

Timothy Naftali

Hello, I'm Timothy Naftali, Director-Designate of the Richard Nixon Library and Museum. It's April 12, 2007, and I'm -- is it April 12, 2007?

William Ruckelshaus

Right.

Timothy Naftali

I'm a historian; I never know dates. It's April 12, 2007. I'm --

William Ruckelshaus

You know them in the 1960s.

Timothy Naftali

Right, I know them in the -- well, the 1970s, actually. We're in Yorba Linda, California, to interview William Ruckelshaus for the Richard Nixon Presidential Oral History Program. I'm joined today by Paul Milazzo of Ohio University. Mr. Ruckelshaus, thank you for joining us.

William Ruckelshaus

Thank you for having me.

Timothy Naftali

How was it that you came to join the Nixon administration?

William Ruckelshaus

I had run for the Senate in Indiana in 1968 and was defeated, and I was asked by the then state chairman, did I have any interest in joining the new administration, and I said, "Well, that would depend on what the job was, but yes I would be -- I had to consider it." I then got a call from John Mitchell, who was in the Pierre Hotel in New York, asking me to come there to meet with him, and -- which I did, and was offered the job as assistant attorney general in charge of the Civil Division in the Department of Justice, and accepted.

Timothy Naftali

What were your duties?

William Ruckelshaus

All the civil actions that are filed against the Federal Government, and when I arrived there there were 13,000 cases pending. The Justice Department is divided into several divisions: the Criminal

Division, Antitrust Division, all of those it's pretty apparent what they do -- tax, civil rights, but everything that's not in these sort of specialized divisions ends up in the Civil Division, so it's a vast array of different kinds of cases, filed either by or against the government.

Timothy Naftali

Tell us about your colleagues, the other assistant attorney generals. Who were they?

William Ruckelshaus

Well, it was an interesting mix. Jerry Leonard had run for the Senate in the State of Wisconsin and was in charge of the Civil Rights Division. Dick McLaren was an antitrust lawyer from Chicago. He was in charge of the Antitrust Division. There was a lawyer from Greenville, South Carolina, who had no political background, but was in charge of the Tax Division. Erwin Griswold, who had been the Dean of Harvard Law School when I had gone to school there several years before, was the Solicitor General at the time, and there were a mix of people like that. William Rehnquist was the Office of Legal Counsel, assistant attorney general, and he came in at the same time we did. Dick Kleindienst, who afterwards became attorney general, was the deputy attorney general at the time.

Timothy Naftali

Did any of you have a relationship with John Mitchell that preceded the administration?

William Ruckelshaus

I didn't. I had met him during my campaign for the Senate, when he would come through Indiana, usually with President -- who became President Nixon, and -- but I didn't know him well.

Timothy Naftali

When President -- when Candidate, or Former Vice President Nixon came through Indiana in '68, you were running for the Senate. You had an appearance or two with him, didn't you?

William Ruckelshaus

Yes, we did, yeah, had a big poster. My chances for success were very much dependent on how well he did in Indiana, and our approach was simply to attach ourselves as closely as possible to him. I was running against an incumbent, Senator Birch Bayh, who was a very popular incumbent at the time, and my chance -- I was the majority leader in the Indiana House of Representatives -- my chance of beating him were really pretty slim, particularly at the beginning. And President Nixon started in Indiana at 50 percent, and that's where he ended, he never moved a percentage point. And I started -- I was behind 63 to 13 the first poll we took, and I ended up about 49 percent of the vote. So it was close, but not close enough.

Timothy Naftali

You told me a funny story about -- was it one of your assistants, or was it a newspaper? Who was it who commented on the gap between you and Birch Bayh?

William Ruckelshaus

Oh, it was my pollster. It was Bob Teeter, who afterwards became a famous pollster and even campaign manager for George Bush, the first George Bush. He showed me the results of this first poll. I had just come out of the legislature with a lot of publicity, and I said, "Well everybody knows who I am," and he said, "You're behind 63 to 13." I said, "What do you think I ought to do?" He said, "Can't you get out of this thing?" I said, "No, I've already announced; I can't very well quit." And the truth is, no matter how much you think people know who you are, the vast majority of people have no idea who you are. It's a very humbling experience.

Timothy Naftali

In that -- in the year or so that you were in Civil Division, did you play -- do you recall at all the struggle over Clement Haynsworth or Carswell? Can you tell us anything about that?

William Ruckelshaus

Yes, I didn't play any role in it; I met both of them. And they -- Bill Rehnquist was really, in his job as office of legal counsel, was really in charge, or at least the attorney general had put him in charge of trying to shepherd them through the Senate, and he brought both of them by to meet me, and I'm sure the other assistant attorney general in the process of trying to get them confirmed.

