



GEORGE H. W. BUSH ORAL HISTORY PROJECT

TRANSCRIPT

INTERVIEW WITH RICHARD THORNBURGH

October 23-24, 2001
Charlottesville, VA

Interviewers

University of Virginia

Russell Riley, chair
Stephen Knott
Daniel Meador

New Mexico State University

Nancy Baker

Also Present

Nancy Watson

Assisting: Darby Morrisroe
Transcription: Martha W. Healy
Transcript copyedited by: Laura K. Moranchek, Jane Rafal Wilson
Final edit by: Jane Rafal Wilson

© 2011 The Rector and Visitors of the University of Virginia and the George Bush Presidential Library Foundation

Publicly released transcripts of the George H. W. Bush Oral History Project are freely available for non-commercial use according to the Fair Use provisions of the United States Copyright Code and International Copyright Law. Advance written permission is required for reproduction, redistribution, and extensive quotation or excerpting. Permission requests should be made to the Miller Center, P.O. Box 400406, Charlottesville, VA 22904-4406.

To cite an interview, please use the following general format: [name of interviewee] Interview, [date of interview], George H.W. Bush Oral History Project, Miller Center, University of Virginia.

GEORGE H. W. BUSH ORAL HISTORY PROJECT

TRANSCRIPT

INTERVIEW WITH RICHARD THORNBURGH

October 23-24, 2001

Riley: This begins our recorded interview session with the George H. W. Bush Oral History Project. The first thing that we typically do in these interviews is to go around and have everybody say just a couple of words to aid the transcriber in making voice IDs with what comes. So Dick, let's start with you.

Thornburgh: I'm Dick Thornburgh. I served as Attorney General in the Bush administration from August of 1988 to August of 1991.

Knott: I'm Stephen Knott. I'm an assistant professor and research fellow at the Miller Center's Oral History Program.

Meador: I'm Dan Meador, a law professor emeritus at the University of Virginia.

Watson: I'm Nancy Watson, the archivist of the Dick Thornburgh archival collection at the University of Pittsburgh.

Morrisroe: I'm Darby Morrisroe. I'm a graduate student at the university and a research assistant with the program and the note-taker for the purpose of the interview.

Baker: Nancy Baker. I've done extensive work on the Attorney General's office and I'm a professor at New Mexico State University.

Riley: And I'm Russell Riley, an assistant professor and research fellow at the Miller Center. Dick and I had a chance to talk for a few minutes before we came over and he is aware that all of us have had an opportunity to look at this extraordinary manuscript that he's prepared, which gives us I think a tremendous head start on the kind of work that we're doing here. What we'd like to do is to take that and use it as a point of departure for the discussions. One of the things that we talked about yesterday in the pre-interview meeting that we had with the interview panel was our interest in hearing a little bit about your earliest experiences in Washington as a way of getting into your later experiences with the Bush administration. So maybe the place to begin is just to ask you, when did you first go to Washington and in what capacity?

Thornburgh: Well, like most people, the first time I went to Washington was as a tourist. But my first official encounter with Washington was in 1966 when I was a candidate for the United States Congress. It was kind of a toe-in-the-water for public life for me because I was running in

a heavily Democratic area as a Republican in the city of Pittsburgh. But I went to Washington for a meeting of all of the Republican congressional candidates and they were quite an extraordinary group, including George H. W. Bush, who was running for Congress in Texas that year, and a number of others. I've got those names in here if that's of any interest, because I intersected with a lot of them later on.

Baker: And that's when you met George H. W.

Thornburgh: Yes, but I just met him, "Hello, how are you?" That kind of thing. It wasn't any intense experience. But, really, it's just going to take a second—Senators-to-be Bill Roth, Mack Mattingly, and Don Riegle, who was later a Democratic Senator. And Congressmen John Paul Hammerschmidt, Charlie Wiggins, Tom Railsback, Fred Schwengel, Wiley Mayne, Marvin Esch, Garry Brown, Chalmers Wylie, Bill Stieger, Pete Beister, and Ham Fish, Jr. All of whom won, by the way, with the exception of yours truly. But that was really quite an interesting experience because it was the first kind of contact that I'd had with what was soon to become in varying ways the Washington establishment. But that was fleeting. It was a couple of days and then I ran and lost my race on the merits. But it was an introduction to that milieu.

I was later, in 1969, appointed the United States attorney for Western Pennsylvania, which is headquartered in Pittsburgh, and during the time I was in that office had many occasions to go to Washington on either official business or for department events. It was in the [Richard] Nixon administration—John Mitchell was the Attorney General, J. Edgar Hoover was still alive—and as far as the Department of Justice went, I gained my first insight into that operation. As many of you know, there's kind of a built-in tension between the Department of Justice and the United States attorneys' offices. So, in one way they wanted to get us down there to preach the gospel to us; in other ways we really wanted to meet with the people with whom we had to deal and figure out ways how we could avoid their supervision of what we were doing. But—

Meador: I wonder if I could interrupt you and ask you something. Based on that experience and that time, do you have any views you care to express about John Mitchell as an Attorney General? How he ran the department and how you felt he functioned as an AG?

Thornburgh: I'm not really sure I can give you much insight into that. I think he was well thought of by the U.S. attorneys. He was our champion. It was a time, as you'll recall, of considerable unrest in the nation. The Vietnam war and the '60s and '70s were turbulent times. There was a little sense in the law enforcement community of being somewhat beleaguered and he was our champion.

I didn't know the man at all, never had any personal contact with him. He gave the United States attorneys a lot of leeway, a lot. There were some extraordinary U.S. attorneys in that time, undertaking entirely new kinds of efforts to deal with organized crime and official corruption, for example. The 1968 and '70 legislation had opened up new opportunities to be really imaginative in law enforcement: court-authorized wire tapping, use immunity, investigative grand juries—all came on line during that period of time.

You had people like Jim Thompson in Illinois and Fred Lacey and Herb Stern and Jon Goldstein

in New Jersey, and Mike Seymour in New York, and others, who really established the office of United States attorney as a significant player in their communities, oftentimes focused on organized crime and racketeering and official corruption. I think, from the department's point of view, that that was encouraged. There wasn't really much of an attempt to dictate to U.S. attorneys what they ought to do because they were a pretty talented bunch and what they did reflected well on the department and on the administration. It was kind of the golden years of the U.S. attorneys' offices, the early '70s. You had extraordinarily talented people using new tools, a true watershed in the efforts against organized crime and corruption. I needn't review for you all the convictions and major investigations that were undertaken, but they were really quite substantial.

All of which is in partial answer to your question, Dan, in that they were pretty much freelance operators. There wasn't much interaction with main Justice on these things. Obviously there were departmental rules with regard to clearance on tax prosecutions and RICO cases and the like, but by and large the meat-and-potatoes criminal prosecutions went on without much central guidance or direction. I think we began to get some uneasiness about Mitchell in his handling of wiretaps. A number of court-authorized wiretaps were thrown out because he had not personally reviewed them as the statute required. I remember he had a hapless aide named Sol Lindenbaum who had actually reviewed them and then affixed his signature—I don't know whether it was his signature or the Attorney General's signature, and that was a very unhappy—we were fortunate in Pennsylvania. We had a couple of minor wiretaps thrown out, but all of our major ones were validated.

But I think we began to think, *What the hell is going on down there?* These guys should take this seriously, because there was such a furor about court-authorized wiretapping when the legislation was passed, as a threat to civil liberties. I think the U.S. attorneys took it as a serious charge to dot every "i" and cross every "t" so that that concern would not be realized. Then all of a sudden we find out, not us—the guys in the field, the foot soldiers—but the folks at headquarters were the ones who took a kind of cavalier attitude toward these things. There was a lot of ill feeling. Now that was just before the roof fell in on Mitchell with the '72 campaign and the Watergate years, and his actions as later disclosed really gave rise to a sense of betrayal. Because although a number of those U.S. attorneys, myself included, later went on to political careers, by and large there was an acute perception of the need to separate the law enforcement function from the political function. That's where John Mitchell came a cropper, by actually undertaking not just political efforts, but dirty tricks, out of the AG's office.

I think that really just upset terribly those of us who had been active in the department at that time. First of all, we were proud of what we had done in terms of law enforcement, and to have that tainted by the activities of the Attorney General was very disturbing. So, while John Mitchell started out, I think, as probably being viewed as a champion of effective law enforcement among the U.S. attorneys—notwithstanding the fact that he had no law enforcement experience himself (of course, many of us didn't either)—but later, really, there was a sense of betrayal about what he had done in office. That answer what you were looking for?

Meador: Right.

Thornburgh: During that period of time, as I indicated, there were certain occasions where you had to go to the department to get clearance for particular cases. We had an extraordinarily sensitive case in Pittsburgh involving the local district attorney, who was a major power in Republican politics. And the bottom line was that he was at the same time involved in taking enormous payoffs from racketeering interests to forego prosecution of cases against them in that area. We had a dogged team of IRS [Internal Revenue Service] and FBI [Federal Bureau of Investigation] agents following leads in this investigation over a four- and five-year period. It actually began before I came into office. Eventually it became a tax case, both a net worth and specific items case, so it was a pretty strong case, but we had to be extremely careful about getting the department to bless every step in that investigation, for two reasons. Number one, because it was against a prominent person. But it so happened that that prominent person and his patron, who was Dick Scaife, the Mellon heir, were well wired in with the Nixon administration.

In fact, I'll never forget one time when this thing was really coming to a boil, Dick Kleindienst, the deputy, came to town to do a fundraiser for this district attorney, whose name was Robert Duggan, and praised his record up and down. Never stopped at our office at all, and really, extraordinarily bad judgment on his part because in due course the guy was indicted. He took his life on the day he was indicted, so it was really like a John O'Hara novel. But that was the kind of case you surely did not want to get out front of the career professionals in the department, tax people. In fact, at one time they told us to shut the investigation down, not for political reasons, but because we really hadn't come up with the proof. It is a long story that I set forth in entirely too much detail in my manuscript, but the long and short of it was that these agents just didn't quit and they had a lucky break. They stumbled on a missing bank account and the whole house of cards fell in.

Meador: Who was the assistant AG in charge of the tax division when you were U.S. attorney?

Thornburgh: I think it was Johnny Walters.

Meador: Did you have any problems working with him?

Thornburgh: No, I never dealt with him personally. I think I dealt some with Cono Namarato, who was the head of the criminal section in the tax division, who is now a Washington lawyer.

Meador: By and large, I take it you didn't feel you were operating under very tight directions from Washington.

Thornburgh: You got it. I suppose I could have said that and saved you a lot of time. That's exactly so. And given the quality of the people that were in the field—I don't want to get too self-congratulatory in this, but these were extraordinary people, they were really good prosecutors and they really changed the role of the U.S. attorney. Aided and assisted, of course, by congressional action that had given them powerful new tools. But I think that in main Justice, they were content to sit back and give us our own heads. In most cases it turned out to be a wise thing to do.

Ah, Washington. Eventually—

Riley: Can I interrupt you and go back and ask a question before we get too far removed from this?

Thornburgh: Sure.

Riley: This actually is breaking into your train of thought and I don't want to lose that train, but I'm intrigued a little bit about the '66 campaign. Those of us who study politics often go back to the initial experience of an elected official to see if there are clues there about one's style, or lessons learned, or things like that. Could you reflect a little bit about that experience in '66? Were there useful lessons learned at that time?

Thornburgh: Oh, yes.

Riley: Were you turned off by electoral politics or—?

Thornburgh: Quite the contrary. Again, as I warned you, I don't want to be officious and say, "Well, there's a whole chapter on that in the manuscript," but let me just see if I can—I had become interested in politics following the 1964 election when the Republicans got their clock cleaned. [Barry] Goldwater ran then, who was a perfectly decent guy and I got to be very fond of later on, but he was a dreadful candidate and he was surrounded by some very strange people, and predictably got waxed. In Pennsylvania, we just barely hung on to Hugh Scott's Senate seat by Scott being a canny politician, holding the Goldwater campaign, the Republican label, at arm's length. That was really the first campaign I ever did any work in. I'd been, when I started, a cocktail party politician up to that time. I had all the answers but never did anything about it. Finally late one night after a copious dinner and a lot of drinks, one of my best women friends said to me, "Why don't you do something about it?" I said, "Well, I will," and began scouting around for opportunities. I almost ran for mayor of Pittsburgh in 1965. That's another long and interesting story but beyond the scope of what we're talking about here.

I got involved in a couple of campaigns and then in 1966 it was a kamikaze attack. I mean, nobody wanted to run. Bill Moorhead was the Congressman, he was a ten-term incumbent and nobody ever laid a glove on him, but we set out to run a campaign. I had no illusions about winning, but I wanted to get involved in politics. It was a good campaign. I mean, every component of the campaign was well done. We raised more money than was normally raised in those kinds of campaigns. We had a detailed game plan written out. We did a lot of research on the district demographics, voting patterns. Superb research done all by volunteers. Position papers on every issue. I mean, it was a classy campaign. It just was fruitless because nobody knew who I was and everybody knew who the incumbent was.

It was a pretty good Republican year. We lost about two-to-one in a district where the registration is about three-to-one. Any self-respecting politician can always find some measure that paints his campaign favorably—but what it did, I just realized how much I enjoyed the process of combining work on issues with people's real needs, that it wasn't just an academic exercise. I took six months off from my law firm, which they indulged me in, and just hit the bricks and went all the way around the community. An urban area, substantial black, ethnic

population, a classic inner city—

Meador: Excuse me. Were there some key issues there on which you—?

Thornburgh: No, there weren't, that was part of the problem. One of the things the newspaper said was, "We can't tell the difference between these two guys," because there wasn't any—the man hadn't done anything wrong. He hadn't done much, but he hadn't done anything wrong. He was a very nice guy; he's a friend. He was on the banking committee and looked after the bankers' interests well and had a lot of involvement with urban issues. He's a really good Congressman.

It wasn't a race that I picked to run; it was a target of opportunity. It wasn't one that I picked to run because I thought there was some major issue or something that would probe a vulnerability that he had. But it was an exercise, let's put it that way. It was an exercise; it was carried off extraordinarily well. I can say that in all immodesty. It was a good campaign. It was funny. We had a lot of fun. One of our billboards was a huge billboard with me standing up on a white background, holding a huge wooden spoon, and the billboard said, "Dick Thornburgh will stir things up in Congress." Corny? Yes. But people remembered it.

Then we had a couple of—there was a popular morning radio show that had recognizable characters on and they did a series of radio ads, the thrust of which was, "Who is this guy? We've never heard of him," but it did it in such a way it made people think about—

Meador: Do you—?

Thornburgh: What I learned—let me just say one other thing, Dan—we cut a television commercial. But in 1966—remember when this was—I said, "Oh, gee, how are we going to raise the money? And if we raise it, can't we spend the money better on newspaper ads or flyers to pass out?" Never made that mistake again. I said, "It's too costly," so I learned. Excuse me.

Meador: Do you think your running in that race had something to do with your being later appointed U.S. attorney?

Thornburgh: Absolutely. Absolutely. Because it solidified my relationship with Senator Scott's office and later when Senator [Richard] Schweiker was elected, we had a good relationship with him. And at the time the U.S. attorney's office became vacant—it had been filled on an acting basis for the longest period of time, I think, in the nation's history by a perfectly serviceable public servant who later became a distinguished judge. But the two Senators—not the two Senators, it was Joe Clark who was the Senator, who couldn't agree with Joe Barr, the Pittsburgh mayor, on who should have the job as a Democrat. So when the Republicans won and we had a Republican President and two Republican Senators, it was pretty much finding somebody to do the job. Interestingly enough, I didn't seek the job, it was being sought by the first cousin of this corrupt district attorney who I later prosecuted. Although I didn't know that at the time, he wanted to get somebody safe in there so to protect his flanks. At the time, in 1969, I was gearing up to run for mayor. I really thought I had a chance to—well, you asked for it, you're going to get it, every last anecdote.

Riley: This is why we're here.

Thornburgh: I was gearing up to run for mayor against Joe Barr, who by that time was kind of discredited. He was an old-timer. We thought we had a chance, a fresh new face, blah, blah, blah. All of a sudden, out of a clear blue sky, I get a call one night from Elsie Hillman, who was later our Republican National Committee woman and kind of the doyenne of Republican fund raisers and actors, a marvelous woman. She said, "Would you like to become the U.S. attorney?" Duggan was her arch enemy—nothing related to any corrupt activities, she just didn't like the guy. He was a right-winger and she was a left-winger, that kind of internal politics. I said, "I don't know, what does a U.S. attorney do? I have no idea."

So eventually I kind of scouted around and I got back to her and I said, "Sure." So they submitted my name to the President and the President sent it over to Congress. They set off a fire storm in Pittsburgh because the Duggan people were very nervous. I had a very cordial relationship with Duggan myself. He'd campaigned for me when I ran for Congress in '66. But they knew, he knew, that if you got somebody in there who was serious about the job, that eventually they were going to stumble upon and ferret out his own nefarious activities. Plus the fact that I had been very active for Nelson Rockefeller in the 1968 run-up to the convention and there were a lot of Nixon diehards who said, "What kind of nonsense is this? We win the White House and the first thing you do is appoint an arch-enemy to be in one of the prime positions."

But that all passed and mercifully I didn't run for the mayor's job because in the mayor's race that year, Joe Barr, the incumbent, felt vulnerable in the Democratic primary and declined to run. His candidate was beaten by a young councilman named Pete Flaherty, who then went on to defeat my former law partner, a marvelous public servant named John Tabor who ran on the Republican side. Then Pete served four or five terms, later running unopposed. I mean, he was a very popular mayor of Pittsburgh.

But let's fast forward for a minute and tell you how crazy this world is. After I'd left the department—and I'm leaving that out for the moment, we'll return to that—when [Jimmy] Carter beat [Gerald] Ford, I stayed on as Griffin's [Bell] deputy for a while. We hit it off very well. In fact, he even wanted me to stay there. He had all kinds of jobs in mind for me for me. He wanted first for me to stay on as his deputy, then he wanted me to be the director of the FBI. I said, "Griffin, you'd better check with the White House. There are a lot of people back in Pennsylvania who are going to be very unhappy if you have a Republican." And he did get Mike Eagan, who was a Republican, to come up and serve as his associate. But in any event, I'm getting ahead of myself here.

Riley: We'll come back to this.

Thornburgh: One day, Pete Flaherty shows up in town. Pete was an old friend. In fact, I had tried to talk Pete into being the Republican candidate for mayor when I got out of the race in 1969, but he wisely decided not to do that and ran as a Democrat and was a folk hero. And he was in Washington. He did a lot for Carter in Pennsylvania, he really did. Pennsylvania was carried by Carter and Pete was largely responsible. We went to lunch. What's the name of that

German restaurant across from the FBI building now? I forget the name of it. But we went over there and I said, “Are they doing anything for you, Pete? I mean, you did a hell of a lot for Jimmy Carter. They ought to owe you.”

And he said, “Well, I talked to people at HUD [Housing and Urban Development],” and this and that. I said, “What about Department of Justice? You’re a lawyer, aren’t you?” I kind of asked that tongue in cheek because he really wasn’t much of a lawyer. And he said, “Yes.” I said, “Well, have you met the Attorney General?” He said, “No.” I said, “Well, come on over with me. I’m serving as his deputy now. I’ll introduce you to him, maybe they’ve got something you can do.” So I took him in to see Griffin [Bell]. I’ll never forget to this day what I said. I said, “Judge Bell, I want you to meet my mayor. He ain’t much of a lawyer but he’s a hell of a politician.” And Judge Bell laughed. And I left. The next thing I knew he’d appointed Pete Flaherty to be his deputy. So as I was going out the door from my acting job as deputy to return to Pennsylvania to run for Governor, Pete was ensconced in the deputy’s office.

Well, I’ll try to make a long story short, but the long and short of it was that Pete and Washington did not hit it off. He was there for about six months and then he decided to leave and came back to run for Governor in Pennsylvania. So he and I eventually, after a lot of other details, ended up running against one another in 1978. It was a great campaign and we won that one. But it just shows you, what goes around does indeed come around, because my intersections with Pete Flaherty over the years were truly extraordinary.

Meador: May I interject? This may be a little off the mark, but I think it’s an interesting one. Do you have any insight into why Flaherty didn’t work out as deputy AG?

Thornburgh: Pete is what I kind of call in Pittsburgh vernacular a “don ton” kind of guy.

Meador: Can you translate that?

Thornburgh: I sure will. It’s the Pittsburgh patois. When you’re in Pittsburgh and you talk about down town, it is always “don ton.” That’s the accent and Pete had it perfectly. He was literally a folk hero in Pittsburgh. They loved Pete Flaherty. He was a charming guy, Irishman with flashing eyes, very handsome, tall, but every time he got out of Pittsburgh, he sank like a lead weight. In 1976 he ran against Dick Schweiker for Senator and got whomped. He ran against me in ’78 for Governor and got whomped. He ran in ’80 against Arlen Specter for the Senate and got beaten. For some reason the chemistry wasn’t there. He was like a fish out of water when he left Allegheny county and environs. I’m sure there are other politicians like that. But I don’t think it was anything particularly specific to the Department of Justice, Dan, I think it was just that Pete couldn’t run with the big guys. In his own milieu, he was unbeatable politically and could make things happen. He was a good mayor of Pittsburgh.

The surprising thing was that one of the reasons we beat him in 1978 was that his handlers were not content to rest on his record. They exaggerated what he had done as mayor and created huge vulnerabilities and cast his whole credibility in doubt. We had a superb research operation that went into every nook and cranny of his service as mayor, but, in any event that’s how that story worked out.

Let's go back to the U.S. attorney's job. I was talking about our relationships with Washington. I think I've kind of exhausted that.

Baker: Was that where you became interested in white collar crime? I know that later that became a preeminent issue for you.

Thornburgh: It had always been an interest. While I didn't seek out a career in law enforcement, one of the reasons it appealed to me was that it offered an opportunity. I would not have been happy as a local prosecutor dealing with just murder and mayhem—

Baker: Street crime.

Thornburgh: I was more interested in bringing to heel people of power and substance who abused the process, and began that as United States attorney in official corruption cases and in taking on some substantial corporate and individual defendants. So that was an interest of mine from the very beginning in law enforcement and continued all the way through.

But Watergate came along. We had a new President, President Ford, a new Attorney General, Ed Levi, after going through a succession of people who followed Mitchell. One evening I was at home having dinner with my family and I got a call from Ed Levi asking if I would come down to talk to him about being the head of the criminal division in the Department of Justice, as an Assistant Attorney General.

Meador: Had you known Levi before then?

Thornburgh: No, no. My name was recommended to him by a mutual friend and I guess I checked out well enough that he was interested in talking. He was an extraordinary person. I didn't know him before I went to be Assistant Attorney General, I didn't know him while I was Attorney General, and I didn't know him afterwards. He's a very difficult person to get close to.

Meador: I was going to ask you—and maybe you'll get into this—your assessment of him as an Attorney General.

Thornburgh: For the times, he was ideal. For that particular time when the Department of Justice was under a cloud, if not in some disrepute, he was a superb choice, because he was a man of undoubted integrity and great intellect, and truly independent and given his independence, to President Ford's credit. And serving in that—well, I got the job, that's the bottom line. And serving in that administration was truly a great experience. I thoroughly enjoyed that. It was extremely challenging because everything we did was suspect. We had some just dreadful hot potatoes that we had to handle. I remember walking into my office in the Department of Justice, which was bare. There wasn't a thing in there except in the middle of my desk was a small blue paperbound volume encompassing the Rockefeller Commission report, which was an examination of all of the alleged wrongdoing by the intelligence agencies and the FBI and whatever. It was there for a reason. Our criminal division was to look at all these allegations and determine whether there were any current criminal charges that could be brought.

And that took up a huge portion of the time of the two years that I was there.

But I can tell you a wonderful story about the department and the U.S. attorneys—and this is my wife, I have to credit her with this one. I was ready to go to Washington. I was a “don ton” guy myself. I loved Pittsburgh and I still do. And I had a lot of trepidation about leaving. We had friends, we had a lovely home, we had kids in schools. It’s just tough to pull up your roots and go to a strange exotic place like Washington. But in any event, I finally decided to do it. Part of it was, I was asked to do it and it’s hard to say no to someone you respect. Secondly, it was an opportunity at a time when the department needed some help. But my wife said, “You’ve got to remember something you’ve said for six years as a U.S. attorney. For six years you’ve done nothing but complain to me about THE DEPARTMENT. The department says this, the department makes you do that. Buster, you are now THE DEPARTMENT.” And the point was very well taken.

In one sense that was like going over to the enemy, but in another, better sense, it equipped me extraordinarily well to deal with my former fellow U.S. attorneys and gave me some insights that you just couldn’t get otherwise. You couldn’t read books, you couldn’t talk to other people about what it’s like to be a U.S. attorney operating in this strange system. Every U.S. attorney is a presidential appointee, nominated and confirmed, and not just a branch office of the Department of Justice. That creates a built in institutional tension, not to mention the kind of things that I mentioned, referred to as operationally being tense. But I served for two years there as an Assistant Attorney General and as I stated, stayed on under Griffin Bell for another three months.

Meador: Your relationship with Levi during that time, did I understand you to say that you had very little to do with him personally?

Thornburgh: We didn’t have a personal relationship. I had a lot of things that my responsibilities required me to interact with him and I had enormous respect for him. He was not an easy person. He was kind of a father figure to me. In fact, he looked like my father, it’s kind of strange.

Meador: Who was the Deputy Attorney General at that time?

Thornburgh: Ace Tyler, Judge Harold Tyler from—

Meador: Did you deal with him much?

Thornburgh: A great deal, yes. He was an easy-going, thorough-going professional and we had a lot of—I don’t think they’re of particular interest to you, but all that stuff is available in the manuscript.

Meador: Well, the point you just commented on about U.S. attorneys being presidential appointees and so on. Griffin Bell had a view that we would be better off if they were removed from the presidential appointment process and the Attorney General would simply appoint U.S. attorneys and they would hold office at the discretion of the Attorney General. Do you have any view about that? Would it be better if they were presidential appointees or not? You would

remove some of that tension you talk about.

Thornburgh: Yes, I think from the presidential point of view and the Attorney General's point of view that would be much better, but I'm not sure that it is necessarily better for the country. I think there is much to be said for having the U.S. attorneys being more than a branch office of the Department of Justice, because they are commanding figures in their community. Go to any community in the country, people are many times more likely to know who the U.S. attorney is than who the regional director of HUD is or the local HHS [Health and Human Services] branch or whatever, because it's a law enforcement role and people depend upon it. It's a "small p" political position, at least I treated it that way. I felt there was a responsibility to enter into the community and we got enormous cooperation from elected officials—those that weren't corrupt, anyway.

I think probably I'm colored by my own experience, but I don't see any real advantage to the nation to be gained from Griffin's suggestion. I understand why it would make it a lot easier to manage the operation, but the fact of the matter is that the U.S. attorneys who are appointed do have some political sense—antennae, connections, what have you—and that makes them really more attuned to the community where they have to enforce the law. Now I think the Attorney General has enormous power over U.S. attorneys. I had to fire three or four U.S. attorneys when I was AG. And when we were in the Ford administration we had to get rid of some guys or clamp down on them or forbid them to go forward with investigations or prosecutions, because you get some bad apples occasionally. So it's not as if the Attorney General is just a bystander in the law enforcement role carried out by U.S. attorneys. I think it serves the national interest to have these folks be somewhat attuned to their community, more attuned to their community than if they were a career civil servant dispatched from Washington or even gleaned from their own community as appointees of the Attorney General. But that's been a long running show. I doubt very much if it will ever change, for one good reason. The Senators have an enormous input into who gets the U.S. attorney's job and they ain't going to give that up.

Meador: Go back toward the end of the Ford administration. You were there then as assistant AG, head of the criminal division, and then we had the changing of the guard. Griffin Bell came in. Did he take you out of that assistant AG spot and make you acting deputy, is that what happened?

Thornburgh: No, it's even more intriguing than that, Dan. I was in fact Jimmy Carter's first Attorney General. There's a trivia question for you. Everybody else had left from the Ford administration and I, as the head of the criminal division, because we had all our kids in school, stayed on until the bitter end. So that when January 17th I think it was, inauguration day rolled around, I was the last man standing. When Harold Tyler left, Ed Levi designated me as acting deputy. Then as acting deputy when Ed left, I became acting Attorney General. And for five days, 23 hours and 30 minutes, I was the Attorney General of the United States, and you're all better off for it whether you know it or not.

Riley: We're going to have to change all of our records.

Thornburgh: Right, right. Needless to say I tried desperately to avoid any decision making. The

reason I was there is that Griffin had problems on the Hill with his clubs, and so—

Meador: I was going to ask you, he did not actually take office for some little time. There was about two or three weeks in there, wasn't there?

Thornburgh: It was five days, 23 hours—no, I don't know how long his hearings went on but there was a delay. He had to resign from some country club or something like that. It's the usual kind of nickel and dime stuff, it wasn't anything serious. But then when he came on board, I reverted back to being acting deputy and was that until Flaherty came on board, which was another two months. So I worked very closely with Griffin Bell on transition matters. I did some memoranda and studies for him at the department. Of course he had his own people there, but we developed a very close relationship and, as I say, he even gave some thought to asking me to stay on.

Meador: And you stayed on until what date?

Thornburgh: First of March, I think.

Baker: I know when I interviewed Griffin a number of years ago he was talking about how he was trying institutionally to immunize the Department of Justice from improper White House pressure. So you were there during that early stage or did that come—?

Thornburgh: Yes, but I wasn't really involved in substantive issue work, because I wasn't part of that administration. I think he soon came to realize that after all his fantasizing about my—you know, it's like anything else. You know, you're into a new job, you have somebody there who knows the ropes, you're comfortable with that person, you hate to lose 'em, even regardless of who they are, so it wasn't ever a serious thing. But I never really became involved in any of the heavy lifting that they ultimately took on.

Riley: Can we step back and ask the same question about the previous administration, the relationship between the White House and the Justice Department in the Ford years? Do you have anything interesting to say about that?

Thornburgh: It was totally arm's length, You know, once burned, twice shy. The experience under the Nixon administration had been so bad in terms of White House interference that there wasn't even a thought of anything. So my position as Assistant Attorney General was totally unimpeded by any of that kind of influence, and in fact, very little influence exerted by the Attorney General, Ed Levi. So I've sort of lived a charmed life in having positions up to now—up to then—where I could kind of do my own thing. There were a couple of dust ups between Levi and me that had to do with just day-to-day operational things but we generally had a pretty good relationship.

I think every once in a while he'd wonder. In fact, when I was appointed there was a newspaper profile on me in the *New York Times* that quoted Ed Levi. He said something to the effect that I had not always been a quiet person but I'd been very effective. I think he was kind of suspicious because we had made such an impact in Pennsylvania. I mean, by the time I was through in Pennsylvania the landscape was littered with convicted public officials and racketeers. That was

a great time, that was the happiest time of my life professionally, being the U.S. attorney, because I could try a lot of these cases myself. We had a small office and it was big time stuff and really a lot of fun. But it was a unique period of time, the stub end of the Ford administration was really quite a challenge for the department to resuscitate itself and I think Attorney General Levi did just that. We had an interesting cast of characters there, too. You know [Antonin] Scalia was the head of OLC [Office of Legal Counsel], Rex Lee was head of the civil division. We had a lot of—

Meador: Who was the solicitor general at that time?

Thornburgh: Ummm, Bob Bork.

Meador: Bork. As head of the criminal division, is there anything you could say about your relationships with the SG's office. That is, in terms of cases where you wanted them to petition for something like this, and they didn't want to? Did you have any problems with them on Supreme Court litigation?

Thornburgh: No, no. My only problem was I argued my first case before the Supreme Court during that period of time, which was always a custom for assistant attorneys general. You always got one case and they gave me a case. That's a funny story because Frank Easterbrook, who is now a judge out in the seventh circuit I guess, was a deputy and he coached me. I was thrilled, I mean this was a great opportunity. For a lawyer it was kind of like audience with the Pope or something.

So I prepared the case and it was a strange case. It had two aspects to it. One had to do with the appealability of the matter in question; the other had to do with the substance of it. I got up and did credibly. I mean, I was very much impressed with myself and my striped trousers and cutaway coat and my wife and all my family came up to watch me. We won the case on the substance, so the bad guy went to jail, but we lost the case nine to nothing on the issue of the appealability of the order. The Court held it was appealable. But having my good political instincts, I always portrayed that as a nine to nothing victory. My family believed that as well, until years later when I was Attorney General, I was speaking at a Federalist Society dinner in Washington and Frank Easterbrook was there, by that time on the seventh circuit. We renewed acquaintances and my wife was there and I said, "This is Frank. He's the guy who coached me when I argued that case in the Supreme Court when I was in the department as an Assistant Attorney General." And Frank said, "Yeah, yeah, well, we didn't win that one." And my wife is going, "What?" I said, "Frank, hey, come here, come here."

There was so much of a focus on the integrity issue within the department and restoring its reputation, that there weren't—I can't remember any really troublesome substantive legal issues in the criminal area during the time that I was there. Now I'm sure if I went back and looked carefully there might be, but they were not top of the mind, so that indicates to me that there weren't any real major issues. I'm trying to remember what the Court's docket looked like around that time. What Bob Bork was arguing. I'd have to do some digging on that, even to know what the cases were.

So, in any event, getting back to your original question about Washington, I left in March of '77 and went back to Pittsburgh and began to run for Governor. And for the next year and a half ran and was elected.

Baker: And did your experience as a U.S. attorney in particular assist you, because now you had the name recognition, you had political connections, relations?

Thornburgh: And without flogging a dead horse, the previous administration had been—while the Governor himself was not corrupt, he had suffered terribly from people in his administration who had been involved in one manner of corruption or another. He had a bad reputation.

Baker: So already you were sort of—

Thornburgh: Positioned—

Baker: —being perceived, yes, as very clean government.

Thornburgh: And that was my kind of Johnny one-note.

Baker: Good note, though.

Thornburgh: It is, yes. If the times are right, and the times were right. People really resonated with that issue. I remember—Nancy you'll recall this, because that's when Nancy and I first worked together professionally in that campaign—every rally that I would go to, I would end with a cry of, "The only way to clean up Harrisburg," which is our state capital, "The only way to clean up Harrisburg is to clean it out, O-U-T out." By the time the campaign was over, the whole audience would join in and go, "O-U-T out." But that was it.

During the course of the campaign, I had to educate myself on a lot of issues that I had never dealt with before and of course during my administration deal with those issues. But for the campaign, the principle—and poor Flaherty, who was a very decent, honest guy, not a taint of corruption surrounding him, had to walk a very fine line. He had to condemn corruption as well, to say, "I'm against that too," but his own party was so shot through with his predecessor's people who had been involved, and of course claimed that all these were political prosecutions, that he had a dreadful time trying to carry water on both shoulders there. As a result, a lot of his Democratic supporters took a walk. So it was a good campaign, it was a textbook campaign. As good a campaign in 1978 as the campaign I ran in 1991 for the Senate was lousy.

We got a couple of extraordinary things. We got huge labor support because Pete was perceived as an anti-labor candidate. He had been a tough mayor. I mean, he was perceived that way for the right reasons. And 58 percent of the African-American vote, which is unheard of for a Republican, because he was perceived—and those perceptions, obviously, we helped along. I remember Reverend Jesse Jackson came in, cut some radio tapes for me, which we played incessantly the last week of the campaign. I'd known him through various other things. So it was a good campaign. I was in office.

During that eight years that I was in the Governor's office, I had a lot of contact with Washington, just by nature of the job and geographic proximity. Harrisburg is not that far from Washington. In the Carter years, the first and lasting relationship I had was with the President himself at the time of the Three Mile Island nuclear accident. We worked very closely with the Carter White House in trying to deal with that. Then the President and Mrs. Carter came up to Three Mile Island five days after the accident when things had somewhat settled down, and I was very grateful to him. He was a very important component in trying to settle people down and restore some sense of the normal to a community that was badly shaken. All what's going on now with this anthrax really is *déjà vu* for me because of the same kind of fears that existed about nuclear radiation, which mercifully never eventuated. But it was the same kind of reaction.

And Carter is—it's funny. I just was at a meeting yesterday, I saw Jessica Matthews there who was one of the contact people that we had to deal with on this. None of us who went through that will ever forget it. Shortly thereafter he had some sort of "energy summit" at Camp David and asked me to come down to it. So I went and I was the only Republican there. I really felt kind of out of it. We had a good relationship. He had helped us out and I think he had some confidence in my ability to be of some help on some issues. But of course then he was defeated and Reagan came in. I had not taken a position on a candidate in the Republican primaries in 1980. I said good things about all the guys and they all came to Harrisburg and we put them up and—

Knott: Was that your first contact with Ronald Reagan?

Thornburgh: No, my first contact with Ronald Reagan was in 1978. No, '77, sorry, the year before I ran for Governor. He came to western Pennsylvania outside of Pittsburgh. He had a huge rally out there in support of him and I was asked to introduce him. And I did so. At that time I was just kind of nosing around. I hadn't even announced that I was going to run for Governor.

Riley: This is in '77?

