the President himself was not fully on board or fully supportive?

Bell: No, I never did. I never had any trouble with President Carter about anything. He was very supportive of the Justice Department. He wanted to have it as a neutral department. He had a high respect for the law. The problems I was having were with his staff, who thought constantly about politics and about the next election, and who would take the most clear legal problem and

convert it into a policy problem, policy meaning political. When somebody at the White House used the word “policy,” you can always be sure that it was spelled wrong. It’s politics. That’s all they were thinking about. That was where the Vice President was coming from. I’m not too popular with the Carters on account of my book and that chapter on what went wrong, because I think their regards for the Vice President’s role were quite different from the way I saw it; I thought it was a mistake. They don’t think it was a mistake. I think it was a mistake to let him in the White House.

[George H.W.] Bush has not caused any problems, apparently, since he got in the White House, but I suspect he wishes he never was in the White House. If he had stayed over there in his regular office, he wouldn’t be having some of the problems he is having. He has no place in the White House. The Vice President is not a staff member. The Constitution didn’t set him up to be a staff member. He’s just around to become President in case something happens to the President, and to preside over the Senate.

It reminds me of how they are always trying to find something in Georgia for the Lieutenant Governor to do besides preside over the Senate. He wants to work year-round. He frequently says he would like to be in charge of developing industry. Just any kind of a thing you can think of to do. We ought to not think up things for the Vice President to do, and certainly you ought not to divide the office.

At one point, Reagan and [Gerald] Ford were negotiating about dividing the office. President Carter pretty well divided it by just giving it away. Stu Eizenstat’s deputy was on the Mondale staff at the senate, a fellow named Bert Carp. I never had an argument with Stu Eizenstat, but I had a lot of them with Carp about things.

David Aaron was on his staff and he became Brzezinski’s deputy. He upbraided me one day in a National Security Council meeting because I wasn’t doing what the Vice President wanted me to do. I had to tell him in front of all of these people that I only work for the President; that I didn’t work for the Vice President. That divided authority there is not a good thing. It would be the same thing as having Governor [Charles] Robb bringing in the Lieutenant Governor and having him move into his office with him. Nobody would do that. But that was one of President Carter’s promises from the beginning. If you get the book *Promises, Promises*, you’ll find a lot of things in there. I don’t know of anyone who has ever studied to see how many were carried out. But I’ve always argued that the people didn’t expect those promises to be carried out. Who knows why somebody gets elected President? We would be ruined if a President could carry out every promise he makes in the heat of battle.

Young: Sometimes even if he carried out one.

Bell: Yes, we can’t have that. I wouldn’t think the people would expect that, but President Carter really thought he ought to try to do it. It was like he signed somebody’s note, like he guaranteed something. He felt very strongly about it.

Thompson: That came out in one of the sessions here.

Bell: I can't tell you much about how the Cabinet was selected. I always heard that Mondale selected Joe Califano. When Joe Califano left, it was said of him, by some of the people over at the White House—I don't know if this was true or false—but they said he had his own agenda, and he never had followed President Carter's agenda. He came there with his own agenda.

Young: The Justice Department is special, as you pointed out in your book. There may not be Cabinet government in all cases, but there has got to be something like it in the Justice Department. I think that was one of the strong points you made in the book. You said a moment ago that Carter was very supportive of the Department of Justice. Also, I reread the accounts of your appointment and the agenda and Carter's wishes for the department to get politics out of it and so forth.

Bell: It seems you have to bear in mind what bad shape the department had gotten into before that. Ed Levi had been there a little less than two years, and he was doing a great job restoring it. But we had to finish it.

Young: Could you expand on that? Was it a very supportive relationship? You had direct access whenever you wanted, he thought, and he was supportive—and also you had a fairly considerable program for the Department of Justice, didn't you?

Bell: Oh yes, and all those things he liked. Like Dan Meador's operation, the Office of Improvements in Administration of Justice. President Carter thought it was a great thing to try to do something about the court system.

Young: Did he have his own independent thinking about what ought to be done? Did you have a meeting of the minds on it?

Bell: Going back to those times when he would come and see me when I was a judge; he had a big interest in the law and how the court system operated. He wanted to make it fairer and make it available to everyone. I don't know of anyone who has a better feel for the justice system than President Carter. And for the FBI [Federal Bureau of Investigation], he wanted to get the best person he could find, and agreed that we ought to find a Republican. That would cause the public to have more confidence in the FBI if we found a Republican. We got down to the list. The last people to survive the list were all Republicans. Judge McGarr from Chicago and, of course, Bill Webster, and the other one who withdrew his name.

_____ : Frank Johnson?

Bell: But Frank got sick. We had selected him. He was a Republican. He got sick and had to have an operation, so he withdrew his name and then I started this next session. I got twenty names of people I knew that I thought would be good. Most of them were federal judges I had known in the past. We worked that down to three. One of them was Judge Arlin Adams in Philadelphia on the Third Circuit. One was Judge McGarr in Chicago, and Judge Webster. But there were a lot of other good people on the list. In fact, one of the people in the department told me that somehow I'd found President Ford's Supreme Court candidate list. I said, "I didn't know he had a list." He said, "He had a list and he had seven people on it." Besides [John Paul]

Stevens, who got appointed to the Supreme Court, he said, “You’ve got all seven on this list of twenty.”

They were outstanding people. President Carter was very proud of Bill Webster’s service, the way he was selected, and the way the FBI was restored. And he was proud of what Dan Meador was doing. I think one of the worst things that President Reagan’s group did was to do away with Dan Meador’s office. William French Smith invited me to critique the Justice Department after they had been there for two or three years. They had an off-site meeting at Quantico, and he told me I should feel free to talk to anybody I wanted to over at the department about the kind of job they were doing. And I did.

I thought William French Smith’s program was about the same as ours. Morale was pretty good over there. They had done away with Dan Meador’s office, which a lot of people thought was not a good thing to do, and they changed it back to what it was before we converted it. The Office of Policy and Planning is what they called it. It ran the federal judge operation, selecting judges. That’s what they do with it now. You’ve got no program for improving the administration of justice, something that’s badly needed in this country. President Carter understood this, and judges can’t lobby, so who is looking after the court system? If the executive department is not working toward that end, no one is going to be working on it.

Young: In your dealings with Congress on some of the things you needed legislation for, some of the ideas that you needed legislative support for, did you ever have to call on Carter to help out with that? Did he play any role on the congressional side?

Bell: No. I never asked him one time because I had the feeling that a Cabinet officer ought to be able to handle his own congressional relations and not bother the President with it. When the President has to call on the Congress he has to trade usually, if it’s a closed matter. You ought not to extend him like that. A lot of the Cabinet officers did. They had the most inconsequential pieces of legislation, and they would have him making calls. I always thought he wasted a lot of time doing that. He shouldn’t do that. I got a lot of legislation passed. I got the Foreign Intelligence Surveillance Act passed, for example. It was something that Ed Levi was not able to get passed, but he had thought of it. That worked out well. It stopped everybody in this country from talking about wiretapping in foreign intelligence. Because now the Attorney General signs off and then a judge signs. It has to be presented to a judge under the Foreign Intelligence Surveillance Act. So it puts the imprimatur of a federal judge on most of those kind of operations. And stopped all the gossip about it. That was a good thing.

We got a number of pieces of legislation passed—valuable things. For example, we had to get this law passed so we could have different procedures for trying espionage cases, where the lawyers try to make you produce a secret that would force you to dismiss the case. We had a case in the District of Columbia where a judge didn’t understand, I don’t think he understood, trial procedures, so we had to dismiss some cases that arose out of Chile, because the judge wouldn’t consider the secret *in camera*. We couldn’t convince him that for generations we’ve considered trade secrets *in camera*. So we had to get a law passed about that. Now we regularly prosecute espionage cases with no problem.

When I became Attorney General, they only had two [pieces of legislation] going that Attorney General Levi had started, and there hadn't been any in many years before he became Attorney General. We got a number of important pieces of legislation passed. If you've got the right relationship with your committees in the Congress, like I had with the two judicial committees and two intelligence committees—in fact, it was my suggestion to President Carter and his suggestion to the leadership in the House that they set up the Foreign Intelligence Committee in the House. When we got there, there was only a Foreign Intelligence Committee in the Senate. But we were reporting to something like forty committees and sub-committees in the House on foreign intelligence matters. There is no way you could keep anything confidential. Tip O'Neill and the leadership set that up. It's still there.

Young: You had a free hand, did you not, in making whatever appointments?

Bell: Absolutely. President Carter gave me that.

Young: You didn't even have to ask for it?

Bell: I said, "What do you want to do about all these deputy Attorney Generals and assistant Attorney Generals?" He said, "Well, just find good people and let me know who they are." That's what I did. He never complained.

Young: Did you clear them with him?

Bell: Sometimes I did. I would go over there and say, "I'm thinking about doing so and so and getting somebody." He would say, "Tell me something about them." And I would.

Young: He didn't suggest appointments?

Bell: Only one time did he suggest an appointment. We had a disagreement. He asked me to appoint a campaign worker as head of the federal prison system. I told him that the federal prison system was a career organization, that people normally work their way up through the ranks, and that we had a very good man there. I knew him, and the federal judges all liked him. They have to deal with the federal prisons more than anybody because they are sending people there. I just couldn't replace him. It was not a political thing, and he got very upset with me about that.

Young: But you prevailed.

Bell: Yes. He said he wanted to help this person because he helped him in his campaign. I said, "Well, give him another job offer." He said, "This is the only one he wants." I said, "What is his background? Has he been running prisons? Does he know anything about them? Is he a lawyer?" "No," he said, "He is an accountant." I said, "I can't do that, Mr. President." You could deal with President Carter a lot better in humor than you could being serious about everything. That was the only time we ever had a disagreement about an appointment.

Young: But you had really a *carte blanche* almost.

Bell: I felt like I did. I knew what he wanted. He wanted me to get some blacks. He wanted me to get some women. So I appointed the first black head of the civil rights division, Drew Days. That's the first time there has ever been a black in charge of the civil rights division, which I always thought was very condescending. There's something wrong with a system where you have a white person running the civil rights division as if there was not a black capable of doing it. Days was very capable. I knew him when he was a lawyer with NAACP legal defense fund when I was a judge, and he is now a tenured professor at Yale Law School.

Young: You got Wade McCree, too.

Bell: I got Wade McCree, that's a different story, to be Solicitor General, and I got him cleared with the President. I had quite a talk with President Carter about Wade because that's a very high job. Then I got Barbara Babcock, a woman, to be head of the civil division. She was a professor at Stanford with an outstanding record. I've forgotten some of the others, but anyway, I was trying to do what he wanted to do.

I told President Carter about Judge McCree. I had known him a long time and he said, "Well, tell me something about him." I said, "Well, his wife is from Marion County"—that's the county north of Plains. He said, "Is that so?" I said, "Yes. She still owns the family farm there and they use a cemetery there. When somebody dies in Detroit, they bring the bodies back down there and use the cemetery." He thought I was joking. He said, "What are their names?" So I told him. He said, "Are you kidding?" I said, "No, I'm not kidding at all." I didn't tell him how Judge McCree pronounced the name of this little town. Down there, they say Buena Vista. Judge McCree called it "Bwaina Veesta." (Spanish version) I didn't tell him that. But he was very proud of Judge McCree. He was a fine appointment. I was very proud of the job that Judge McCree did.

Young: So far as you could see, was this sort of the general rule that Carter followed with his original Cabinet appointments, giving them a more or less free hand?