Thornburgh: In '77, the year before the election. But he, with his inimitable instincts, somehow figured that I was going to be a candidate and he [imitating Reagan], "Aw shucks, Dick Thornburgh, down there in the capital, blah, blah, blah. We sure hope he runs for Governor." Of course, with that, this was my home territory, and I was just basking in all this. But it was really very kind of him because it made a lot of—he was roving the countryside after the '76 time when he almost beat Ford. But Reagan and I were not personally on the same beam. I mean, I was a policy wonk and that's the last thing in the world that he was, despite the fact that he was the best intuitive politician I think we've ever had in that office. He really wasn't much interested in policy details and I was consumed by them, always tinkering around. But personally he was an absolutely engaging individual and I was glad to support him ultimately.

Meador: Before we get away entirely from the Carter years, if I could go back for a moment. Did I understand you to say that Griffin Bell at least discussed with you the idea of you becoming the FBI director? Can you elaborate on that?

Thornburgh: Clarence Kelly was the director of the FBI. Clarence, the poor guy, he got a very bad rap. I mean, the atmosphere was so poisoned down there. There was a big *cause célèbre*

about him having FBI agents put some draperies up in his apartment or something. Just absolutely nickel-dime kind of things, but they had to appoint a special counsel, blah, blah, blah, all that stuff. So that he was damaged goods and they knew they needed a new director. Griffin had created a panel, a commission, to interview people about the job and to give him some advice. I testified before that panel, giving my views as both a prosecutor in the U.S. attorney's office and as head of the criminal division about what the FBI needed and what its role should be. And apparently it was well received. That was the first go-round when somebody in his office mentioned to me, "Would you like to consider being the FBI director?" And I said, "I don't know. That's up to the Attorney General." It never went any further than that. And he named Frank Johnson to be the head of the FBI.

Frank then was ill or had second thoughts about it and declined so they went back to the drawing board. By this time I had a specific inquiry from his office about whether I wanted to be considered, but I was already enmeshed in the race for Governor and never gave it any consideration. So I don't want to exaggerate that. It's not that Griffin said, "I'd like you to be FBI director." But we did get along well. I think if I had pursued it, who knows. It was the first of three times I was approached about being FBI director.

Meador: There were other times?

Thornburgh: Yes. In the first Bush administration and in the second Bush administration. But it never came to pass and I'm not sure it would have been a good choice for me. During the eight years I was in the Governor's office we frequently had issues to deal with in the White House. Well, as I was—to go back to the election—as I said, I didn't endorse anyone—Reagan, or Bush, or [John] Connally, or whoever else, I don't remember

[Someone]: Baker.

Thornburgh: Howard Baker, right, exactly. But they all came to Harrisburg and I got to know them and had a good relationship with them. When Reagan was elected we established—and I had a very good staff in Harrisburg, that's sort of what makes you look good in this business, if you've got the right people around you. And we established very quickly the necessary relationships with the White House so that when we needed help we could get it, both politically and on substantive issues.

Of course, no sooner had President Reagan been elected than we had the '81-'82 recession, which was very hard on Pennsylvania. We needed a lot of help and we got a lot of help. I was very active in the National Governors' Association—policy wonks—and interacted with the administration on a lot of issues there. So we got a lot of help. It was a good investment of time. We weren't favored in any way but we knew that our issues, if they were valid, would receive some attention. When I ran for reelection in 1982 it was a very difficult year, our unemployment rate got as high as 14 percent that year. President Reagan helped out, came to speak on my behalf, raised some money. So I would characterize those as years that I became very comfortable with dealing with the White House.

Meador: You mentioned that Reagan was one of the best intuitive politicians you'd known although he wasn't much on policy. Could you elaborate on that? What is this intuitive kind of thing you saw in him?

Thornburgh: I think he just knew the right thing to do, knew how to respond to the issues of the day. He wasn't concerned as much with the detail of how to fashion that response, but I think his instincts about foreign policy were sound, his instincts about the economy were sound. They produced, in both areas, unprecedented breakthroughs. I mean, the end of the "evil empire," which he characterized, and the beginning of a long period of economic growth that continued up until this year. He was somewhat—I don't mean this as a pejorative—but he was kind of simplistic in his way of thinking about these things, whereas I'd be sitting down going through briefing books and tossing all these thoughts around. He didn't want to do that. He just had a feeling here, about what was right.

Baker: Lou Cannon described him as both a pragmatist and an ideologue, which I always thought was an interesting—

Thornburgh: Yes, yes.

Meador: You get very contrasting pictures about Reagan. I was reading an article very recently, they portrayed him as just sort of an empty airhead who was half-asleep half the time, did nothing on his own. Then you've got other views that really, he knew what he was doing and was alert. Where do you place him in this spectrum of views about him?

Thornburgh: Oh, I think he knew what he was doing. I don't think empty airheads can become President of the United States, no matter how facile they might be. You have to have some polestar. In very simple terms, he was a strong anti-communist. He believed in what he perceived to be the fundamental virtues and values of this country. He felt that government regulation and interference in the economy should be limited, was not a good idea. Beyond that, he looked to the folks around him to flesh out those programs. I mean, they didn't do it on their own because everything ultimately had to come to him. But most of what I perceived about Reagan came not from the four months that I served as Attorney General but from the eight years I served as Governor.

Meador: You came out of office as Governor in what year?

Thornburgh: I left office in January of 1987.

Meador: And you were appointed AG in what, late '88? August of '88? So you had a hiatus there of about a year or so?

Thornburgh: Yes.

Meador: What did you do during that time?

Thornburgh: I was director of the Institute of Politics at the Kennedy School of Government at

Harvard.

Meador: Did you actually take up residence there at Cambridge?

Thornburgh: Yes.

Riley: You have a story about that in your manuscript about your accommodations up there. There being some disagreement about your—

Thornburgh: Oh yes, geez. I wouldn't dwell on that too much. We always felt we got hosed by Harvard. They may have had a legal point, but I think they also were being—but we loved that, that was great. In fact, I really looked to settle in there for a considerable period of time. I didn't want to—with all due respect—I didn't want to become a full-time academic, but that was, as I told you, a fabulous job, just marvelous. Once again, out of a clear blue sky came this opportunity to serve as Attorney General. I harbored no ambitions in that regard.

Meador: Can you describe how that came about?

Riley: Let me ask if we can take a five- or ten-minute break. This is probably a good time to transition. When we come back for the rest of the morning we can—

Thornburgh: I hope we're getting into things that are of—

Riley: Absolutely.

Thornburgh: Grab me by the ears if I ramble.

Riley: The ramblings are as valuable to us as any answers.

[BREAK]

Thornburgh: There's something I said this morning that I didn't write about that was reasonably significant and I can't remember what it was. It will come to me.

Morrisroe: You'll get the transcript back from this.

Riley: —to refresh your memory.

Baker: I can't remember whether you wrote about Mitchell, your feeling about Mitchell and his relationship with U.S. attorneys.

Thornburgh: No, I didn't.

Baker: I don't know that that was what you were thinking of.

Thornburgh: I have to go make a phone call.

Baker: That was very interesting.

Watson: Or the lessons of the '66 campaign. But I bet you wrote about that. You know, honestly, included in the archives of course are these campaigns, and the '66 campaign really is a hoot. I say that now. It was a completely serious, earnest effort. The things that they passed out were emery boards. I mean, can you imagine? Not only is he spooning up there, but there are these emery boards. And then he gave out calorie counters saying, "Thornburgh for Congress," I guess it was, and with the Pirates baseball schedule on the back. He's an absolute nut about baseball. I look at that stuff, it just cracks me up, but it was a really good campaign, they had issue papers and all sorts of people that were completely involved. Gad, everyone that I ever thought of knowing was involved with it. I wasn't in Pittsburgh at the time, but my mother-in-law and every mortal that knew the man was out there trying to help him. It was remarkable. And if someone took that campaign for example, and wrote—it really was a home town, remarkable campaign. Just good old-fashioned politics, pre-TV.

Riley: Well, these are formative experiences.

Watson: Wonderful. But I mean, it's just a classic and it's well documented. And then the Governor one, you see, by comparison is a step up. Then you get into whatever the heck has happened now, you can shoot someone down with a TV ad whether it was true, bad or indifferent.

Baker: The '66 campaign seems to be right at the time when the campaign was starting to change with new technologies and things like that. It was sort of right on the cusp.

Watson: That fringe, yes. But still on the street corners, still shaking hands. In fact, when he ran for Governor—he's a nut about issues, this was definitely issue stuff. You ought to see the issues for that campaign. In fact, I maintain—and I know it's true—that Pete Flaherty, what Dick didn't say about him was that he was very beguiling but he was a politician in the charismatic, blue-eyed, Irish, shake-your-hand type. Issues were nothing to him. And so Dick won on issues, on substance, ultimately. But if you look at those campaigns that way, it is absolutely fascinating to see the issue development, how the campaigns were changing in that regard. TV had entered the picture at that point.

Baker: Yes, and that begins to change then.

Watson: And people—I remember—being hideously, I mean terribly critical. No one is on the street corner. We, the people back in whatever it is ward, don't have anything to do. Where are all our bumper stickers? At that point money was beginning to go to TV then. The tide had turned in that ten year period, essentially.

Baker: Interesting to track that evolution of elections.

Watson: But it wasn't anywhere as near as pollster-oriented as it is now.

Baker: Now it's all driven by media consultants and pollsters.

Watson: And I think I did send you some of the stuff about that horrible Senate campaign.

Baker: Yes, I read that last night.

Watson: Because boy, [James] Carville, they shot the water right out from under us. Because Dick stayed in office, there were only nine weeks left, so there was just hardly any time to respond.

[Discussion of baseball not transcribed]

Meador: What are you doing with yourself these days?

Thornburgh: I'm back with my old law firm, Dan, and I'm counsel to the firm, which I tell them means I shouldn't have to work too hard.

Meador: Of counsel, right.

Thornburgh: I spend about half my time on kind of trouble-shooting assignments for clients and other lawyers. The other half of my time I do on my own, just a lot of projects that are connected with interests I've acquired over the years.

Meador: You're working on this manuscript here, I gather, right?

Thornburgh: Yes, I finished that in 1997.

Meador: You haven't published it yet though, is that right?

Thornburgh: Oh, the university press is fiddling around with it. I didn't write it to publish it.

Meador: Surely it can be published somewhere.

Thornburgh: Somewhere, I guess.

Meador: I can't imagine it wouldn't be.

Thornburgh: I had a lot of fun with that.

Meador: Unfortunately I did not have an opportunity to read the whole thing before today. I wish I had. A lot of the questions here may sound as if they're repeating what's in your manuscript, but I think part of this is to kind of get it on the record here as well as to get some additional kind of spontaneous reactions or comments.

Thornburgh: Well, I'm sure when I review the transcript and match it with my manuscript I'll find in it a lot of things where my recollection was refreshed. Isn't that what the lawyers say?

Meador: Oh, yes.

Riley: We actually have gotten feedback from a couple of respondents who have been working on their memoirs, who found this exercise very useful.

Thornburgh: Oh, sure, I can imagine.

Riley: Both from the sense of reflecting or refreshing their memories—

Thornburgh: Oh, Darby, you're cheating, you're going back to—

Morrisroe: Well, it is part of my responsibility to identify all these names for the transcriber to have a wholly accurate record rather than going back on the web and trying to find them.

Thornburgh: I thought you were reading about my grade school accomplishments.

Morrisroe: No, no, I'll save that for later reading. I feel it will be easier to identify the names in your transcript than to do a web search for Democratic mayoral primaries in Pittsburgh for—

Thornburgh: You could let me do that.

Morrisroe: Well, I'll try to get as many of them out of the way so you're not burdened with having to think of all these names when you get the transcript.

Thornburgh: I was telling Russell, I came back from my service at the UN in 1993 and I had just gotten a new laptop computer and I decided to take this project on. I learned how to use the computer in short order and spent six months intensely breaking the back of the project sitting there with my two-fingered typing. But without a computer, I couldn't have done it. Then I worked on it for the intervening next four years off and on and gave a bound copy to each of my four sons and one to Nancy at the time of my sixty-fifth birthday. So that really put a terminus—

Riley: I saw this when you had it and I thought it was a law book. I thought you were carrying around a door stopper, an annotated code book.

Knott: That's hefty. What press?

Thornburgh: Yes, University of Pittsburgh Press. See I actually gave all of my papers to the University of Pittsburgh and included in the papers was a copy of that for their file. Of course, they saw that and they said, "Oh gee, isn't that terrific. We've got to publish this." And I said, "Be my guest."

Riley: I think you'll find this hard to believe, but in our earlier conversation this morning he was complaining about the pace that the university press was taking to get this out. Can you imagine?

Thornburgh: But it was fun. I thoroughly enjoyed it. It was really just a kick. And of course,

having Nancy's services, whenever I'd say, "Didn't I give a speech back in 1988 or something?" Boom, right there.

Riley: Did you find that you wrote differently on a computer than you did before?

Thornburgh: No. I liked the freedom to edit on screen and to move things around, but—

Riley: I think if you start in one medium the transition is less likely to affect your powers of communication. I ask that question for two reasons, because I thought a lot about it with respect to a generation of students who have come up thinking in a computer where the editing is so easy that in effect they don't self-edit. And so you tend to get just a lot of—

Thornburgh: Stream of consciousness.

Riley: Exactly, a lot of stream of consciousness.

Meador: I think it has had an effect on the length of law review articles. They've gotten longer and longer and longer and I think part of that is due to the computer.

Thornburgh: Interesting.

Meador: You get law review articles now typically 80, 90, 100 pages. Used to be 30 pages maybe, you go back forty years ago. I think the computer has contributed to this verbosity.

Thornburgh: I bet you're right. That's somewhat akin to that great aphorism attributed to—I remember not whom—about apologizing for the length of the letter saying, "I didn't have time to write a short letter."

Meador: Of course for me now the computer is a godsend, I can write and edit all by myself with a talking computer. If it weren't for that I would have to dictate and get it typed. Now I can sit and write and edit all by myself.

Thornburgh: Do you use a voice-activated computer?

Meador: No, I don't. I use a keyboard like everybody else. The computer talks to me; I don't talk to it.

Thornburgh: My wife works for the National Association on Disability and her boss has physical disability and the exciting things that are being done—and the fall out from that is that we will all be using voice-activated word processors.

Meador: They've got a way to go in perfecting that. I really would rather type than use a voice-activated computer. I know what I'm doing more exactly when I'm typing, I think. It's more accurate.

Thornburgh: And there is that discipline.

Riley: Another reason I raised the question is I just discovered two or three days ago, I've been sort of on-and-off reading a biography of Henry James, that he began using a typewriter at some crucial point in his career. People who are James scholars identify the point at which he becomes this kind of stream of consciousness writer. And I wonder if the computer is having relatively the same effect.

Meador: Interestingly enough, David McCullough does not use a computer in all the books he's written. He uses an old Royal manual typewriter and does all his writing on that.

Baker: He must have very strong fingers.

[BREAK]

Riley: Dan, to get back to your question about your being approached by the Attorney General's office. You mentioned that when you were serving as Governor you had some on-and-off relationships with the Reagan White House. Did this include the Vice President at that time? That may be the place to—

Thornburgh: I had met George H. W. Bush—I guess you have to call him—when I met him first, he was the director of the CIA [Central Intelligence Agency] when I was the head of the criminal division. One of the first acts that I undertook as head of the criminal division was to issue either a repeal or a directive, the effect of which was to make decisions about whether or not to prosecute CIA agents on allegations of criminal wrongdoing. This was a decision for the Department of Justice as theretofore there had been a decision made in the CIA. The CIA director at the time, George Bush, acquiesced in that decision which, I mean, there wasn't any back and forth about it. It was a very significant decision because it really made clear that the rules were applied to intelligence agents as well as everyone else. So that was a fleeting contact. I didn't have much intimate contact with him when we were in our respective positions, but we went back and forth.

Then I met him during the '80 campaign quite a bit and during the Reagan presidency interacted with him off and on. We've never been what I would describe as close friends. I'm not and never was part of his inner circle of advisors.

Riley: Did he come to Pennsylvania to campaign?

Thornburgh: Yes.

Riley: You said you had hosted them.

Thornburgh: During the primary and during the general election.

Riley: Did you get a sense for him as a campaigner at the time? Do you have any recollection about whether you thought, *This is about as comfortable—?*

Thornburgh: Not really. I got a sense of him as an absolutely first class, first rate individual, just a marvelous human being. But as a political operative I don't know that I have any real recollection of my assessment at the time. I think it was a given that he was going to run for President when President Reagan left office. I think we all assumed that. But I didn't have any real insight.

Knott: You'd mentioned earlier that President Reagan came in '82 and helped you in your run for Governor in '82. His popularity at that time in your state probably, I assume, was a little shaky due to the economic recession.

Thornburgh: Absolutely.

Knott: But he was still an asset for you?

Thornburgh: No, I don't know that he was an asset. He helped us raise money.

Knott: Money, okay.

Thornburgh: Some of my political advisors urged me to put a lot of open water between myself and the Reagan administration, but that's just not my style. He was the President and I felt an allegiance to him and I supported his policies. Senator John Heinz, the late Senator John Heinz, was running for reelection that same year and followed a conscious policy of putting a lot of distance between himself and the President. He won by a much larger margin than I did, but permanently alienated the White House. So that whereas I was a standup guy in their view and they went out of their way to help me in the remaining six years that I was in office, he was kind of viewed as a pariah, which is a tough choice to make. I'm not saying that he was right or wrong, but those kinds of actions have consequences. People have long memories, particularly if they're in politics.

Knott: President Reagan's '84 reelection campaign. Any recollection?

Thornburgh: No. I was the chair of our delegation to the convention in both the '80 and '84 campaigns, but they were both foregone conclusions. In the '80 campaign I was part of a group of people who were consulted on who his running mate should be and my guy was George Bush. Eighty-four was a celebration. I mean there wasn't anything really substantive to do. All I got to do was to announce Pennsylvania's—cast, proudly cast its whatever-it-was votes for the President. You know, get your fifteen seconds of exposure on it.

Riley: How many people were crowded into that fifteen seconds?

Thornburgh: Oh absolutely, yes, it's a real donnybrook. And there was a lot of internal push-pull in Pennsylvania politics in those delegations. I mean really, that's what politics is about.

Knott: Would you say Ronald Reagan was a good campaigner? Assessments of him? One of the best?

Thornburgh: I saw him only on a limited basis but he was good. I mean, he connected with a crowd. All those years at GE didn't do him any harm. He was a communicator, boy, just a really good campaigner. Had, as I said, an intuitive feel for the issues and for his audience. A very shrewd and clever man. But as I said, my failure—not failure, but my lack of connection to him, was on issue-oriented stuff. I mean, I was way at the other polar extreme, being consumed of all the details that he, rightfully as it turned out, didn't want to get involved in.

Riley: When you left the Governor's office in '87, was there consideration or were you approached at all about the possibility of returning to Washington?

Thornburgh: Yes, I had two offers. George Shultz wanted me to head the AID, which was reasonably attractive except it was in the waning years of the administration. Then somebody in the White House asked me to consider the job of Health and Human Services when I think it was Doc [Otis] Bowen that left, in which I had no interest whatsoever. They were always very considerate in those things. I frankly did not want to go to Washington at that time. I mean it was such a stub period.

Baker: And yet you went in the last few months, right? The last two months.

Thornburgh: Yes. For the job of a lifetime. If Bush had lost or Bush had chosen to support someone else, I still would have—that would not have entered into my thinking. Because for a lawyer, to be Attorney General—

Meador: Having gotten to that point I wonder if you could explain, in so far as you understand, how you were appointed to that position. What led to it?

Thornburgh: That's pretty easy and it really is dealt with in some detail in the manuscript but let me see if I can—I was happy as a clam at Harvard. We'd settled in, we'd bought an apartment. I had a relationship with my law firm at the same time that I was working at the IOP [Institute of Politics]. We had a Boston office by that time, but I didn't do much there. Then I did a lot of speaking around the country, because I still enjoyed the political side, and Ed [Edwin, III] Meese had just one thing after another that bedeviled his tenure as Attorney General. A couple of independent counsel investigations, it finally got too much for him. He resigned, I think in July of 1988 and I—somehow it didn't—he had asked me earlier on to head the FBI, in the spring of that year. And it just came at a bad time. I mean, not that I—no, it was '87, in '87 after—I missed something there.

In 1987 after I left office and I was ready to go to Harvard and I was working out my family and trying to make ends meet, after twenty years in public life. Out in our apartment in Pittsburgh, again, out of a clear blue sky—and I hate to keep overworking that term, but that's where these things come—I had a call from Ed. Bill Webster was leaving to head the CIA and he asked me if I would take the job as director of the FBI. And I thought, *Oh, my. Who needs this?* Because that's a ten year job and you have to approach it as a ten year job. So I round tabled it with my advisors and talked it over with my wife. It just came at a bad time. I really needed to get established and I just didn't want to do it. So I told him no. I think Ed was fine, he didn't hold me in less favor and they finally appointed Bill Sessions to be FBI director.

Riley: Can I ask you something about this? And that is, you're coming out of a second term as Governor of a very populated state with a highly credentialed public career at this point in elective office. The FBI position effectively would have put you in a different category, off-line from elected politics. Were you also considering the possibility of a future political career, either maybe run for President or the Senate or something like that, at that time?

Thornburgh: Yes, nominally I was. In fact, during that spring I had gone up to New Hampshire to some political gathering they had up there and I was really just there with all the political groupies. I was asked to give a speech—sat in, Bob Dole was supposed to be on some panel and he didn't show—so they asked me to sit in and apparently I gave a hell of a speech because everybody got all excited about it. I just was reciting what we'd done in Pennsylvania, of which I am, to this day, very proud, but it excited a mini-flurry of activity among people who thought well of me and thought maybe—I had no thoughts of running for President. Frankly, I felt I had over-achieved already by being the Governor of Pennsylvania but this kept up and kept up and kept up and finally, against my better judgment, I formed some exploratory committee to look into running for the presidency. It was really set up in the event of some catastrophic event. I thought that George Bush was probably going to be the candidate.

Riley: You probably got some good friends who were thinking, This is—

Thornburgh: Absolutely. Sure. They enjoyed working with me in government and they had their own canoes to paddle but it was not a—I mean normally, when I—the difference, you can see in that book. When I set out to do something I have to throw myself into it, and the two times that I didn't were just foolish. One was this exploratory committee for the presidency and the other was my Senate campaign. But I did harbor in the back of my mind some receptivity to public service again. Obviously, because as later on it turned out all for the best, that it worked out well. But this is a very interesting period because as I said, there were three opportunities to go back into government, none of which did I choose to take advantage of.

There was this exploratory committee, which was kind of half-formed, nobody really paid much attention to it, frankly. And then when Ed Meese resigned, Bill Weld came up to see me. Bill is a Bostonian and he had quit as head of the criminal division, my old job. He stopped by to see me up at Harvard at the IOP. And we were old friends.

Riley: This was after you'd gone to the Kennedy school.

Thornburgh: Yes. I'd been there a year. He'd just been fired—not fired, he quit in protest, he and Arnie Burns. And he said, “You know, I have to tell you, when I resigned, I went into the President's office, into the Oval Office, and I told the President why I was leaving and I told him he ought to get a new Attorney General and I told him he ought to get you.” I said, “Well, Bill, that's very kind.” First of all I knew Bill Weld was a pariah down there because he had left and criticized Meese, who was very close to President Reagan. I thought, *That's interesting*, but I hadn't really focused on it. I wasn't waiting for the phone to ring. I went out to Albuquerque, New Mexico, to speak to a Republican state committee meeting out there in pursuance of this kind of Johnny Appleseed effort. I called my secretary Linda Starnes, from St. Louis, the

intermediate stop. I said, “Do I have any calls? What’s up?” She said, “Well,” —she’s a wonderful gal from Tennessee. She said, “Well, you had a call from the White House from Mr. [A. B.] Culvahouse, the President’s counsel.” Please excuse me—I thought, *Oh, shit*, because I knew exactly what that was. I said, “Oh, my.” I put together the whole thing.

I got to Albuquerque and from my motel room called two or three people upon whose judgment—I knew I was going to take the job, it hadn’t even been offered yet. I finally got back to A. B., who was an old friend, and he was the President’s counsel at the time and he said, “Well, we’d like you to come into Washington.” So the fat was in the fire. I gave my speech in Albuquerque without any reference obviously to what I was up to, but tromped back to Boston and then down to D.C. I guess that was on a Friday. I went down to D.C. on Sunday and met with them down there and then Monday the President announced that he was going to appoint me.

Baker: Did you meet with the President on Sunday and chat for very long?

Thornburgh: Yes, Monday I think. I met with Ken Duberstein and Culvahouse and whoever the legislative—Fred McClure, I guess at the time—I don’t remember who it was.

Baker: Do you remember the essence of their questions?

Thornburgh: Who was it?

Riley: No, I guess Fred?

Thornburgh: No, Fred was in the Bush administration. Was he? I don’t remember who it was, but it was somebody from the—oh, it was a woman, it was [pauses].

Baker: Do you remember what the essence of their questions were? What they were exploring with you?

Thornburgh: No, it was a done deal. I mean, they knew me. I’d had a background in law enforcement. I had managed a big operation.

Meador: You’re saying the decision had been made before you arrived there to see them, right?

Thornburgh: Yes.

Baker: Do you think it was also your reputation as this clean government fellow that helped?

Thornburgh: Yes.

Knott: It was your understanding that it would be probably four or five months.

Thornburgh: I looked on it as a six month job, but it wasn’t six. It would have been August, September, October, November, December, January. It was almost six months.

Meador: How long was your conversation with Reagan on that occasion?

Thornburgh: Probably fifteen minutes or so.

Meador: Did he want to know anything about what you would do? Did you discuss anything of substance?

Thornburgh: No.

Baker: So it was more pro forma.

Thornburgh: Yes. I mean, these guys knew me. It wasn't an audition or anything. The question was, "Was I willing to do it?" And I was. I mean, I was very excited about it.

Riley: Was the Vice President involved in this at all?

Thornburgh: Yes.

Riley: He was in your meeting?

Thornburgh: No, I don't think so. I think it was just me and the President.

Riley: Did you meet with the Vice President when—?

Thornburgh: I probably talked to him on the phone.

Riley: And I guess the natural question is whether there was either formally or informally the question raised about—?

Thornburgh: I studiously avoided it and he was kind enough not to raise it, smart enough not to raise it.

Baker: Yes, you write in your book—

Thornburgh: Whose purpose would be served by my seeking or his offering some kind of a deal on this? I really didn't—oh well, I did care, I wanted to stay on, but it wouldn't break my heart because I'd still have had that opportunity.

Riley: The second time you'd been Attorney General. [*laughs*]

Thornburgh: But it was really a wonderful opportunity for someone who had served in the field as a U.S. attorney, who had been in the department at a time of stress as head of an important division. I mean, that was really a crowning achievement for me and I was really quite—

Baker: Did you feel also that you could accomplish something in terms of rebuilding the

integrity, the morale, in the department that had been so buffeted?

Thornburgh: For one reason or another that seems to have been my lot in life, a clean up operation every time I go somewhere. Ed Levi had a wonderful expression, and please don't misunderstand, this is not meant to apply to people who I succeeded or who succeeded me, but Ed had such a sardonic wit. He said, "The secret to success is to follow a bum and be succeeded by a bum." He obviously didn't mean that about Griffin and I didn't mean that about any of the people who succeeded me or whom I succeeded. But there is a certain grain of truth in that. It's as compared with whom.

Meador: Now you say, the decision had been made when you got down there for this meeting with Culvahouse and Reagan and so on. Do you know anything about what led to the decision to pick you as against other people?

Thornburgh: I don't think it was Bill Weld, I could say that. No, I was, as they say in the boxing world, the logical contender. I did have a long experience in law enforcement, a good record I think in the department and a good record as managing a sizable operation in Pennsylvania. So you know, it all added up. Plus the fact that I was perceived as a favorite of the President's. The newspapers—never Reagan—but the newspapers said that I was Reagan's favorite Governor. I don't know that that was true or not. At least I had a decent relationship with him and with George Bush. There weren't many unknowns. They weren't taking a hell of a risk for that short period of time.

Knott: Did you have some contact—I'm sure you did—with Ed Meese during this transition?

Thornburgh: No.

Knott: No contact?

Meador: He had gone when you arrived.

Knott: He was already gone.

Meador: When you got there and took on—?

Thornburgh: I knew Ed very well, because he had been counsel to the President and helped us enormously on steel import issues and on Three Mile Island clean-up and things like that.

Meador: When you got there and took office in the department, did you perceive things that you thought you wanted to change or needed changing? Or did you view yourself as kind of a caretaker carrying on what was there?

Thornburgh: No, I somehow or other approached the job as if I was going to be there forever, although I didn't expect necessarily to be there. But I set about in my usual, methodical way to try to find out what's going on. I knew things had changed. I certainly knew Washington had changed. And I had some old hands from the department and some old hands who worked with

me in state government, and just kind of went through one by one. I had a nice opportunity actually because it was a little bit of a lull, Dan. In the last four months of an administration, or the last five months of an administration, you're not going to be launching many new initiatives and you can kind of take your time to determine what the lay of the land is and tee up either for yourself or your successor what areas required attention.

So it was a busy period. I don't want to underestimate that, because during that period we did a lot of work on dealing with drug enforcement problems. I traveled to Vienna for the signing of the UN drug convention. That was after I'd been asked to stay on. So that really doesn't count.

Meador: What key personnel changes did you bring about in that first few weeks you were there?

Riley: If I could step in and ask a question that might logically precede that. Did you have a conversation with the President or with Duberstein about the degree of latitude that you would have to bring in any new people with you for that four- or five-month period?

Thornburgh: No, I just assumed that I did and that was a valid assumption. I brought in people. Because it was all kind of caretaking. I needed some close-in aides and I needed a press person, but mostly I kept the people in place who were there for Ed. I mean, there wasn't any purpose to be served by bringing in a whole new team for what might have been—

Riley: For a four- or five-month period.

Meador: Who was the deputy when you arrived?

Thornburgh: Harold Christiansen.

Meador: You kept him on?

Thornburgh: Yes, a wonderful man and he served me very well. As you know, the deputy's position became highly problematical later on, but that's another story we'll get to. The people who were there were all professional. They were all supportive. They were all Meese's people. So I knew that they wouldn't be there for the long pull if I were to serve. But let me emphasize how quickly that was cleared up. I met—I'm trying to think when the election was that year.

Riley: Twelfth?

Thornburgh: The eleventh, I think. It was almost as late as it could possibly be. It was the eleventh. Let's see if that makes sense. The eleventh would be a Tuesday. No. Whatever. In any event, a very short period of time thereafter, on the 17th of November, I met with George Bush and Craig Fuller, his chief of staff, at the Vice President's home. They asked me to come up there. I didn't know whether they were going to say, "Thanks, here's your hat, go," or to stay. My good fortune was they wanted me to stay on and they laid out a number of things that they wanted me to be attentive to and asked if I was comfortable with that. I said I was and that was it.

Riley: These are the things that you enumerated in the manuscript.

Thornburgh: Yes. While there was some speculation about in particular Jim Thompson and Bill—I think this is in one of the articles you cite—Bill Ruckelshaus, but I kind of thought, Geez, that really isn't going to go down well with the conservative supporters. And I was kind of this-and-that way with the conservatives. They didn't quite know what to make of me but I was better than those two, in their view. So, while at the time it was rather nerve-wracking not to know, Am I going to be around? What am I going to do? Am I going to get underway and get geared up here? It was a very short period of time.

Riley: Three months, basically.

Thornburgh: No, I mean, the period of uncertainty was after the election. I knew I had a job to do up to the election.

Riley: Right.

Thornburgh: But thereafter it was just a week or so.

Baker: You were, I believe, confirmed the Friday before the start of the Republican National Convention.

Thornburgh: Yes.

Baker: How did all of that affect? I mean—

Thornburgh: That was an absolutely wild and frantic period. I didn't anticipate it would be, but lo and behold it was. I was sworn in on Friday and was ready to start work. President Reagan was speaking to the Republican National Convention on Monday night, so notwithstanding that the Attorney General does not get involved, I wouldn't normally go to a convention and normally wouldn't be involved in those kinds of things. As a cabinet member I was there because the President was speaking.

So I went down there and schmoozed around with old friends, did my Republican thing, did my Pennsylvania thing. Jules Witcover, who's a political writer, was with the *Baltimore Sun*, wrote this story about me being the vice presidential candidate while I was down there. I saw him in the hall. "Hi, Jules, how are you? What are you up to?" I said, "Well, getting ready to go." And he writes this story, which comes out that day that I'm down there. Yes, I must have gone down Sunday night. So all of a sudden I've got another kind of problem.

Baker: Complication.

Thornburgh: Complication, very well put. But I went home. I was there for the President's speech on Monday night. Big reception, a lot of hoo-haw thereafter. Then first thing Tuesday morning I got a plane out of there to go home to Boston. My sister was there. My deputy at the

Kennedy school started getting phone calls because apparently I was indeed on the short list of vice presidential candidates. The reporters, one by one, had gone through this list and people had been called and told they weren't going to be the candidate. And they kept calling Dave Runkel to say, "Has anybody called Dick Thornburgh and told him he's not going to be?" And he says, "No." So, for about an hour I'm thinking, *Oh my God, what on earth is going on here?* My poor sister who was there trying to answer the phone in our apartment. She is totally non-political. She doesn't know from anything of this stuff and she's just in a daze.

So very quickly of course, then Dan Quayle was named, that was all over. But there was a period of stark terror. I'm not sure it would have been a good thing to put somebody on the ticket who had just been confirmed to a very important position, which raises the question—which has always been pondered in my mind—is, if I hadn't been appointed Attorney General, would indeed I have commanded more attention? I've, over the years—and believe me, it's no great regret of mine, it's one of those what-if kind of things—over the years talked to a lot of the people who were involved in that vetting process. Apparently I was up there. It was Bob Teeter, who had been my pollster and later on Dan Quayle's pollster and later on George Bush's pollster, who had been adamant in pushing Quayle. As I was given to believe—I don't know this—because he kept saying, "Robert Redford, Robert Redford. This is the guy who will attract the women's vote, the—" Of course, totally misguided.

I'm not making a case for myself, because I'm not sure I would have been the best candidate, but it just shows you how those things happen. It is just pure serendipity. But I must say, I got back to that apartment and Runkel calls me and says, "Yes, they've eliminated this one and that one and the other one and it looks like you're going to be the choice." I said, "Jesus Christ—"

Baker: You mean they never, people—?

Thornburgh: I never heard from them. Nobody ever called me and said, "You're not going to be the candidate," because nobody ever called me to say, "You're on the short list."

Baker: Yes, that's what I was wondering.

Thornburgh: They didn't have to do any of the ring around. Bob Kimmitt was the guy in charge of doing—

Riley: You were probably—

Thornburgh: Yes, I'd been vetted by—if I was good enough for the Senate.

Riley: You were probably more cleared than Dan Quayle was as it turned out.

Thornburgh: Absolutely.

Baker: Wouldn't they have to get your agreement?

Thornburgh: Yes. Oh absolutely. Somebody would call and say, "You want to be the Vice

President?” That wouldn’t require much thought, but that’s just a little vignette that just shows you how crazy this world is. But that was over. So then I settled down to being Attorney General.

Baker: The whole campaign period didn’t have an impact on your administration of justice?

Thornburgh: From that moment on I was out of politics for the next three years.

Riley: Nobody ever even called on you during the course of the campaign to ask you questions about Pennsylvania?

Thornburgh: Oh, reporters would call and want some background or something.

Riley: But nobody related to the campaign.

Meador: After the election day when you went to the Vice President’s residence, do you know anything about what led to that? Do you have any background on that?

Thornburgh: No, I don’t.

Meador: Was that out of the blue, so to speak?

Thornburgh: No, I figured sooner or later they were going to say, “Here’s this guy sitting over there.” Nick [Nicholas] Brady and Lauro Cavazos and I had been appointed. Well, Lauro and Nick were Bush people and I suppose I was looked on in retrospect as a Bush person. I knew somebody was going to say, “Look, you did a good job. Get a gold watch and go back and make a lot of money,” or something like that. So, as I say, that cleared up so quickly I didn’t have much time to dwell on it.

Riley: But you can understand how those of us from the outside would look on this and especially, since there’s a pattern of three of you, wonder—not that there’s anything in the world at all inappropriate about this—but the question just is raised about what kind of understanding might have been made in advance. Just as a matter of curiosity.

Thornburgh: I had no discussions with the Vice President, with anybody about it. I was kind of, “Hmmm, if it happens, it happens.” I’ve got a job to do.

Meador: Once that point was crossed and you knew you’d be staying on, did you then give some sort of renewed additional attention to a transition in terms of personnel or organization or anything?

Thornburgh: Absolutely. Then we got down to business and really started to think about how to staff the operation, what our priorities were, and the like.

Meador: What were the key personnel decisions that you made over the next month or so after that?

Thornburgh: Well, there weren't many good ones.

Riley: Maybe if I can again go back and do the same thing I did last time. That is to ask, in this regard—I'm frantically trying to find this part of the manuscript—because there were about five or six or seven items that you had discussed with the President.

Thornburgh: They weren't discussed. He told me, "These are what I want done. Are these priorities that you're comfortable with?"

Riley: —it's near the end of the manuscript. And we'll have a copy of this, if you don't mind, submitted with our record. Of course anybody later can look at the published version, but on pages 18-10 to 18-11, there are eight items and all those items were things that the President basically had on his agenda to communicate with you. Two questions: were there items on your agenda to communicate to the President-elect about your conception about how the job ought to look? Specifically, the second question is, was there any kind of understanding about the process of putting people into these positions? Did the President or his staff, Craig Fuller at that time—still, is that right?