Bell: No. I think we probably had the freest hand. I think maybe Califano picked his people. But in some instances the White House Staff was picking people. There's a lot of patronage to be given out. People wanting jobs. They had, at that time, a "green book." Everybody who works on the campaign gets one of these books and they start thumbing through it looking for these jobs. They have great ambition. A lot of the Cabinet officers had trouble with that.

Young: There is always some of that, but I'm trying to see how much relative freedom you had. I was talking with one of the secretaries in the Reagan Cabinet recently. I asked him about his appointments. I got an impression—

Bell: They don't have any freedom. It all comes through the White House personnel office.

Young: Very little. It is very strongly controlled by the White House. The secretary can say no, but he can't say no more than once or twice. He has his own people with all the rest.

Bell: I always had the feeling I had more leeway than anyone else. But I didn't abuse it, and I never did appoint anyone to a high place without telling him about it in advance. Oftentimes he

would say, “Tell me something about him or her.” I would, and he would say, “That sounds good.”

Thompson: Cyrus Vance said he had a veto, and he thought secretaries ought to have it. Not that they—

Bell: That means he didn’t pick his people. That’s not much, to give you a veto if they’ve already picked out ten people for you. You can’t be for them all.

Young: Charlie Duncan in Energy was a specific stipulation of President Carter, I understand.

Bell: Charlie pretty well picked his people out at Energy. He had an ongoing relationship with President Carter before he got to Washington.

Riley: Mr. Young’s line of questioning has been in respect to your freedom on Cabinet appointments. I’m interested in the relative degree of freedom that you had in terms of the kinds of policies—in your sense, not in the White House sense—that you would pursue in the Justice Department. And whether or not you had any pre-arrangements with President Carter about those kinds of policies before you accepted your job as Attorney General. I think the best way for me to ask the question is to get you to recollect whether it was a telephone conversation, or meeting, or whatever, where President Carter actually asked you to join his Cabinet. Can you tell us a little bit about that specific occasion and were there any agreements between you at the time in terms of what you would do and whether or not you would submit—?

Bell: There were no agreements at all. President Carter had assigned me the job of finding an Attorney General. I had found a number of people. He had not interviewed any of them, but he was briefed fully on them. He told me to get Senator [James] Eastland to come down to Atlanta and meet with him about creating the judicial selection commissions. That was one of the things he wanted to do. So I got Senator Eastland to come down and meet President-elect Carter at the Governor’s mansion in Atlanta. I met Senator Eastland at the airport and drove him out there.

He agreed that he would get the Judiciary Committee to agree for the President to create judicial selection commissions for circuit judges, i.e., court of appeals judges. He said, “I can’t get them to do that on district judges because the Democrats consider district judges to be their patronage. You can do it with the Republicans, though. I will help convince them that they ought to do it for their own self-interest.” They had a very good meeting. That was one of the things President Carter wanted to get done. Apparently, and this was the first time I knew this, President Carter would ask people, “Who do you think would be the best Attorney General I could find?” Eastland told him me. Apparently several other people had told him that. So while I’m finding people for him, he’s checking up on me. But not really, he was just asking who would be the best Attorney General.

I had been a federal judge for fourteen-and-a-half years. I had been a managing partner with a large law firm and a few things like that, so I did have good credentials. But I never had any idea of doing it, when he called me one night at ten o’clock and he said he wanted to see me—at ten o’clock at night! I said, “What about tomorrow?” He said, “It has to be early. Be over here at the

Governor's mansion at seven o'clock." This was in early December so it was dark, pitch dark. He said, "I appreciate all the work you've done to try to find an Attorney General. You've come up with some good people. But I've thought about it, and I've decided you will have to be the Attorney General." I said, "Well, you know, I don't want to be the Attorney General. I appreciate you thinking that, but I really don't want to do it. I've only been off the bench ten months. I just got back in the law firm and just started practicing again. I really couldn't do that to the law firm." He said, "Well, the law firm will have to do something for the country." I couldn't take that for an answer. He said, "Check up with the law firm, and tell them I want you to be the Attorney General. Get back to me in a couple of hours." This was early in the morning.

So I had to do that. Of course, I had no problem with the law firm about it. I just didn't want to announce in the paper that I was leaving. They had a partners' meeting and all decided it was the thing to do. So then I told him I would do it. That's all that ever happened. We never discussed anything. The President is really the Attorney General under the Constitution. There is no Attorney General in the Constitution. He has the duty to faithfully execute the law, so I just assumed he would tell me what to do.

Later on we talked about the prosecutorial discretion. I said, "Now, in my understanding of the law, I have the right to exercise my discretion about prosecutions, and you can't control my discretion, but you can fire me if you don't like what I'm doing." He said, "Yes, that suits me fine. I think that ought to be the law." He did threaten to fire me once about a prosecution, because I wouldn't prosecute somebody. He told the press he was thinking about it, but then he said, "After thinking about it, I've decided not to do it." He wrote me a longhand letter that I still have, in which he said that I had brought disgrace on the Carter administration by not prosecuting this man. The man, in a way, deserved to be prosecuted, but he had already been convicted of murder for shooting a little Mexican boy.

Young: Was it Rodriguez?

Bell: Yes. It was a terrible thing. But he was convicted of murder, and then the jury in Texas had a separate hearing on sentencing and they only gave him five years, and he had already served the five years. So our civil rights division all the way up reviewed it, and we decided it would be a double jeopardy case and would really hurt us in some other civil rights cases where we had been prosecuting the second time. That was a perfect example of the discretion right there.