Thornburgh: Yes.

Riley: Okay. Did they say, "We want you to consult with us about who your deputies are"? Or "You're going to be given a free hand to construct the office as you would like"? Because the eight points speak to things like judicial appointments, but they don't speak to the—actually, I take that back. Number one, "Install a Bush team in the Department of Justice and compatible legal counsel in the other departments." I guess the suggestion there is that you're going to be in close consultation with them about—

Thornburgh: You see, again, context is everything. I had been a Governor for eight years. Now that's not like being a President, but there are marked similarities. When I was the Governor, I didn't want my cabinet members off hiring people who might have been strangers or enemies as far as I was concerned. I really wanted to have some real input—not me, but my staff. And that's the same thing with the President. I knew what was going on. I didn't expect to be able to go out and corral—even though I made some terrible mistakes, they were mistakes that didn't relate to a misunderstanding of the process. They just were kind of blind spots for me.

But there were a lot of givens in our relationship. They knew I'd been a Governor. They knew I'd served in the Department of Justice. They knew that I had a pretty good idea of what the environment was and what was expected of me. So we didn't have to sit down and say, "Well, now, if you appoint this one and that one you better consult with us."

Riley: Do you have a question about specific appointments, Dan?

Meador: Can you kind of go through some of those key decisions you made about personnel and the extent to which you had to deal with the White House in connection with the—?

Thornburgh: Yes, I'll start with the bad ones, the mistakes. The first mistake that I made, and I referred to this earlier on, was a difficulty about the deputy's position—it was a good faith mistake that did, as one of these news articles says, reflect a little bit of an imperious style because I'd come from being a Governor. I figured the deputy was the most important position in the office. I wanted the absolute best person I could get, the guy in whom I would have absolute personal confidence and who could do the job in every respect if I weren't available.

I chose a lawyer from New York, from the Davis, Polk firm named Bob Fiske, who had been the U.S. attorney in the Reagan administration, and was probably, if not *the* best, one of the best litigators in the country. A man who had enormous respect in the legal profession, was a tried and true Republican and someone to whom I felt some personal affinity. I had to do a little talking to get him to agree to do it. But my mistakes were many-fold. First of all, I did not seek the White House's okay upon offering the job. I informed them after the fact that I'd offered the job to him.

Baker: And they didn't raise objections at that point?

Thornburgh: No, they knew Bob Fiske and they knew me. They figured this must be okay. Secondly and more important, I had a total blind spot with regard to the post-Bork climate in Washington. Now in fairness to Bob Fiske, while he had served as chairman of the standing committee on the judiciary of the American Bar Association during the time that Bork was considered, and which committee ultimately recommended Bob Bork with four dissents, he had been a champion for Bork. But that process was so tainted among conservative Republicans that he was anathema for even having served on the committee. There were some allegations that he had shared some material, or interacted with other liberal groups that—it was a bad rap, but it was foolish of me not to have taken the temperature.

Baker: And there was no way of countering that, of say having Robert Bork come out in support of Fiske or anything?

Thornburgh: I don't think he would have. But it got off on the wrong foot.

Meador: In retrospect, could you have handled the Fiske thing in a different way to have brought the outcome out differently?

Thornburgh: Yes.

Meador: What would you have done differently?

Thornburgh: I would have taken some soundings on the Hill. Ironically—and I was interested to see this in one of the news articles, because I heard it—at the time that we gave up on Fiske and Bob withdrew his name, the tide was beginning to turn. People were thinking, *You know, maybe we don't like this guy*, but they did like me and they might have been willing to go along. But that's when my friend John Sununu pulled the plug on the thing. Sununu did not like Fiske. Our relationship was not ideal. I think he saw this as an opportunity to put me in short pants.

Meador: What was Sununu’s problem with Fiske?

Thornburgh: He perceived that Fiske was more of an anathema to the conservative wing than he was and John didn’t need those kinds of problems.

Riley: Had you known Sununu when you were both Governors?

Thornburgh: Very well. Extremely bright, able guy, but we never—he just, he’s different. We did not have a terribly productive relationship during the time he was chief of staff. Although it wasn’t that he set out to do me wrong, it is just that we came a cropper on certain issues.

Knott: This came very quickly? This happened very quickly, or was there a period where there were no—?

Thornburgh: I don’t want to exaggerate, it wasn’t a constant warfare, it was just little digs here and there. I did not think John Sununu was a good chief of staff, a good choice for chief of staff. He’s an extremely able guy and a good political tactician, but he turned out being anathema to a lot of people with whom he had to deal. But the fault on the Fiske thing was mine. It wasn’t Sununu’s fault, it wasn’t Fiske’s fault, it wasn’t the conservatives’ fault, it was mine.

What could I have done differently? I could have gone to the Hill. I didn’t like dealing with the Hill. People who knew me as Governor knew that I didn’t like it. My M. O. with regard to dealing with the legislature was to have top-flight talent in my legislative affairs office, have them do 95 percent of the work. My commitment always was, “If you tell me that I’ve got to call, or see, or visit with a certain member of the legislature, I will do it. I will never turn you down. But that imposes a huge responsibility on you, because that means you’re not sending me on any fool’s errands.” And it worked to a T. But at that time, I didn’t have a legislative staff in place and that void was terribly costly because ultimately they talked Strom [Thurmond] into signing a letter against Fiske’s nomination and that was the end of it. That was the first thing.

Second, I should have been more attentive to Sununu. I should have sat down and said, “John, I really need this guy, don’t believe all the stuff you’re hearing. And he was, and is, a first class lawyer. There’s nobody I can think of who is better fitted to serve in that position.” And it would have made an enormous difference in my getting off on the right foot. But it didn’t happen and he was gone and then I didn’t have any deputy. There’s a very sinister turn in that too, because I had brought three people from Harrisburg, primarily to serve me as personal aides. Everybody does that. You’ve got to have people who you know and trust. One of them, Robert Ross, was my executive assistant—chief of staff, say—and because I didn’t have a deputy, a lot of this stuff fell on his desk. He didn’t say it, but it had to be done so he began to do it.

Meador: Were you without a deputy all the time this Fiske thing was pending? Is that right?

Thornburgh: Harold Christiansen was there for a while but he wanted to get on his way. So up and through July, I had no full-time deputy. There was a lot of animosity building up about Ross—not that he was doing anything wrong, but somebody had to be a de facto deputy. And so I made my second big mistake in that position and hired a résumé. Don Ayer had been a U.S.

attorney. He had been a deputy solicitor general. He was an experienced prosecutor, an appellate lawyer, and everybody seemed to speak well of him. He'd been a Supreme Court clerk, a very able guy.

But it was a terrible mistake. He was confirmed rather swiftly, but again, the mistake was mine. The proper chemistry wasn't there. He had a much more exalted view of what the deputy would do—I never discussed it with him. I was at the point then where I was desperate. I wanted to fill the slot. I laid out in some detail some of the grotesqueries of our relationship. So, finally, in essence he was fired after a year floundering around and Bill Barr came in and that was what I needed from the very beginning because Bill Barr was a textbook deputy and just did the job beautifully.

Riley: Did the résumé come to you from the White House or were you—?

Thornburgh: I was speaking in figurative terms. I needed somebody and this guy had a good résumé.

Meador: What brought him to your attention? Did you think of him yourself or did somebody recommend him?

Thornburgh: I thought of him myself. Again, it was just a foolish mistake and again I wasn't working closely with the White House, although they had no objection. I was warned about Ayer, frankly. White House people, Boyden Gray said, "Are you really sure you want this guy?" It was just bad.

Meador: Then when he left, Barr came in, you appointed Barr.

Thornburgh: Barr had been head of OLC.

Meador: Was he head of OLC from the beginning of your time there?

Thornburgh: Yes, and he was an enormous help.

Meador: Had you picked him as head of OLC?

Thornburgh: He had been referred to me by the White House. That's how that process worked, Dan. There were a certain number of people that I took the initiative to go seek out for positions and then there were a larger number of people who had come over from the White House for my yea, nay or maybe. They didn't insist upon anyone but they wanted me to meet with people, and the people they sent over by and large were good folks and they served well and we were compatible. There wasn't any feeling that they had been foisted upon me, but this one position together with the civil rights division, which was the third mistake that I made, it just—if I could do it over differently, I would have.

Meador: When Barr was sent over to you from the White House for OLC, had you known him before that call?

Thornburgh: No.

Baker: And it was Boyden Gray who sent his name over?

Thornburgh: I suspect so.

Riley: But they didn't send you a name for the deputy's slot?

Thornburgh: They sent me some names, yes. The campaign [people]. I think they were going through the motions.

Riley: Right.

Thornburgh: I very quickly settled on Fiske and nobody said, "Don't." But it was just not well handled by me. I can't blame it on the White House.

Meador: You were about to mention what you claimed to be the third mistake.

Thornburgh: Yes, that was the civil rights division. This as I said in the manuscript was somewhat audacious. Brad [William Bradford] Reynolds had been the head of the civil rights division under Meese and created—Brad is a very able, intelligent, well-intentioned guy—but he created a horrible gulf between the administration and the civil rights community. I came out of a tradition that had always worked very closely with the civil rights community and I saw an opportunity to really build some bridges there that would have helped the administration and been consistent with my long-time concern with civil rights.

Central to that, it seemed to me, was to choose an African-American to be the head of the civil rights division. Boy, was that a learning experience for me. First of all, the ranks of Republican African-American lawyers in leadership positions is very thin and the choices were very restricted. I fastened on to a guy named Bill Lucas, who had a wonderful background. Bill came from the projects in New York, was an athlete, went to Manhattan College I think, on an athletic scholarship. Met Bob Kennedy while—he was a New York cop, I believe. Some of this is in there. Met Bob Kennedy, and Bob Kennedy took a shine to him. He liked Bill Lucas and put him on his detail or made him a troubleshooter for civil rights or something.

Then Bill went to night school to get his law degree. He got his law degree and became an FBI agent. At that time there weren't many blacks in the FBI so he was really kind of a star. He later somehow ended up in Michigan. Please check all these out in the manuscript because they are more accurate there, but he became the sheriff of Wayne County, which is where Detroit is, and then the county executive of Wayne County, which is like the mayor of a major metropolitan area. He was a Democrat all that time. He then switched parties and ran a campaign for Governor of Michigan as a Republican. That's when I first met him up at Mackinac Island at some conference. And I really liked the guy. He was just very quiet—he was a terrible candidate, he shouldn't have run for the Governor's office because he just wasn't a good candidate. But he was a wonderful man and he had this great background, just a textbook achievement coming from

humble beginnings to achieve prominence. He was a straight arrow, possessed of just the kind of integrity you look for.

When I met him again he was a fellow at the Institute of Politics when I was up there as director. So we had a long relationship going back. Bill was not a great lawyer. He had never really practiced law. He was not an expert on civil rights law. But he was African-American, he had this wonderful story, and I decided that he should be the head of the civil rights division. Initially the appointment was reasonably well received. I think he got Andy Young and John Conyers to go to bat for him.

Meador: Can I interrupt? To what extent did you undertake White House consultation?

Thornburgh: A-ha. They had sent Bill's name over to me with a recommendation that he get some kind of a position within the department. I never heard this, but I think what they had in mind was the head of the Marshals Service, which would have been a good position for him. Somehow or other, that never got to me, and somehow or other I became possessed with the idea that Bill Lucas ought to be head of the civil rights division. In other times—and I'm not sure even then—Bill might have been able to handle that, but in certain respects it would have put him in over his head. It was an unwise choice, because very quickly whatever support he had developed began to deteriorate. First of all, we didn't tell the White House that we were suggesting Bill, and the President was in Japan and his staff people went nuts.

Meador: In other words your selection was announced before the White House knew about it?

Thornburgh: No, no, it somehow got out. No surprise.

Meador: You hadn't gone over there to talk to Boyden Gray—

Thornburgh: No. Well, see, they'd sent his name over, so I kind of was playing cutesy, I guess. I don't know. I said, "If he's the guy they want, I'll make him head of the civil rights division."

Baker: Do you think some of it came out of the civil rights communities' suspicions raised by Brad Reynolds' tenure? Was that part of the context?

Thornburgh: No, didn't have much to do with Brad Reynolds. My theory is—and this, I'm sure, people would quarrel with—was that the Bill Lucases of this world, that is, African-American Republicans, pose an enormous threat to the traditional leaders in the black community and to the Democratic party. Because if Bill Lucas, African-American Republican, became the head of the civil rights division and did a good job, then a lot of African-Americans are going to rethink their political allegiance. That made him a lightning rod for every kind of criticism. This is my theory. Others—Democrats, I'm sure—would argue with me.

The Democratic party has held the African-American voter in thrall for so long. And I remember Jesse Jackson—what made me pursue African-American votes in the '78 campaign in Pennsylvania was a speech Jesse Jackson made the year before, or maybe in '76, to the Republican National Committee, saying, "The condition of African-American voters in this

country is one party takes them for granted and the other party ignores them.” It’s not much different today. That’s one of the times I met him, one of the ways we got him involved. I said, “I’m not going to ignore African-Americans. We have an opportunity to get a lot of votes in Pennsylvania. I’m going to go to the churches; I’m going to go to the communities; I’m going to work hard to understand the issues,” and, as I said, we got this huge outpouring of support. I think 58 percent. That would be, we had more support in the black community than we did in the white community. So again, I was kind of touchy-feely about all this.

Riley: The opposition that you initially registered came from the White House though, not from the—

Thornburgh: No, it wasn’t. What they really said was, “Oh gee, you should have told us.” They liked Bill. They wanted Bill to have a job. There were a lot of people afterwards who said, “Oh what a terrible choice,” but they didn’t raise that then. No, in fact, and as I said, he had some support among black politicians. But two things happened. One, it began to sink in to these folks what this would mean—in my view—that there would be a high profile black Republican who posed a threat to traditional support in the Democratic party. And secondly, Bill didn’t perform well. His confirmation hearings did not go well. I don’t know whether he was not well prepared or whether he simply didn’t—

Meador: Did your people try to brief him and get him ready for these hearings?

Thornburgh: I certainly hope so. I assumed that they would. But again we weren’t—

Knott: Was your legislative—?

Thornburgh: No. We weren’t up to snuff with our legislative shop. It was at the beginning, but I don’t want to fault anybody there. Again, all the fault for this goes back to me. But the long and short of it was—and frankly, I mean, in the interim, these five Supreme Court decisions had come down which had the civil rights community all exercised. One of the probing inquiries that the Democrats on the judiciary committee made of Bill was, “What are you going to do about these opinions?” which they were all up in arms about—Wards Cove, Wilks, Croson, etc.* And the President had already said he wasn’t going to do anything about it. So Bill Lucas said, “I’m going to study it and see if they have any harmful effect, and then take any remedial steps that appear to be called for,” which I had said.

And that just sent them into orbit, so his goose was cooked and he didn’t even get out of committee. It was a shame because he is a marvelously decent guy and we were able to appoint him as head of the Community Relations Service where he did a really good job. No, it wasn’t Community Relations, it was—I don’t know, but he was public liaison or something. He was to keep in touch with communities around the country. He did a great job. He was really a very sweet, gentle person and just was carved to pieces in the process. It’s too bad, but boy, did I learn a lesson. I was learning lessons thick and fast.

* *Ward’s Cove Packing v. Atonio*, *Martin v. Wilks*, *City of Richmond v. J. A. Croson Co.*, *Patterson v. McLean Credit Union*, *Lorance v. AT&T Technology, Inc.*

Meador: How would you describe the lesson you learned out of that?

Thornburgh: Well, first of all that you'd better make sure if you have an audacious or unorthodox choice that this person is really first rate. Bill, for all his human qualities, was not able to cope with the spotlight being on him. He just wilted, and his testimony and appearance was not good. If he had been a highly experienced, skilled lawyer with extensive background in civil rights law, he'd have carried the day. But what he did was give those people who opposed him on other grounds an excuse, some cover for shooting him out of the saddle. They said, "We're not going, he doesn't know civil rights law." I said, "Whoa, whoa, wait a minute. You remember who Jack Kennedy's choice to be head of the civil rights division was? Burke Marshall, he was an antitrust lawyer. He had no more notion of civil—" Well, that, of course, went over like a lead balloon. That was an afterthought on my part. I hate to start off telling you what terrible mistakes I made, but I might as well get them out of the way.

Meador: Are there any more?

Thornburgh: No, and eventually we got a very good head of the civil rights division, John Dunne, who was a former state senator from New York and an old friend of mine. He did a great job and was very well respected and ended up building some bridges. It was hard, because the ambitions that I had for improving relations with the civil rights community were realized in one respect, in the effort to obtain passage of the Americans with Disabilities Act, which was a high priority for them, and for us. But these five Supreme Court cases just were a bloody shirt that the Democrats could wave and wave and wave.

I recounted in the manuscript, I went out to speak to Jesse's group, a week after these decisions came down. I was killed. Oh man, the best thing I got out of that trip was a chance to go to a Cubs game. Arthur Kinoy, the venerable civil rights lawyer, was there and after I got through speaking, where I said, "We're going to look at these decisions. If there's something wrong, if they create real barriers to the full enjoyment of people's rights, we'll be among the first—" And as it turned out, the negotiations that resulted in the new civil rights act, there was agreement on 75 to 80 percent of what had to be done. But it was a political battle, it really didn't have much to do with civil rights law. It had to do with Democrats trying to score points and Republicans trying to do the same.

Riley: I think we'll want to probe you more on that in a bit. Let me pose one more—

Thornburgh: It's so tiresome and tedious, I must say. We got down to this arcane task of Talmudic precision over these words and phrases. I just said, "Get the hell out of here." And then we got all these well-wishers like Warren Rudman and Specter and [John] Danforth, all of them had the magic bullet that was going to solve it that didn't solve it at all. It was just crazy.

Knott: It is fair to say you were caught off-guard by this changed atmosphere? This post-Bork atmosphere? Scorch and burn?

Thornburgh: Yes. Yes, it was a lot more vicious, a lot more—

Baker: Partisan.

Thornburgh: —partisan, and the politics of personal destruction. They went after people. Bob Fiske and Bill Lucas, if they were to walk in this room, you would never find more personally attractive, decent, public-service-motivated people. But because they symbolized certain things—in Fiske’s case, the Bork debacle, and in Bill Lucas’s case, the nervousness about Democrats and their black constituency—they became demonized. They really became symbols in a very negative way.

Riley: It’s striking, in looking at it, taking a step back and looking at it and seeing that the criticism you’re getting on one end is from the political right and from the other end the political left. You’re trying to operate—

Thornburgh: That’s right. Normally that makes me very happy, I figure I can’t be doing all wrong if they’re both after me. In this case I wasn’t happy at all.

Riley: But I think it’s a piece of evidence about the kind of political environment that you and the President were trying to operate in that there was such a great sense of polarization on both sides.

Thornburgh: Exactly right, well said.

Knott: Were you ever so unhappy that maybe you had second thoughts or considered—?

Thornburgh: No, I’m a fighter, I’m a scrapper, I want to stay in the ring. I was saddened and angry sometimes, but they’d have to carry me out feet first.

Meador: If I may go back on your theme of mistakes. I recall impressions from somewhere or other, some people viewed as a mistake on your part—the personal staff who you brought in, surrounded yourself with in the early months. Do you see in retrospect any mistake in that?

Thornburgh: No, except that what I mentioned was that my executive assistant had to fill a void, and he had to assume much more power than was his warrant. That produced a strong reaction against him and against me. If I had had a deputy in place, bang off, that would never have happened. But my staff was thoroughly loyal to me. They had no agendas of their own. They had served me well over a long period of time. They really wanted to do the right thing. They did not misinform me about Bob Fiske or Bill Lucas or Don Ayer.

Meador: What was their relationship with the other people in the department? You mentioned—

Thornburgh: The usual relationship between staff of the AG and the people in the department, which is not good. There’s an institutional—they’re loyal to the Attorney General. If they aren’t, they’re soon ex-staff.

Meador: So you don’t view yourself as having made any mistakes in bringing that group in around you?

Thornburgh: No, the only consequence that exacerbated the situation was my inability to fill the key position in the department, the deputy's position.

Baker: Which then made the Pennsylvania staff appear very powerful vis-à-vis the outstanding justice—

Thornburgh: Right. And frankly, this highly laudatory article that Michael Wines wrote in the *New York Times Sunday Magazine* didn't help either, because it had a big picture of the three of them. This was a marvelous article, just highly flattering, blah, blah, blah. "This guy's going to be the President some day. He's on the right side of all the issues." I don't remember even saying those things; it's just really enough to curl your toes. And I thought, *Hey, that's pretty good stuff.*

And Dave Runkel, my press secretary, said, "That's the worst thing that could possibly happen to you because that puts a great big target sign on your chest," and he was right. And incidentally it put a big target sign on these three guys who were portrayed as being the key staffers. What a town. I mean, that's exactly it, when you're told that a praiseworthy article is on the way, it's often the worst thing that can happen to you. And I've seen it too many times to quarrel with the truth of that.

Meador: What about the position of associate Attorney General?

Thornburgh: I abolished it.

Meador: In other words, you never intended to fill it.

Thornburgh: Never intended. Well, yes, I de facto abolished it.

Meador: Can you explain why?

Thornburgh: I just thought it was a complicating factor. I think it undercut the deputy's authority and I just had never seen—I'd worked in the department with no associate and was comfortable with that. The incumbent was somebody I wasn't particularly comfortable with, Frank [Francis] Keating.

Meador: You let him go?

Thornburgh: Yes. Well, it wasn't—I said, "Frank, we're just not going to fill—"

Meador: Did you think of it as sort of a third wheel or something here in the operation that you didn't really need?

Thornburgh: Yes. Worse than that, I think it complicated the deputy's job. The deputy ought to be the chief operating officer, if you can analogize to the corporate world. The Attorney General is the CEO, the deputy is the COO. Now, Don Ayer had a different perception. He thought the deputy should be the CEO and that the AG should go off and give speeches. But I never had any

intention of filling that position. Now, obviously, mine is a minority view, Dan, because the position was filled before and after me, and appears to—

Meador: I think it always had some problems attached to it, though. How you fit it into the organization.

Thornburgh: Well, they sometimes split it down between civil and criminal. It was in the eye of the beholder, in the eye of the Attorney General, any order he wanted.

Meador: Can we go back a minute to some of these other key personnel positions that you had to deal with in the early part of the Bush administration? What about the assistant AGs, these other spots—?

Thornburgh: Well, the solicitor was the next big position after deputy. Having botched the deputy's job, I did a superb job in recruiting—with the White House assistance and acquiescence—a solicitor general, Ken [J. Kenneth] Starr. Ken Starr was a judge of the D.C. Circuit Court, highly respected, talented, able. Of course, his later difficulties as independent counsel were all the more tragic because of that. But he was a great solicitor general. He could argue cases before the Court; he had a good staff. He was, at the same time, cognizant of his responsibilities to the administration. And I never had a bit of problem, although I think Boyden may have had some problems.

Meador: Let me ask you this, in relation to the SG's office, were there cases that came up in the Supreme Court with which you had some serious policy, substantive discussions as to what position the government ought to take? Or did you leave that entirely up to the SG? Do you recall any conversations?

Thornburgh: There were instances where he would come to me with options, but they were very few. I frankly, I don't—they're obviously not of any sufficient moment for me to remember them.

Meador: Do you remember any time the White House got involved in the position the SG should take?

Thornburgh: I'm not sure. I think the communication was probably, if there was any, directly from the White House, but I don't know of any case where that happened. Ken was so widely respected, and frankly, was the White House's guy, in addition to being my guy. That was a classic case of there being absolute agreement on who should do the job. There was never—well, there were other candidates but they all paled next to Ken Starr.

Baker: Was Boyden Gray also a supporter of Ken Starr for the solicitor general's position?

Thornburgh: Yes.

Meador: Now what about these assistant AG slots that you had to fill?

Thornburgh: They were by and large chosen from a menu presented by the White House. The criminal division was a holdover, Ed Dennis, former U.S. attorney from Philadelphia who I knew and was very comfortable with. The tax division was a tax lawyer from Washington whom I did not know but who I was very comfortable with, Shirley Peterson. The civil division was headed by Stuart Gerson, who had been a campaign worker and who I accepted, sight unseen. He wasn't my choice, but civil division you can't get into too much trouble and he did a credible job.

Environment, Dick Stewart was a professor from NYU whom I did not know, but with whom I was very comfortable. Civil rights I went through with you. Antitrust was a superb private practitioner who I very quickly became extremely comfortable with, mostly because he was a big baseball fan, Jim Rill. Legislative affairs, after a couple of false starts we got a very good former aide of Howard Baker's named [W.] Lee Rawls who I was delighted with. He was just as good as they get.

Meador: You mentioned that early on in the Fiske thing, you didn't have much going in the way of legislative representation. Were you late in filling that position? What was the problem there?

Thornburgh: We were late, but we also had a couple of false starts. One was a woman named Carol Crawford, who I think probably was on duty at that time and it was just a square peg in a round hole. She later went on to be on the international trade commission or something like that. Perfectly, thoroughly decent person, but this just was not her forte. She succeeded in honking off some key members on the Hill. You pay a price for that. I had learned that in eight years as Governor, where I was served superbly by my legislative staff. They were just the difference between a successful administration and one less than successful.

Baker: And you weren't able to bring any of those staffers with you to D.C.?

Thornburgh: Well, there's a limit. There's—

Baker: I mean, they really knew the state legislature so you really were looking for someone with experience in Congress.

Thornburgh: Yes, they would not have done—I ended up with a very good guy from Baker's staff, but it took a while. You can only bring so many holdovers from your past life into a new administration.

Riley: Was your operating style as Governor to take that kind of hands-off approach to the legislature?

Thornburgh: Yes, that's where I learned it.

Riley: Is that right?

Thornburgh: And frankly, for all the guff you hear, we got along pretty well with the Congress when I was AG. If you measure it by appropriations, I don't think anybody has ever done better in getting money out of the Congress. There's a built-in tension between the Hill and the

Department of Justice that makes it difficult, even on the best of days. But they knew that I was going to stand up for the department no matter how much they railed against me and I think they respected me for that. And I frankly enjoyed the encounters with the Congress because I always knew more than they did. I wasn't getting handed 3x5 cards by my staff. I knew our place and that they couldn't stump me. So it was always a pleasure—just to digress for a moment.

After I'd run unsuccessfully for the Senate in a misguided effort, I had a chance through Nancy's son, who was a student at Oxford, to go to Oxford and debate at the Oxford Union, which uses the parliamentary style of debate. In fact, most of the people in Parliament have gone through that at Oxford or Cambridge, anyway. I had to debate my former counterpart from the UK, Patrick Mayhew, who had been Attorney General there. And the subject matter was, "Resolved: That British citizens should have a Bill of Rights." It was a wonderful opportunity to debate back and forth. The students loved it, all that cheering and heckling and stuff, very much like you watch these things on *Question Time*. We carried the day. But I was totally outclassed by my former colleague, who had been president of the union.

But it occurred to me how much we lose in our governmental process by confining cabinet members' interaction with Congress to these set pieces of hearings rather than the give and take that the Brits go through, which is really—it produces a lot more in the way of substance than we're used to. In our thing, the Attorney General goes up and he reads his statement, which has been prepared for him by his staff. He is questioned by Senators, who first read their statements for home consumption and then take the 3x5 cards that their staff— And poor old Strom, I remember, he couldn't read his 3x5 card, "Is it true that under the—" That's next to worthless. When you watch those guys on C-SPAN at question time, they have to be on their toes and "chung-chung" back and forth. It's great. It's good theater and it's good government. Some way or other I wish we could import that into our system.

Baker: Our cabinet secretaries would have to have better training in debate, though, I would think, generally speaking.

Thornburgh: Yes they would. They would indeed.

Meador: Did you find yourself calling on members of Congress to any extent? You ever go up on the Hill and see them in their offices about anything?

Thornburgh: As directed, Dan, as I indicated. My style was to let the legislative staff call the shots on that. If they said, "You better go up and see Senator [Joseph] Biden on this," I went.

Meador: Did you have much of that, though? Did it occur very often?

Thornburgh: A lot less than if I were left to my own devices, because I think the tendency among cabinet members, whatever government you're in, is to think, *Oh my God, I've got to go up. I've got to satisfy this guy. He's on the war path*, blah, blah, blah. Nine times out of ten at least, good staff work can cure the problem. A member is up in arms over something. If the good legislative staffer is possessed of all the facts and by definition knows the territory, can go up there and say, "I understand you have a problem, Senator, with this. Let me explain where we're

coming from, ba-ba ba-ba bah.” Nine times out of ten that will put an end to it and everybody will shake hands, pat themselves on the back and walk away.

Then the tenth occasion is when a good legislative liaison comes back and says to his boss, “You have a real problem here. You better go up and see this guy, you better call him, you better do something. You better withdraw that nomination, you better scotch that appropriation,” or whatever. I am firmly convinced that’s the way the system ought to work. It always served me well, so naturally I would think that. But it really reduces the amount of fire, I’m trying to think of—it can otherwise degenerate into a free-for-all. You’re trying to bat—in any given day half the people on the Hill are pissed off about something that’s going on in the Department of Justice.

Knott: Did you have a good relationship with Senator Biden?

Thornburgh: Yes. Yes.

Knott: Did you tend to get more flak, would this be fair to say, from conservatives?

Thornburgh: No, not after I was in office. They took their shots while I was coming in but after that we had pretty good relationships.

Meador: I take it though you couldn’t really avoid testifying in committees up there.

Thornburgh: Oh, I didn’t mind that. No, as I said, I looked forward to that.

Meador: There was a lot of that, I take it.

Thornburgh: Not as much as you’d think, I mean, I had appropriations hearings and then issues *du jour* would come up. It was never a burden. Sometimes they’d get a little nasty, but the nastiest it got I think was over oversight of particular investigations. I dealt with three or four of those in the manuscript, all of which—these are wonderful case studies, they really are. I’m not gilding the lily, I think there are four cases there that were *cause célèbre* at the time and where we were criticized roundly. When the dust settled and somebody looked at these things objectively, there was nothing there. BCCI [Bank of Credit and Commerce International], I remember that cartoon I referred to in there, some jerk, Ed McNeilly—

Watson: I sent him the copy of the cartoon, with your writing on it.

Thornburgh: [Groan] When all is said and done, we did exactly what we—and I’m not exaggerating. BCCI, we’re the guys that got the convictions and we secured all the money that we got back. BNL [Banca Nazionale del Lavoro] in Atlanta, we did exactly what we should have done and there was no interference from the White House and no basis for going after the bank in Italy. You know, Janet [Reno] appointed somebody to look into that and they gave us a clear bill of health. Bizarre case of whatever her name was, what’s the—

Watson: Imelda Marcos?

Riley: The [Bill and Nancy] Hamiltons.

Thornburgh: The Hamiltons. The INSLAW case, which was made up out of whole cloth and yet, I've got to tell you, like hammer blows, every day we'd get somebody going after us on these cases. When it all came out in the wash, there wasn't anything there. I'm sorry, I don't mean to get railing on this.

Baker: No, but this does raise a question back to relations with Congress because it was often congressional offices that were complaining about foot dragging, S and Ls, the other one—

Thornburgh: You got it. That's the fourth one as I said, was the S and L, which was—

Baker: So how could the position of Attorney General counter that trend of Congress? Because members of Congress don't realize the time it takes to build a good investigation.

Thornburgh: They do, but they still see a chance to get ahead of it.

Baker: Grandstanding?

Thornburgh: Yes. It's never going to change. All I can caution people is, "Wait until the returns are in." First of all, with a pending investigation, there's no way I can discuss anything about it.

Baker: So you couldn't go in and visit with members—

Thornburgh: No, I couldn't say, "I'm going to tell you what we've got on this guy and we're just about ready to indict him," because—

Baker: That would be illegal.

Thornburgh: Because I knew, for sure, it would be on the front page of the paper the next day. Those people have no qualms about it. You know, it's the nature of the animal, and I probably would have been the same thing if I'd had the misfortune to be elected.

Riley: If you had gotten another election from your wife?

Thornburgh: Right. But again, I won't pop off any more about that, but I think those four examples are absolute textbook studies on what this process is, when you have scandal in the air. There were incredible attacks made upon me personally, on the department, on the President. Some guy, who actually became later a good friend and now has been nominated to be head of OLC, a lawyer by the name of Jay Bybee on Boyden's staff at the White House. Not well versed in the ways of the Department of Justice, a very bright guy, but when the BNL, Banca Nazionale del Lavoro, was going forward, there was an allegation there was a big cover up because the Bush people had been funding Saddam [Hussein]. Whatever, absolute nonsense.

But apparently at a staff meeting the President said, "What is all this stuff? What is this about?"

Boyden was there and this guy was on Boyden's staff and Boyden said to Jay, "What's this all about? You find out." Well, Jay, as I said, rather than calling over to the Department of Justice, called the U.S. attorney's office in Atlanta, a very bad mistake. Because out of that call—which was totally innocent, saying, "What's this case about?"—Bill Safire, the great constructor of conspiracies, fashioned a whole scheme of how the White House was attempting to deter them from going—First of all, Jay Bybee was a young lawyer in the counsel's office. If he tried to deter them from going for it, the U.S. attorney would say, "Buzz off fellow, I don't want to hear from you."

But it really was instructive. I knew this. It wasn't anything new for me, but I thought it was useful to set that down for people to look at and see how these things, entirely appropriate and proper and run-of-the-mill in terms of criminal investigations and prosecutions, can get totally distorted by people who have their own axe to grind.

Meador: On that point of the call to the U.S. attorney, let me ask you this. I remember Griffin Bell established a rule, and he got the White House to agree to it, that any call from the White House should be directed either to the AG or the deputy or the associate.

Thornburgh: Yup.

Meador: And nobody else, to avoid that very kind of thing. Now did you go along with that policy?

Thornburgh: Absolutely, absolutely. When I didn't know about this call until Safire began, and Boyden admitted it was wrong, and Jay Bybee admitted, everybody knew it was wrong. I mean, I really didn't want anybody from the White House or anywhere else. And the U.S. attorney, as I said, would have said, "Eh?" There wasn't any opportunity to interfere with an ongoing investigation, if the truth be known.

Riley: You mentioned at the outset that there's a natural tension between Congress and the department. Subsequently I think I understand this a little better, and I'm sure those of us who have studied this for a long time, but I wonder—

Thornburgh: Over investigations, primarily.

Baker: Release of information.

Thornburgh: Yes. There is no way that Congress—I don't think there's any way, I'm saying no way and I think that's right—that Congress should have access to any material regarding a pending investigation, period. They claim it's in fulfillment of their oversight function, that they want to determine that the savings and loan people are really being gone after. As I indicated, one of the ghastly frustrations I had—[Henry] Gonzalez, God rest his soul, or somebody, got up on the floor of the House, said there'd been 20,000 referrals to the Department of Justice and no prosecutions. I said, "That's bullshit." I said to somebody, "Find out how many prosecutions we've had," and they came back and said, "We don't know," and I went nuts. I mean, I really went nuts and established a whole apparatus, which was in place in jig time, I assure you.

Thereafter, we issued monthly reports on the number of prosecutions, the number of defendants, the number of convictions, the average jail time, the average recovery. Which statistics, by the time the thing ran out, were incredibly impressive and caused even my successor, Janet Reno, to say this is the best job ever done in the white collar crime area. Of course, that was four years after the fact that this guy had made this outrageous charge on the floor of the House. I was absolutely furious. I said, “You mean, you can’t tell me how many?”

This notion of keeping statistics and being able to fend off these attacks is a product of what I lauded earlier, that is the decentralized functions of the U.S. attorney. I mean, we tell the U.S. attorney, “Send in your statistics.” They say, “Aw, the hell with that. That’s just for some pencil pusher down in Washington. I don’t have to send in, fill out those forms and send in that stuff.” I got the U.S. attorney’s advisory committee and I said, “You guys are getting killed and we’re getting killed and I want this to stop and I want you to realize how important this is.” Now, unfortunately that only happened in the savings and loan area because of the crisis there, but it’s only—I suspect today that the same kind of frustration—

Another example of that, when Desert Storm came up and we were concerned about Iraqis in this country. I called the INS guy and I said, “How many Iraqis are in this country? How many Iraqi students are in this country?” This is the Immigration and Naturalization Service, they don’t know. I mean that is just inexcusable. But it’s a breakdown in management.

Riley: Part of it is also an insensitivity, you’re suggesting, to the kinds of things that the department ought to be attending to with respect to its relations on the Hill? So that the insensitivities exist on both sides.

Knott: Some of the tensions, natural tension between your department and the Hill I imagine also stems from the fact that you are the people that could conceivably go after those that bend the rules. You mentioned, I think, in your memoir, the cases involving some minority members of Congress.

Thornburgh: Well, the worst case, and this is the last mistake I want to share with you—

Riley: We’ll cover this at lunch and we’ll come back and talk about this.

Thornburgh: —was the Bill Gray case, which never should have happened, that was just absolute incompetence on my part.

Baker: Or the FBI hadn’t informed you, so you didn’t know.