We just had sort of a loose arrangement. Looking back on it, I wouldn't want to change any part of it, because I think I was doing what he wanted to do. I kept him advised. He was very proud of a lot of the things we were doing. For example, he had a lot of black leaders over there one day at the White House and he called me over there to meet with them. He got in there with them and told me, "I'm now instructing the Attorney General to find at least one black judge in every Southern state, a black federal judge. Now don't tell me, Mr. Attorney General, that they haven't written any law review articles. When you became a federal judge you hadn't written any yourself. They can write them after they get on the bench like you did." And this pleased the black leaders very much. Dr. [Martin Luther] King, Sr., was one of them. I did find a black judge in every Southern state except one. I just started looking until I could find somebody, then did a


lot of trading with Senators in these states. It was rather shocking to some of them to know that all of a sudden they had to agree to have a black federal judge. But it worked out all right.

Young: One of the criticisms at the time of Carter as a President was that he wasn't enough of a politician to be a good President.

Bell: I think that was true when he was Governor.

Young: I wonder what your reflections on that are. Would being more of a politician work out better for a President?

Bell: If you liked Lyndon Johnson, you would want a politician. I don't care about one like that. I'd rather have a six-year term President who was not a politician at all except in the sense of understanding the system. President Carter had a greater idea of public duty and public service, and he didn't think he ought to have to trade. He thought things ought to be done on the merits. In the Congress, all of them are wanting to get something for some constituent somewhere. President Carter often would trade with people, particularly on something like the Panama Canal.



voted for the Canal treaty. That's the way politics go. It's the same old story of Bobby Kennedy going to Sam Rayburn to tell him the President was very worried about legislation not moving. Rayburn said, "Well, I'm having a lot of trouble moving the legislation because you won't appoint Sarah Hughes to the district court in Dallas." Bobby said, "Oh, she's too old. She retired five years ago as a state judge." Rayburn said, "She's not as old as I am. I don't think I'm going to be able to help you on that." Sarah Hughes got on the bench within a month and served with great distinction. She swore Lyndon Johnson in after the assassination. She was a good judge. I knew her. But that's the kind of trading that goes on. But you don't just set out doing that, trade on everything. President Carter didn't.

Young: Charlie Kirbo said he despised it.

Bell: I think that's a good way to put it.

Young: He said he would do it, but he just despised it.

Bell: Kirbo has got a good way of saying things.

Derthick: Let's back up a little bit. When you were talking about prosecutorial discretion, I wanted to ask you to comment on the independent prosecutor.

Bell: Well, I'm so biased about that, that I think it would not be fruitful for me to discuss it. I'm very much opposed to it. I opposed it from day one. We prosecuted Bert Lance when I was Attorney General but the Department was special prosecutor. The way we did it before the special prosecutor statute, you recused yourself, if it appeared that you had an interest in the matter. That went down the line until it finally hit the career people and they prosecuted him. I, myself, appointed a special lawyer to investigate President Carter's peanut warehouse, Paul Curran, a Republican. He investigated the warehouse and found nothing wrong. The papers kept writing that President Carter laundered money through the warehouse during the campaign. President Carter got fairly well upset when he heard about that. I said, "Well, I didn't call him a special prosecutor, I called him a special counsel." He said, "It's a good thing you did. It's bad enough as it is." He asked me who was going to pay his lawyers' fees. I told him, "Well, you'll have to pay them, I guess," but he didn't have any fees.

This fellow did a good job investigating. I'm the Attorney General, and I appointed somebody to investigate the President's business. That wouldn't indicate we need any special law where we got a special counsel under no supervision whatsoever. There's no oversight at all on [Iran-contra independent counsel Lawrence] Walsh, for example. The charter of the special prosecutor is not made public. That would be all right in the Soviet Union, but it's quite unusual in our country. It's a total over-reaction to scandal. That's what it gets down to. It wasn't gotten up by politicians. The American Bar Association recommended this and President Carter promised them during the campaign that he would help them get that law passed.

I did my best not to help. I think it's a bad law and I think it denigrates the Department of Justice and all the career people there who have been selected on an honors program, many of whom have been there ten or fifteen years. There was almost no lawyer in the Department of Justice who didn't come through the honors program. I think they are perfectly capable. They are like the British civil service. They are going to run the Department of Justice. It doesn't matter who is President. If you will leave them alone, they will make you look good. They have very good lawyers there. I think to have all these special prosecutors running loose makes it appear they won't do their duty to the Department. Also, who will they send over to answer questions in the oversight capacity? You can't call in one lawyer and ask him questions about what he's doing with a case.

It's a bad thing. The American people will come to regret this. It's like so many things that go through the Congress—it's good politics to be for it. Maybe the Supreme Court will knock it out, although I've got some doubt about that since I see the new judge has recused himself. I can't imagine why he would recuse himself on that kind of question. He couldn't possibly have ever had anything to do with the special prosecutor law. If he's going to start getting out of all the controversial things, he's not going to be very good. Maybe he's got a good reason, but he didn't give a reason. Eight judges are going to pass on that. Incidentally, I testified in the House along the lines I'm saying now, so there is nothing new about this.

Derthick: You said earlier in this session categorically that the Attorney General ought to be present in all sessions of the National Security Council, and you clearly have no reservations about that. I noticed you also remarked in the interviews here that the Attorney General is at once the lawyer of the President and the lawyer for the American people. One can imagine that the

Attorney General would encounter conflicting demands, having to be attorney for these two different entities. It might create a good deal of tension, particularly when discussions of national security actions are under way. Do you feel at least that personally, you could have resolved all those tensions better or more effectively if you had been present?

Bell: Oh, I think so. I did attend a lot of National Security Council meetings where covert operations were being discussed, so I have a feel for it. I don't know why I wouldn't attend all of them or have somebody there at all of them. A lot of times I wouldn't be invited. I think the role of the Attorney General in our form of government is such that the Attorney General ought to be in on those matters.

Derthick: There's no argument from your point of view for distancing yourself, for maintaining a detachment from the discussions in the White House, so that you might later be in a position to prosecute?

Bell: No. There is no problem about that. If there is going to be a prosecution or the danger of a prosecution arising out of covert operations, I wouldn't approve it. That's why I ought to be there. It would have to be legal.