Thornburgh: No. That’s a small piece of it. I’d like to lay it off on somebody else. But what happened there was, you’re dealing in a climate where Jim Wright has resigned, where Tony Coelho, the whip, has resigned, all of them under investigation, and a certain paranoia is extant on the Hill. I knew that. And I think it was over the fourth of July weekend or something like that, and my press guy calls me and said, “There’s going to be a story on the evening news that Bill Gray is under investigation by the FBI for blah, blah, blah,” whatever. I said, “What the hell

is this all about?”

I was doubly sensitive because Bill Gray was an African-American, he was from Pennsylvania, he was a friend of mine. His father and I had served together in the Pennsylvania constitutional convention and I was absolutely furious. The lesson is, don't make decisions when you're furious. Because I came in the next morning and I said, "I want to find out who is responsible for leaking this out." So I got who the head of the public integrity section was and he was just well meaning but not terribly—

Meador: Was that [Michael] Shaheen?

Thornburgh: No, it wasn't Shaheen. That's another part of the chapter. What I should have done, Dan, is turn this over to Mike Shaheen and gone about my business. He headed the Office of Professional Responsibility. He's another story. He would have taken it and run it wherever it ran. Probably to a dead end. You never find out who leaks stuff. But I, in my high dudgeon, decided to undertake a criminal investigation with a special team of prosecutors and FBI agents to run this thing to earth. Well, that was the worst possible thing I could have done, because it gave a high profile to the thing and it ended up with me taking a lie detector test, which I thought was perfectly proper but everybody got all up in arms about. Part of my sensitivity was that this guy was a Pennsylvanian and a Democrat and an African-American, all three issues that I was very sensitive on.

Predictably they ran out the investigation, gave me this huge volume that said, "We don't know who did it. Some signs point to this one, that one or the other one." One of the signs pointed to Dave Runkel, my press secretary, as having not touted the reporter off the story. He hadn't leaked the story, but the reporter had called and asked him for a reaction and he hadn't—and he told the truth. But it was just dreadful. That's as close as I got to being on the ropes because Biden and [Jack] Brooks came after me. It probably would have died but for Mr. Ayer showing up, Mr. Ayer who by this time had really not proven to be a good choice for deputy.

He showed up about a week after he was in office with this Al Haig-type memorandum, about 24 pages, about what he should do and what I should do. As I said, what it amounted to was he should run the department and I should go give speeches. So there was—it wasn't good. And he somehow, Shaheen and he, had cooked up a theory that there was additional investigation needed over and above this group—this elite group had been put together of prosecutors and FBI people—that OPR should have a look at this thing. And I said no.

Ayer used it as a vehicle to vent his spleen upon members of my staff who he still thought were running the operation, and on me personally, that I was trying to cover up something. It became very, very nasty, finally to the point where I had to say, "All right, Mike, go ahead, do your thing." He came up with another report which really didn't vary materially from the first report but wanted to do additional investigation on the Hill. I thought, "Hmmm, that's not really what OPR is supposed to do." So I did the only smart thing I did in this whole thing. I went up to see Brooks and Biden and I said, "You know, I've gotten my report back from OPR." Biden had been trying to make trouble, he and Shaheen were in cahoots. And I said, "They've done a very thorough job. They've tried to run down these things as best they can, but there are a couple of

other areas they want to look into, including interviewing members and staff on the Hill. I thought I'd probably better check with you beforehand to see that that didn't create any problems."

Well, ohhhh yes. So then I came back the next day and said, "You know, I think I know how we can deal with this. We have these two reports here and I'm going to ask Ken Starr—the great Ken Starr, walks on water—to review this matter and report to me rather than going forward with any further investigation." Whew, these guys—So that's what happened, and Ken did a report and came back with what everybody knows: you can't find out who the leakers are. Noting that I had made certain changes, I'd moved both Ross and Runkel. Ayer was fired, Bill Barr was in as the deputy and Robin Ross and David Runkel, the two—not troublemakers, geez, they were perfectly decent guys trying to do their job—had been moved into new positions. That, at one and the same time, was the nadir of my tenure as Attorney General and the beginning of a whole new era, because thereafter things really went well.

Riley: A good place to stop for lunch.

[BREAK]

Riley: —in particular that you mentioned over lunch that I wanted to come back to. That is, you touched briefly on your sense about what the proper relationship between the Attorney General and the President was and what you saw your role as a member of his cabinet was. I wonder if we couldn't come back to that and get you to talk a little bit about your conceptions of those presidential-attorney general relations.

Thornburgh: Sure. And I'm sure these are things that are not included in the manuscript, so probably just as well we pick up on them for our purposes as well.

I think the easiest way to explain that is it grows out of two of my own personal approaches to the task. One is grounded in my experience as a Governor in dealing with my cabinet and staff in that position and extrapolating that into how the President could be best served. And the other is in recognition of the peculiar role that the Department of Justice plays in any administration. It's not like HUD or even the Defense Department or the State Department or whatever. There is a certain arm's length relationship between the White House and the Department of Justice, particularly in the occasions where allegations that might be investigated by the department relate to people elsewhere in the administration, up to and including the White House itself. You don't obviously anticipate that being a frequent thing but it's always something that you have in the back of your mind. And, of course, in the most recent administration that was almost daily fare and made Ms. Reno's job extremely challenging even with the safety valve, unwanted and unwise as it may have been, of the independent counsel statute.

But that being said, my view was that the President didn't need the Attorney General tugging at his sleeve all the time on matters that should be handled within the Department of Justice. Therefore I tried to run our operation separate and apart from White House involvement and trusting in my own judgment, which I hope was mostly correct, that if there was something that should be brought to the President's attention or needed his approval or disapproval as the case

may be, it was my responsibility to come forward on those occasions and raise them with the President. Or to respond to proper inquiry that came from the President or his staff on matters within the province of the Department of Justice. Let me give you an example of the latter because it's an easy one to understand.

Early in the Bush administration it was quite clear that something had to be done about Manuel Noriega. He was under indictment in the United States, an indictment that had been secured under my predecessor. The President called me over one day to the White House to ask me, "Was this a good indictment? Were we going to be able to convict him on these drug and money laundering charges that had been secured before the grand jury?" He didn't have to spell it out for me, I could very easily get the drift that what was contemplated was some action designed to take him into custody and it would be a Pyrrhic victory indeed to take him into custody, bring him back here and find the case fell apart at the seams.

So I went back to the department, talked to Bob Mueller, who was then probably my special assistant for criminal matters, and asked him to undertake, as an experienced prosecutor, a review of the case, the evidence, and give me an assessment as to whether there was a good case. He did, there was, and I so advised the President. Of course, not long thereafter, Operation Just Cause was initiated and General Noriega was apprehended, brought back, tried, convicted and rests today in federal prison. That, I think, is a very important role for an Attorney General to play in advising the President on issues well outside the province of the Attorney General but a necessary predicate for that kind of action.

But short of those kinds of things, I tried to give the President as much distance as I could. I didn't believe it was in anybody's interest for me to lurk around the White House, and what a lot of people reveled in was so-called face time with the President.

Meador: If I may interrupt, you mentioned occasions on which you thought something ought to be brought to the attention of the President, as distinguished from you being asked about something. Can you give us an example or two of matters that you thought necessary to go to the President with?

Thornburgh: Well, I think the whole savings and loan scandal and our need for additional resources to carry that to fruition was a good example. The whole collapse of the savings and loan industry occurred long before I—well, was continuing, but had started long before I became Attorney General. One of the charges that you'll note was given to me was to deal with that problem. We very quickly discovered that what we needed was a coordinated effort, which required more resources, more FBI agents, more prosecutors. We made our case, which we felt was adequately documented, to the President and the White House. As I recall, he then came to the Department of Justice to announce that initiative in the great hall, and we were off to the races. We quickly secured the necessary resources and carried out what I think was an exemplary effort in that regard.

There was one thing we did not seek his approval on, but in which we gave the White House notice: we in one case only sought the appointment of an independent counsel. That was regarding allegations made against Samuel Pierce, who was HUD secretary in the Reagan

administration. This was a perfect example of the mischief that was worked by that worthless statute, because as it turned out after four or five years, a number of convictions were obtained, but Sam Pierce was exonerated. I always felt badly for that poor man, who was a very decent individual, having to go through the obloquy of having an independent counsel appointed to examine potential criminal charges against him. All of that could have been handled within the Department of Justice. But that's a digression.

What I'm saying is we made that appointment in execution of the statutory authority given by the statute, or sought that appointment, without so much as a fare thee well to the White House. We didn't say, "Gee, you think we ought to do this?" or whatever, we just had to do it. It would have been a mistake, I think, to review that with the White House to get their acquiescence in it. But all of these are judgment calls and I'm not necessarily saying we made the proper judgment in every case, but my instinct was to avoid bringing anything to the President that we couldn't handle on our own, or which by not bringing it to him would put him at a disadvantage politically.

Meador: Did you feel you could get access to the President anytime you wanted?

Thornburgh: Absolutely.

Meador: Nobody obstructed you in the White House?

Thornburgh: No, no indeed. If I needed to see the President, I got to see the President. And I think part of that was a credibility factor: because I wasn't over there tugging at his sleeve all the time, he knew that I had something important or appropriate to discuss.

Meador: Could you say something about your relationship with the White House counsel, Boyden Gray, and that office? Did you have a lot of dealings with them?

Thornburgh: Well, happily, although I didn't know Boyden Gray before we assumed our respective roles, we developed a very close working relationship and that relationship was exemplary in my view. It was solidified in our joint work on the Americans with Disabilities Act where I was given the job by the President to be the administration's point person on that project, which incidentally was a great source of gratification to me because my wife and I have a son with a disability and had been active as advocates for people with disability in our prior lives. But Boyden had a great interest in disability work, as did the President himself.

Riley: Do you know where Boyden's interest in this came from?

Thornburgh: I don't. I have no idea. I don't know if he had disability in the family or what it was.

Riley: It doesn't fit with the outside picture that I have of someone who—

Thornburgh: He's been very big on regulatory reform—

Riley: Absolutely, and that's what—

Thornburgh: I don't know, have you had him in?

Riley: Yes, very early on, before I was a part of the project. I don't recall whether it was part of the discussions there or not, but I was struck—

Thornburgh: Normally there is some kind of personal motivation there. The President, of course, lost a daughter. But Boyden and I worked closely together on Supreme Court appointments, which was the biggest, most significant assignment that we worked together on, and on judicial matters generally. Boyden I regarded as a friend and one who always was cognizant of what the Department of Justice's interests were.

Meador: I wonder if—since you mention it, if it's all right—could we talk about Supreme Court appointments during your time as AG?

Riley: Can I ask one follow up question? Do you recall instances where you and Boyden were on opposite sides of a particular issue? Any illustrations about how that tension might have worked itself out? I know one of the things that outsiders are always interested in is how conflict is resolved with two institutions that ostensibly have similar turf areas.

Thornburgh: The only one—leads into Dan's question about Supreme Court appointments—we had a dust up over the Clarence Thomas appointment. Not over Clarence himself, but over the process. But maybe I can encompass that within a discussion of the Supreme Court appointment process.

One of the things that the President, in our first meeting, laid down as a requirement is that we be prepared to act on any Supreme Court vacancies. We took that very seriously and began immediately the process of compiling what you might call hit lists, prospect lists of people who might be appropriate for consideration, and turning loose our intellectual fire power. A lot of it centered in OLC, to compile reviews of the published writings of these individuals, opinions if they were judges, and short of the FBI background—

Meador: Can you describe how that list was compiled? Did you and Boyden sit down together, or who did it? How was it done?

Thornburgh: No, I think our staffs worked together on it. I didn't see the list until the time came to utilize it. It wasn't something I was personally involved in.

Meador: The staff was compiling this list and checking them out and that kind of thing, without your personal involvement.

Baker: Was this Mike Luttig?

Thornburgh: Mike was probably the point person in Bill Barr's operation, but they were, those are good lawyers in OLC and they have a good sense of what's happening in the profession and

in the judiciary.

Meador: Do you think the main work was done there and not over in the White House counsel's office, in putting the list together?

Thornburgh: I don't know about putting the list together but I know about fleshing it out in terms of substance, it was done in the department. I rather suspect there was a lot of interchange back and forth between the department's staff and the counsel's office and various other outsiders. Senators had views and just regular people. But the upshot of that was, that in both cases, in Justice [William] Brennan's retirement and Justice [Thurgood] Marshall's retirement, they came completely out of the blue. There was no forewarning. But one of the great sources of pride to our department was that the very next day we had the proverbial black books on the President's desk and they were fully fleshed out in terms of substantive matters.

Meador: Let me ask you this, take the first one that came up, the Brennan retirement. As I understand it, that's the first time you yourself really saw the list and went over it, is that correct?

Thornburgh: I think that's correct, yes. I went over it before it was presented, because that was my responsibility.

Meador: Do you mind saying some names on that list?

Thornburgh: Oh, I don't know that that's terribly productive. I mean, it's probably not fair to people who were called but not chosen.

Meador: Do you know how many names? Can you say how many names?

Thornburgh: I believe that by the time the list was winnowed down to transmit to the White House, it was eight or ten. That, of course, came from a much larger aggregate.

Riley: The black books that you presented to the President contained what?

Thornburgh: Oh, what you'd want to have. What I would have wanted to have if I were in the Governor's office. Biographical material, samples of writings, assessments made by individuals, bar—not background investigation, this is all record stuff.

Riley: Exactly.

Baker: You hadn't yet done any FBI checks.

Thornburgh: No, no.

Meador: Did they go to the White House with any recommendation from you?

Thornburgh: No. We wanted it played—unless asked, we were determined to just staff the operation. In both cases—in Justice Thomas's recommendation, that is Thurgood Marshall's

retirement, it was a reprise and a lot simpler. But let me just continue as to how the process worked. We took these eight or ten names, gave them to—and come to think of it, I don't think Boyden had seen those before then either, so maybe it was all done within the department. But in any event, they went to the President, went to Boyden over the weekend. I may be wrong on these dates but I think that Justice Brennan's resignation was announced on a Thursday. We had the books to them on Friday and by Sunday it had really narrowed down to two choices.

Meador: Were you part of that narrowing down process between Friday and Sunday?

Thornburgh: No.

Riley: Do you know who would have been?

Thornburgh: I suspect, yes, I think the President, the Vice President, chief of staff.

Baker: White House counsel?

Thornburgh: Well, I think he more or less staffed that, because it was a political decision. It really is. A political decision that, if it's headed in the wrong direction, the lawyers had the responsibility to say, "Wait a minute, this is a bad—"

Meador: You say it was narrowed to two. Are you at liberty to say who those two were?

Thornburgh: Yes, it was a matter of public notice. It was David Souter and Edith Jones.

Meador: That happened in the space of two or three days?

Thornburgh: Yes.

Meador: It has always been an assumption—and my recollection of this may be faulty—there was sort of a widespread assumption that Ken Starr was going to be it. Can you explain what happened to that?

Thornburgh: No, I can't really explain it. He was given consideration.

Baker: He was on the short list?

Riley: We've actually had testimony elsewhere that he was on the short list.

Thornburgh: Okay, all right, then. I just want to be sensitive to the person. Yes he was, he was. And Clarence was on the short list that went over. Those are four names, I'm going to end up telling you who they all are if I can remember. Interestingly enough, as I point out in the manuscript, on Sunday we had a meeting at the White House and the Vice President, Boyden, myself and Sununu met with the President and it was clear—now with two names. And the straw poll that was taken by the President ended up in a totally unpredictable way. Boyden and I supported Souter, and Quayle and Sununu ended up supporting Edith Jones.

Riley: I found that remarkable.

Baker: Me too.

Riley: I wonder if you would mind elaborating on—

Thornburgh: There wasn't any prolonged discussion about it. My sense, my own thinking was that Edith was just, had a little too much of a hard edge to her for her to be an easy confirm.

Riley: Sure.

Thornburgh: Souter was more—rode easier in the saddle.

Meador: Let me ask you this, at that meeting, that Sunday, was there any effort at all, any suggestion of resurrecting some other name, apart from those two?

Thornburgh: The President, we were coming out of the Oval Office, at that time, he said, "What about you," he said, pointing to me. It was at that time that I think I was at my nadir. I said, "Not today, Mr. President. This isn't the time." It was very thoughtful of him, indicative of the kind of guy he was. He just really was the most thoughtful person. But my name was not seriously—it was like the vice presidency, it wasn't really in there.

Meador: But nobody attempted to bring another—

Thornburgh: I don't think so.

Baker: But there was some discussion of Clarence Thomas, I understand, wasn't there?

Thornburgh: I think pretty quickly there was a consensus that Clarence had not been seasoned enough on the court of appeals to become a credible candidate for the Supreme Court. There was a lot of personal feeling about Clarence, a lot of admiration, a lot of the same kind—this was almost a replay of the Bill Lucas thing in many respects. A desire to reward an appropriate African-American candidate with this, and frankly, to win some political advantage, it was thought. And the reaction was the same as it had been to Bill Lucas, a fear on the Democrats' part, but I don't—but that's getting ahead of the story.

Baker: You had already gone through the experience with the Bill Lucas nomination at this point, so you had learned from it? Maybe that was—?

Thornburgh: I didn't tout anybody off Clarence. At that time, it just evolved very quickly that these were the two top choices and I think Souter was kind of fore-ordained.

Meador: According to accounts I remember reading, it seems to me that Warren Rudman weighed in heavily on Souter.

Thornburgh: Absolutely, he did.

Meador: Didn't Sununu also come in strong? You said he voted for Edith Jones?

Thornburgh: Edith Jones, yes.

Meador: In this short space of time—you're speaking of two or three or four days—how much opportunity was there for anybody to weigh in on this from the outside, like Rudman?

Thornburgh: You know Warren Rudman?

Meador: Only by reputation.

Riley: Enough said.

Thornburgh: To ask that question answers it.

Knott: Can I ask one more question about these black notebooks that were assembled on each of the candidates? Was there any sort of political assessment in there?

Thornburgh: Not by us. We weren't in the political business.

Knott: None of that at all.

Thornburgh: And the whole notion of litmus test is a total myth, and I'll tell you why it's a total myth. For everybody who is appointed to a federal judgeship there are four or five people who don't get the appointment. You're telling me that none of those people would be out shooting their mouths off to the press if they had been asked inappropriate questions and not appointed? Come on. We just, we very carefully avoided the notion of, "How are you going to rule on *Roe v. Wade*, or how do you feel about gun control?" things like this. We just kept our legal blinders on, assessing—obviously people, attitudes about the judiciary's role, whether we weren't going to appoint somebody who was going to be a judicial activist, we weren't going to recommend that kind of an appointment. But none of those, we didn't get into the political side at all.

Now, that's not to say the President didn't, and certainly not to say the President shouldn't, because it is one of his lasting legacies. But it was not part of our role in the Department of Justice.

Baker: Were there any Democrats on the short list?

Thornburgh: No. Oh, I don't know what Edith Jones, she might have been a Democrat from Texas. Who knows, I have no idea. But nobody even asked.

Baker: That was not even asked.

Meador: There was some sort of rumor that Bill Barr is the one who blocked Ken Starr's

consideration. Is there anything to that? Do you know anything about that?

Thornburgh: I can't imagine that being the case. It may be, but it certainly never came to my attention and I think I would have known. And they're very congenial people, friends, and I find that unlikely. But Washington is Washington. But let me segue into the Marshall vacancy because I think it fleshes out the process a little bit more. We went through the same kind of procedure. As I recall, that was also a Thursday resignation. Again, caught us theoretically unprepared, but we had the books. I remember, the one thing I do remember is the President was bound for Hyannis Port—or, wrong President, Kennebunkport.

Riley: Too much time at the Kennedy Center. Different port.

Thornburgh: He was bound for Kennebunkport and Clarence, for obvious reasons, jumped to the front because of the racial factor. It was very difficult to avoid. Not that there's a black seat or a whatever seat, but it was entirely appropriate. By that time he had had a degree of seasoning on the D.C. Circuit and it was a pretty short meeting. We went through the usual suspects and I think the consensus was that Clarence was the choice. Now I get to my dust up with Boyden.

I was frankly worried about Clarence's ability to survive the ABA [American Bar Association] process, which even in its watered-down form was still in effect. Not for any deficiency on his part, but the fact that his judicial experience was so limited, and that was a big factor. So I just counseled some caution in making the selection. The President was up in Kennebunkport, we reported to him by phone and before he had left we raised the prospect of considering some Hispanic-American appointee as a kind of Clarence Thomas-like. I don't mean that in racial characteristics, but it would have some of the same appeal that Clarence would have, but with a little less controversy. Boyden was very close to Clarence, much closer than I, but we both thought highly of Clarence.

Boyden was very much afraid for some reason that I was out to torpedo Clarence, which was the furthest thing in the world from my mind. We had quite a short but intense confrontation over that. When we called up to the President, the President said, "Well, look at the Hispanic candidates and interview some of them," and this was on Saturday, I recall. He was up in Kennebunkport and we were over in my office, Boyden and me and a couple of other folks, and Boyden got furious. He went off and said I was trying to derail the plan. Well, I didn't know there was any plan. I said, "Look, all I'm trying to do is serve the President and make sure that he makes a choice that is appropriate."

But that was the only time during our interaction that I ever had any differences and that settled out very quickly. What we did do was look at the Hispanic-American candidates who were in the array, and there weren't many of them. We had Judge [Reynaldo] Garza come to the—he was on the fifth circuit—had him fly to Washington on Sunday and we interviewed him. He was very agreeable, very talented, but even less seasoned than Clarence in terms of being able to cope with a Supreme Court seat. So we kind of decided that Clarence was really the best choice that we had, and transmitted that to the President then on Sunday afternoon. Arrangements were made for Clarence and myself and Boyden and Virginia, his wife, Thomas's wife, to fly up to Kennebunkport the next day where the President made the announcement.

But you see, in both those cases, the process was very abbreviated, which some would criticize as being cursory but which I would attribute to the fact that we were fully prepared to do the job. We knew that the longer those things hang around the more troublesome they are, because everybody is coming up with a suggestion and a reason why someone should or shouldn't be appointed. New names get into the—who's up, who's down. So it's best to deal with those things quickly.

Baker: And so the effort was, to some extent, to develop the short list in order to foreclose some of the lobbying that comes out after this.

Thornburgh: Yes.

Meador: I gather that Thomas was really at the top of the list from the very beginning.

Thornburgh: Yes.

Meador: The vacancy occurred, it was Thomas right there. Never real discussion of anybody else except a possible Hispanic.

Thornburgh: That's right. Judge Garza we interviewed, but really didn't have much of a life of its own.

Riley: Were there—maybe you don't feel free to answer this—but were there other African-Americans who would have been prominent enough at that stage to have merited consideration?

Thornburgh: Not that I recall. You have to remember, this is a Republican administration. That's one of the tragedies and one of the reasons—

Meador: On both of these appointments, it is my understanding that Mike Luttig was assigned to sort of brief the nominee, get them ready for the hearings.

Thornburgh: He was the babysitter. I don't mean that in a deprecatory way.

Meador: Was that by your direction or how did that come about?

Thornburgh: Yes, Mike was—I don't know whether it was my direction or whether it was Bill Barr's decision or with Boyden or whatever—but Mike, I remember Mike, they snuck Souter into town. Mike, he had a bottle of old wine that he broke out, and David Souter never forgot it. I mean they're about as far apart philosophically as you can imagine, but they're both charming individuals and they got along very well. Clarence, of course, lived in the D.C. area, so there was no need to pussyfoot much around. But you're talking about pre-confirmation.

Meador: Yes.

Thornburgh: Briefing, exactly, that was the forte of OLC. They were—

Baker: They did that also for district judges and for—

Thornburgh: No, most of them you didn't really need that horse shedding, they knew their stuff. But for a Supreme Court appointment, you'd better come loaded for bear.

Meador: Going back to the Souter nomination for a moment. I had the impression—maybe it must be wrong on this—but somehow I had the impression that Souter was not on the list originally but Rudman and company got him on the list. Is that true or not? Was he on your list that went over from DOJ to the White House?

Thornburgh: He was on the original list of the eight or ten but he may have been inserted on that list at Rudman's suggestion or Sununu's suggestion.

Meador: By the time the vacancy occurred, he was in that book on the list, is that right?

Thornburgh: Yes.

Riley: Can you tell us a little bit about the preparation process, or is that so far—?

Thornburgh: Not a great deal. It's something that I didn't involve myself in personally because I had good people to do it. It really wouldn't have been a very wise use of my time. The OLC people and people in the solicitor's office and in the counsel's office, I assume, did all that. That's just one of those things that it probably wouldn't have been productive for me to meddle in.

Meador: Only on the Thomas nomination, could you talk a bit about—by the time he came off the hearing you had left office. So you weren't around to experience any of it. I wonder if we could segue into speaking generally about judicial nominations at the district and circuit level. Could you describe that process? Make any comments about it?

Thornburgh: Boy, talk about contentious items and tensions between the legislative and executive branches, this is probably the apotheosis.

Riley: Good.

Thornburgh: It's like a three dimensional chess game. First of all, it depends upon the configuration of the Senators in a particular state where a vacancy occurs. Here we're talking about district court judges. If there are two Republican—in our case—Senators, then our principal job is to referee and broker some kind of agreement on who they want to have appointed to the bench. Very difficult for the President and unwise probably for the President to go out and try to campaign for a district court appointment, because de facto those are appointments that are made by the Senators. If you have a split, it becomes more complicated because somehow or other you've got to get the Democratic Senator, in our case, to avoid the blue slip process of vetoing a particular choice. And if you have two Democratic Senators it is even more exacerbated.

Now a number of Senators formed judicial nominating commissions in their states. In some cases they might be split states or even Democratic states where the two Senators would ask a group of eminent citizens to review the potential applicants and make recommendations. And I must say that in most cases, we would go along with the choices made by the Senators for district court judges. It just wasn't worth the battle. I mean, we have so many differences you have to iron out with the Senate that to go to war over a particular nomination was really not fruitful. Now that doesn't mean that we rolled over for them because some of them, you just wonder where these people are coming from. We just never chose to join the issue on the district court judges. When you got to the circuit court—

Meador: Do you recall any contest over district judgeships where you thought it was just unacceptable, the person picked?

Thornburgh: I was trying to think. You see, the last refuge of scoundrels in our cases was the ABA. I mean, we would let them go ahead with somebody if we were sure the ABA would scuttle them.

Meador: Did they help you out sometimes?

Thornburgh: Oh yes, they did. And again, I don't want to get into names, but we would kind of work hand in glove with the ABA to dispose.

Meador: The ABA, they gave an informal report I believe first to you, to go to the Senator.

Thornburgh: I think they gave it to the counsel's office. They gave it to the White House.

Meador: Would the Senators really back away if they got that? Was that your experience? Or did they hang in there?

Thornburgh: Yes. This was all before it had broken the surface, of course, then you really had a problem because somebody was going to be publicly embarrassed. It was a minuet, a kind of ritual dance we went through with all these folks and it was excruciatingly painful. It's like the old remark about seeing sausage made, you really shouldn't know how judges get appointed. It's remarkable that we get the quality of judiciary we do.

Meador: Let me ask you, on these district judgeships did you yourself get involved in each vacancy, or did you leave it up to somebody else?

Thornburgh: That's the last thing in the world I wanted to become involved in. I would occasionally have some pol from Pennsylvania importuning me, and I adopted a blanket rule at the outset that I would not become involved in any appointment to the bench in Pennsylvania because chances are I knew all the people. It was a defensive measure. It looked like I was being punctiliously proper, but it was actually a method to keep me out of trouble.

Meador: Who was it in the Justice Department that monitored this, that ran the district

judgeships?

Thornburgh: An aide of mine, a non-lawyer, but a trusted aide named Murray Dickman was really the overall supervisor. He made sure the process went forward. He didn't have substantive input into it but he was very helpful in that because he knew me, and by that time he knew the department pretty well. He had my respect. I'd go around and see judges all over the country. They don't say, "How's Bill Barr? How's Mike?" They'd say, "How's Murray Dickman?" They all remember Murray because he was the guy who made their plane reservations and got them in.

Meador: Was OLC involved in this at all, in judgeships?

Thornburgh: Yes. We had a pickup team, Dan, of people from the department who—because it's a massive task, interviewing these people. I don't remember who, specifically. It would change from time to time. We had people from OLC, people from the solicitor's office, people from the deputy's office, from the various divisions. People in whose judgment we had developed some confidence.

Meador: Well, you did have an interview with each potential nominee, is that right? You'd give them a call?

Thornburgh: Yes, unless they were really off the wall. But they were generally recommended by the Senators and we would interview them and come to some assessment, there wasn't any—

Meador: Did you make a recommendation then to the White House counsel? Or how did it go from there?

Thornburgh: Yes, I think that's where it went. Then my recollection is they would handle the ABA end of it. But, as you can tell, I wasn't involved, purposely not involved on a day-to-day basis with these things. It would have just been a nightmare. I would have been ground to a halt.

Meador: Can you address the circuit judgeship situation? How does that work?

Thornburgh: Entirely different. There the President—we tried, mostly with success, to preserve the President's prerogative to make these appointments. We would accept recommendations from Senators, but the recognition was that this was of much greater importance than the district court judgeships and therefore the President would have the final word.

We had a couple of nasty situations. You know, people want to put their brother-in-law or their college fraternity roommate or whatever. It's just incredible. We had a couple that just didn't move because the Senator put his foot down. But, I think, by and large, the President's judgment was deferred to and I can't think of any real donnybrooks that we had.

Meador: Did you have the same sort of non-involvement with that as you did on the district judgeships?

Thornburgh: Yes. A little more involvement when it got contentious. I would often have to talk

to a Senator—not often. Occasionally have to talk to a Senator and say, “You know, this guy just, he’s not going to make it. You’ll do him no favor by putting him out as an appointee and have him cut to pieces by the ABA or worse yet, your colleagues on the judiciary committee giving him a tough time.” Most often than not they would acquiesce.

Riley: How involved were you in the internal discussions over the ABA screening?

Thornburgh: Very much.

Riley: That had been suspended for a period of time at the end of the Reagan administration?

Thornburgh: Let’s back up to my discussion of the Bork thing. There was a lot of discontent with the ABA. In early 1989, I went out to Denver, Colorado, to ABA quarterly meeting or something like that and met behind closed doors with the standing committee on the judiciary. I said, “Folks—” I’m paraphrasing, but this is pretty much what I said. I said, “I’ve been a member of the ABA all throughout my professional career. I am here as your friend, believe it or not. You guys are in real trouble. No matter what you want to argue about in the propriety of the handling of the Bork nomination, it has given you a huge black eye among important circles in Washington. Part of the problem is that for some reason known only to you, the process established by Herb Brownell when [Dwight] Eisenhower was President, that contemplated only consideration of the professional and ethical and judicial characteristics of nominees, was expanded in 1980 and later in 1984—I’ll have to check the book there, ’84 I think or something like that—to include ideological and political views. I don’t know why those changes were made, but I have to tell you folks, you better unmake them in a hurry to clean up the perception that people in Washington have about what the ABA is doing to these nominees. I don’t want to argue the case, I’m here strictly as a friend. I’m just telling you that you’re going to be in for real trouble.”

So there was a lot of mumbling. This is totally off the record. I don’t want this—ABA politicians are the worst. The people who come to the floor in the ABA are people who think they’re Senators. Bad enough they should be Senators. And they pontificate and just go on. I was starting to get in and I said, “Please folks, I’m not here to argue, I’m here to deliver a message. Thank you, I’m gone. I’m out of here.”

So, Ace Tyler, my old boss, the former deputy, was then very shortly appointed head of the standing committee of the ABA, and Bob Raven was the president of the ABA, and they came down to see me, let’s say June of that year. And we sat in the Attorney General’s conference room and I repeated in, if possible, stronger terms, the warning I had given. I’d picked up a lot through the Fiske thing, of what the hell was going on out there. I said, “Ace, you know Bob Fiske. You know what a terrific lawyer he is, what a great deputy. He ain’t gonna make it and it’s because of this ABA standing committee stuff. You’ve just got to do something about this.” So finally, back and forth, finally wrung a concession from them to revert to the original Eisenhower-Brownell language and scuttle all the language about ideological and political beliefs. And they did that. I reported that to the judiciary committee.

Riley: Formally or—

Thornburgh: Formally. They gave me a hearing, they were having a hearing on it. I somewhat disingenuously said that with Bob Fiske's assistance I was able to get this changed. That didn't wash. I mean, Bob Fiske first of all wasn't even involved and they knew it, but I was desperately trying to hang on to his appointment. But the long and short of it was that they did revert back to the original thing and I kind of put them on probation. I said, "Okay, you've done what we've asked. I think you've cleaned up your procedures. Now let's just see how it works."

The problem was that over the intervening period of time between then and when the ABA was ultimately dropped altogether this year—not the standing committee on the judiciary, but the ABA itself in its House of Delegates—increasingly got involved in issues that had nothing to do with the practice of law or with the legal profession. They were expressing views on every issue that came down the pike including the most controversial views possible, such as abortion, the death penalty, gun control, gay rights, all things that legislatures legitimately consider and argue about. But the more the ABA got into these issues as if they were a legislature, the less credibility they had on issues that were really important to them, which had to do with the law and the practice of the law and the status of the law. So finally, obviously, Judge [Alberto] Gonzales last year said, "The hell with this, enough with this, we're getting these people out of here." Now they're not out of there, they're just not given the favored status that they enjoyed for those years. So it's an unhappy saga. I wish it had turned out otherwise.

Baker: As you mentioned a minute ago, sometimes it is useful, though, to have something like the ABA in terms of, say, the district court appointments or even for the—

Thornburgh: It was, it was when they had some credibility. But their credibility eroded so much that people said, "Who the hell cares? Maybe I may want my candidate to be opposed by the ABA."

Meador: Let me ask you this. Once you made that agreement with them, the rest of your time there as AG, did you find their work to be satisfactory?

Thornburgh: Yes, I never had any complaints about it. A guy named Ralph Lancaster from Maine became head of the standing committee during the last two years I was there. It didn't hurt that Ralph was a little more conservative than the run of the mill ABA member.

Meador: In fact, he later resigned, you know.

Thornburgh: Yes, it was over abortion. But Ralph kept a pretty tight rein on things. In point of fact, Dan, as you know, the number of appointments that are really controversial in ABA terms are miniscule. I mean, for every Bob Bork there are a hundred other people who go through without any controversy whatsoever. It's just a bad scene and I think it goes back to the notion that people find it hard to accept that there are four members of the ABA standing committee on the judiciary who found Bob Bork unqualified to be a Supreme Court justice. Give me a break. Now, I don't agree with everything Bob Bork holds or might decide, but to find him unqualified? I mean, the man is of enormous intellectual stature. He probably wrote too much, if truth be known. I won't argue that point with you, but I think there is sufficient enough body of opinion

out there that that was simply spiteful and partisan.

Meador: What you said was quite right. The ABA in effect did itself in by adopting all these resolutions in the House of Delegates on all these issues. That's what finally did them in.

Thornburgh: Yes, it did. It wasn't the action of the committee. And they would always say, "Oh, well, that doesn't affect the committee." I said, "Give me a break, folks." People think of the ABA, they don't think of this committee or that committee or the other committee or the House of Delegates. It just makes it hard for people to accept that the process of judicial evaluation isn't infected by these views. In other words, the ABA adopts a view in favor of gay rights. Right or wrong, I'm not going to quarrel with that. But that, to the average guy on the street, means that they're going to be looking at judicial nominations—

Baker: As a litmus test.

Thornburgh: —as to whether or not they favor gay rights. Whatever.

Meador: They claimed there was a Chinese wall around them there.

Thornburgh: Yes, they did. I have not doubt that there was, but that's not the point.

Meador: It didn't sell, right?

Thornburgh: It didn't sell.

Knott: It's clear I'm taking you way out of context, but would you endorse—or what was your opinion of this Bush's administration's decision to—?

Thornburgh: I think they did the right thing at the right time. I mean, they gave the ABA enough rope to hang themselves and predictably they hung themselves. Because they've gotten increasingly strident and increasingly involved in areas that just have nothing to do with what the traditional role of the ABA has been.

Baker: Now to back up a little bit, back to Clarence Thomas. Was the ABA evaluation of Clarence Thomas unfair in your opinion or did it reflect some of your concerns that he was seen as less seasoned?

Thornburgh: As a matter of fact, I think they gave him a qualified ranking, didn't they? Dan, do you remember?

Baker: Yes, I think they did but it wasn't a very qualified because of his being new.

Thornburgh: Of course, that's one of the things we also recommended that they do away with, the notion of being qualified, well qualified, very qualified, excellent—

Meador: Exceptionally well qualified.

Baker: Yes, that's right.

Thornburgh: Those gradations don't make much sense. But I think Clarence got a fair shake. Everybody knew he had limited experience on the bench. I think if he had been found unqualified there would have been a great hue and cry because just three or four years before that they had found him qualified to sit on the D.C. Circuit.

Baker: Right.

Thornburgh: Clarence's problems didn't come around because of the ABA. They came around because of, for better or worse—what's her name—Anita Hill.

Meador: Anita Hill. There was some criticism about this point. I wondered if you have an observation on it. When President Bush announced his nomination at Kennebunkport, he used the phrase, "the best qualified person," or words to that effect. He got criticized on that by saying that Thomas may be qualified, but he's sure not the very best you can find. What was the origin of the President's statement on that point and do you have anything to say about it?

Thornburgh: I was there and I kind of did a double take. I think what he meant, *sotto voce*, or with a wink of the eye, was that this was the best qualified African-American candidate we could find. And I think he's right. He really—this man, you have no idea of the decency of this guy. I mean, he really feels these issues of racial equity and disability rights and things. He desperately wanted to make an appointment of an African-American. But he wasn't going to appoint a Democrat. I mean, that's just crazy. So, that's the best—he was saying it's the best we can do. It's too bad. I mean, I'm saying this, not him. It was not a terribly credible statement.

Knott: Having gone through the Lucas situation, were you prepared for what was ahead?

Thornburgh: Well, I was unfortunately preoccupied with yet another disaster, my Senate campaign at the time.

Knott: Did you think it would—?

Thornburgh: I, in retrospect, saw the same forces at work.

Knott: Yes.

Thornburgh: I mean, some of the people who went to such lengths to discredit Clarence Thomas turned out to be the same people who supported Bill Clinton over much more egregious conduct, so you tell me who is kidding whom here. This is all partisan.

Riley: Did the Thomas situation affect your campaign?

Thornburgh: No. It had no effect whatsoever.

Knott: You didn't get tagged with it.

Meador: If I could go back—unless you want to ask some other questions—

Thornburgh: I think that's right, Nancy, isn't it? I mean that never came up.

Watson: No, I don't think so. It's about the only thing that didn't come up.

Meador: If I can go back into the department thing. When Ayer left, you then picked Barr as deputy, that's right?

Thornburgh: Yes.

Meador: Can you describe what led to that decision? Had you gotten to know him and what not?

Thornburgh: I'd gotten to know him and gotten to rely upon him. He handled a lot of delicate situations extremely well. That summer—well, I don't want to get into that. He just really had been a person I'd grown to rely upon.

Meador: And then when you moved the deputy, Luttig became OLC. What about that selection right there? Had you known Luttig? Did you make that choice yourself?

Thornburgh: Yes, they were kind of two peas in a pod. I looked on them as a team. They were really both extremely bright, sensitive people and good friends. I regarded them both as friends. They'd been very loyal.

Baker: Now, when Barr was named as your deputy, you assigned him, I guess, at that point to be a member of the Deputies Committee over in the White House, which had some national security—? And that was because of his background in the CIA? Is that why?

Thornburgh: That was part of it. But the Deputies Committee—I was a member of the National Security Council, but only on rare occasions did I participate personally. I think that's been the practice for most attorneys general, that the Deputies Committee not only from the department but other relevant departments were the ones who really did the pick and shovel work on that. So Ayer was really never around as much or in favor enough to undertake those roles. The big joke, Bill Barr was the first deputy I had and that came when I was two years into the job. It's just—you can see how angry I am with myself for having made the mistakes that prompted that. But once he was there, it just made a world of difference. It just made things—I'll be eternally grateful to Bill Barr.

Baker: And he evidently, then, was involved in giving some legal policy advice to the President during the Persian Gulf war about presidential war powers.

Thornburgh: Either he or Luttig. I'm trying to think—

Baker: Maybe it was Panama.

Thornburgh: I would have to go back and check the record. But they had free rein from me on those things.

Baker: They didn't go back and check.

Thornburgh: The OLC is the President's lawyer. They always say the Attorney General is the President's lawyer, but the head of OLC really does that. That's an important relationship there.

Baker: So they would notify you when issues were coming up.

Thornburgh: Oh yes, I was never in the dark about it. They'd give me regular briefing. See, I had a system carried over from state government where I required weekly written reports from all of the division heads within the department, which I would read. It was no particular joy because some of the most turgid prose I ever—*[laughter]*—they were extremely useful in two ways. One, it kept me informed, and secondly, and perhaps more importantly, if something wasn't in the weekly report and I learned about it later, there would be hell to pay.

Baker: It's a way of keeping staff accountable as well.

Thornburgh: It really is. I just recommend it to anybody who holds an executive position. The discipline of having to prepare, or at least sign off on those kinds of reports, is invaluable.

Baker: So Barr's giving of legal advice to the White House really preceded him becoming a deputy and a member of the Deputies Committee.

Thornburgh: Yes, that would be at OLC. I mean, any time the White House needed a legal opinion, as such, a formal legal opinion would come from OLC.

Baker: I know that the President was very concerned about the erosion of executive authority, and that certainly was one of the issues that was mentioned on that list that he gave you when you were first appointed. Did he then seek additional legal advice on things like signing statements, other avenues, and that was through the OLC?

Thornburgh: The OLC. They were really the—you could call them a general counsel or something like that. Now that would always be in coordination with Boyden Gray's office as well, because of the close relationship that the President had with his counsel.

Baker: That Barr and Boyden had as well.

Thornburgh: No, the President and Boyden. That antedated his becoming President. But it was fortunately a very easy relationship. These guys all worked together.

Meador: To what extent were OLC opinions ever run by you for clearance or approval?

Thornburgh: That would be up to head of OLC.

Meador: Were there any that they put through you to—?

Thornburgh: I think there were occasions where Bill or Mike would say, “We’re about ready to issue the—” I would not review them word-for-word, but they would give me a summary and it was more—there wasn’t any occasion where I said, “I think that’s wrong,” or, “I think you ought to do this.”

Meador: It was more in way of informing you what they were going to do.

Thornburgh: Yes.

Meador: Now Luttig, he became assistant AG at OLC and then he was nominated for the fourth circuit. Was that your selection, or how did that come about?

Thornburgh: I don’t know what the timing was, but he would have been my selection if it wasn’t. I think it may have been after I left, but he is judicial material to be sure. Some would say even Supreme Court material.

Riley: Let me ask you about an issue area. You mentioned a few minutes ago that you felt the President himself was deeply, deeply committed to civil rights, that that was something that was a matter of principle with him, was important. In fact, again, if you look back at that list of things he wanted you to do as Attorney General, very high on that list was this kind of kinder, gentler thing specifically with respect to race. Can you tell us a little bit about your impressions of Bush on this general question? Then I’d like for my colleagues to ask you some questions about these legal cases. You had these four or five cases that cropped up—Supreme Court decisions that cropped up very early on—which spun off a great deal of negotiation over the ensuing years about how to get back to a kind of equilibrium on the question of civil rights. I’m not competent to deal with each of the specifics, but I’d kind of like to know in general—

Thornburgh: I don’t know how to answer the first part of that, other than to say that my sense was that he really did have a deep commitment. That it wasn’t politically motivated, it was just the right thing to do. There was never any—in my presence—any indication of racial or ethnic or religious prejudice. It was really just a much—a truly kinder, gentler type of President.

Riley: Did you find that also to be true of all of the people you worked with in the administration?

Thornburgh: No. Are you kidding? The administration looks like America in some ways. And let’s not kid ourselves, there’s a lot of racial animosity in both races, any races. It’s just the way the world works, I guess. But it’s particularly gratifying when leaders are role models in many respects. Anybody who expressed that kind of feeling in George Bush’s presence would have found themselves out of a job. I’m confident in saying that. If a cabinet member or a staff member had expressed any kind of invidious discrimination toward any group, they would have been gone. That’s the kind of guy he was.

Baker: So the President then—to move a little bit toward the negotiations that Russell mentioned with the Civil Rights Act—the President then was in a difficult position because on one hand he wanted very much to reaffirm a commitment to civil rights; on the other hand, he didn't disagree with large sections of the Supreme Court decisions.

Thornburgh: And had to take his lawyers' advice. I mean, he's not going to go off on a fool's errand. I'd have to refer to my manuscript on those cases, because while I was involved with them at the time I have mercifully forgotten all of the arcane details.

Baker: I think it was Ward's Cove that was one of those confrontational—disparate impact, wasn't that?

Thornburgh: Ward's Cove was the—

Baker: And what was the—

Morrisroe: Which case are you looking at now?

Baker: *Ward's Cove v. Antonio*. Nineteen eighty-nine.

Thornburgh: The five Supreme Court decisions. Yes, I don't give it much shrift because it was—yes, 1989.

Baker: I guess “business necessity” was another one of those phrases that ended up being very controversial.

Thornburgh: Croson was no problem, that case was set aside and remains the law today although it is now—the same facts are up before the Supreme Court as we speak. Ward's Cove was dreadful. *Martin v. Wilks* was cured; *McLean Credit Union* was cured. I mean, there was agreement on those. It really boiled down to Ward's Cove. And the question there was quotas, or what we styled as quotas. And at the bottom of the page—I don't have the page number here—I stated this and I couldn't have said it any better, I said it in an impromptu way on the Today show—and I'm assuming a certain amount of familiarity with the issue—I said, “The Kennedy bill gives the right to an individual to sue, simply on the basis of an imbalance between the make up of the employer's work force and the work force in the community in question. It then forces the employer to justify his practices. It finds him guilty until proven innocent with regard to any practices he has with regard to hiring. This can become so costly and so difficult an operation for the average employer facing the prospect of law suits and lawyers' fees that it is going to compel him to throw in the towel and say, ‘I'll just do my hiring by the numbers.’ That kind of quota isn't fair for employees, it isn't fair for the employer, and certainly is not consistent with the underlying theory of the Civil Rights Act since 1964.”

Riley: The page is 19-9 to 19-10 in the manuscript.

Thornburgh: And that really says it all. The balance of the back-and-forth that went on and on and on was trying to accommodate an overruling of the Ward's Cove decision with the resistance

of the administration to the kind of result I described. In other words, an environment within which many employers were going to feel that their only alternative to avoid aggressive lawsuits would be “hire by the numbers,” make their work force reflect the work force of the community in question.

Baker: So in other words, that pending bill for the Civil Rights Act of 1990 would have not taken the country back to pre-Ward’s Cove but worse, because it would have encouraged lawsuits that had not—

Thornburgh: That was our argument. That, coupled with the provision for the first time of jury trials, lawyers’ fees and compensatory and punitive damages. Now again, that was our argument. I obviously believe it, but it was very, very contentious. We spent a lot of time—

Baker: It looks like it went around for certainly about a year.

Thornburgh: It only gets a couple of pages here but that’s disproportionate. It just wasn’t something I wanted to write about, chronicle every meeting where Bill Coleman and Vernon Jordan would come over and camp on our doorstep and rehearse all the arguments again, and again, and again.

Baker: Now the administration did shift, it seems, in terms on a few issues. For example on the—

Thornburgh: When the election came, they caved on damages and—

Baker: Something on “burden of proof when business necessity,” was that done?

Thornburgh: That was after I left.

Baker: Okay, so it wasn’t as a result of advice that you gave.

Thornburgh: No.

Baker: Did the President ever ask you pointedly what your position was on it?

Thornburgh: Yes, I told him to veto the first bill and he did.

Baker: In fact, I read some press accounts that were blaming you for the veto, or crediting you.

Thornburgh: As a lawyer, that was my responsibility. I knew what he wanted and the way he wanted. I know the man had an anathema—quotas to him were just totally inadmissible. This was not a political veto in the sense that it was done strictly on the basis of seat-of-the-pants politics. It was based on this infinite parsing out of every word and every phrase in the whole thing. It was grueling.

Baker: Now the veto was fairly close, wasn’t it?

Thornburgh: Yes, they had a lot of votes.

Baker: And so the veto override just barely failed, if I remember.

Thornburgh: Yes, that's what I was saying. They had a lot of votes.

Baker: Would that help to explain why the second bill was signed, because he didn't feel that the veto would have been sustained?

Thornburgh: I don't know. That's a possibility, but I think he just said we're getting too close to an election here. I don't think he wanted to be looked on as a person who vetoed something called the Civil Rights Act of 1990.

Riley: Boyden Gray basically was riding herd on this from the White House?

Thornburgh: Yes. He spent even more time and was more involved with the arcana than I. I had a very good aide, who is now a judge, Tony [Alvin A.] Schall, who put in days and weeks on this stuff. I would only see the high points or the low points.

Baker: Did John Dunne work with you as your assistant Attorney General for civil rights?

Thornburgh: John was less involved on the legislative side because the White House was involved. He knew that this was something I was going to have to take. John was involved in the work we did in civil rights in the courts rather than the legislative side, although he had his views. Sometimes differing from mine.

Riley: You said that you were gone by the time the President signed the bill, so you were not—

Thornburgh: I've got some dates wrong here, I just noticed.

Riley: So we're providing a useful service.

Meador: Editing the manuscript.

Thornburgh: I'll have to get back and see—

Riley: I had wondered because—

Thornburgh: I think he vetoed a bill in 1990. Do you know?

Baker: That's what I had thought, also.

Thornburgh: I say here, "Finally the Congress passed a bill which the President was obliged to veto in October 1991," but that was after I left. That must be 1990.

Baker: Yes, that must have been 1990.

Thornburgh: Could you make a note of that, Nancy?

Watson: Yes, I just did.

Riley: My question was about the signing statement. Boyden had drafted a signing statement on this bill that created a bit of a stir. I don't remember the content. Nancy, do you?

Thornburgh: You mean, a signing statement at the time it was signed?

Riley: Yes.

Thornburgh: Then I was gone.

Baker: And because it was a real controversy, the President distanced himself from Gray's statement, I believe.

Knott: On October 22, 1990, Civil Rights Act of 1990 vetoed by President Bush.

Thornburgh: Yes, I'm off a whole year.

Watson: So it is October, but 1990.

Thornburgh: Nineteen-ninety, yes. The minute I looked at that I thought just—

Watson: Do you have the page number on that?

Riley: Yes, it's 19-10, the second full paragraph.

Watson: Good, I'll find it. Thanks.

Thornburgh: And then, I guess, what happened was, because the bill wasn't signed until '92, that was almost a two-year period during which more back and forth took place. It's interesting, because the ADA act was signed on July 26, 1990. So we were at work on those in a parallel fashion. That's interesting.

Baker: And some of the same people, too.

Thornburgh: Yes. Ralph Neas in particular, with whom we worked hand-in-glove on the ADA and were at sword's point with on the Civil Rights Act.

Baker: Before we go on to the ADA, I also understand, under your direction, the Justice Department was not as eager to encourage school boards to challenge these court-ordered desegregation orders.

Thornburgh: We quit it.

Baker: Hands off, essentially.

Thornburgh: That was a big initiative in the Reagan administration. They kind of went around fomenting school boards to seek the end of integration orders and that just didn't make sense to me.

Baker: It just seemed like a waste of your department resources?

Thornburgh: It was a little bit like “champerty and maintenance,” isn't that what they call it?

Riley: You're going to have to explain that to us.

Thornburgh: Stirring up litigation. But that's probably, I wouldn't want to say that publicly so X that from the record.

Riley: You'll have your opportunity.

Thornburgh: But we did, we abandoned that.

Baker: And that actually brought you some plaudits from the civil rights community, especially I think it was after that Oklahoma City v. Dowell* case in 1991.

Thornburgh: Yes, they were very happy. Very pleased. I had a very, as you can tell, a very mixed—I don't know how to put it, not mixed—I was trying to sail my own course. Sometimes that was the same way the civil rights community was going and sometimes it was bucking the wind, but it didn't bother me. I was doing what I felt was right.

Baker: And, in general, the White House agreed, or you were going on a parallel course with the White House?

Thornburgh: I don't think I had any—except over the ADA. I got a little bit randy with the White House on the ADA because—not the President but Sununu primarily was not much of an enthusiast for the ADA. But generally, and John was also involved in these discussions and I give him credit, he was tenacious and hung in there, but I don't think he was terribly helpful. He became a real lightning rod for criticism as time went on, and of course ultimately left. Brilliant guy but just difficult for a lot of people.

Baker: So it wasn't so much on substance as with tactics maybe in how to deal with Congress that you might have differed with, say, Sununu and the White House.

Thornburgh: Yes, I'm not even sure I would elevate it to a level of differences. I mean, there were no knock-down, drag-out fights or anything. I think it was just our starting points were different. My view was much more like the President's. I want to lean over backwards to present

* *Board of Education of Oklahoma v. Dowell*

an image of an administration that is sensitive on civil rights and a reality of responsiveness to the civil rights community on its concerns without undercutting bedrock beliefs.

Riley: Were the redistricting cases beginning under your term?

Thornburgh: Yes. John Dunne was deeply immersed and involved in those. I didn't pay—Murray [Dickman] did a lot of work on those because he was the computer expert, and a lot of that was increasingly being computerized.

Meador: That raises the question about your various litigating divisions. To what extent would you say each one was operating on its own, autonomously? Or to what extent were they getting direction from you from time to time?

Thornburgh: On day-to-day, run-of-the-mill litigation, they ran their own operations, just as the U.S. attorneys ran their own operations. I counted on them, Dan, through the weekly report mechanism to raise to my level things that they felt deserved my attention under pain of having not raised them to my attention, and having them come to my attention later, their neck would be on the line.

Meador: Were there a number of occasions when they brought matters up to you for decision instead of deciding it for themselves?

Thornburgh: There were, but none particularly momentous. I can remember Stuart Gerson walking in saying, "Hey boss, we've got something here in Maryland that I think you ought to know about, and here's what we propose to do." And I'd say, "Sounds good to me, Stuart." As I say, they weren't particularly contentious. But these guys were no dummies, they knew I meant business.

Meador: If I may go back to the White House situation, could you describe your experiences in and observations about cabinet meetings in your time there? How did they run and what did you think of them?

Thornburgh: I will in a minute. Let me introduce an example of a case where I did become personally involved. That was the Ivy League price-fixing cases.

Baker: Oh, yes, it's an interesting—

Thornburgh: Jim Rill was smart enough to bring that to my attention very early on and it outraged me. I mean, I was so offended by—these people, they just have no sense at all. Trustees and their lawyers, they call me up, "This is so difficult on Bryn Mawr and so difficult on Brown. We've got to hire all these lawyers." I said, "Wait a minute, what do you want me to do about it? Call the case off? Were you people fixing prices or weren't you?" I mean, that's what we'll thrash out here. The investigation will continue until we make a determination on that, and finally we did. It so happened that on the eve of filing this thing, I was invited back to the Kennedy School to give a speech at the forum up there.

Baker: Timing is everything.

Riley: Did you wear a flak jacket?

Thornburgh: No, I had to meet with Derek Bok and Neil Rudenstine, who was just coming—Bok was leaving and Rudenstine was coming in. Oh, were those crocodile tears over the end of western civilization. I said, “Well, I’m sorry,” and we won that case. At least I regard it as having been won. They’re not fixing those levels of financial aid any more. And I watched this, because I see newspaper articles about how average American families are enjoying the benefit of this competition rather than being stuck with a monolith of things. But that was a piece of ordinary litigation in the division that I was involved in very intimately because of the sensitivity involved. I mean, the President and I both went to Yale, Rill went to Dartmouth. I think I laid it out, every one of us had some kind of Ivy League connection that was going to fall on our necks over this thing.

Baker: How about on some of these high profile prosecutions, like Leona Helmsley and Marion Barry—?

Thornburgh: Barry, the only contribution I made there was to prevent them from letting the thing go down on Martin Luther King’s birthday. Whew.

Baker: That would have been good timing.

Thornburgh: They came in and said, “It’s all set to go. We’ve got the sting set up.” I said, “When?” “Tomorrow.” I said, “You know what tomorrow is? Get out of here.”

Baker: Pete Rose? Any of those?

Thornburgh: No. Operationally, I mean, it’s a swamp. They were all fun cases and things if I were a prosecutor I would love to have been involved in, but that wasn’t my job.

Baker: And they were pretty straightforward.

Thornburgh: Yes. I’m trying to think of a criminal case that’s the equivalent of the Ivy—

Baker: You had some that were politically hot, though, that involved some top political leaders.

Thornburgh: Yes, I got involved. There was a Congressman [Pat] Swindall down in Georgia who was involved in a money laundering scheme—swindle, appropriately enough. I went up to have a meeting with the House caucus. That’s right, I remember that, I went up to have a meeting with the House caucus. And this bozo had no sense whatsoever. I’m beating on substantive issues—“How come you guys are persecuting me?”—and everybody, his colleagues are going, “Ohh.” I just blew him away. I said, “Come see me at the office, will you? I don’t want to—”

Baker: —“talk about it here.”

Meador: Were you ever called to the White House to talk about a criminal prosecution?

Thornburgh: Yes, I mentioned the Noriega case.

Meador: Other than that?

Thornburgh: Uhm. [*pause*]

Meador: Did Boyden Gray ever call you up to find out what was going on in connection with a criminal prosecution out there?

Thornburgh: No, I don't think so. Because I think they knew my hackles would be up. I'd say, "What do you want to know for? Is this some friend of yours?" Neil Bush? That's the one that everybody says we put the fix in on.

Baker: No, I was thinking of [Humberto] Alvarez-Machain, the doctor, the DEA [Drug Enforcement Administration]—

Thornburgh: No, they didn't care about that in the White House.

Baker: They didn't care about that.

Riley: Well, Neil Bush then.

Thornburgh: Nor did the Supreme Court.

Baker: Oh, that's right.

Thornburgh: Neil Bush, obviously the President had enough sense, he wasn't going to call up about his son's problems. We just handled it, sssst. We never got a criminal reference from the investigative agency, so we weren't going to go out and conduct—because the man's name was Neil Bush—conduct a criminal investigation on him. That was just another one of those politically attractive things that was too much for the opponents to resist.

Riley: Your litigators had been really busy in Texas with the S and L stuff.

Thornburgh: They did a hell of a job. They really did a great job on that thing. Once we got them mobilized, once they could tell me the number of cases.

Knott: We sort of knocked you off—I thought Dan asked a question about cabinet meetings?

Thornburgh: Yes, I said I wanted to get back there after I amended my—Cabinet meetings are cabinet meetings. When I was a Governor I never had cabinet meetings; I thought they were useless. I would meet with my economic development cabinet and my human resources cabinet and we would discuss real problems. But in the ordinary course of events, the secretary of

agriculture doesn't have much to contribute to a discussion of anti-drug efforts or how we should deal with problems in Chechnya or whatever. So there's a lot of time wasted there. And please—this is off the record—the only one who would offer his views on most anything was Jack Kemp.

Riley: We'll place this off the record, but it's on the record in plenty of other instances.

Meador: How often did the cabinet meet? With any regularity?

Thornburgh: At the call of the President. We didn't have regular meetings.

Meador: Say in a year's time or six month's time, about how often would you meet?

Thornburgh: A year's time, I'd say there'd be ten. But it could be as little—

Meador: Where they motivated by some special problem of the day?

Thornburgh: Well, that's when I think there's a proper time for a cabinet meeting, when the President has a message to convey that is of universal concern. There were—I don't recall. I'll try to think of an example.

Meador: But you don't recall any really substantive discussions around the table about issues at a cabinet meeting?

Thornburgh: Yes, there were, but they were kind of, people were rolling their eyes. That wasn't the place to discuss, unless at the President's initiative. In my case, the really worthwhile substantive discussions were in the domestic policy council, where—and in the final analysis, I'm not sure it was wise for me to accept that position, but I did.

Riley: I'd like for you to elaborate on that because that does sound like an assignment that wasn't completely consistent with the notions you had expressed earlier about the role that an Attorney General should play.

Thornburgh: You're right. But I had made such effective use as a Governor of these two sub-cabinet operations, that I was somehow enamored of the prospect of carrying that experience forward into the federal government. As I said, it was probably a mistake.

Riley: Did you think the council worked well for the President?

Thornburgh: It did for a while. It did enormously positive and productive work on the Clean Air Act renewal. That was an area where you had to have all these agencies check in and work out the differences between EPA [Environmental Protection Agency] and Commerce and Energy and whatever. Then what we gave the President was a set of options with arguments by the proponents and it worked extremely well and enabled the administration to present a common front and got the legislation through. That was probably the biggest success.

There were a lot of other minor successes. But as time went on, as I indicated, it became

abundantly clear that the process had been commandeered by [Richard] Darman and Sununu, so that it was really kind of going through the motions. In fact—as the manuscript indicates—as the election got closer, I got very concerned about the fact that the innovative capacity of the cabinet was being stifled and that I wanted some guidance as to whether or not we should be doing more things or doing it differently or whatever, and it fell into a black hole. I never—

Baker: Because of it being domestic policy?

Thornburgh: No, I mean my memorandum was never really answered. I had a call from Sununu one time on the car phone. He said, “I got your memo. Just keep on doing what you’re doing.” That’s all in there and from that point on, the domestic policy council was a dead letter. It had a very promising beginning. Maybe part of it was due to my inattention, but I don’t think so. I think the President was comfortable having—the President wasn’t really all that interested in domestic policy to begin with, once Desert Storm came along, and I think he was comfortable having Sununu and Darman do their stuff. Parenthetically I just don’t think he could have chosen a worse duo. I mean, they just were not—

Baker: Political tin ears?

Thornburgh: I think that’s part. More just human tin ears. They just didn’t have the capacity to work with people. They knew it all, both of them. Barbara Bush said it I think best, and I think I quoted it in there, that they didn’t suffer fools kindly and they had a very broad definition of who was a fool.

Riley: I want to go back because I think this entire cluster of questions makes for kind of a rich target for us. To begin with, on Clean Air, Roger Porter had a fairly important role, as I recall, in the development of—

Thornburgh: In the beginning Roger was a key player on domestic policy. He was finally elbowed out by the dynamic duo. As I said, I think it got off to a great start. There was Clean Air and then I have enumerated some others in there. There were three or four other initiatives that went just like clockwork. We got everybody together, we got differing views, we talked them out, resolved them, put down—not resolved the questions, but resolved them into manageable components. And then sent the President a memo and he, on two occasions at least—I know Clean Air was one of them—met with the entire domestic policy council and went through these things and heard the arguments and then made his decision. It could have worked. It could have been a real help to him.

Riley: So you’re chairing the sessions. You’re taking a very hands-on approach in how these—

Thornburgh: Yes, but I was always complemented and I think I would be surprised if any of the members of the council said otherwise, that I did not take any stands on any issue. I was a facilitator and I desperately wanted to see this thing succeed to help the President. So I only stepped out of the chair once and that was when the drug policy thing came up because I had a real interest in that, it was our prime responsibility.

Baker: Did the cabinet council have staff that you could rely on to help flesh these things out?

Thornburgh: Yes. Very good. And I had my own staff in the department on domestic policy council management.

Knott: What happened? I mean, the President was satisfied with the Sununu/Darman—? I know eventually Sununu goes.

Thornburgh: He became preoccupied with foreign affairs, which was his forte, his strong point. Hey, it's no secret, look what happened in 1992, that was all a direct result of failure to take the initiative. I recounted in here the sinking feeling I had when the President made his speech to the Congress at the end of Desert Storm and his approval rating was through the ceiling and he got standing ovations from everybody. Then about two-thirds of the way through the speech after recounting the successes in the Gulf, said, "And now we ought to turn that same resolve to the domestic agenda." And I'm thinking, What domestic agenda? We haven't even been charged with anything in the domestic policy council. He says, "I want you to pass my crime bill and the highway bill." I thought—I didn't specifically think it then—but in retrospect I said, "It's over. This man is never going to get reelected," and that's exactly what happened. Now, I didn't break down the door to the Oval Office and say, "Look, you've got to do—" I wrote the memo and I got the feedback. I gave up. I went back to my Department of Justice stuff. It wasn't much help to the President.

Knott: Were you aware of any other attempts that were made to try?

Thornburgh: Kemp. Oh, gosh, I mean, he wanted to start a new war on poverty.

Knott: They went nowhere with the President.

Thornburgh: Yes.

Riley: We have a fair amount of testimony on the record about attempts in the last year, 1992, to generate something that at least would give the public appearance of being a domestic policy, but by that time—

Thornburgh: I wasn't around.

Riley: —Yes, you were not around, and I guess, whatever momentum they might have built on had evaporated.

Thornburgh: I don't even know who took over the domestic policy council or whether it even had a chairman after I left.

Meador: Well, it must be an inescapable conclusion that the President himself didn't have much interest in developing a domestic agenda. Otherwise something would have happened, wouldn't it?

Thornburgh: I think he had a lesser interest in a domestic agenda. To go back, though. I think he really did anguish over the economic downturn and the fact that people were less well-off during that period of time, but by that time the wheels were off. He gave a hell of an economic speech out in Detroit, I remember that, but it died. I mean, there wasn't any follow-through.

Baker: You were also on the economic policy cabinet council. Was that the same kind of development, that it was not energized?

Thornburgh: I don't really remember much about that work. I wasn't the chair, so I didn't have as intimate involvement in it and our interest as a department was really limited to antitrust matters, some environmental matters. So I don't—I didn't identify as much with that effort. The domestic policy council was not an integral part of my responsibilities at the Department of Justice, it was over and above. And as I say, I'm really not sure whether I should have done it or not. I understand why I did it, but maybe somebody different could have done more to make it work.

Meador: Can I ask one more question about cabinet meetings? I understood you, I think, to say that except for occasions when the President needed to communicate something to the cabinet, they were essentially useless. Is that a fair statement of your view?

Thornburgh: Relatively useless, let's say. They did give a chance to eyeball your colleagues, and personal contact is always important. But I can't think of any briefings of matters of general interest. [William] Bennett would give a presentation on the war on drugs or Nick Brady would discuss economic policy, and those were useful. Useless is too strong a term. But they were not forums within which policy is—I think the American public thinks of cabinet meetings as boy, you sit down and you hash out all these issues. It doesn't happen that way. I think it happens that way in the UK, or more in the UK than it does here.

My favorite use of the cabinet one time was an exquisite cover—and I think I dealt with that in there—at the time of Operation Just Cause. We had a phony cabinet meeting. Everybody came in there and this and that and then the President said, "You, you, and you, stay," and we went into the Oval Office and Colin [Powell] was in there with all of his charts and maps and here's what we're going to do to get Noriega. So, I mean, the cabinet meeting was a big zero, but it was a cover for the press.

Riley: What did the rest of the guys do? And women?

Thornburgh: They went home, I guess.

Riley: I want to follow up on some of your comments about Darman and Sununu. We know Sununu ultimately met an early demise in the administration. Darman was held on to forever. We ask this of a lot of people because it's a bit of a puzzle for those of us on the outside. He became—especially after the 1990 budget agreement—which I'd also like to get your thoughts about as a partisan and member of the cabinet—but especially after that budget agreement, Darman became really a pariah within certain ranks of the Republican Party. We've never gotten the sense that the President ever seriously considered getting rid of Darman as a way of sort of

absolving himself.

Thornburgh: I think Darman had the capacity to make himself indispensable. He's a very, very smart guy and had a very good grasp of what was going on in the government and I think—I don't know this, but it's possible the President said, "Geez, I get rid of him, who do I have? Who can take his place?" But he was difficult to deal with.

Riley: And the budget agreement?

Baker: Wait, I have one more cabinet council question, before we lose cabinet councils completely. The speculation in the Reagan administration was that the cabinet councils were developed in order to undercut the authority of cabinet members and sort of center policy making more in the White House. Was that your experience with it, or do you believe it brought the White House and the cabinet secretaries together on particular substantive areas?

Thornburgh: I think both. I think it did the latter, particularly effectively in its early days, but it soon became evident that the real shots were being called in the White House by Darman and Sununu. So to that extent it wasn't an undercutting so much as—I mean, some of these cabinet people never heard about what was being decided for their cabinets. They were told. I remember Lou Sullivan, who was one of the most decent human beings alive, and we went over—we had health care, which turned out to be a major issue, shot me out of the water in 1991. Lou was genuinely concerned about the health care issue and had a lot of good ideas. I remember one meeting in Sununu's office and Sununu just barked at him and said, "Lou, you can propose whatever you want as long as it doesn't cost any more, so there's no increase in expenditures." Well, come on.

Baker: I heard, and in some of my readings I have notes in here somewhere, that it was you and Jim Baker at State who were essentially given much more clout over your departments than some of the other secretaries.

Thornburgh: Well, I'm sure Jim was because he was an intimate of the President's and I suspect I was because—I mean, it was never put to me in those terms, but I think I had the President's trust and we had a very sensitive role to carry out. I don't think the White House wanted to be seen as interfering in anything we did.

Baker: That's why I was wondering, sort of in the post-Watergate Washington—

Thornburgh: I think in my case it's more characteristic of the department and in Jim's case it's a case of his personal relationship. As I said, while I treasure my relationship with the President, I was never part of his inner circle.

Meador: I wonder if it would be feasible to take a short break.

Riley: I was about to suggest one myself.

Baker: And then we'll come back to the budget.

Riley: I'll happily do that. How about ten minutes?

[BREAK]

Riley: Let's try to project the schedule for the rest of our time. I think we're actually making very good progress on what we'd hoped to accomplish today. What I thought we would do, sort of a rough outline for the rest of our time together, is maybe spend until roughly five o'clock today, which is about the next hour and a half, trying to wrap up most of the categories of questions that people would have about your service in the Attorney General's office. Tomorrow morning we could meet back at nine o'clock as planned, wrap up any loose ends that might be there, but I know that we also would want to spend a fair amount of time talking about the campaign experience in '91. I know you've written on this but we'd like to have a chance to question you about that, and the relationship of your Washington experience to that, and some lessons that might be drawn from that too. So if that sounds like a reasonable division of labor to you?

Thornburgh: Yep. Too bad we didn't bring the whole of that along, did we? We brought along pieces of that.

Watson: I gave you pieces of it.

Thornburgh: But a lot of it, we were in Wilkes-Barre, we were in Erie, or whatever.

Watson: There's enough to give you a pretty good flavor, I think, isn't there? Because there was a national component of that, is really what the bottom line is.

Riley: Exactly. I think there is a part of the conventional wisdom out there among our colleagues now that that election was kind of an important watershed leading into what happened in 1992.

Watson: I don't think there's any doubt about that.

Riley: And so, since we have one of the principals here, I'd like to find out whether you think that's an over-interpretation, or the extent to which that is a legitimate interpretation of what happened.

Thornburgh: Fair enough.

Riley: That may or may not take us the full period tomorrow morning, but if it doesn't then we'll break early. So, with that as kind of a general outline, the tape is running again, and where were we? Cabinet council? Oh, budget. I don't know whether you—I'm sure you didn't have any role in the budget agreement but I wonder, again, as a cabinet member and as an attentive partisan, if you could tell us a little bit about your reactions to the 1990 budget agreement. Did it catch you by surprise? Were you inclined as head of the domestic policy council to start raising questions about what happened? In retrospect was it—?

Thornburgh: Well, it's a pretty short story from my point of view. There are two things. One is that my own personal view is that the budget agreement really laid the basis for the strong economic growth that we had during the decade of the '90s, rightly or wrongly, because of the additional revenues that were produced and the eventual reduction, after 1994, of the deficit. I shouldn't say strong economic, I mean the fiscal performance.

At the same time, the President paid an enormous price for that agreement and it came at a time when I think he was kind of preoccupied with the Gulf War. I think our friends Messrs. Sununu and Darman—although I have no reason, this is just speculation—were kind of enamored with the notion of making a deal. It just cost him, in the final analysis, a great deal of credibility. When the glow of the Gulf triumph had worn off and the economy took a downturn, not nearly so great as people seem to think—in fact, it was beginning its recovery by the time the election rolled around—but it was skillfully manipulated by the Clinton folks.

I mean, that's the name of politics, is get your message out. They portrayed the economy as in serious trouble and that the President had lied, broken his word, on no new taxes. As a kibitzer, because I was no longer involved at the time and in retrospect, the President could well have used the same tactics that President Clinton used when faced with a budget impasse and transfer the blame to the Congress, and retained his credibility by saying, "I'm not going to countenance the enactment of any new taxes." Now whether that would have been sufficient to save his presidency in view of all the other things that were involved, I don't know.

But my own experience in that—which I guess isn't recounted in here, is it? No, that's right, that would have been back when I was in the Governor's office. I had experienced, in 1982, the depth of the recession, during a time that I was running for reelection. No, it was '83, I beg your pardon, sorry. Still the depths of the recession but after I had been reelected, and the Democrats had taken over the House and they had a huge big New Deal-type program that they wanted to enact to turn the economy around. They had had some very good work done by Washington consultants on this program. I forget what they called it, they had some fancy name for it.

They enacted this program in the lower House and it left the budget out of balance by about a billion dollars. Now, we have a constitutional requirement to balance the budget. What they were trying to do was put me on the spot, force me to acquiesce in a tax increase, which I didn't want to do. But they sent this thing to me, out of balance. No, they didn't send it to me, they sent it over to the Senate, which is controlled by the Republicans, and by pre-arrangement, we had the Senate just send it on to me as it was, a billion dollars out of balance. They knew I was going to veto it, the House Democrats did. But they were bound and determined that they were not going to increase taxes, they were going to force me to take the initiative to do so. So I got the bill and did veto it, line-item veto, which blue-lined out all the appropriations for the General Assembly, which meant they were out of business. That was on a Tuesday. On Friday, I had a responsible budget back on my desk that I could sign.

But I use that only as an example of sometimes you can play hardball. Bill Clinton did that same thing. And I just wonder whether President Bush might have been better advised to have played that kind of hardball in 1990, rather than just squandering—I mean, there's no way you can explain, when you say, "Read my lips, no new taxes," and two years later sign a massive tax

increase bill. There's no way you can explain it and I think it cost him terribly.

Now I wasn't involved in any of that, I'm just an officious intermeddler and observer when I comment on that, but I have no doubt that he would have been better off taking a tough line. Now, again, at a time of impending national emergency and conflict, maybe not. I don't have any idea what the considerations were that went into it. I wonder if anybody sat down and said, "Mr. President, you realize, that by signing this bill you are breaking a solemn pledge you made to the American people." And if they did say that, I wonder what he said in rejoinder. I have no idea. I don't know. But, it really had enormously negative consequences, I can't help but feel.