Derthick: You want to prevent it, not prosecute it later.

Bell: The only danger of having the Attorney General there is you might think that something is a fool thing. You might say, "This is legal to do this, but it's a fool thing and I don't understand why you are doing it." I don't see how that hurts anything to have one more brain in the meeting. For example, on swapping those arms with Iran—if I had been in there, I would have said, "This is the biggest fool thing I've ever heard of." I can't imagine the Ayatollah bringing down two Presidents in a row. He weakened President Reagan then. I guess the next President will get into some kind of deal with the Ayatollah. But I wouldn't have agreed to that under any circumstances. But they didn't get a lawyer. They got a legal opinion from the CIA [Central Intelligence Agency] lawyer. I think maybe that was just on the arms sale to Nicaragua, though, about recycling the money or something. On some part of it they got an opinion from the CIA lawyer.

_____ : A lot of what you've most recently brought up is a question of tension, particularly about the Attorney General being a personal advisor of the President, being the chief law enforcement agent for the United States government. This has come into play under the current administration with the Iran/Contra problem as well as with other things. The current Attorney General is under investigation, as you know, by independent counsel. How do you address the situation if, say, Judge Bell is not the Attorney General? You can't necessarily rely on him doing the right thing and passing it down to subordinates to investigate.

Bell: The problem now is Mr. [Edwin] Meese. I assume that's who you are talking about. We had no problem with William French Smith. He was running the Department of Justice pretty well, I thought. When Ed Meese became Attorney General, there were two things wrong. One, he had worked in the White House, which is the center of political power of politics. It is very difficult for anyone to move from the White House to the Department of Justice because you will

necessarily bring some of those entanglements with you. So if I were President, I wouldn't move anyone from the White House to the Department of Justice.

The second thing wrong with Mr. Meese is that he, at the White House, was chairman of the Domestic Council. The Reagan administration operates by these councils, putting Cabinet people together about different problems, and Ed was the chairman of that. He continued to be the chairman. Still is, right now. That's necessarily policy, which is politics, and Ed is serving as the Attorney General, so he is not operating as a neutral. That's my concept of how the Justice Department ought to be operating. That ought to be a neutral zone in the government. That ought to be one place where the American people think everything is being done on neutral principles.

_____: This neutrality isn't put in jeopardy by the Attorney General being, say, a close friend of the President?

Bell: I don't think so. I guess it might have something to do with your motive. If you are going to end up covering up for the President or something like that, that's bad, but I have a different view about lawyers than most people. I sort of operate on the premise of a barrister in England. I'm a professional. I wouldn't do anything that was wrong. I wouldn't help my mother if she was having trouble, if it meant breaking the law. You can't do that. I used my mother as an example. My mother has been dead many years. But I wouldn't help anybody, including the President.

I know many good lawyers who have their independent status, who have made their own reputation for integrity and ability. They wouldn't do that. I think that's one thing wrong in our country. We look down on everybody. Nobody is any good anymore. I think there are a lot of good lawyers who wouldn't do anything wrong, and a lot of good people in other areas. We've got so many laws now against wrongdoing that it's as if there's a presumption that everybody is going to do something wrong. I think there should be a presumption that you are going to do what's right.

Young: The problem is that if the President chooses not to value the neutral figure, then you're in trouble.

Bell: Well, then you've got trouble. The American people ought to know that. I think Bush, for example, would probably use the same kind of neutral principles that we're talking about. I think he has been around the government long enough. If you've got somebody like [Michael] Dukakis, I don't know what he would do, or Senator [Robert] Dole even. Dole has been on the judicial committee, so he understands the system. But these Democrats, most of them, haven't been in the establishment around Washington, the government establishment, to understand how things work.

Dukakis was a graduate of Harvard Law School, and I think he knows a lot. He's a smart young man, so maybe he can do it, but this is the philosophy that you have to have. If the President doesn't have that, then we're going to have trouble. Now, President Reagan probably has not heard of this. He probably never thought about this way of governing. Otherwise, Ed Meese wouldn't be over there. There are a lot of good things about Ed Meese, and he's a very close friend to the President and has been for many years. But I think he probably was miscast in the

role he's in. I don't know if he wanted to be Attorney General, but President Reagan wanted him to do it, so it happened. But it wasn't a good thing to send somebody from the White House over there.

Miller: That's not very strongly established in the mind of the American political ethos, is it, that the Attorney General should operate on. I wouldn't be able to do this. You think back to Attorney General in the twentieth century and take some slice of time—you find a lot of political agents on the behalf of the President. You've got a lot of that.

Bell: Homer Cummings nominated Roosevelt.

Young: There was Harry Daugherty back in Teapot Dome.

Bell: You've got Daugherty, you've got Harry Truman's key adviser.

Young: Mitchell Palmer, Wilson's Attorney General.

Bell: You've got a lot of bad people, checkered-career people. I'm not a political scientist, so I divide our political science experience in our country somewhere before World War II and after World War II. Since World War II, we've had some bad experience with Attorney Generals. I think [Dwight D.] Eisenhower had two fine Attorney Generals, Herbert Brownell and William P. Rogers.

Miller: It's not a good idea to appoint your brother as Attorney General.

Bell: That was not a good idea, nor was it a good idea for Johnson to appoint Ramsey Clark and talk his father into leaving the Supreme Court, which I always assumed was to get a place on the Supreme Court for Abe Fortas. But to put Ramsey in there, who was not qualified to be Attorney General, and since then has not even qualified emotionally to run any such thing as that, that wasn't a good thing.