Riley: Was there a cabinet meeting called at any point after this to explain to people what had happened? Or to create a unified message so that you could put the best gloss that you could on it?

Thornburgh: Not one where I was present. Of course, I was only there until August '91, but it would have happened during that period of time and it didn't. Everybody just sort of went, "Oh, my God." I mean, between that and the failure to come up with a domestic policy agenda. The irony was that in spite of all my yipping and yapping about my need to do something in the domestic policy council, I got tagged in my election campaign for the failures of the domestic policy council, maybe rightfully so. Maybe I should have been breaking down the door saying, "Look, I'm only the Attorney General. You have political advisors, but this isn't going in the right direction."

Baker: How about another piece of legislation, since we're on the legislative agenda. Let's return to the ADA because I think that really was a high point in the administration and perhaps one that President Bush didn't get sufficient credit for in 1992.

Thornburgh: It was counterintuitive.

Baker: Yes, it certainly was.

Thornburgh: Not to those who knew him. But Republicans—

Baker: From what you'd expect from a Republican administration, that sort of an anathema to regulation. And you'd already mentioned Boyden Gray's sort of surprising support for it. The measure, had that already been introduced into the Senate at the time of the 1988 election? Had Bush been involved when he was Vice President on these kinds of issues which were beginning to—?

Thornburgh: Yes, he I think indicated during his vice presidency a general receptiveness to what eventually turned out to be the ADA. The first—again, I'd have to check my numbers here—the first version was introduced when—

Baker: Was that Lowell Weicker?

Thornburgh: —Lowell Weicker. That must have been in '87 because Weicker was defeated, I

think, in '88. Then it kind of meandered around. I first encountered—I had a meeting early in my administration with representatives of the disability community. I signed on immediately.

Baker: Because they were concerned. They'd seen it drifting around in Congress and they wanted some leadership on it from the White House.

Thornburgh: Yes. I don't think Ed Meese was a great champion of the ADA, to be honest about it. They knew my background in disability work and thought they had somebody who would take, carry the cause. Then thereafter it became equally apparent that the President and his counsel were—so we had a good head of steam up. It was viewed less favorably by Darman and Sununu but that was their role. They were to look after the fiscal health and the reduction in regulation and whatever. They really did perform a function. I can't criticize them for their action vis-à-vis the ADA. Boyden and I were the advocates; they were the counter-advocates. Not necessarily against the ADA, but at least they saw the handwriting on the wall.

Baker: Fiscal caution.

Thornburgh: Right. They knew there was going to be a bill and they wanted to make it as palatable as possible. So it really was a very exciting exercise to be involved in. It brought me back into contact with a lot of people in the disability, in the civil rights community with whom I had always enjoyed working and I shared a lot of views. So it was a very positive experience.

Baker: So the package that finally came out was one that you were very pleased with. Was there much negotiation over language?

Thornburgh: There was, but it wasn't of any great consequence. I didn't even really get involved. And Tony Schall, once again, was my point person.

Baker: You did some testifying, I think.

Thornburgh: Yes, I testified in both houses. I'm given credit by the disability community for kind of turning the thing in the right direction. I don't know if it's true or not, but it was very solid testimony in support of the ADA and I think turned some people in the direction of passage.

Baker: So the President had, sort of, as you said, appointed you as the point person for the administration. Did the President ever contact you on it or did you discuss the make-up of the legislation?

Thornburgh: No, it's one of those things that we didn't really have to talk about because we both were strongly committed to it. I knew what I had to do; he knew what I had to do. I did it. That's all there is to it.

Riley: Did you get a lot of opposition from conservative Republicans in the House?

Thornburgh: Interestingly enough, not so much, no. I remember there was the blank

amendment, trying to think what it was. There's a wonderful history of the ADA written by Jonathan Young, which you may or may not have seen, but it gives you chapter and verse, more than you want to know, but it really traces it all the way through from beginning to end. A lot that I didn't know, things that happened before I was there or things that happened when I wasn't around. But there was only one stumbling point in the House and I'm trying to think what it was, whoever the guy's name was, the somebody amendment. But even that wasn't a big deal, it was a bump in the road. As it turned out—for all the effort we put into it—as it turned out, it was fairly easy an accomplishment and it was a triumphant day when that bill was signed. I'm telling you, I'll never forget that as long as I live. Beautiful sunlit day on the south lawn of the White House, five thousand people out there, three thousand I guess. I tend to exaggerate. That was my wife's suggestion.

Baker: That was a good idea.

Thornburgh: She was in charge of the signing ceremony.

Riley: We hear a lot of references to that.

Thornburgh: It was just unforgettable.

Riley: It really resonated.

Thornburgh: And the President's speech was marvelous. He ended it with a call, "To let these shameful walls of exclusion finally come tumbling down," a reference to the Berlin wall. It was neat, a good exercise. That's the way the system ought to work. There was a gestation period for that legislation; it didn't just all of a sudden pop up. But it had private and public sector working together and a lot of good Republican support, people like Bob Dole.

Baker: Good committee work in Congress.

Thornburgh: Yes, solid basis laid for everything. Not as solid as we thought because some of the Supreme Court cases have fiddled around at the edges, but that's another issue.

Meador: Are you all finished with that topic?

Baker: I think so.

Riley: Let me pose one more question about this. Try to step back from this and think about the big picture in the administration. You've got these two very large victories fairly early on with Clean Air and ADA. That's why I raised the question about the conservative Republicans, because eventually some of the biggest problems that the administration had, even with the budget agreement, the Republicans walked away from it first. I wonder if, in accumulating this kind of moderate record, if there isn't a kind of alienating affect among some of the—especially the House Republicans. Did that make it difficult later on, on something like the budget, to keep them in line and happy? They felt like they haven't—but you're suggesting—?

Thornburgh: Yes, I mean, that sounds logical. I can't give you any special insights into that. I think that sounds probable. They were not enthusiastic about George Bush as a President, certainly as compared with Ronald Reagan. He was not viewed as a dyed-in-the-wool conservative. To this day. I mean, there's a lot more veneration of Reagan than Bush. Both the Bushes, they're just kind of suspect. But, in fact—I want to be precise in how to put this—but I think a large part of that is personality. Reagan had this magnetic popular appeal. I've got to tell you, put him in front of a crowd and there wasn't anybody like him. And apparently he could get up for the big game. His encounters with [Mikhail] Gorbachev, apparently very effective and successful. He's an enigma. Nobody can make any sense out of Ronald Reagan.

Riley: So you're sympathetic to Edmund Morris.

Thornburgh: I thought it was a goofy book but it makes some good points. I mean, I have no reason—what possessed him to write it that way? I mean there's nothing wrong, nothing inaccurate in the book I'm given to believe, other than the insertion of these mythical figures, but that doesn't at all detract from his description of Reagan, which I found very accurate. Just a very hard man to figure out. But, you know, I think historically he'll be rated as one of our superior Presidents. Maybe not up with Washington and Lincoln and FDR but certainly not down with Millard Fillmore or whomever.

Riley: Dan, you had a line of questions.

Meador: No, I just wondered if you'd finished up with that topic?

Baker: Yes, the ADA.

Meador: I was going to go back and ask you about the National Security Council. I thought I understood you to say that you either never or rarely attended its meetings, is that correct?

Thornburgh: Rarely, yes. I think most of the work was carried out at the deputy level by cabinet members who were members of the NSC.

Meador: Were there any occasions where there might be some particularly important matter up for discussion where you did go and join in the discussion?

Thornburgh: Not as an NSC member. I mentioned the briefing on Panama, which was kind of a rump session, I guess, of the NSC. I guess we did have an NSC meeting, although I don't remember whether it was NSC or just again another rump session on when Desert Storm began. We must have had, because I had a phone call from the President that night when the actual hostilities had begun and that obviously didn't come out of a clear blue sky. There had been some ground work laid for that.

Meador: Can you say what the phone call was about?

Thornburgh: Just said we're beginning our military operations.

Meador: If I may ask a question back on Department of Justice organization. You had something called Office of Legal Policy. Did you have that in your time as AG?

Thornburgh: No.

Meador: It had another name, Office of Policy Development? There was an office headed—I'm trying to think of the name of the person there in the Reagan time—it was an office concerned during Reagan's time, I think, it was involved in judicial selections.

Thornburgh: I don't think we had such an office.

Baker: Darby has a chart here.

Thornburgh: What did we have?

Morrisroe: Office of Legal Policy was Stephen Markman.

Thornburgh: Steve Markman. They did judicial—

Meador: Was Markman there in your time?

Thornburgh: No.

Morrisroe: It got combined, if I can interrupt, into the Office of the Policy and Communications.

Thornburgh: That was when Bill Barr was there.

Morrisroe: No, he was Office of Legal Counsel, so this was a different office.

Thornburgh: No, I mean when Bill Barr became Attorney General he combined the two.

Morrisroe: Yes.

Meador: Before he combined them though, in your time, what was this office called?

Thornburgh: I think it dropped off the charts.

Morrisroe: Under Reagan at the end it was Markman, but then there was I think some ambivalence about it in the interim. Markman continued in the Bush administration, at least according to the government directories, so they may be inaccurate.

Thornburgh: Steve was there for a very short time because he became the U.S. attorney out in Detroit and then he became, now a supreme court justice in Michigan.

Morrisroe: Then Thomas Boyd, Paul McNulty—

Thornburgh: Tom Boyd.

Morrisroe: Steve Schlesinger held it.

Thornburgh: Yes, okay, okay. I got you now. Tom Boyd and Paul McNulty.

Meador: What office were they in?

Thornburgh: I think it was called the Office of Policy—

Morrisroe: —and Communications.

Thornburgh: No, it didn't have the Communications thing on it until McNulty, until after I left.

Morrisroe: In '92.

Meador: Was it still named, was it named Office of Legal Policy?

Thornburgh: No. Office of Policy Development. OPD.

Meador: OPD.

Thornburgh: Right.

Meador: And that was Tom Boyd.

Thornburgh: That was Tom Boyd, right.

Meador: Now what did they do?

Thornburgh: They undertook substantive assessments of proposed legislation both proactively and reactively, that is to say, administration proposals and other proposals in the Congress. Not a hell of a lot, frankly. Again, off the record, Tom Boyd was in the legislative office and it was a square peg in a round hole. He just wasn't cut out to deal with the Hill. I'd forgotten that when I was talking about people. So we took him out of that office and created this office for him to do—a very able, willing guy, but we just separated this out so that the legislative people could operate on the tactical end while Tom worked on the substantive side on policy issues.

Meador: In effect what happened, it seems to me, is you had Steve Markman in there. What he headed, is that called the Office of Legal Policy?

Thornburgh: Yes.

Meador: And that was sort of discontinued when you came in.

Thornburgh: It was.

Morrisroe: In 1989 it changed to the Office of Policy Development. In 1992, it was combined with the communications office.

Thornburgh: But it was changed this way. You had the Office of Legal Policy and it ended and what was created was the Office of Policy Development. There wasn't a continuity there because Tom Boyd had nothing to do with judicial selection. Gee, that's good. I had forgotten all that.

Meador: Well, that clarified that.

Thornburgh: Yes.

Meador: I was a little uncertain.

Thornburgh: I had forgotten completely about Tom Boyd's role. It was kind of a peripheral role.

Meador: They were not a major initiator of legislation.

Thornburgh: No, they were really kind of a—well, they weren't major players. I liked Tom and I wanted Tom to be in our group and I wanted him to make a contribution, but there wasn't a hell of a lot of heavy lifting involved in that. Then he left. I think Bill Barr came to rely more on Paul McNulty, who was Tom's deputy and a very able lawyer as well, and then he took over that communications side that you referred to there. After I left they combined the two.

Knott: Dan had asked you about your role in the National Security Council. You were also drawn into a number of these Iran-Contra related, or at least a couple of these Iran-Contra related trials where you had to make the call.

Thornburgh: Yes, I had two separate involvements in them. One was very early on—again I have to get the dates—I think it was January of '89. Judge [Lawrence] Walsh asked to see me. He came in with a laundry list of complaints about the fact that certain information hadn't been made available to him, for trial I guess. I better check exactly what I said—I remember it well because I wrote it down right after he left. Where is that, Nancy? This is another one of these things that a lot is lost in translation. Independent counsel—20-45.

Watson: 20-45 or there somewhere.

Thornburgh: I don't have my pages numbered here.

Watson: Do you have your page number there? Toward the end? [Counting pages]

Morrisroe: Top of 20-49, you start discussing Walsh.

Thornburgh: I am not a great fan of Judge Walsh. Okay, January of '89. [Reading] "Judge

Walsh asked to see me and join..." Blah, blah, blah. "Felt obliged to dismiss the substantive charges brought against North because the intelligence community had told him that disclosure of the evidence he sought to produce in open court to substantiate the charges would be harmful to national security. He proposed, therefore, to proceed only upon the charges..." Blah, blah, blah.

"He did not ask that I intervene. I said nothing. He told me this tale of woe that he had and I asked him two questions, had he been given full access by the intelligence agencies to everything he had sought, was he satisfied that he had been dealt with in good faith by those agencies? He responded to each question in the affirmative, and I said fine." That's all I said. There was a meeting—I think he was trying to get me interested in his case and maybe go to the intelligence community and tell them to change their mind or something, but he never asked me to do that and I wanted to be very sure I kept the parameters of our discussion tight, so it was a non-meeting.

The second encounter was a lot more volatile and it involved the issue of graymail, which you remember very well, I'm sure, Dan. That is a defense counsel who seeks to obtain national security sensitive files, claimed to be necessary for the defense of his client, knowing full well that the material is so sensitive that the government will not deliver it, and therefore it will provide a basis for that defense counsel to seek dismissal of the charges. Oldest game in the world. Attempted to be dealt with by the Classified Information Procedures Act, which calls upon the Attorney General to review any such requests and make a determination as to whether or not they would be in fact harmful to national security. If it's a bogus claim by the intelligence community, then the Attorney General is empowered to say, "You have to give them up."

In this case, involving Joe Fernandez, his counsel made the request. We invoked the [F _ _ _] act. I convened a very high level group of individuals from NSC, CIA, DIA [Defense Intelligence Agency], Defense, and State and went over it laboriously. I remember it very well because it was up in the secure part of the department. I spent a lot of time. And I said, "I have to agree with you. I mean, you don't want this stuff out in the public. It's highly sensitive material." So I made that finding and filed the affidavit that is required by the act which says this shouldn't be revealed. The court, I believe, dismissed the case. Then Walsh appealed my determination, or sought to appeal my determination, claiming that he and not I should have the authority to determine whether or not the disclosure of these documents would cause the harm contemplated by the act. A very specious claim and the courts treated it as such.

When it came back from the appellate courts, he asked again, or raised the question again, about the dismissal of the case. I brought these folks back together again for another *de novo* review of whether or not these documents could be made available without harm to national security. If anything, because of all the publicity that had attached to this proceeding already, they were even more determined that the release—and I can't get into the details obviously, because of the sensitivity—that they should not be, that it would be harmful to national security. Then Walsh moved to dismiss the case against Fernandez.

Then, and thereafter, he very harshly criticized my action. Fine. That didn't bother me because we did the right thing. We followed the procedures and undertook the determination as

contemplated by the act. His prosecutorial efforts after that, the wheels came off and they ended up really having very little to show for the investigation. The language in the report that he finally rendered, and I quote the *Washington Post* here, which said that his report was “flawed by Mr. Walsh’s readiness to characterize as crimes alleged acts by officials who were not tried or convicted of them.” I think it was a troublesome situation. I didn’t like to be at odds with the independent counsel, but it was necessary. I don’t feel any misgivings about how we handled it.

Knott: Did you have the sense that this was a case of—the accounts at the time were that this man Walsh was a Republican and so he had credibility, and yet there were these staffers that seemed to be on—in the view of some—on perhaps a partisan—

Thornburgh: I have read those accounts, I have no reason to credit them or discredit them. I just, I didn’t know any of them. I read Mr. [Jeffrey] Toobin’s book after he left and that certainly seemed to characterize his attitude.

Meador: How many occasions did you have to seek appointment of independent counsel?

Thornburgh: Just once.

Meador: One time.

Thornburgh: How many times was I asked to? Once a day. [*laughter*]

Meador: No, how many times did you act on it. You did it only once, though.

Thornburgh: Just once. Sam Pierce, as I referred to earlier on, yes. One of the mischievous things about that act is that it is self-fulfilling. If the thing is on the books, everybody wants an independent counsel for this, and that, and everything. Geez. That is one of the things that Griffin Bell and I agree 100 percent on. He was utterly and totally opposed to that act, but Carter had to go ahead with it because he’d made a pledge during the ’76 campaign to enact such a monstrosity.

Baker: You make a good argument in here how it undermines the credibility—or it suggests then that the career attorneys and the staff attorneys are not capable of handling these and that if there really is a terrible miscarriage of justice or abuse of power, that the political process can respond with an appointment on an ad hoc basis.

Thornburgh: I always made the point by example, and I referred to it there about Spiro Agnew. Just prior to Archie [Archibald] Cox’s appointment, or at least contemporaneous with Archie Cox’s appointment as an outside independent counsel, a sitting Vice President had been successfully prosecuted and removed from office by the U.S. attorney’s office, George Beall and his cohorts in Baltimore. Now obviously in very close coordination with the department, but that seems to me to prove the case. And people kind of, they never thought of it. They go, “Oh gee, I never thought of that. That’s right.”

I think the independent counsel statute at last is buried once and for all. There may be occasions

when a prudent Attorney General is going to appoint an independent counsel in the future, but it will be done on the basis that was done in Watergate and in Teapot Dome and things like that.

Knott: Did you have any involvement in terms of perhaps advising the White House on their dealings with the intelligence committees in Congress? Because I know there were some efforts made in the wake of the Iran-Contra affair to sort of strengthen congressional intelligence, oversight, and some sort of [indecipherable] power.

Thornburgh: Not really. We had oversight reporting requirements under the [F__ _] act. I had to go up and meet with the heads of the intelligence committees to explain to them why we had not acceded to the production of the documents in the Fernandez case. And they were totally satisfied. I can't think of any other—do you have anything in particular in mind?

Knott: It was that episode with Noriega where supposedly at one point there was that coup attempt and his life was being threatened. I was just wondering if the Justice Department in that case might have been asked for some advisory opinion regarding how far the United States could go?

Thornburgh: A coup attempt in Panama?

Knott: Yes, this was prior to the US invasion. There was a point where he was held for 24 hours or something by some of his own officers. The story at the time was the White House was going back and forth on this question of just how far the US could go in assisting these coup plotters.

Thornburgh: I don't recall it. It may well have been something dealt with on the NSC deputy's level. I just don't remember, not sure. I have a vague recollection of that but it wasn't something that was obviously prominent enough that it left any impression on me, ultimately.

Knott: Do you have any observations about the role of Congress in intelligence oversight or overseeing the FBI perhaps? Any positive or negative?

Thornburgh: Well, we're still getting around the importance of the congressional oversight role. I don't think anybody ever denies that. We never had any problem with congressional oversight of completed investigations unless there were some national security implications. The only oversight problems we had generally were with pending cases, investigations, and then it was always a cat and dog fight. No, I think it's important that Congress have oversight role of all components, including the intelligence agencies. That is, so long as they observe the proper safeguards on the material that they receive, and there's a lot of concern about that. The place leaks like a sieve. I mean, there were always staffers up there that are trying to curry favor with the news media. As night follows day, we'll be reading in the next couple of weeks about some leaks from the Hill. The President went nuts over it, but, as I said when I got through with all of the Gray thing, I said, "I'm just the latest sucker to fall into the trap of trying to deal with leaks." You just can't do it.

Meador: Diplomacy having tried and failed.

Thornburgh: Boy, I'll say, in a big way. Big time, as they say.

Riley: I have a couple of questions, you're hitting on a number of points. One is, were you asked to provide any legal advice with respect to getting congressional involvement on the Desert Storm situation?

Thornburgh: Yes, that's the War Powers Act. Not legal advice as such. What we did was frame the ground rules for what the White House should do and that would be done through OLC.

Riley: So that wouldn't have been something that you would have had direct experience in, okay.

Thornburgh: No.

Riley: You touch at a couple of places in your manuscript on the topic of terrorism, and given the fact that future generations will probably be looking back and wondering if, in the pre-September 11, 2001 era, if we were sufficiently attentive to that, or if the government were sufficiently attentive to that. I thought maybe I would ask you about your work on the terrorism question, both with respect to specific cases like Lockerbie and also more generally—

Baker: Some of the treaty work?

Riley: —the questions about troubleshooting with treaties. The Trevi group and so forth.

Thornburgh: Lockerbie, of course, was the biggest terrorist incident prior to the two World Trade Center things, I suspect, that affected us domestically. The FBI, I thought, did a very credible job of putting the case together. But boy, it just shows the problems you have. It took eleven years, twelve years, whatever, to bring that case to trial because they couldn't get hold of these guys. I was at the UN in 1992-'93 and during that time period I had two or three approaches from people who wanted to arrange for them to be delivered up on the condition that the investigation go no further. I said forget it. I didn't even think to raise that with Bill Barr because I knew it would be rejected out of hand. But apparently that's what ultimately transpired and a very unsatisfactory resolution. [Muammar] Gaddafi ordered that, there's no question about it, but you can't—the traditional way of making the criminal case is get the lower-level people and then squeeze them. Couldn't do it here.

We had a lot of individual defendants that we wanted to gain jurisdiction over. One of them was Fawaz Yunis, which was an interesting case where we snatched the guy off of a boat in the Mediterranean, brought him back, tried him, convicted him and he's now in jail. Then we had another guy in Greece, can't remember his name, it's referred to in here. We were unable to get the Greeks to give up. He was an airline terrorist. But there was generally a long laundry list of these individual terrorists that we wanted to secure jurisdiction over so we could try in our courts.

But I don't think there was anywhere near the apprehension that in retrospect may seem to have been justified, over the type of attacks that took place on September 11th. To this day they are

incomprehensible to me, how that could happen. And who knows what comes next? We're dealing now with this bizarre anthrax thing. The whole notion of weapons of mass destruction falling into the hands of people who have no regard for human life, including their own, is about as frightening a prospect as you can think of. That apparently is the point we've reached.

It was not something that even seemed—it just wasn't something contemplated at the time in the late '80s and early '90s. Maybe it should have been, but there was no intelligence to indicate that any such kinds of attacks were going to be undertaken. Now, there were suicide bombers. Lockerbie, of course, was a bomb set with a timing device, or a barometric device, I guess. We truly are in an entirely new era nowadays. The first World Trade Center bombing wasn't a suicide bombing. Back in the '80s you could look at the Beirut situation, which was a suicide bombing. Some person wiser than I could have probably anticipated that we should have been more on our toes in some of these respects, but—

Riley: Was there any troubleshooting office or anybody? We occasionally read in the papers these days about troubleshooting exercises having taken place, it just doesn't register with me where they were, whether they—?

Thornburgh: No, we were in the law enforcement business. I think that's going to have to change. There's going to be a lot more of a role for prevention of these kinds of things, absolutely with increased international cooperation. Because these countries have to know that there but for the grace of God go them. Everybody is vulnerable to this type of thing.

Meador: That raises the question, if I may go back, about your relationship as Attorney General to the FBI. Anything you can say about that? How you and the director got along? What kind of supervision did you exercise over them or whatnot? Were there any problems?

Thornburgh: I don't think that there was anything that I could characterize as a problem. Sometimes they were lax, as you pointed out earlier, in notifying me about pending actions that they were going to take, but I ascribed that much more to inadvertence than incompetence. I knew the FBI very well because I worked with a lot of these guys as street agents. In fact, it was interesting, the number of times that I would go out to visit around the country and the SAC [Special Agent in Charge] that I'd meet with had been a street agent in Pittsburgh or I'd known in some way then. So I think the relationship was very good. In fact, I treasure the fact that I'm one of the few people to be honored as an honorary FBI agent. I value that because I think it indicates the kind of relationship we had.

Bill Sessions was, I think by all accounts, not a strong FBI director. He kind of was on the bridge while the ship was sailing but not a particularly firm hand on the tiller. He was a very decent guy. He and I had served together as U.S. attorneys so I knew him from way back and he had been a judge in the interim.

Meador: He had been appointed director before you came over as AG, right?

Thornburgh: Yes, that's right.

Meador: And he was there throughout your time.

Thornburgh: Yes. But most of our department contact with the FBI was carried out through Bob Mueller, who was my personal assistant first and then head of the criminal division, and of course now is the director of the FBI. Again, one of those things where I didn't meddle with the FBI. If there was something going on there that I had to know about, then I counted on them to let me know or Mueller to let me know.

Meador: Let me ask you about the INS. You mentioned earlier how they had no idea how many Iraqi students were in this country. From my earliest exposure to it all, it seems that the INS has always had deep problems and I've never been able to understand why it can't get straightened out. Do you have any observations on that?

Riley: Let the record reflect that the respondent is shaking his head.

Thornburgh: Holding his head in his hands. I only half-seriously often tried to give the INS to Jim Baker, but he's a smart enough guy to say, "Thanks but no thanks."

Meador: One of the suggestions is to put it in the labor department also, as I recall.

Thornburgh: I think there are a lot of different components that could be scattered around. INS has always been kind of the stepchild of the department.

Meador: What's the basic problem there? Why can't it get straightened out?

Thornburgh: It has a very ambiguous mandate. On the one hand, as a country that has always welcomed immigrants to our nation, their job is to facilitate the movement of legal immigrants into mainstream society and ensure that that process goes forward in a fair and equitable way. But they're also charged with keeping illegal immigrants, or people who overstay their visas or what have you, on a short leash and taking aggressive action against them and against employers who may hire those persons. So I think they have a bit of a personality conflict, coupled with an inferiority complex because they really don't have much stature. The border patrol is not looked upon as the equivalent of the FBI. They really—it's too bad and I wish I knew what the answer was. To me, the answer was to get them out of the Department of Justice.

Meador: While you were there in office, did you see specific problems that you tried to address?

Thornburgh: A number, yes. Seeing problems and being able to solve them are, as you know, two quite different things. They just seemed to be constantly in hot water for one reason or another. Porous borders, to be sure. But then you hear these horror stories of how they treated people seeking asylum or—it just, I'm the wrong guy to ask. I never really took the time to learn about the INS. I now have some very good suggestions, of course, in retrospect, now that I'm out of the office, particularly about these terrorism situations.

Part of the problem, Dan, as you know, is that the status of illegal aliens in this country is very much up in the air so far as their legal rights are. The Supreme Court has never really delineated

how much of the Bill of Rights applies to illegal aliens as persons under the Constitution, as distinguished from the rights that attach to citizenship. Part of the reason for that is that we do pride ourselves on being open to immigration and are never too fastidious about whether—we have these wonderful euphemisms that we describe “undocumented aliens” and people who are “out of status.” Those are fancy names for people who are in this country illegally. Come on, give me a break. And every time somebody illegally comes into this country, there is some poor man or woman out there who is waiting in line, waiting his turn to be a legal immigrant. I mean, it is really a screwed up situation. Believe me, I’m not suggesting we build a wall around the country and keep these folks out, but I don’t see—and this is all wisdom long after the fact. I’m just reacting to what’s going on today.

It seems to me we ought to impose pretty stringent conditions on people who come into this country as non-citizens—reporting requirements, waiver of certain rights. Some of those things that would be unthinkable for citizens. Maybe identity cards that they ought to have with them. Now, the problem with that is that a lot of these people who come into the country as non-citizens are hot-shot businessmen from Western Europe or from Japan. You’re going to force them to report in to some INS official every week or every day or every hour or whatever? You’d get the business community all in an uproar. No problem asking Mr. Atta, or whatever his name is, who came here to check out the crop dusters, to do that. But it’s a mess. Somehow persons far wiser than I are going to have to get together and do something about it.

Meador: One thing that has always puzzled me is on the question of illegal aliens here. I believe I could take half a day with a squad and go around D.C. and round up more than you can imprison. It doesn’t take any rocket scientist or any great insight to go round them up. Why don’t they act?

Thornburgh: I don’t know.

Meador: Indeed, some illegal aliens confess themselves to be such, make themselves known and nothing is done about it. Do you know why the INS doesn’t move on these offenders?

Thornburgh: I throw up my hands in despair. I wish I knew, but we’re obviously paying a dreadful price for it now.

Baker: I’d like to get on to some of your priorities in office. I know that you’ve mentioned in your writings that white collar crime was very important, including money laundering. At the same time you had entered into the position as Attorney General at the tail end of an administration that had made drugs really the focus of the law enforcement. I was wondering, and certainly money laundering has an overlap there in drug trafficking and involves corruption, but what kinds of pressures were you under with the Bush administration, either with the Reagan administration the last few months but certainly with the Bush administration, in terms of shifting the focus away from the street level fighting against drugs?

Thornburgh: Well, I don’t know that we were under any pressure.

Baker: Did that remain a priority?

Thornburgh: The drug effort was a continuing priority. But the advantage we had there was the systems were pretty much in place. We had an effective drug enforcement agency, we had drug enforcement task forces around the country, we had skilled prosecutors to deal with it. My concerns, articulated constantly, were—and it was always a good line to get people thinking—I said, “If you want to lose the war on drugs, just leave it to law enforcement.” And people would go, “Huh?” And I tried to make the case that we’ve got to do more education, we’ve got to do more treatment, rehabilitation—

Baker: Right.

Thornburgh: —all of the community-building things that are designed to go to root causes. At the same time, my other priority, which I think was vastly enhanced during the time I was in office, was to secure more international cooperation and to raise the commitment of other countries.

Baker: To get at the supply side of the equation.

Thornburgh: Right, exactly. I kept saying, again, over and over and over again. There’s not a single gram of heroin or cocaine raised or processed or produced within the United States. Zero. None. Nada. It all comes from outside the United States. So if we’re going to combat the supply side, we’ve got to enhance our capabilities on the international level. We made some progress in that, but my experience with the international convention that was signed in 1988 was a really sobering one because it was clear that first of all these things are not—UN sponsored, signed by 150 countries and ratified by another hundred. I mean it all looked great. But there was no sanction for a country agreeing to do such-and-such and then not doing it.

The sanction should have been, in my view, the State Department saying, “Okay, we’re cutting off your foreign aid. We’re cutting off your this, your that, your most favored trade.” I don’t know, but they had no interest in that. Why? For a very good reason. They’re not in the drug enforcement business. They’re in the diplomatic business and if they have an opportunity to secure a strategic benefit in international policy with a country that is not in conformance with some drug treaty, what are they going to do? So it just never worked. I never could get Jim Baker—understandably, and I’m not knocking him—to share in that commitment. They made good noises about fighting drugs, but when push came to shove, if their interests were to be sublimated by an aggressive anti-drug effort—

Baker: So there was some tension with the State Department on some of these efforts?

Thornburgh: It was, but it wasn’t hostility. It was just, you know, “I know, don’t tell me.” If we really had a problem—fortunately we didn’t—but if we took country X, where they were the center of drug trafficking, where they had signed the UN convention and done nothing to implement it by passing laws or beefing up their policing and they were causing real problems for this country, and we went to the State Department and said, “Look, make these people international pariahs for what they’re doing.” And they said, “Oh, we’ve got a deal going, they’re going to help us with whatever, Desert Storm or whatever.” Then theoretically that’s the

time when you go see the President. You say, “I think this; Baker thinks that. What do you want us to do?”

It never got to that point. It was always very subtle and kind of—but those, in my view, from a law enforcement point of view, those were enormously powerful weapons. To identify a shortcoming in a particular nation with whom we maintained friendly relations and say, “Unless you clean that up we’re not going to be friendly and we can do a lot of things to you.”

Baker: Of course, there was a little bit of that with Colombia and then with Mexico.

Thornburgh: Yes, off and on.

Baker: State Department was pretty upset I guess at the delivery of Alvarez-Machain to the United States?

Thornburgh: I guess so, but I didn’t care. That was always our job and the Supreme Court upheld it.

Baker: And DEA agents had not gone into Mexico but maybe—?

Thornburgh: Don’t put me under oath. The official record was it was Mexican police that turned this guy in. But see, that was a cause—

Baker: With the DEA.

Thornburgh: —with the [Enrique] Camarena murder was so grotesque and so—an American citizen. That was a special case. Colombia?

Baker: You brought some prosecutions in ’89-’90.

Thornburgh: We had some initial successes in Colombia. It took an assassination of a presidential candidate, but we had a window of opportunity there and that’s when we got our dirty dozen list out. Most of those people we eventually got, either through extradition or they got gunned down somewhere. But then [Cesar] Gaviria came in and he thought, Oh gee, maybe we can solve this without extraditing. And he did, in credit to him, he did step up Colombian efforts. But the thing that those guys really feared was coming to be tried in the United States because they knew they were done for. They knew when Carlos Lederer had been extradited here and got forty years in prison. He’s probably still rotting away somewhere. So the best efforts in Colombia paled beside what would happen to these guys if they were extradited. It was a classic two steps forward, one step back operation.

Baker: Did the State Department help you try to convince Colombia to re-institute an extradition treaty with the United States after they stopped that?

Thornburgh: Yes, they were very good on things that didn’t impinge on their interests. I went down there right after President Bush came into office. I made a tour to Bolivia, Peru, Colombia

and it was fascinating. These people were terrorized about what the traffickers were going to do. They had money. They had weapons. They had alliances with all the terrorists. You talk about terrorists, boy. It is just not a healthy society and it's not much better today. In fact, it's worse in some areas of Colombia. But we did get the drug effort onto the Trevi agenda. I was stunned.

Trevi was this European group. I was stunned when I went to the first meeting—terrorism, and this, and whatever, immigration problems, but no drugs. So we were the unwelcome guest. I hammered these people. They finally did it and they were pretty good after that. We got some good cooperation out of them. But the drug war is an unappetizing effort, first, last and always. So you count your successes only in relative terms.

Baker: How were your relations with the DEA?

Thornburgh: Good. I had good relations with all the law enforcement people. I think they looked upon me as their champion, their spokesman. Federal, state and local. We worked hard with state and local people as well. My heart was in it. I really believed in what they were doing.

Baker: And you had a number of initiatives like weed-and-seed.

Thornburgh: Now, at the same time, as I had always been, I was equally unforgiving for people who betrayed the trust of their public office and law enforcement. I had the unhappy prospect of having to prosecute some of those people, but I think we were all singing from the same sheet music, as they say.

Knott: Excuse me, on the office of the drug czar. You talked a little bit in your book about Bill Bennett. Any comments on that, just in terms of whether you think that office is worthwhile?

Thornburgh: Yes, I think it is. I think it can help in coordinating efforts and he was particularly a very effective spokesman. I think Barry McCaffrey was an effective spokesman. But I worry about those kind of offices—as I think we were talking about a Homeland Security office—of raising expectations of what they can do. Bill Bennett is a very aggressive and determined kind of guy, but I think he very quickly saw that his relationships with law enforcement had to run through the Department of Justice. I mean, it just wouldn't have made any sense at all for him to be commandeering DEA agents and FBI agents and what have you, Customs, on his own hook. So he accommodated to that. He's a smart guy. I'm not sure about the efficacy of those kinds of offices. I surely wish Tom Ridge well, and he's a friend and he was a terrific Governor of Pennsylvania, but boy, he's got a very difficult assignment.

Meador: Speaking of relationships—I'm going in a little different direction—what sort of relationships, if any, did you have with the federal judiciary, the judicial conference of the United States? Did you ever work with them, for example, in developing or supporting legislation for the benefit of the courts?

Thornburgh: Yes, we got them a big pay raise. I never got a single thank you for it.

Meador: Is that about the extent of it, though?

Thornburgh: Yes. I had to give a report every year to the judicial conference and that was always kind of a set piece.

Meador: Did you attend and personally give that?

Thornburgh: Yes I did. I made it a point to.

Meador: Once a year?

Thornburgh: Yes. I think what the judges wanted were fewer drug cases, fewer firearms cases, and more time for them to concentrate on interesting civil cases.

Meador: Did you have any role, or did your department have any role, in developing legislation relating to jurisdiction or any of the functioning of the courts?

Thornburgh: I don't think we did, no. We made some recommendations on the civil side about diversity jurisdiction and class action jurisdiction, I believe, although that may have been after I left office. I'm not sure. I think one of the reasons that the judges were kind of lukewarm toward the department while I was there and generally, was that we were strong supporters of sentencing guidelines. The judges didn't like that. I still support sentencing guidelines. I think the notion that the sentencing commission should regularly review them is the safety valve that hasn't really ever been fully exploited. But I as a prosecutor saw too much diversity in sentencing practices where people in like situations were treated wildly diversely. The notion of parameters and the ability to work between those parameters and even to go outside those parameters if an appropriate reason was expressed, so that you eventually might develop a body of appellate law to measure those cases with, made good sense. But judges just didn't like it. They have a knee-jerk negative reaction to sentencing guidelines.

Meador: My recollection on this point is a little hazy. But do you recall, was it continued in your time, these Brookings seminars, interbranch seminars with Justice and Commerce and judges to review matters of mutual interest? Was that going on when you became AG?

Thornburgh: No.

Meador: It had stopped by that time, I guess. I think it ran through the Reagan years, probably.

Thornburgh: That would have been a good thing to do, but I don't think I ever had occasion.