Then [Richard] Nixon put in his law partner, John Mitchell, who had been running the campaign. That is trouble from day one, because you know the people you have all these obligations to from running the campaign. I don't think you ought to have a campaign manager in there. He put [Richard G.] Kleindienst in as a deputy and Kleindienst himself got in trouble. Then they had three or four people in a row that were pretty good, but they didn't stay long. One of them was Elliot Richardson and one of them was Senator [William B.] Saxbe from Ohio. He was a former Attorney General of Ohio. A considerable man. He didn't like the Senate. He said his father was a mule dealer, and he always aspired to be a mule dealer, but he ended up in the Senate, and he didn't know where he went wrong. But coming on up then, I think Ed Levi was a very good Attorney General and really graced the office. I think I was a good Attorney General. I think William French Smith was a good Attorney General—[Benjamin] Civiletti wasn't bad. Civiletti was a sort of caretaker. He just finished up the last part of Carter's administration, but he worked for me in three or four different jobs.

I think Bill Webster would be a super Attorney General. And I wouldn't be at all surprised that if President Carter had been reelected, Bill Webster might not have been the Attorney General, even though he was a Republican. I have my authority for that from a statement Charlie Kirbo once made about how much President Carter liked Bill Webster.

There are some good people around, but I think every one of those mistakes that were made, the President made them. I think the lesson of all this is that the President ought to spend more time thinking about this office. If you want to be a good President, you've got to get some good people in four or five key spots: the Secretary of State, the Secretary of Defense—the deputy Secretary of Defense is very important because the foreign intelligence operations are to that level, not to the secretary's level—and the Secretary of the Treasury—he ought to have somebody who understands the monetary system and the taxing system—and then the Attorney General and the National Security Director, unless we are going to trim that job down. My idea on that would be to trim it down. I would put the director of the National Security Council on the table of organization as reporting to the Secretary of State. He then has a boss besides the President, and that would bring him under control. It was never intended to be anything but a staff position. It's built up into an agency now.

That's about it. These other Cabinet officers actually could be agency heads. Health and Human Services, all those things. That's one thing about why you can't have Cabinet government. You get all those people in the Cabinet meeting and Commerce is looking after one group, Labor is looking after another group. That has nothing really to do with the whole picture of our country. So maybe we need to teach Presidents more about how to operate before they get in the office. It's too bad to get somebody who doesn't know all these things in advance. Maybe that's what the Miller Center offers.

Young: Presidents are notorious for not following our advice on some things.

Bell: They are notorious also for not reading up on all these things.

Thompson: Do you think the political pressures are so enormous on the Attorney General that unless there is this special relationship like you had with President Carter, things could go wrong? Two examples of political pressure happened yesterday. Number one, one of the columnists, I think in the *Washington Post*, said, "The Democrats ought to be a lot more worried about not winning this election because Reagan already has appointed fifty percent of the federal judges, and this will be a legacy that continues well into the twenty-first century." The other event was Arthur Liman, who came here and said at the Law School, "The Iran/Contra thing never was arms for hostages." He said, "Policy decision, in terms of investigating they've done, was never in the picture." But the thing that runs through my mind is that even if a fairly strong Attorney General has been sitting there in the National Security Council, and the rest of the people wanted to do that, is there anything the Attorney General could do but say, "You are going to violate the law"?

Bell: Yes. You could say that, and if they persisted you could go tell the President. After all, he is not sitting in there. You go in there and tell him, "You've got some people here who are getting ready to violate the law." That will stop it right then. I don't know of any President who's

going to say, “Get out. Don’t tell me anything like that.” That may have been true before Watergate, but that wouldn’t go now. President Carter was always very sensitive to what the law was. And I would think the Attorney General would have stopped that. I’ve always wondered if there was really an arms for hostages in the picture. It was a good way to get some money for the contras as it turned out. It’s a great puzzle to me, all that. Liman and the other lawyer didn’t help it any by going on for days grilling people. I don’t think that helped the country either. I thought they didn’t get much more out of it than the [John] Tower Commission had already gotten. They just took a different sort of approach to it.

Thompson: And the crusade to appoint judges was—

Bell: By the way, I want to say something about that. It is really interesting that columnists are beginning to write about that. When President Carter went out of office after four years, he had appointed forty percent of all the federal judges. Now it is a great calamity that Reagan has appointed fifty percent. Well, you know, in eight years that many. And they increase the number of federal judges every few years. This will happen again. If the next President stays eight years, he’s going to appoint fifty percent of them. That’s the nature of the system. There’s nothing about that to get alarmed about. Once people get on the bench, they are pretty independent. They don’t resent having been asked all those questions over at the Justice Department.

_____: I’d like to ask you about the judicial selection boards, if I may. They were set up, as you said, for the Court of Appeals, and Senators were asked to set them up in the district level. Would you comment on how that came about and what kind of effect it has had? It has been criticized as having the opposite effect of what was intended and has populated the courts with women, minorities, and so on, not so much on a merit basis, but on a quota basis.

Bell: The fact is that this system was patterned after something President Carter put in Georgia—which we still use—which has brought better people to our court system. Other states are even studying the Georgia system right now. For example, Texas, which seems to be in about as bad a shape as you can get in judge-wise, is looking at our system. I think President Carter wanted to put that system on the federal level. And we were able to do that, and the Senators even got the district judges they wanted most of the time. They would appoint their own commission. I had one Senator who told me he thought it was communist to have a commission. He gave me two names of people he wanted to get appointed as district judges. About two or three weeks later, he came to see me and told me that he didn’t understand it, but in his state people were very upset because they didn’t have a commission. So he appointed a commission. He said, “They already met and had good judgment to pick the same two people I’ve already picked. You wouldn’t believe that, would you?” I said, “Yes, I believe it.” But that’s the way a lot of them ran.

On the circuit court level, we got people who didn’t know anybody in politics who applied, and a lot of them got appointed. It opened the system up to many people who never would have been considered. You know, somebody once asked me how I got to be a federal judge, and I said, “Well, I was a very close friend of both Georgia Senators and I was John Kennedy’s campaign manager in Georgia.” I didn’t have a lot of trouble getting to be a federal judge. Well, that was the system. That was a bad system, because there might have been twenty people in Georgia better than I was who should have been considered. The commission system allows that.

A lot of time we would appoint Republicans, but most of the time the judges would be apolitical. I mean these lawyers, a lot of them are not in politics at all. You can read the whole FBI file. I read the FBI file on every judge that was appointed while I was Attorney General. At least half of them you wouldn't know whether they were Democrats or Republicans. Under the old system, and the system that's in now, you have to have a political connection to get appointed. So we are not necessarily getting the best people. I can see that in our own area. We are not getting anything like the best people. For example, in Atlanta we've got a lawyer from a small county who roomed in college with someone in the Justice Department. There was a fine Republican district judge in Atlanta, and they passed him over and picked this young man who has not really had much experience even as a lawyer.

That sort of thing needs to be corrected, and I hope the next President, whoever he is, will go back to the system we put in, or something like it.

_____: Wasn't it somewhat subjective as to what the best candidate would be like? Did President Carter put a lot of stock in ideology?

Bell: None at all, and I'll tell you how the system worked. I would give President Carter a list of people who had been nominated by the commission, and I would rate them 1, 2, 3, 4, 5 according to how many there were. In nearly every instance he appointed the person rated number 1. I never talked to a soul about their philosophy. I'm very much opposed to that. It would have insulted me if they had gotten me in the Justice Department or the Senate and asked me how I was going to vote on something as a judge, in advance. I think it is outrageous to do that. Nobody in the Carter administration ever talked with these people. We cleaned out one whole commission because they asked somebody that. I found out that they asked this candidate a lot of questions—it was a woman—about how she was going to vote and what she thought about abortion and things like that.

We got rid of everybody on the commission and started over. We wouldn't do that. We did not do anything like that. We appointed Carolyn Randall from Houston, Texas, who was on the Republican committee in Texas. She is now on the fifth circuit. I told President Carter that she was the best person on the list, but I said, "There are two things about her I need to tell you. One is, she is a Republican and she's on a committee in Texas, a Republican committee; the second is her sister is married to Walt Wriston, the head of Citicorp. What do you want to do about it?" He said, "Well, do you think she's a good lawyer?" I said, "There's no doubt in my mind. I've called down there and talked to some lawyers, and she's excellent." She's a judge today.

That's the way the system ought to work. You ought to get the best people. I won't say every time that, maybe, we got the best people. Maybe the commission didn't include somebody that they should have. You wouldn't know that. I would never know that unless somebody reported it to me. I know when we cleaned out that commission down in the Southeast, this woman did not get on the list, and she wrote me a letter and told me what had happened to her. That's how I knew about it. And she should have gotten on the list. She was on a state Supreme Court.

Thompson: One of the reasons we've been meeting with Cabinet members is that Cyrus Vance and one or two others said, "If you are ever going to get the complete story, outstanding as your oral history of the White House is, you've got to talk to Cabinet members," and at least one has said that in some of his appointments there was interference from the White House. In what you've just described, the appointment of justices and judges, was there ever any interference from the White House?

Bell: Yes, from the staff. I had a lot of trouble. In my book I wrote about Ms. McKenna and Robert Lipshutz. I had a lot of trouble with them, and finally we got a different system. I inadvertently caught the White House staff voting on judges. The way I did it was President Carter had them send me an inquiry about somebody. There were about five different people who voted on this appointment. I realized then something had gone wrong, that they had taken the system away from me. I got Charlie Kirbo on the phone and told him to come up there and told him what was happening. I said, "The President is going to be disgraced before it's over with. It's heading in that direction right now." We got it straightened out. We got it back from them. They were going to pick judges. They even had the person in charge of the lobby voting, too. That would just politicize the thing to no end. I don't think that lasted more than about one or two appointments, because I found out about it and stopped it.

Riley: Did you ever find the lines crossed going into your congressional committees on things that you were doing? Did you ever find that you had to go to a committee and have to undo something the White House had already done?

Bell: No, I never did because I was running my own business and staying out of theirs. On the special prosecutor—I couldn't say anything. President Carter had promised to support that. Everybody at the Department of Justice, as I remember, was against it, but we couldn't take a position on it.

It was very easy to get into trouble at the White House. President Carter would be here in the center and then he would have about five groups: Domestic Council, Congressional Relations, National Security Council, and then he had Jody Powell and Hamilton Jordan, all these people had something to do with it. And Lipshutz's office as counsel. President Carter was allowing these people to take positions on things, and they were writing notes or voting on things, so you never did know who you were dealing with. President Carter was making the final decision, but to think of the power all those people had by being able to feed ideas in there—the NSC wouldn't be feeding ideas on domestic matters, but these others all would be. They would vote on a lot of things.

The Bakke case was one of the worst, where they all got into it. But that's a natural thing. They think policy matters, or politics or whatever you want to call it, and therefore they are interested in it. If you keep talking to Cabinet officers, you will finally get somebody to admit this. This is going to be one of the big keys. This Domestic Council of Eizenstat and Carp had a person on that council assigned to every Cabinet officer, every Cabinet position. There was a young woman named [Katherine] Schirmer. She was twenty-eight years old, and she never knew anything about the Department of Energy, but her job was to ride herd on Jim Schlesinger. Every one of them had somebody like that. This caused more dissension than anything else. Get Mike

Blumenthal down here, and ask him about whoever it was that was riding herd on him or Schlesinger. If I had anybody, I never could find out who it was. Maybe Eizenstat himself was supposed to be looking after me. But I know it wasn't Carp.

Young: I don't think anybody was, Judge. I think you terrified them all. When we spoke to Stu Eizenstat, he said, "Of all people who could complain about this, Judge Bell has no complaints."

Bell: I like Stu very much, and I used to talk with him a lot about things, but I never did have anybody—just a staff person that I know of—assigned to keep up with me. But this was a terrible thing.