Meador: I don't know why they were discontinued, but they were.

Baker: I'm out of sequence here, but with your interest in white collar crime—bringing it back—I was reflecting that that may have been one of the things that brought your department under greater scrutiny since you were necessarily focusing on some wealthy and/or powerful criminal defendants, versus the hapless character selling drugs on the street corner. So any thoughts on that that? That may have also triggered a greater scrutiny or—?

Thornburgh: No, I don't think so. I think there was a lot of sympathy with our efforts in that respect. No Congressman came to me on Michael Milkin's behalf or on Exxon's behalf or on—

Baker: But then you also had the William Gray investigation after the thing with Jim Wright and Tony Coelho. That sort of raised some hackles, it seems like.

Thornburgh: Yes, but that was because it was handled so poorly, to be honest. I make no bones about that. If I had handled that properly, it wouldn't have been such a *cause célèbre*. No, I think the effort against fat cats was well received. And while occasionally—I mean, Paul Begala, do you have that? I couldn't believe that. This is one of my gripes again. When I had left to run for the Senate, Paul Begala had a very negative appraisal of my time as Attorney General, which I will quote to you. "Dick Thornburgh is abandoning ship faster than the captain of a Greek ocean liner." I don't know what that means. "He gave the Justice Department its worst black eye since John Mitchell went to prison for Watergate. He slept through the S and L crisis, winked at BCCI, protected lawlessness in the corporate suites at Exxon and put a cocaine user in charge of the war on drugs. Courting the powerful and the privileged, he protected Exxon, Neil Bush, Ed Meese, and BCCI." I understand politics, but I would challenge anybody to search the record to find any justification for that kind of abuse.

Baker: In fact, maybe it is nice to talk about Exxon Valdez because I think you were very concerned about that, including the proposal by some that there ought to be criminal charges brought against Exxon. But you were very concerned about the clean-up—

Thornburgh: We did bring criminal charges and ultimately secured the biggest package of penalties from them of any corporate defendant in history. But as I said in there, it was evident to me that within the environmental community, there is a body of individuals that would have been satisfied with nothing less than the imprisonment if not execution of all of the officers and directors of Exxon, the bankruptcy of the company, and the confiscation of all its assets. That's how rabid these people were. There wasn't anything that was going to satisfy them.

But that was a well-handled case, complicated only by the fact that we had some political dust-ups with the people in Alaska, the legislature and the Governor, but we were patient, went back again and again, finally got what I think was a very good result. Wasn't helped by the president of Exxon who went to his annual stockholders meeting and said, "Don't worry about these fines. They're deductible and we won't—" I said, "Whew. Don't worry about your enemies, protect yourself from your friends." This is supposed to be a friend.

Riley: I have a couple more things but I think my preference would be to go ahead and close the book on today.

Thornburgh: Yes. I'm kind of running out of steam.

Riley: I sense all of us are. We'll come back for dinner this evening in the Old Mill Room at six thirty. We'll convene back at nine o'clock tomorrow morning and we can finish up on anything.

OCTOBER 24, 2001

Riley: We're beginning then our final session with former Attorney General Richard Thornburgh as part of the George H. W. Bush Oral History Project. I have a couple of questions left over about the Bush administration from yesterday. I thought we would try to wrap up the discussions from yesterday, beginning with any final questions about the administration. We're going to wrap up here—I promised Dan by 11 this morning—so that gives us a couple of hours, mostly I hope to talk about the '91 campaign. But I thought I would start by asking if there was anything that you had thought about in reviewing your notes or the outlines that we hadn't covered that you wanted to get on the record with respect to your time as Attorney General.

Thornburgh: I don't think so. I went through the outline that Nancy had and checked off the stuff that we had concentrated on. I don't know that there's anything—there's a lot of kind of miscellaneous items, but nothing you can't pick up out of the manuscript if you're interested.

We didn't discuss, nor do I think we need to discuss, there's a substantial section in the manuscript about international work but I think it's pretty self-explanatory. I don't know that there's anything particularly significant that has to be plumbed in these interviews. Is there anything you—?

Watson: No, I feel the same way.

Baker: I was interested in some of the decisions that were made related to the VMI case—the Virginia Military Institute and the Citadel—and how the decision was made to proceed with that litigation. How you were able to immunize your attorneys from—I'm sure there must have been some pressure—but maybe I'm—?

Thornburgh: Oh, there was a lot of pressure. It was an easy call because in reading the statute, and as I was advised by my lawyers, it was self-evident that if state money was being utilized in an educational institution there could be no discrimination on the basis of gender or race or any other of the categories that were utilized. It was a very highly-charged emotional issue because people understandably had a strong attachment to single-sex status. There were all kinds of alternatives discussed about privatizing the university, but there was not a struggle internally because the law was so clear. I mean, for us to have done otherwise would have simply been to ignore the law and that—

Meador: Was any serious consideration given to Ted [Theodore] Olson's argument? He represented VMI, didn't he, in that case? Was his argument given any serious consideration?

Thornburgh: I couldn't really answer that, Dan, because I wasn't involved in the litigation. I was involved in the decision whether or not to initiate the case and whether or not to pursue it through the various appellate processes. But I didn't look at—I relied on the solicitor's office, really, to deal with the substantive arguments. What was the basis of the argument, do you recall?

Meador: Well, one of his arguments is that—I don't know all of them—one of them was the value in having a state educational system with a diversity of opportunities.

Thornburgh: I don't think anybody would gainsay that.

Meador: Everything doesn't have to be all the same for everybody to have diversity, so on and so forth. That was part of it. I don't know all of it exactly.

Baker: I think also there was the argument that there was a provision for an exemption for schools that traditionally had been single sex. I think initially, wasn't there an exemption?

Thornburgh: I really don't know.

Baker: What led to the movement at this point? You'd had that law on the books for a very long time.

Thornburgh: Well, somebody—we had a plaintiff.

Baker: Oh, well.

Thornburgh: Somebody complained. It wasn't an action undertaken at the government's instance, but we joined in and supported the plaintiff who sought entrance.

Meador: Actually, you did have a choice, didn't you, as to whether to join in or not.

Thornburgh: Yes.

Meador: I guess Nancy's question is, why did you decide to join? Even though the law was clear, you still didn't have to join, did you?

Thornburgh: I don't remember the exact process that we went through on that but it seemed—in both these cases, one at the Citadel and one at VMI—that we had very little rationale for ignoring the plight of people who sought to enforce what we thought was a very plain provision in the law. Obviously, it wasn't something, a decision that was made with an eye on Virginia's electoral votes. There was a lot of back and forth. But a decade later, I don't know that those issues resonate with anyone other than with real hard core supporters of the status quo.

Baker: Were you involved at all in the negotiations whereby they attempted to set up a parallel leadership program for women at Mary Baldwin College and then back and forth?

Thornburgh: No. That was all done at the operational level.

Baker: Okay. How about the White House, did they express—

Thornburgh: Never heard from them.

Baker: Oh good. I was also interested in the case involving Operation Rescue out of Wichita, Kansas. I think that was another real controversial decision.

Thornburgh: Yes.

Baker: Many said that your finding that the KKK [Ku Klux Klan] Act of 1871 was a way to support pro-life, and I think there were others who were saying no, it was a way to support free speech, that the KKK Act should not be used to stifle protest and dissent. And so I'd like for you to describe that decision a little bit.

Thornburgh: That was a very tricky and widely misunderstood proceeding. We were dealing with a judge who behaved very strangely. He had one other time previously hassled me about something, wanted me to personally appear in court to explain some Department of Justice decision. We knew we had somebody who was slightly off. As it turned out, he was more than slightly off. The case involved an injunction that he issued with detailed orders to the U.S. marshals as to how to protect this abortion clinic. We felt it was overly broad, and relied upon an unreliable authority, the Ku Klux Klan Act.

We enforced the order. The marshals carried out the judge's instructions. We did not take any—didn't appear in the case, officially. We weren't on anybody's side. But we did file, as a matter of information with the court, a copy of the brief that we had filed in the case, the Bray case out of Alexandria,* which we felt pointed out that the KKK Act did not provide a basis for his order. He went ballistic. The guy went on national TV, later got removed from the case because he was just—well, but that occasioned a full-bore attack upon the Department of Justice and upon me for defending, allegedly, these protesters who were trying to block access to the clinic. And of course it came back in the senatorial campaign.

Ultimately the Bray case went to the Supreme Court and the Supreme Court agreed with us. As usual, three or four years later you find out that what you did was right. But it was a very, very volatile issue at the time. I was involved in it only to the extent of underscoring the fact that—look, the judge may be wrong, but he's entered an order and the marshals can't ignore an order that he's entered. So the marshals better carry it out even though it was very difficult for me. It had this 13 feet here and they should be no more than six feet apart, this kind of stuff. I also approved the filing of a copy of the Bray brief with the judge to make clear that we felt that he had no basis for this. But when you're dealing with leverage issues like that, any action that you take is going to be controversial and that was no exception. It really became a *cause célèbre* but particularly when this judge goes on, maybe it was *Nightline* I think, the *Today* show. He's handling this case and he's in there railing against the Attorney General and the Department of Justice. Real wacko. That will all be excised.

Riley: Please don't.

Thornburgh: I'll give you warning in advance.

Baker: That sort of brings to mind a more general question about the use of the amicus brief

* *Bray v. Alexandria Women's Health Clinic*

which was used quite—its use has been expanded by the federal government, I think, through the 1980s. Was this something that you, that the Justice Department under your leadership, did as well or did you scale back on the use of the briefs?

Thornburgh: I don't recall there being a specific discussion. Those decisions were largely taken in the solicitor's office.

Baker: And on a case-by-base basis.

Thornburgh: Yes. I don't recall any instance where the solicitor asked me, "Do you think we ought to file an amicus brief or take a position in a particular case?" There may have been, but they would be routine. I would defer to Ken Starr's judgment. And that's a characteristic, as you know, Dan, of the solicitor's office. It is a much more independent component of the department than any other of the components. It would be a rare case and attract a lot of attention when somebody chose to try to overrule the solicitor. It didn't happen during my watch.

During the earlier part of the Reagan years, there were some back and forth decisions on whether or not the solicitor had taken the proper view. I think Rex Lee was overruled or at least put out a couple of times over what he regarded as unjustified interference. The solicitor's office treasures its independence and properly so, because of its special relationship with the Supreme Court. I don't recall any time during my tenure when we had any differences. I must say, I did not monitor on a daily basis what the solicitor's office was doing, but I was comfortable with the people who were there.

Meador: Were there occasions when Ken Starr came to you to discuss the positions he was about to take?

Thornburgh: Yes, he would keep me apprised on a need-to-know basis of where they were going, because he knew I had to answer for those things. We had some controversial positions on the usual high-profile issues: abortion, death penalty, gun control, what have you, Miranda, although that didn't come up during my time. There wasn't any time when he came to seek my approval as such, but I was always on top of what they were doing, and if they had gone off half-cocked I would obviously have had the authority and responsibility to take them to task. But we had a good working relationship so that didn't ever transpire.

Baker: So you didn't see the amicus brief consciously as a tool to be used?

Thornburgh: Oh yes, I think it's a very useful tool. It's a way in which the department and the administration can inject their views into a case that has significant public policy ramifications. But like any other tool, if it's overused it loses some of its oomph. I don't have a sense it was over used. I think the solicitor's office traditionally has always used the amicus brief in that matter. It never became an issue. I guess that's why I'm not particularly articulate on the matter.

Baker: No, and that's why I was just sort of touching base on it because it was such a conscious part, I think, of the litigation strategy in the earlier Reagan Justice Departments.

Thornburgh: May have been, I wasn't around then. Maybe what I was participating in later was either a continuation of that or some alteration of it, but it was not at my direction.

Baker: Okay. The final one for me for right now is on your experiences with oral argument. I know that you had argued before the Supreme Court beforehand and then you had those two experiences with *Skinner* and *Payne*.^{*} Just some observations about that experience and if it had changed over time from your earlier experience with the Supreme Court?

Thornburgh: Well, every Supreme Court argument is unique and *Skinner*—that was funny. Charles Fried properly asked me to undertake this argument. I'd been in office about two months, I think, because it involved the validity of the drug testing regs, which had been thrown out in the ninth circuit, no great surprise. I told the story in the manuscript about his predictions and how I got worked over royally in court but we carried the day.

Baker: That's right, the important thing.

Thornburgh: But it taught me a good lesson, that I really had to take these arguments more seriously the next time around. *Payne*, which was truly an extraordinary reversal of an opinion—that was really a holding that was only two, three years old. I gave a good argument, but I really prepared for it. And it was, once again, from a personal point of view, I'd always been active in victims' rights going back to when I was a young lawyer, and then when I was in the Governor's office and had paid particular attention to victims' rights. This was a very satisfying and particularly dreadful case and the Court went along with us. That elicited a stinging dissent from Thurgood Marshall, I think it was one of the last opinions that he gave in the Court, decrying the demise of *stare decisis* as he saw it, that he felt was a very bad precedent. I thought that the more recent opinions—the other justices that said, “If you're going to overturn a case, do it quickly, before it becomes part of a body of law.”

Baker: So how was the process? Was there any difference in the times that you've gone before the Supreme Court? You've had some shifting, changes in personnel over that period of time?

Thornburgh: Yes, a little bit, but it is always an intimidating experience. You're always going to get up for the big game.

Baker: Is this why a number of attorneys general hadn't done it for a while preceding you?

Thornburgh: I don't know. I think Bill Smith may have argued a case. I don't know, really. Ed [Meese] didn't argue a case. Griffin Bell argued the Snail Darter case.^{*}

Baker: Yes, that's right. The Snail Darter.

Meador: While we're on the Supreme Court, if I can—this reverts a little bit to what we were talking about yesterday, about appointments—something that has puzzled me a little bit in recent years. The nature of appointments to the Court has changed from what it was traditionally in

^{*} *Skinner v. State of Oklahoma, Payne v. Tennessee*

^{*} *Tennessee Valley Authority v. Hill*

American history. If I remember correctly, the last member of the Supreme Court who ever served in Congress was Hugo Black, and he died in 1971. That's been 30 years. Since then—

Thornburgh: How about [Sherman] Minton? Wasn't he a Senator?

Meador: Minton was a Senator, but he had gone before Black.

Thornburgh: Oh, I see what you mean. Last sitting, not last appointed.

Meador: The last one to sit on the court. That's right, they're all gone, except Black.

Thornburgh: I've got you.

Meador: And indeed, he's been alone there for a while with that. Of course you had Senators and Governors and things like that in past years. There hasn't been anybody like that appointed.

Thornburgh: That's right.

Meador: In fact, if I remember correctly, Sandra O'Connor is the only member of the Court now who ever held any kind of elective office. They now put judges. Do you have any comment on that? When you were assembling the list in your book, did it occur to you to put in people who were not then sitting judges?

Thornburgh: I suspect that there was an undercurrent of vulnerability about appointing someone who didn't have judicial experience. I don't remember it actually being discussed, but I suspect that it was looked upon as safer, maybe, to appoint someone who had judicial experience, and probably federal judicial experience. I agree with you, I think that's a mistake. And of course that's been carried forward to the most recent two appointments.

Meador: Well, for 25 or 30 years.

Thornburgh: You're absolutely right. And yet, one of the acknowledged great chief justices—whatever you may think of the Warren Court—Earl Warren was never a judge and was a politician. I mean, he was *par excellence*. Elected prosecutor, elected Attorney General, elected Governor, vice presidential candidate. He hadn't cracked a law book I'll bet in twenty years. But acknowledged to have brought the kind of leadership qualities that inhere, in a political career to the Court. I quite agree, I think that is probably something that ought to be in the minds of whoever makes the next appointment to the Court.

Riley: We occasionally get testimony from people about their impressions of the two justices that you were involved in putting on the Court, sort of a post-facto evaluations. Do you have any comments to make about Souter? Have there been surprises?

Thornburgh: I think Souter turned out to be much more liberal than those involved in the selection process anticipated. I remain very fond of him as an individual. He was a perfectly delightful person and very bright and able, but I am somewhat saddened by the fact that he seems

to have gotten into—his votes become too predictable for his own good, I think. One of the characteristics of great justices in my mind has always been that they surprise you every once in a while. I think he's become identified with a liberal—the four votes—

Riley: Do you have an explanation for that or speculation as to why?

Thornburgh: No, I really don't. I obviously have never discussed it with Justice Souter. As I say, I admire him as a person. I'm not familiar enough with the dynamic of the Court. My involvement and interest in the Court ends at the water's edge. Once they're appointed that's the—

Meador: I don't want to beat this dead horse too much—we talked about this yesterday—but I remain puzzled over the Ken Starr situation. My recollection about all this might be a little faulty, but he was viewed as, I think it's fair to say, at one point one of the most promising prospects for the Supreme Court. I can't figure out what happened to him.

Thornburgh: Well, I'll tell you this, Dan. I think he remained a prospect for eventual appointment. I think—and I'm speculating because this is not actually what happened—but I think he was eliminated from the first short list with a sense that he really hadn't given his all to the solicitor. He still was a very valuable member of the administration as solicitor general, and that there would be another opportunity for Ken. Of course, when that opportunity came up, for the reasons I expressed yesterday, the desire to continue an African-American in Thurgood Marshall's seat, that was frustrated.

Now, my speculation is that if George H. W. Bush had been reelected as we all expected he would be, that Ken would have been on the short list and probably would have been appointed and would have been an excellent justice, I think. So it wasn't a derailing of something that was on its way. I think the early part of the administration, there was a hesitancy—that doesn't make much sense, I'll grant you—but just saying, "Well, Ken's at the solicitor's office and we need him there, and there will always be other appointments."

Riley: Can I ask you the same question about Clarence Thomas that I asked about Souter? Has he been a surprise in any way?

Thornburgh: No, I think Clarence is—he is always somewhat predictable but I think he was felt to be somewhat predictable. A solid, conservatively-oriented vote.

Meador: On the Thomas nomination, did you personally review the file on the FBI investigation on him?

Thornburgh: No, I would never—

Meador: I'm a little rusty on this fact. Did the Anita Hill affidavit, or the information from Anita Hill, surface at all in the FBI? Or did that come from another quarter?

Thornburgh: It came from another quarter. There's no way you can protect yourself from that. I

mean, the FBI would have to interview everybody in the United States.

Meador: It wasn't in the FBI file at all, was it? That was my recollection.

Thornburgh: And there was no reason for it to be, really. I have often defended the bureau on that, when they said, "You guys must have done a slapdash background investigation." What do you mean, we didn't interview one woman out of 275 million Americans who happened to have come up with these allegations? And again, without passing on their—they certainly look like pretty thin gruel now in the light of what we've seen the President's activities have been in terms of scandal. As I said yesterday, hinted at yesterday, I found the feminist movement to lose every shred of credibility by their attitude toward President Clinton's activities. That gets far beyond the scope of what we're discussing today, but I just wanted to get it off my chest.

Riley: It's in the record and we will be exploring that in subsequent projects of the oral history.

Thornburgh: It's slightly relevant because they were so rabid in their denunciation of Clarence Thomas. It just indicates that these folks aren't feminists, they're Democrats. They're partisan, liberal Democrats. Their animus towards Clarence Thomas was directed toward him as a conservative Republican, not because he was guilty of any kind of sexual harassment. All right, that takes care of that.

Meador: Focusing in on that time in your administration, we get into your departure and the appointment of Barr. Could you say a little bit about how the selection of Barr came about, as far as you know it?

Thornburgh: Well, as far as I know it, it's pretty simple, Dan. The President asked me who he should appoint to succeed me and I said, "Bill Barr."

Riley: That's all there was to it?

Thornburgh: That's all there was to it from my point of view.

Meador: You didn't have any doubt about that, I take it?

Thornburgh: No, I didn't. Bill had been, as I said, extremely valuable, extremely loyal. He was knowledgeable about the department, particularly going into an election campaign. The President needed someone there who was steady as she goes. He didn't need to take a chance with someone who might turn out to be off the reservation. Bill was and is a superb lawyer, really excellent judgment and I think there wasn't any question in my mind. There wasn't even another name on the list as far as I was concerned.

Riley: I've got one or two follow-ups. One is that according to your manuscripts, you served on Dan Quayle's Competitiveness Council. Quayle is a name that hasn't come up in our discussions before and I wonder if you could tell us a little bit about your service on the Competitiveness Council and your observations of a political figure that also, to borrow your terms, probably was dealt a bad hand.

Thornburgh: The major work that I was involved in on the Competitiveness Council was civil justice reform. We had met—I'm trying to think of who it was. One of my staff members and myself had met with the Vice President and Bill Kristol, his chief of staff, to examine areas that the Competitiveness Council might stake out some mission. We had a rather lengthy discussion about a number of issues and finally fastened on the issue of civil justice reform as it affected American businesses: class action suits, excessive verdicts, and all of those things. So we undertook at the department to coordinate a study of the civil justice system under the direction of Ken Starr. They produced a report—really the first report ever done, to my knowledge, in the federal government of what reforms might be necessary in our tort system, in particular to deal with the problems—it was a pretty good report. The Vice President delivered a summary of it to the American Bar Association convention in 1992 and practically got booed off the stage.

Meador: I was there.

Thornburgh: Were you? Jack Curtin came to the microphone immediately to—

Meador: Exactly. It was a face-to-face confrontation.

Thornburgh: I don't know. I feel kind of badly. I think he did get kind of a bad rap. Dan Quayle is a very bright, able guy, and probably no favor to him that he does look like Robert Redford. Maybe the rest of us who look kind of nerdy have a better chance to get attention to our ideas than somebody who is a matinee idol.

Let me say, parenthetically, I think Dan Quayle made a terrible political mistake after the 1992 campaign. I believe that if Dan Quayle had gone back to Indiana and run for Governor, which he could have ordered up like a pizza in that state, he would have been a serious contender for the presidency in 1996. Because he would have put some open water between the vice presidency and his then presidential candidacy, which was a disaster when it came about. The economy was in good shape and he would have performed. He's an able guy, would have performed an admirable record and would have established some credentials as an executive. That's neither here nor there but I just can't resist making a commentary.

Meador: You're saying the mistake he made was in not running for Governor?

Thornburgh: Yes, he moved to Arizona. I don't know what was he thinking of. I can't believe he would have lost. He was an enormously popular Senator. They did lose that race in Indiana but I think Quayle would have made short work of it. But in any event—I regard him as a friend. We kept in touch. He'd come over for lunch, Marilyn would come over and we would visit them in their home. But other than the Competitiveness Council and the night the Manila, the Philippines scourge came on when he was running the National Security Council when the President was out of the country, we had minimum amount of contact on substantive matters.

Riley: Did you deal with that episode in the manuscript? I have to confess that I—

Knott: Can I get your comment on the FBI? After you left—the '90s were just a terrible decade

for the FBI, if you think of Ruby Ridge and Waco and the lab scandal and [Robert] Hanssen and the [Timothy] McVeigh files—

Baker: Wen Ho Lee.

Knott: I mean it goes on and on and on. Now maybe a lot of this is just media fluff, but what is your assessment as someone who was up, frequently, to head the FBI and observed it up close and personal? What is your take on that?

Thornburgh: I think it's a mistake to bundle those all together. You have to look at them separately. There's no question but what some serious mistakes were made by the FBI and by Janet Reno in some cases in providing direction to the FBI. Like most other organizations' shortcomings, it's generally a managerial fault. Nobody had really taken charge of that organization. Bill Sessions certainly didn't. I mean, Bill is a delightful guy and as I said we were old colleagues, but he was just kind of a thin veneer on top of the FBI bureaucracy. I don't know that he did anything, really.

Baker: Did that leave a vacuum in leadership?

Thornburgh: It left a lot of fiefdoms that had grown up over the years and had their own interests and really weren't brought to heel. I will give him credit for vigorously pursuing discrimination and finally settling the class action lawsuit that was brought to ensure that African-American and Hispanic agents weren't discriminated against.

Meador: Do you think any of these problems could be laid at [William] Webster's door?

Thornburgh: I don't know enough about that period, Dan, because I was out of government then. So I would have to rely on others' assessments of that. I knew, I was there when Hoover—I wasn't even in Washington when Hoover was there but I was a U.S. attorney then. Let me say this, when all is said and done, in spite of all this criticism, I regard the FBI as by far the preeminent law enforcement agency in the world. I don't think anybody can lay a finger on them when it comes to carrying out their tasks. Now, they made some bad mistakes.

The whole [David] Koresh-Waco thing, as I understand it—and I've never been contradicted on it—was a result of misrepresentations made to Ms. Reno, which she being new on the job did not have the capacity to really cross-examine. I'll be a little unkind here, but I think the bureau knew that she was a champion of children's rights and they came to her with this story about children being abused in the compound and therefore they had to rush it. You always have to restrain law enforcement agencies. Their tendency is, do something. Oftentimes, particularly in hostage situations, the best thing to do is nothing. If she had been, "Tell me chapter and verse, what children? How do you know this? What are the details?" She would have quickly discovered that this was not true.

She compounded it by passing that on to the President as a rationale for the action taken and forced the President then to mouth these inaccuracies. The other reason she gave was that the bureau agents were tired. They'd been working around the clock. Well, fine, get some new

agents in there. But when you're talking about 75 or 80 lives lost because of an action, an unwise action being taken—there was no earthly reason why they had to rush that compound when they did. Every prospect, according to most people, they eventually would have waited the guy out. They can't stay there forever. He had done some serious wrong, killed two ATF [Bureau of Alcohol, Tobacco, and Firearms] agents. Whether the ATF should have rushed in the first place is another question, but that's not a Justice Department operation, which points up another issue.

You look at Ruby Ridge, again, the incentive, because of the killing of a federal agent, marshal. It is just a terrible accident, [Lon] Horiuchi shooting this woman. I mean that was just a terrible thing. But again, operational control is the key thing in these kinds of situations. Not much you can do about people who betray your agency. I'm not familiar with all the details of the Hanssen case, but the guy was obviously pretty clever and they just didn't have an inkling of what he was up to. Wen Ho Lee, I think the jury is still out on that, whether it was a racial profile situation or whatever. I'm told he's a very clever and manipulative guy and has made a case that isn't quite what it appears to be. But I'm told that, I don't know.

So these are the normal kinds of management problems that occur and the way to solve them is get a manager in there. I think they have one now. I think Bob Mueller is a guy who is very tough on the management side and I hope we'll see some improvement. But I go back to what I said. The bureau, for all of its faults, is as good as it gets. Law enforcement is particularly susceptible to second guessing in the society we live in, and they know that and accept that. Their real problem is one of resources. They have a huge problem retaining experienced agents and recruiting new qualified agents, and that's going to have to be a major challenge over the next five or ten years.

Knott: Might it have been a mistake to have a series of directors who were not really managers, who were not really executives, but came from the judicial side? You know, Webster, Sessions, [Louis] Freeh.

Thornburgh: That's a good point and I think a caution for future appointments to agencies like that. Now, people don't come in with a label around their neck saying, "I am a manager." Some people have had no managerial experience and they turn out to be very good managers because they're good judges of human nature and capacity, whatever. Clearly, that ought to be at the top of the list when you're assessing someone to run an agency like that.

Baker: The statutory independence of the FBI complicates the job of the Attorney General, doesn't it?

Thornburgh: You mean the ten year term?

Baker: In terms of the oversight function?

Thornburgh: It never caused me any problem. I mean if I wanted to find out something from Sessions or call him on the carpet or whatever, it didn't deter me.

Baker: Of course, he wasn't J. Edgar Hoover.

Thornburgh: He wasn't J. Edgar Hoover, no. Say what you will about Hoover, there was a guy who did manage his operation and until he overstayed his welcome, did a heroic job of taking an agency that was corrupt and inept and turning it into what it is today. I realize you know that a lot of bad things can be said about Hoover, but they're not all bad.

Meador: You mentioned Janet Reno, and this may be a question you don't care to answer, but do you have any comment about her performance as Attorney General?

Thornburgh: No, I don't think it's appropriate for any of us to try to give grades to successors and predecessors. I believe she's a good person. I think she's honest. I think she is devoted to the law. I found her to be personally very easy to get on with, pleasant individual. I think she made three or four very bad mistakes and that's always a matter of opinion. I'm sure someone is saying the same thing about me in some other room somewhere else in the country today.

Meador: You care to mention what they were?

Thornburgh: Yes. I think first was Waco. Second was the failure to appoint an independent council to examine the campaign financing allegations of the 1996 campaign. The third was the Elian Gonzalez case. Not what she did but waiting so long to do it, letting this thing build up into such a *cause célèbre* when it should have been resolved very quickly by sending the kid back. I mean, there wasn't much question about the fact that that was, while not the popular thing to do, was certainly called for by the law. What did I say, four? We'll let it go at three.

Baker: How about your press relations? You talk about in your book that inherent tension between the Justice Department and the press because it's looking for news stories and you're engaged in ongoing investigations. You have to protect privacy of individuals being investigated, plus the efficacy of the investigation. Did your handling of the press evolve over the two-and-a-half-year, three-year period that you were working with them? Did David Runkel set up particular procedures of who to contact when a press story was coming down? How did you seek to control access to your attorneys and access to files when you were in the Justice Department?

Thornburgh: First of all, I don't think there is any way you're going to do your job as Attorney General and be popular with the press because of this tension. I certainly could have probably done better, but I'm not sure how and still be faithful to my charge. I probably disadvantaged myself immensely by the handling of the Gray investigation, that was another aspect of that, because reporters rely on leaks. I mean, they're absolute total hypocrites. They denounce leaks on their editorial pages and they rely upon them in their news pages.

First of all, when I came into the office, they had this huge press operation. Positions were detailed from other places within the department and I had the sense that they just weren't professionals. So I canned a lot of them and some of them sued us and frankly, I think, got their jobs back. We had to reassign them around. But that got me off on the wrong foot with the press because those guys were their sources. That's who they got their leaks from. I knew that, or suspected that, but nonetheless, in playing Simon Pure, decided—and that was probably a mistake.

I stated in my opening address to the department that there were two things that I insisted upon. One was that there be no surprises. I didn't want to hear from somewhere else about something good or bad within the department, I wanted to hear from the people who worked with me. And secondly that the department speak with one voice. Both of those were misunderstood, largely by the media, or chosen to be misunderstood as being secretive and attempting to put a lid on legitimate news that the department might have.

I, to this day, I don't know how you really handle that problem, and I don't think anybody who has been there before or since really knows how to handle it. They own the printing press and they can make you look bad or good. I think one of the most amusing things during my tenure was the roller-coaster nature of my treatment by the press, which acted like a bunch of lemmings. One favorable story sets off 13 other favorable stories and one negative story sets off 35 more negative stories. Then you go through another cycle. So that I went through that whole cycle, up and down, while I was there and it was almost as if they were singing from the same sheet music. It was just incredible the way these cycles would go. Maybe it was an accurate portrayal of what was—but from my point of view, I was the same guy doing the same thing, neither as good as some of the favorable things portrayed or certainly as bad as some of the unfavorable things.

Meador: Are there any individual members of the media, the press, who you remember as either being particularly troublesome or particularly helpful one way or the other?

Thornburgh: Well, that's hard to say. I mean, they're professionals, I respect that. In most cases they don't hold me any personal animus. They're trying to get a story and trying to look good for their readership and their bosses.

Meador: Did you ever have any dealings with Nina Totenberg?

Thornburgh: Yes, I didn't really—I'll tell you exactly what Nina is in my book, and I think I refer to it in my manuscript. Very early in my administration—in fact it was the time I was out in Denver at the ABA when I had my sidebar meeting with the judiciary committee—I spoke out there about a new initiative about violent crime. I gave a fairly standard speech, not a bad speech, but no better than any others, or worse. I came out and Nina was there and asked me some questions and I tried to summarize and she looked at me in utter disgust and said, "You don't know how to make news." And I said, "Well, I'm sorry." Then I reflected and I said, "I'm not in the business to make news. My job is to enforce the laws of the United States."

That was her attitude. She was always looking for an angle. To her credit, later on one time she and Dan Schorr had me on and gave me a full hour interview, just an unfiltered expression of views. But there is a very competitive aspect, in spite of my description of this uniform structure, I think—but that's, again, when I start complaining about these things, it's nothing new. It's been there all the time. It's just the nature of the animal and the sooner you realize it and settle down—newsmen are not your friends. They should be treated fairly and you really in most cases shouldn't take things personally.

Meador: I have a recollection during the Griffin Bell time that there were some individual members of the press who were regarded as being pretty fair and even-keeled about it and were

held in favorable light by the Justice Department.

Thornburgh: And by their colleagues too.

Meador: Ron Ostrow.

Thornburgh: Ron Ostrow and Jack Nelson from the *L.A. Times*.

Meador: Those two I remember, and there was a woman named Edna Weaver with a Chicago paper. Do you remember people like that that you think—?

Thornburgh: Generally yes, there were some like Mike Isikoff and Ruth Marcus who were so negative, you just couldn't—they didn't really want to report anything positive, and I didn't like them. I just didn't like them personally. Others, the wire service guys were always pretty decent. But these are all idiosyncratic views and people I might think well of—my attitude to the news media has always been, you just play the hand that's dealt you. Like when I was in the Governor's office, you had people like Scott MacLeod who spent their time trying to rake us over the coals on things. It just doesn't change.

Baker: You did follow two interesting strategies, one was to talk with local newspaper editors and to preempt the Washington, D.C., press corps, and the other was to go on the television news talk programs, I think especially McNeil-Lehrer, you were on quite a bit. Was that a conscious decision on your part to sort of bypass what you saw as this pack journalism mentality?

Thornburgh: Yes, there are two separate strategies. One, of course, on McNeil-Lehrer in particular but on other programs, you have an unfiltered access to your audience. You're not dependent on what the animus or the mood of the day is of the particular reporter.

Baker: They won't just edit out that 30 second sound bite.

Thornburgh: You got it; that's right. And that we welcomed and I think all of us in public office welcomed that because you're then not dependent upon the vagaries of the reporter who's doing the story. The business with the local editorial boards was precisely what you indicated. They were disappointing though, because more often than not they'd divert off into some obscure issue that was of interest to their readership. I mean, you try to talk grand policy with editorial boards outside of major cities and it just doesn't happen. They want to know, "Well, we've had this case around here for 13 years." I'm thinking, *What the hell are they talking about? I don't even know what the case is about. Talk to the U.S. attorney.* But that's right and I don't think it takes particular wisdom to figure out the worth of those two strategies, but we did follow them.

Riley: We've got about an hour left. Can you tell us where you were when you heard about John Heinz?

Thornburgh: Yes, I was sitting in my office. I had a call from Sam Skinner, the transportation secretary, who told me that John Heinz had been killed in an airplane crash, which was a real

shock. He and I had grown up in politics together, in my first 1966 campaign, he had been my campaign chairman. We both cut our teeth in that campaign. While we had sometimes conflicting agendas, by and large we worked together pretty well. We had, I think, got a lot of good things done for Pennsylvania and I was just stunned, just absolutely stunned.

But as night follows day, it didn't take long for speculation to start arising about who was going to run for that seat. The Governor was having a hard time getting somebody to appoint to fill the vacancy. He tried. I remember, one of the people he tried was Lee Iacocca, who hadn't set foot in Pennsylvania for forever. He was from Allentown, or around the Lehigh Valley somewhere. And former Congressman [William] Green and he finally lit on Harris Wofford, which turned out to be an inspired choice. It didn't seem so inspired at the time.

I really anguished over that. There was immediate pressure from the Senate Republicans, including Bob Dole and Phil Gramm. Bob Dole was the minority leader and Phil Gramm was the Senate campaign committee, and to them it was a given that I should run. And the prospects looked excellent. The President still maintained this very high approval rating. I had had a high approval rating during my time as Governor. My name was well known. By that time all of the bad stuff was way behind me in the Department of Justice, we had righted the ship. But I just—I didn't have any fire in my belly to be a U.S. Senator and I should have known better. But eventually, they wore me down. I wore myself down. I said, "Hey, I've done about everything I can here at the department, it's in good order. Maybe it is time for a new challenge." That was my rationale. It wasn't a reason; it was a rationale.

I'll never forget, I was down at the shore over the weekend and my friend and former campaign manager—chief of staff by now on the federal bench—came down, a guy I just admire so much for his political wisdom. We rehearsed all the arguments that I made and he said, "The only thing that I think could really hurt is if the economy goes sour. Then you'll see Bush in a free fall and probably drag everybody else along with him." And I said, "Ah, yes, that's true," but little did I know that that's precisely what the prospect was, compounded by the fact that we were—well, I'm getting ahead of myself.

But in any event, I finally decided, like Hamlet, this and that and the other thing, and I really loved being Attorney General. I mean things had turned around, we were getting some things done. It was a very difficult choice but I finally acceded to what I thought was my better judgment and remonstrances. I was beginning to get a bad rap as a guy who couldn't decide what to do. Why'd you take so long? So finally, early June, I said that I would resign as Attorney General and go back to Pennsylvania and run for the Senate.

Riley: How did your family feel about this?

Thornburgh: They were not enthusiastic, and that was a very telling thing. I should have been more attentive to that. I should have picked up on that. My sons were then older and more mature, had careers of their own. My wife was always my good counsel. They never said, "Don't do it." But heretofore they'd always been excited and always been raring to go, and I think they kind of rolled their eyes at this one. I don't know why. Please don't misunderstand me. I'm not denigrating the role of the United States Senator. That's a very important role in our system and

we need more good people in our legislative bodies. But in retrospect it was clear that that wasn't really what I wanted to do. My whole background had been the executive branch. So it was a mistake, but we gave it our all. I mean, I didn't take a walk after we decided to run. The President was very helpful and encouraging. The Senate campaign committee was very supportive.