When Blumenthal quit, I was in the room with President Carter. That was the day he was firing everybody. Blumenthal said, "You don't have to fire me, I'm quitting. But your staff, Mr. President, you may think they are doing a great job for you, but they are really rendering a great disservice to you." Those were his parting words. There had just been a lot of dissension between the staff and some of the people over there—I don't know who—and Mike Blumenthal. Blumenthal left with no bitterness or rancor at all. He had just had enough.

That was the day several other people left, including me. I had already resigned seven months before. President Carter wouldn't accept my resignation, but when he fired those people that day, he accepted my resignation at the same time. The people in the South got very upset about that. He had me call them and told me to write him another letter to resign so he could answer it. I wrote a nice letter to him and he wrote one back to me. He really didn't fire me, but it looked like he did. It had every appearance of that. Brock Adams was one that left that day, and Califano, I think.

_____: In regard to all those problems and to White House staff running around, how much did the lawsuit with Bert Lance right at the top hurt Carter as far as taking away a political antenna, I guess?

Bell: It hurt him a lot. It hurt him in two ways. It hurt him because it stayed too long, it was too drawn out. But the second way was that it took away somebody whom President Carter listened to and liked to talk with and who had a lot of common sense. In spite of all the trouble Lance got into, he did have a lot of political sense. Maybe common sense isn't the right word, but political sense. But it went on, the process of leaving went on for two or three months, and all that hurt President Carter and hurt him very much. They called him from Camp David and told him Bert had been cleared by this report from the comptroller of currency as I recall, and President Carter came down there and had a press conference on Sunday night at the White House and embraced Bert and congratulated him on being cleared. But the next day when they had somebody else read the report, he was not cleared at all. It was very sad. And that was a staff thing again, where they told President Carter that they had studied the report and that it was good, that it cleared Bert. It was just the opposite. So all that together hurt him.

The question you asked is true, he [Carter] would have been better off if he [Lance] could have stayed there.

Thompson: Jim Young raises the question early in his book about this issue. Should you think of exporting powers that once were in the departments and have gravitated toward the White House back to the departments? Is that an issue worth considering?

Bell: Oh yes. Absolutely. I think if you put a limit on the number of people that could work in the White House, it would be a great thing. That would free the President to say, “I’m only going to have 100 people over there, or 200, just like you do in business.” I can’t imagine why you need more than one White House lawyer. Why do you need a whole staff of lawyers in there? You’ve got 1200 lawyers down the street at the Justice Department. As far as I know they don’t even have a law library over at the White House. Well, then. What are they doing? That’s the kind of question the President needs to ask. What are these people doing around here? Why does the head of the National Security Council need to have a press officer? He’s working for me. I don’t want him out making statements to the press, that sort of thing. If somebody goes through and asks questions like that, they would decimate the White House staff. That would be a good thing, in my judgment. My antipathy toward the White House staff is only equaled by mine for congressional staff. They have so many staff members now. . . .

Young: You’ve come through pretty consistently.

Bell: To me, it’s anti-democratic to have a staff member who is running the government. That’s why I object a whole lot.

Young: Well, it’s sort of like you can’t do without them and you can’t do with them.

Bell: A judge can get by without four law clerks. I’ve been a judge when I had one law clerk. Then I got two. I didn’t figure I could control more than two. The judges got mad at me, so I took three. I couldn’t keep up with three, then I left.

Riley: The question I have is this. You’ve obviously got an awful lot of people on the White House staff, but the President also has people, as you were, whom he relies on not only formally in their departmental roles, but also informally on a number of occasions. This is a question Mr. Young and I have talked about before. What kinds of things did President Carter look to his old friend Griffin Bell for—outside the Justice Department—in terms of advice and assistance on policy matters or political matters? Can you think of occasions when he came to you and said, “Judge, I want to ask you a question about this, that, or the other,” that didn’t directly relate to your role as his lawyer?

Bell: No. I can’t. The foreign intelligence, those sort of things. President Carter did not ever think that I understood politics, and he does not think so now. Also, he frequently said in Cabinet meetings that I was too conservative for him. He said, “Griffin’s views and mine frequently vary because he is so conservative, and I’m so liberal.” Usually he wouldn’t say, “I’m so liberal,” he would just say “so conservative.” There were only three of us. It was sort of a joke between Robert Strauss and me. Strauss said that Schlesinger and I were so conservative, it made him appear liberal. That was sort of a house joke around there, but that was the reason President Carter wouldn’t be calling on me very often for anything political.

Another reason was that he agreed with me that the Attorney General was exempt from politics. I never had to go to any kind of a political meeting, and when Vance heard about that, he went over there and got himself exempted too. Then Schlesinger went to see if he could get exempted. He was the Secretary of Energy. The President wouldn't exempt him. They had a mid-term Democratic meeting in Memphis, and Schlesinger went to China while that was going on. So I said, "I see you went to China, and it was while you were supposed to be down there in Memphis in this meeting." I was just kidding him. He said, "I'm having no comment on that. I was in China." So I always figured he went to China to keep from going to that meeting. Can you see Schlesinger, a Republican, at the Democratic mid-term meeting in Memphis, Tennessee? I can't imagine him being there. It would have been easy to exempt him, given his background. I was exempt. I was the first one to be exempt, and that was the way it should have been. And I really think maybe you ought to exempt the Secretary of Defense and Secretary of State. They ought not to be going around political rallies.

But, Homer Cummings nominated Roosevelt and served as the Attorney General. I'll have to say in those days there wasn't anything much going on at the Department of Justice. It was a small place. The Department of Justice building was the first WPA [Works Progress Administration] building in Washington. Before that, the Justice Department was in rented space, to give you an idea of how small it was. Now it's in about four or five buildings, it's gotten so big.

Young: I think we'll give you a little breather before your next stint, which happens at about 11:00. You can relax and have some coffee. I do thank you a great deal, and we'll adjourn.

Bell: I've enjoyed it very much.