No sooner had I made up my mind, was ready to go, than a disastrous, as it turned out, sprag developed when some perennial candidate went into court and convinced the federal judge that the election shouldn't be held that year, it should be held the year following, which presented me with a dreadful dilemma. I could either rely upon assurances, which turned out to be accurate, that the decision would be overturned, the election would in fact occur this year. Or I could say, "The hell with it; I'll stay here and if there's an election next year I'll consider whether or not I'm going to run."

But in order to follow the first course and run the risk of resigning as Attorney General and there being no election and my being out of government, I had to take another series of serious hits below the water line by the news media and now by partisan political opponents in the Senate. And fair game. If you've got an Attorney General who is an Attorney General, they generally lay off unless you give them some occasion. But when you've got an Attorney General who says I'm going to run for the Senate, then your head's above the trench and it was shot at. Of course, that's when this Wichita thing came along and that's why that was such a *cause célèbre* because it was fanned by party interests. The whole thing turned out to be a nightmare. Mercifully it was over in three months and I went back to my life and had plenty of other good things to do.

What happened? We ran a poor campaign. I'd been out too long; I'd been away from Pennsylvania. The people who had been so good in putting my campaigns together previously were now on to bigger and better things. We were down to bench strength, which wasn't necessarily as strong as it should have been. There was a certain amount of overconfidence fed by polling data, which showed us in the beginning way ahead. And a kind of arrogance on the part of the people, the Senate people, who were—they in effect said, "Don't do anything, just run. Don't make waves; don't raise issues."

Interestingly enough, the one issue that my opponent took brilliant advantage of was one that I spotted early on. The minute I got back into this thing I thought, this health care thing is bubbling around. I sent some stuff off to my chief research guy, Harold Miller, and told him to start working on it. I mentioned that to people in the Senate, the Phil Gramms of the world, and they said, "Ah geez, don't get into that." I see what they were saying. I see what they were saying. We don't need some Senate candidate, the only one running this year, out there railing about health care and making proposals about health care when they didn't propose to do anything. And as I indicated yesterday, Sununu had told Lou Sullivan, "Fine, but don't spend any more money." So we really didn't have much to talk about.

As long as the President's polls held up, I could say, "I'm the President's guy. You remember me, I did this, that and the other thing for Pennsylvania. I'll do the same thing for you in Washington; I know Washington. I can deliver for Pennsylvania, do what Senator Heinz did, Senator Heinz was my friend, and continue that." That was really the campaign. On the other

hand, as poor a campaign as we ran, the other guys ran a brilliant campaign. Carville and Begala had sharpened their knives in Pennsylvania over two gubernatorial campaigns. They had a Rolodex that—

Riley: I didn't realize they had worked Pennsylvania before.

Thornburgh: The Bob Casey campaign—

Watson: Yes, two of them with Casey.

Thornburgh: The first Casey campaign was when they beat Bill Scranton, and the second Casey campaign was equally effective, in fact, more effective statistically. And they knew the territory. And they're ruthless. They're absolutely—I mean that as a perverse compliment. They just did a number on us from day one and they kept us reeling. Now when you compiled—I mean, that's a deadly combination. We run a bad campaign, they run a good campaign, and then on top of that, the President's poll numbers as we hit October just plummeted.

I could see it out there. People wouldn't look you in the eye. We gave it our all. I was vigorously campaigning across the state, touching in with old sources, the Republican organization. Because we didn't have skilled—all the people that were in the campaign were recruited on a kind of pick-up basis. A lot of them had come from Washington, didn't know Pennsylvania, they didn't know the news media, they didn't know the Republican organization. I was the only one who knew all those people and I could be spread only so thin. So when election day came, predictably, we got beaten badly.

Meador: What effect do you think the national presidential campaign had on this?

Thornburgh: I don't think the campaign, which really hadn't developed yet, had any effect. I think the President's loss of popularity in the polls had an enormous effect. I mean, you could see it. I think Bob Teeter told me he lost 30 percent of his approval in the last month or two weeks of the campaign. Not a 30 percent drop, but 30 percent of his favorable eroded. I think everybody agreed what happened.

Now, the other ingredient, what made their campaign so brilliant was that in our very first debate, Harris Wofford pulls out this copy of the Constitution and says, "Every American has a constitutional right to a lawyer. They ought to have a constitutional right to a doctor." Well, you know, I said, "What are you talking about?" and spent the next three months trying to force him to come up with some particular—any particular—about what he was talking about in the way of a health care plan. "How much is this going to cost? How are you going to pay for it?" Never answered. And the media gave him a free ride. They saw me as a target because they don't like people who are way up. You know, the higher up you are, the better target you are. And finally, lo and behold, we did come out with a health care plan in the last week of the campaign. Lou Sullivan came up, he was happy as he could be because he finally got an audience for what he wanted to do. It was a great plan and made sense, but it got no attention because by that time Harris Wofford waving his Constitution around had gotten all the media.

Watson: They never did have a plan.

Thornburgh: No, they never did have a plan. Predictably, a year later, or two years later, I guess a year and a half later, he just got whomped because he hadn't delivered. It's one thing to make a promise that's attractive to the voters to get yourself elected, but it's quite another to deal with the prospect you don't do anything about it. He had nothing to offer in the 1994 election. He was beaten by a young Congressman, Rick Santorum, who has now been there for two terms. So 95 percent of the fault of that campaign was with me. Poor judgment getting into it when I didn't really want to undertake a campaign, poor judgment in staffing the campaign, poor judgment in not articulating a set of issues. And the other 5 percent was bad luck. I was running at a time when the tide was running out on Republicans and it was a genuine predictor for what happened the following year in the presidential campaign.

I told the story in the manuscript, I'm sure you saw that. I went down to the White House afterward and at first they were going, "Uh huh." I said, "Folks, let me tell you something. About a hundred years ago in Pennsylvania when coal was king, the miners would go to the mouth of the mine every morning they'd release a canary into the mine. If the canary came back they'd know everything was okay, there was no gas or whatever in the mine. If the canary didn't come back, they knew they had trouble." I said "Boys, I'm your canary and there's trouble in the mine." They didn't listen.

Riley: Did you get the sense that it didn't register?

Thornburgh: It didn't register, no.

Riley: It just didn't register at all.

Thornburgh: They just were stuck in low gear. It's a projection of what happened with regard to the domestic policy council.

Riley: Well, this is, for those of us who have been working on the project for some time, this is a great puzzle. Why the administration didn't begin to organize a campaign earlier.

Baker: Energize the domestic policy.

Riley: Energize domestic policy. There's even been the question raised as to whether the President himself lacked the fire in the belly that you talked about.

Thornburgh: Whether he really wanted to win.

Riley: Do you have any possible explanations?

Thornburgh: No, I think he wanted to win. I think the President is a real competitor. I frankly, I quit—I went off to the UN. I didn't engage in domestic politics after my own demise, so I didn't really follow as carefully as I normally would what went on in the national campaign. I didn't have a good feeling about it, because I really did feel that there were some early warning systems

that evolved from my own campaign. Now Phil Gramm is a gracious individual, was kind enough to say that I lost because I ran a terrible campaign. I know that I was a terrible candidate. So I figured, “Phil, that may be true, but there’s an awful lot more to learn from this campaign than just that you had a crappy candidate.” They just didn’t get it. And it was consistent, because he was the one who told me to my face, “Don’t get into this health care stuff. You don’t have to have any kind of rebuttal to that.” It was kind of like Sununu’s attitude toward the domestic policy council, “Just keep doing what you’re doing.”

Riley: Gramm was chair of the senatorial campaign committee at the time?

Thornburgh: Yes. And a friend. I mean, it wasn’t at sword’s point. What he said about me was designed to—it wasn’t against me so much as it was to distance them from the fact that the seat had been lost.

Meador: In the Presidential campaign do you think there was something to be said that the Bush group greatly underestimated Clinton?

Thornburgh: Oh, I think that’s probably so and I think that’s probably the fate of everybody who’s underestimated Clinton. I think they missed desperately having Jim Baker and/or Lee Atwater around to run the campaign. The people who were running the campaign, again it’s kind of a replication of my experience, you’ve got to have your first team in there. While Jim Baker ultimately came back, it was far too late to salvage the effort.

Clinton ran a good campaign. He had the same rogues that had run the campaign against me. I knew what they were up to and they succeeded in keeping the President off-guard. Shouldn’t have won, but they were masterful in the way that they ran their effort. And Clinton is—nobody will deny—is a superior politician. Just as good as they come. In his ability to reach out to voters and connect with them. And they just harped on the economy—which we now know that the economy had by that time turned around, was on its way to the decade of growth that we had then—but they created the impression that things were in terrible shape. There was a genuine angst among the American people in that ’91-’92 thing, in the aftermath of the Gulf War.

I’ll go back to my uneasy feeling at the time of the end of the Gulf War. If only the President had had the horses to frame a domestic policy, a six-point, eight-point, ten-point, twelve-point, whatever, domestic policy that he’d laid out just after the celebration of the Gulf War victory in that speech to Congress. It’s not hard to come up with what those points would have been. It doesn’t matter whether or not they passed the Congress, because he faced a bigger majority of the opposition in the Congress than any President in recent history. It wasn’t going to pass, but it would give him a Trumanesque type finger to point at a do-nothing Congress, which didn’t act on his six-, eight-, ten-, twelve-point program. Instead, you get a crime bill and a highway bill. That’s where the problem started.

Riley: You worked with him on both domestic policy issues and some international relations issues. Did you get the sense that he did have a greater affinity for foreign policy than he did domestic issues? Was there a different personality component that he brought to one than the other?

Thornburgh: I don't know. I'm not a psychiatrist, so I don't want to delve too deeply in this. I think most Presidents enjoy dealing more with foreign policy because they don't have to deal with the Congress. I mean, that's pretty easy. I think his background was more in the international arena. He had never been a Governor, never had any responsibility for policy at the domestic level save for a short tenure as RNC [Republican National Committee] chairman, which was largely taken up with the Nixon-Watergate problems. That's not to say that he wasn't interested. I never heard anything from him that would indicate otherwise except the one thing I referred to that was quoted to me. When he was being briefed for some interview with a news magazine and the briefer said, "They're probably going to ask you or charge you with being more interested in foreign policy than domestic policy." And he said, "They're right."

But I'm not sure that's a sin. It turned out to be a handicap in an era when the Clinton people were able to focus all their attention on the temporary woes of the economy and the—as I said—the angst of the American people. That was the cleverness of their campaign. "It's the economy, stupid." So it's a combination again of good campaign, bad campaign.

Riley: Did you recognize any distinctions in the campaign environment, in a kind of very big picture way, between the time you were running for Governor and the time that you ran for Senate? Did you feel like the way that you had to campaign was different because of changed times? The news cycle being quicker, people paying more—?

Thornburgh: Yes, the advent of the fax machine and email—well it wasn't email then, the fax machine really was the big change, where instantaneous communication was possible. I marvel at how expert the Carville group was, that immediate response to everything. We no sooner had something off of our Xerox, than they had a response on the desk of the news people, so that our message was stifled, stillborn, never got out. That was a big change. Talking about yesterday, the old days of typewriters and white-outs and carbon paper and all that, now you had that in the political realm. I was just stunned. I gave my announcement speech, which was a very good speech, and we went around and gave it in five areas, as usual, around the state, major markets. First time I gave it was in Pittsburgh. By the time we'd flown to Philadelphia they had a detailed point-by-point critique, most of it spurious I might add, but nonetheless, out there on the street. *What?* That was scary. Now, of course, that's taken for granted.

And the other difference was, when I'd run for Governor both times I was immersed in my state of Pennsylvania. I knew the communities. I knew the people. I was attentive to every little nuance. I hadn't been in Pennsylvania literally for four years. I'd been in Cambridge; I'd been in Washington. I wasn't up on the state and that was a factor that—that was hubris, you know, I just kind of figured, Hey, I know this state, this is my state, I was Governor for eight years.

Knott: Had the kind of campaign advertising changed dramatically, much more negative message?

Thornburgh: Yes. Shorter blasts and more misleading, more—it was really, again, technologically much more difficult to deal with.

Meador: Did you consider a rematch with Wofford when it came around again?

Thornburgh: No. I mean, I honestly—when I was through with that race I had to confront myself and say, *You don't want to be a Senator*. Again, a lot of that sounds like sour grapes, but you have to know yourself and I never in the world would have considered running against him. The administration was really kind of—I talked to Sam Skinner, the chief of staff, and he said, “Gee, we’ve got a lot of very interesting positions that are open here. Maybe you might want to consider one of those.” At the time, I said, “I think I’ll take a breather. Go back and practice law for a while, get my bearings.” Until this extraordinary opportunity to go to the United Nations came along, which I was really fascinated by and that turned out to be a real cushion on my abrupt departure from the political scene.

Baker: How long were you at the UN? About a year or two?

Thornburgh: A year, yes. I told myself I’d take it just for a year. I didn’t want to be a career bureaucrat, but it was the top management job in the whole UN. I spent all my time trying to find out how the UN works and what was wrong with it. I gave them a report at the end of the year, which predictably was not very well received by the bureaucracy, but which I was pleased to note—and I told Kofi Annan this, he was a colleague of mine at the time—most of those recommendations have been adopted. So I felt very good about that.

That was a wonderful experience and just, I can’t thank the President enough. He had told [Boutros] Boutros-Ghali, who was the new Secretary-General, this was really a new era for the UN, the Cold War was over, they really had to get down to business. And he told Boutros-Ghali that management issues were important to him and he wanted an American in this position. The position had previously been held by a guy who was never there. He wasn’t an absentee; he just had other assignments, Martti Ahtisaari, who is now the President of Finland.

So to me it was a natural. I liked management challenges, I had long been a supporter of the UN, of the chance to build on a lot of my international experience, and it was a marvelous year. The only thing I didn’t like, I was away from my wife and it was a commuter marriage for a year. And I hate living in New York, but other than that—I didn’t live in New York, I mean, I got up at seven, left the apartment at seven in the morning and came back at nine in the evening and didn’t interact much with New York. I did a lot of travel around to various outposts of the UN and abroad. It was a great year. That’s not of any particular interest to you, but it was a very propitious kind of way to deescalate my interest in national politics.

Riley: And it does speak to Bush’s sense of loyalty.

Thornburgh: Oh, absolutely.

Riley: Could you talk a little bit about Bush as an individual?

Thornburgh: He was an absolutely first class individual.

Riley: How often did you interact with him when you were Attorney General?

Thornburgh: As necessary. I didn't hang around the halls trying to see him, but he just was an extraordinarily thoughtful, decent human being. I think I referred in my manuscript to his attentiveness to—I mean, I was under a particular siege from a barrage of news hawks from one of these periodic hiccups and he'd write me a note. Sit down, take a single sheet of paper, write a note, say, "Don't pay any attention to them. Keep your head up; you're doing your job."

I remember one time when it was particularly bad, Ginny and I had been up in New England, Cape Cod somewhere. We were coming back on the plane and I'd gotten a copy of a particularly nasty story. And on the plane we get a call from the White House, saying the President wants to have dinner with you tonight. So we join him at the Peking Duck—don't know where it is, Falls Church, one of those places. This is the time there was speculation I was going to be fired. So he and Barbara took Ginny and me and Jim McClure and his wife, Senator from Idaho, and Mark Hatfield and his wife, I think, we all went out for dinner. He picked up the tab. Ginny always said, "He used his own credit card!"

It was a very pleasant evening, very nice, but the important thing was, the next morning in the *Washington Post* was a "Seen at the Peking Duck last night." He knew this. He knew that this would be picked up and he knew that this was the way to say to the people who were saying, "He's going to be fired, he's going to be fired"—nonsense. He's there. He's going to stay there. He has the President's confidence.

I mean, that takes a particular sensitivity. And I'm one of a raft of his appointees. But from what I understand, he was that way with everybody. He just was an enormously thoughtful, loyal human being. I have always had and continue to have absolute highest respect for him as an individual. As a politician? Hey.

Meador: If you could generalize about it, could you tell the average, you saw him in the Oval Office once a month, twice a month or—?

Thornburgh: It wasn't on the average because it was on an as-needed basis. So it would sometimes go a couple of weeks without seeing him at all. Other weeks I was over there every day on something or other. Often I'd stop by to see Boyden or Sununu or something and just pop into the Oval Office. Patty [Patricia Presock] would say he was free, I'd say, "Can I stop in and see the boss?" And Ginny would do the same thing because he was very fond of her.

Meador: Do you have any sense, either during Bush's time or any other time, that you yourself might have been on somebody's list for the Supreme Court?

Thornburgh: No. Only with the exception of the little vignette that I mentioned yesterday—and I have no reason to think the President was serious—because when we were in the throes of going through the Souter-Edith Jones thing and I was coming out of the office and he said, "What about you?" And as I said yesterday, it happened to be at one of those troughs in my media relations, and I said, "This isn't the time." But I'm not sure he was serious. I think he was probably—I had never expressed an interest in it and I don't think it's something you lobby for or run for.

Baker: Now, your UN appointment, was that by President Bush or was that Boutros-Ghali?

Thornburgh: It was Boutros-Ghali, but—

Baker: But with some encouragement, should we say. And this was during the time when the United States had been relying heavily on the UN for the action in the Persian Gulf, the coalition, and at the same time was very concerned about, as you mentioned, management issues. The United States was carrying a very heavy burden financially at the UN. So were you given special charge by President Bush once you received that appointment? You know, “Pay particular attention to these kinds of things?”

Thornburgh: “Go do a good job,” is what he said. I think I did. We got the U.S. to pony up its dues. They were current on their dues. We got the Russians to pony up on their dues. I had to go over to Moscow and wring something out of them at a time when they were just in the immediate aftermath of this upheaval in the fall of '91. It was just a year later we were over there. Great story. I told them there that they had a debt that they had to pay down. We tried to get a little of this and a little of that. They made a bad mistake when we were leaving Moscow, they took us down to the Kremlin armory museum down there where they have all these enormous piles of uncut diamonds and all this, and I said, “That looks like it would make a pretty good down payment on your dues.” And this guy’s face, he didn’t know I was kidding.

Riley: Are there other traits of the President’s that you noticed that maybe those of us from the outside wouldn’t be aware of that need to be recorded?

Thornburgh: I don’t know, I can’t say enough good things about him. If you can just imagine the most decent, most thoughtful person you can. He’s got a great sense of humor and loved to rag you a little bit. I remember I was at some Security Council meeting for something or other and I was distracted, something else was on my mind. Everybody was going around the room, Scowcroft was this, and [Richard] Cheney was this, and blah blah blah. And I finally looked at my watch, I had to get back to the department for something. I said, “Mr. President, I have to excuse myself and get back to the Department of Justice.” And he said, “Well, thanks for all your contributions, Dick.” I hadn’t said a thing. That was the kind of humor that he had. It wasn’t meant maliciously but it put me in my place. These guys just—

Meador: Did you have any sense that in his public appearances on TV and so on he came across to the public in a different way from the way you saw him individually?

Thornburgh: Well, I’ve hesitated to say this because it’s so capable of being misunderstood. I don’t think President Bush was a very good politician in the sense of building a relationship with his constituency. It’s kind of hard to say that because he’s such a wonderful person. I hate to be critical of this or that, because some people regard that as a virtue, that he is a real person. He’s not some—I lived with Bill Clinton ever since we were both elected in 1978 through his presidency, and the guy isn’t real. So he has those kinds of choices. Bill Clinton was electorally very effective and George Bush was not. He won a congressional race and he won one presidential race, the rest of the time he kind of struck out. Seeking the Presidency the first time,

seeking a Senate seat, seeking a second term as President. But that's a pretty coldly analytical description and it ignores what I think are the enormous personal qualities.

Meador: What were his shortcomings as a politician, do you think? Wherein did he fall short there?

Thornburgh: I was going to start to say he wasn't much of a schmoozer but he really was, with his friends and his close circle. He just loved to be around, shooting the breeze and cracking jokes and pulling people's chains, but I think to a larger audience that never came across. I don't know, it's a bit of a puzzle. Because he obviously loved politics. You don't get into politics involuntarily, and he sought and held public office over a long period of time. I don't know what the problem was. I remember things like that ghastly incident of looking at his watch during the debate. That couldn't have been missed by anybody watching that. In other words he was saying, "Get me out of here. This is awful."

Meador: Yes, that was widely cited.

Thornburgh: Oh geez. And I just don't know enough to answer that, Dan. I'm sure there have been plenty of people who have looked at that aspect of the President but I'm not your best witness.

Riley: You mentioned yesterday that you felt that Reagan was perhaps the best intuitive politician that you've ever known. Contrast that with Bush. You felt that Bush didn't have the ear for the audience that Reagan had, or was there something lost between the perception and the ability to deliver?

Thornburgh: Oh, I think it's a combination of the two. I'm not sure that George Bush had a fixed and immutable set of principles that guided his public career to the extent that they were able to focus him like a laser beam on particular issues. And that, coupled with—he just wasn't the orator, he wasn't the speaker that Reagan was or Clinton was. He wasn't the performer, let's put it that way. Because there's a lot of performance in Clinton, the lip biting and all this kind of stuff. That was some theatrics. That's the one thing, George Bush should have been in the dramatic club at Andover and maybe that would have helped him more than anything else. He was a little too regal. When he wanted to get off the stage, he looked at his watch. He didn't think, "How will this look?"

It's hard for me to be critical of a person that I admire so much. I don't think I'm being critical, I'm just trying to analyze why it was he never became a folk hero to his constituency.

Baker: Can you compare his leadership style—over and above the political style—but his leadership style, say, with the other Presidents that you served under?

Thornburgh: Well, Reagan was really *laissez faire* as an individual. He wanted to get good people around him and let them do what they wanted to do. He'd give them an overarching philosophical context within which to work, but day-to-day—and Bush was probably pretty much the same way. I'm just not sure he had as proficient executors of his policy. I and

apparently others have made some note of the idiosyncrasies of Darman and Sununu, which didn't always necessarily serve the President's best interests.

Baker: But he did do some delegating, but not to the extent that President Reagan did? In terms of a management style?

Thornburgh: That's hard to say. I'd have to know more than simply what—as far as the Department of Justice was concerned, the two were indistinguishable because in either case they really never tried to impose any regimen on us. I have a sense that Bush probably was a little more attentive to what cabinet members were doing than Reagan was, but I don't have any real basis for saying that other than just my own intuition.

Knott: Have you had a lot of contact with George W. Bush?

Thornburgh: Not a great deal. I didn't know him when his father was President. I've visited with him. I've worked with him and his staff on disability issues. And I've worked with his cabinet people on areas that I've been involved in over the years, but I'm not part of his entourage at all.

Knott: See him as perhaps a stronger politician?

Thornburgh: He's a better politician. Yes, he's a much better politician than his father was.

Meador: Do you think he's taken any lessons from his father's experience?

Thornburgh: That's hard to say. It would appear so. He's fiercely loyal to his dad and is as fond of his dad as most everybody else who's come into contact with George H. W. Bush, but he's his own guy. I think he just has a little more facility with people.

Baker: His personality seems a little different, a little more outgoing.

Thornburgh: More outgoing—but that's, it's hard. My President George Bush was not a recluse or anything, he was a very gregarious person with friends, colleagues, and people with whom he was comfortable. When I talk about his political skills, it really is to a mass audience. I think this President Bush comes across very well. His speech to the Congress I thought was just a masterpiece. I think he handled the press conference well. He's just on a roll. It's hard to think that he will stub his toe. He has an endearing way of misspeaking and flubbing the language. Clinton was so picture perfect, everything was like Lee Strasburg had given him instructions in when to wipe a tear from his eye. I mean, please, don't get me started.

Riley: One of the places where the President, where George H. W. Bush was said to have had problems, he identified himself, as “the vision thing.”

Thornburgh: Well, that's what I said earlier on. I didn't realize that at the time when I said that. I don't think he had any fixed and immutable principles that guided his presidency, like Reagan. Reagan, as I said, he was anticommunist, he was for an economy that was free of unnecessary

regulation, and he was for freedom for people here and around the world. He really, that was his—I think if you asked George Bush for the equivalent of that you'd have a hard time getting it out of him.

Riley: And that has managerial implications, obviously. If you're working for a—

Thornburgh: Yes it does.

Riley: Exactly. If you're working for a President who has communicated a clear vision to the people serving him, then your assumption is that they know they're supposed to go out and—

Thornburgh: Russell, thank you. Because that really is helpful to me. That really sums up what—I think he was right in identifying that as his own shortcoming. The man knew himself. It wasn't that he didn't have any vision, it is just that he did not articulate it in such a way as to connect with the American people or guide his administration. And that's a pretty big handicap.

Riley: It's a curious trait in someone who has been able to elevate himself to the presidency. We had some evidence earlier with some respondents who suggested that there may be something inherent in Connecticut politics, or at least the brand of Connecticut politics that he came out of, that made this so. My sense in talking with you over dinner last night is that Pennsylvania politics is very much different. Certainly Southern politics requires a different set of traits.

Thornburgh: It's that old Puritan ethic, that Calvinistic—

Meador: But he was laundered through Texas politics.

Thornburgh: That's right, laundered is right. You can take the boy out of Connecticut but you can't take the Connecticut out of the boy.

Meador: I have an impression about Bush that his speaking style, he overwhelms a lot of people. It tended to be—I don't know how best to describe it—a little bit, almost a tone of irritability about it sometimes. Kind of a carping tone. Was there something to that? His speaking style?

Thornburgh: It was a little patrician as well, I think. He wasn't a great speaker, no question about that. He didn't relate the way a lot of other public figures have to his audience.

Meador: I get the impression his son can get out there and be one of the boys in a way his father couldn't.

Thornburgh: That's right, although that's misleading when you know the people. George Bush was not aloof. He was one of the boys. He liked nothing better than to kick back with his circle of friends and acquaintances. So he's a little bit of an enigma, I don't know.

Riley: That said, the accomplishments of the administration. If you're thinking back on your time there, what are the kinds of things that you're most proud to have been associated with?

Thornburgh: No question, the role of the United States in world affairs during his watch was enhanced in a way that few Presidents have been able to do it. In a four-year period to, number one, see the demise of the Soviet Union, which had been our principal adversary for decades. The Berlin wall come down, the Soviet Union break up, a democratic Russia and democratic republics created. That has to be among the premier events of the century, almost as momentous as the formation of the Soviet Union in 1917. That really is cosmic in importance. Now you'll hear people say, "Well, he didn't have anything to do with that." Give me a break. I mean the man was President of the United States at the time, that didn't just happen.

The second thing, I think, was the unprecedented ability to weld a coalition against aggression, simple aggression, invasion of one country by another country in the Mid-east. The drawing upon his reservoir of good will with leaders of the Western world and with the Middle Eastern states to fashion that coalition and turn back that aggression was, in a way, unprecedented. I mean, you can look back on other wars where we've fought with major allies where we've had a common enemy. But here, that required some salesmanship and he was able to do it. Those two things really stand out as major accomplishments in the international sphere.

On the domestic side it's a little thinner. I happen to think that the passage of the Americans with Disabilities Act, which his support was absolutely essential for, and I know which he regards as his principal domestic accomplishment. Ironically, it turns out that the budget deal, for which he paid such a high political price, paved the way for a decade of unprecedented economic growth in the country. I doubt very much if he would list that among the major accomplishments because he did pay such a heavy price for it. I think history will show that his efforts in mounting a vigorous war on what he called "the scourge of drugs" paid off. By the time he left office, drug usage was way down and continued to go down during the 1990s. And while it's still a major problem in our country today, it isn't the all-consuming one that it was prior to his coming into office. President Reagan obviously has a piece of all of those things, but I'm trying to confine myself to things that happened on his watch because those are the things you're normally held accountable for.

Meador: I take it you wouldn't describe his time in office as a third Reagan term.

Thornburgh: It has aspects of that because "if it ain't broke, don't fix it" is a good rule to follow for someone who is a Vice President and succeeds a sitting President. You don't necessarily have to have your own independent agenda different from your predecessor, particularly if it's working pretty well. But I think the impress that he put on in the areas that I mentioned was his own and to that extent it may have been a second-and-a-half or second-and-a-quarter rather than a third. I'm torturing that.

No, I don't think it was a third Reagan term. I think he may have been elected in some part on that basis, that people saw the continuity there. But he was his own guy and had his own—I'm not sure that Ronald Reagan, for all his decency, would have been as vigorous in his support of the ADA, for example. I don't know. I suppose the other two things would have come to pass. You just don't know, you can't—the fact is, they did happen while George Bush was President. What might have happened if somebody else was President, you don't know.

Baker: And he did have a different cabinet.

Thornburgh: Oh, yes, he had his own team in place.

Meador: One point we've not mentioned at all. Was there any occasion to discuss with anybody, the President or his staff, anybody, the possible application of the 25th amendment? If Bush had become disabled or sick or something like that? Was that ever a matter of discussion?

Thornburgh: No.

Meador: There was no occasion to do so, I just wondered whether you guys were planning something.

Thornburgh: I know what you're saying, I just don't think anybody war gamed that out. Never heard—

Meador: I think maybe they did within the White House staff.

Thornburgh: They might have. It would be prudent to do so.

Meador: Yes, within the counsel's office, I think it was a matter of some discussion early on.

Thornburgh: I wouldn't be surprised.

Meador: But you were not in on that. Nor would we expect to be.

Knott: And as Attorney General, what were your accomplishments that you're most proud of?

Thornburgh: Some of them, of course, are derivative. I think we did have an effective effort against drugs. You're never going to rid the world of drug usage; that's the way people are. But I think, as it evolved, our most successful undertakings were in the white collar crime area, in the Savings and Loan scandals, and in the financial community, military procurement. There were some major breakthroughs in those areas and we devoted a lot of resources to it.

In the international area, I ended up devoting much more time than I think any of my predecessors or successors had in that realm, to get to know other counterparts abroad and their systems and their problems and to enlist them in some of our efforts, all around the world. Western Europe, and with the Russians, and in the Far East, and in South America. One interesting sub-part of that, which was something I've continued to be interested in, is the work that we did beginning in the Soviet Union in 1989 and continuing thereafter in the Russian federation with our kind of course in "Democracy 101," discussing the implications of the rule of law. It was at Gorbachev's initiative, interestingly enough, that we were invited over there initially and then they came back for a return visit. Then, as it happens, I've kept that up during the decade of the 90s and up to the present time, meeting with Russian leaders on things like court systems and legal procedures, due process, federalism, separation of powers, and things like that, which they were very interested in. I think those things were recognized as making real

contributions.

Meador: Would you list among the accomplishments anything having to do with the internal management or organization of the department? Did you take much interest in that, or anything there you would like to cite as of enduring significance?

Thornburgh: Well, I tried to pare the department down to essentials at a time when we were fast expanding our resources. That's always a challenge. I doubled the number of federal prosecutors or pretty close to that. I don't remember what those numbers are, but a huge increase in prosecutors. A lot of them went into Savings and Loan prosecutions, a lot of them went into drug things. But at the same time just little things like getting rid of the associate's office and putting our international operations into one unit were designed to streamline the operation. I got rid of the organized crime strike forces, which by that time had outlived their usefulness and had become troublesome competitors to the U.S. attorneys. Didn't get rid of them, we just folded them into the U.S. attorney's offices, which was controversial for a nanosecond, but really turned out to be a good thing. Although I gather they've still hung on in some respects.

Meador: It's my impression that some AGs have had a very special interest in departmental management, others have had little interest in that. Where would you rate yourself along that spectrum?

Thornburgh: I had a great deal of interest in the management problems. I mean, I didn't ask for these weekly reports just for fun. I read them very carefully and gave my management team my feedback on those things. I think by and large the department was managed pretty well and continues to be. Let me put it this way. I think how well the department runs, in some part at least, reflects the amount of interest that's expended by the Attorney General on that particular aspect, and I spent a lot of time, for example, meeting with the leadership in each division.

I had a whole series of morning coffees. Then I would meet, have lunch-and-learn sessions. I'd have the management and then I'd tell them to bring in half a dozen of their line lawyers, younger, less experienced people, just kind of sit around and shoot the breeze. I visited well over half of our U.S. attorneys' offices, some more than once to do the same thing, just to meet with U.S. attorneys and try to determine what was going on. We had a lot of outreach to other agencies, other federal law enforcement agencies, and to state and local law enforcement agencies. I told my staff, I operated on what I called the "three meals a day" rule. I said, "I have to eat three meals a day; I might as well use them for something positive and productive. So just get some people in here." We have a huge book of all those meetings and they just go on and on and on. And they were useful.

Riley: We have time for one or two more questions.

Meador: I'll ask one more right here while he's on the subject. Did you have any general plan or pattern of having all the assistant AGs in, say, for lunch once a month or anything like that?

Thornburgh: We had a monthly meeting and then I would kind of pick them off one by one for lunch. I don't think group lunches really get much done, but meetings were just to kind of keep

people in touch. I met with my staff every morning at 7:30 and then once a month I'd have a group sing, which was dreadful. "Today we're going to hear from Rob Bonner about what's going on in the DEA." And Rob would tell his stuff, which was interesting to him, and everybody else was kind of rolling their eyes. But it gave everybody a chance to—

Baker: Cabinet meeting.

Thornburgh: Yes, exactly, and just about as useful.

Meador: Show and tell.

Thornburgh: Show and tell.

Baker: As you say, it builds community.

Thornburgh: Yes it does.

Riley: Nancy, you had one.

Baker: Yes, I was wondering, inside the White House, or in the other departments outside of the Department of Justice, who did you find to be the strongest ally? Who was your best champion?

Thornburgh: Hmmm. Well, in the White House, probably Boyden and Roger Porter. Outside the White House, among cabinet members, Nick Brady, treasury secretary, we worked together on a lot of things and Nick was—he was just—couldn't suffer Sununu. That's a good question. I wish I could give you a quicker answer. Let me just refer to my list in here of people I dealt with.

Baker: I hope your book comes out in paperback.

Watson: You'll throw your back out lifting that one.

Baker: It will have to come with a book bag to market it.

Watson: The kind with wheels.

Thornburgh: Well, I may not be able to find it, but what I gave you off the top of my head is good. I didn't treat it as such in here. And of course, I had

Baker: Well, we've looked at other actors that might be competitors or where there might be tensions, so it's interesting to see where the alliances were.

Thornburgh: No, I can't put my finger on it. See, I haven't got any pagination like you guys do.

Baker: And you need an index.

Riley: That's what a press will do.

Baker: That's right.

Meador: To elaborate on that question, did you have particular allies on the Hill in the Senate or House?

Baker: Yes, that's a good question. Could you count on John Heinz as Senator when you were in the Justice Department?

Thornburgh: We didn't cross—our jurisdictions didn't cross that much.

Baker: He wasn't on Justice.

Thornburgh: We worked together on a lot of things when I was in government, in state government. In the House, Ham Fish was a giant. Just a wonderful man and was very helpful in the House Judiciary Committee. In the Senate Judiciary Committee, a bunch of prima donnas. [*Sotto Voce*] Don't pick that up.

Riley: I was looking to see the time to pick that up.

Thornburgh: I'd have to think about that.

Meador: Obviously nobody stands out.

Thornburgh: No, the two nominal ones who should have been the biggest help were Orrin Hatch and Arlen Specter, but that wasn't as fruitful. Can't think of anybody offhand. I mean, Ham Fish was a guy, if you had a problem, you could get some straight talk from. And he was a very knowledgeable and highly respected member of the House Judiciary Committee. You've got me off-guard. I mean, obviously nothing comes to the top of my mind, but I'm sure there were people upon whom I relied more than others. But I can't think of them right off the top of my head.

Riley: I think that's an interesting piece of evidence in and of itself, and it might be suggestive of the answer.

Thornburgh: Bob Dole was good. He was good to work with and he was always available, particularly helpful on the ADA.

Riley: I think it is a good sign that we've managed to stump you at least once, because over the last day and a half, you've managed to have illuminating and cogent answers to just about everything.

Thornburgh: Get down to the wire here and I came up short, but I'll have to think about it and I'll let you know.

Riley: You'll have an opportunity to edit.

Thornburgh: To revise and extend my remarks.

Riley: Absolutely, and anything that you'd like to—the first thing that I'd want to do is thank Nancy Watson, on the record—

Thornburgh: Here, here.

Riley: —for giving us a wealth of information to begin with in preparation for this, it was immensely helpful.

Watson: I'm glad it was helpful.

Riley: And finally to thank you, Dick, for your perseverance over the last day-and-a-half.

Thornburgh: I've enjoyed it.

Riley: It has done exactly what we want to do, which is flesh out the record and provide future generations an opportunity to peer over our shoulders at what was going on during these extraordinary times. You've been good to be generous with your time.

Baker: And memory.

Thornburgh: Well, it's important work. I think this is a magnificent project and it will serve future generations because you just don't—particularly in a day when people don't keep diaries or write letters any more, there's got to be some way to capture all of the nuances, and government is nuance, politics is nuance. If you rely, as we said yesterday, simply on what the newspapers say, you're in terrible trouble. So thanks for giving me the opportunity. I greatly appreciate it.

Riley: Splendid closing words. Thank you.