Timothy Naftali

That must have created -- there must have been a great deal of tension in the department though, as those were both contentious and ultimately failed --

William Ruckelshaus

Yeah, they sure were. Haynsworth was the first one, and, while I wasn't deeply involved in the whole process, it did seem to me he got kind of a bad rap and was defeated. Carswell was a different matter; he fell apart for different reasons. But Haynsworth was the one that caused the most problem, and certainly when Carswell was defeated, the President -- when both of them were not confirmed, he was upset. Led to Blackmun being -- I think it was Blackmun that -- yeah.

Timothy Naftali

Blackman, yes. So, well, we'll have -- we'll talk about EPA in a moment. How was it that you were asked to take the position as acting director of the FBI? You were at EPA at the time.

William Ruckelshaus

Yes, well, I was at home on a Friday. I'd taken the day off and was working in my garden, and my wife called out the window and said, "The President's on the phone." And so needless to say, I hustled inside, picked the phone up, and the President was on his way back from New Orleans and said he wanted to see me in the Oval Office when he returned, which was in about an hour from then. So I went from my home, which was in suburban Maryland, downtown to the White House, and met with the President, and he asked me to take on the responsibilities of the FBI director. And I didn't know what happened to Pat Gray, who had already been nominated by the President, was in front of the Senate to be confirmed, and I asked him, I said, "Well, what about Pat Gray?" And he told me that he had gotten messed up with some destruction of documents during the investigation of Watergate and that that really ended his chances of being nominated. And I told the President that it really hadn't been a lifelong ambition of mine to be the director of the FBI, and why didn't -- why me? Why didn't he find somebody else to do it? I thought he should find somebody who really was interested in law enforcement and that's the way they wanted to spend a good part of their life.

And he was obviously under a great deal of pressure, and I didn't understand, needless to say, all the things that were on his mind at the time, the principal one being he told me -- this was on a Friday afternoon -- he told me that on Sunday he was going to let Kleindienst, Ehrlichman, Haldeman, and Dean go. And this, obviously, was really bothering him, and I was worried about him, to be honest with you. And so I said, "Well, why don't I go over there on a temporary basis and help in the find of the successor to Hoover?" Hoover would have been the last one -- permanent member -- director of the FBI. And so he agreed to that, and that's essentially what I did. I went over that Monday then to the Justice Department, the FBI office, and began to discharge my duties. Toward the end of our conversation in the Oval Office, Ron Ziegler came in, and we had this conversation, which I'll never forget. The question was, "Well, where were we going to make this announcement?" And the President said, "Well, why don't you go to EPA and do it there?" And Ziegler said, "Well, I don't -- " I said, "Those guys over there don't know anything about the FBI, they cover the environment." And Ziegler said, "No, we've got to go out into the blue room to do it," where the press was all gathered, the Press Office of the White House. And so we agreed to do it, that's the way we all agreed to do it, right now. I hadn't had the chance to call my wife; she knew nothing about it. And so I went into the blue room, and it was like a pack of snarling dogs. The press was just erupting when Ziegler introduced me as the President's nominee for temporary FBI director while we found the permanent person. And there was -- he got quickly off the stage, and there was just an explosion in the room of all kinds of questions.

There was a press man named Clark Mollenhoff there who had been part of the White House in the early two years of Nixon's administration, and he was just yelling at me from the side of the podium where I was standing, said, "Bill, Bill!" And I said, "What is it, Clark?" He said, "Well, supposing you decide the President's done something terrible, done something wrong, will you resign?" I said, "Clark, why would I resign? I've been asked to lead the investigation. What good would that do?" Oh yes, yes. The thing was so distorted in the minds of the press that it was hard to get them to even think straight about it.

Timothy Naftali

The -- your deputies, when you went to the FBI, when they met you, they must have been shell-shocked, though.

William Ruckelshaus

Oh, yeah.

Timothy Naftali

They'd been through a very difficult --

William Ruckelshaus

I was met by Mark Felt, who was the number two man there, and he presented me with a letter that objected to my being appointed, that he had sent -- that had been sent to the President. He didn't tell me he had sent it. And it was signed by all but one or two of the special agents in charge around the country, objecting to my appointment and saying that he should have chosen somebody from within the Bureau to be the next director. And he said, "Nothing personal" when he handed it to me. I said, "I'd hate to read one that was, if this isn't personal." And he said, "Well, no, it's not about you, we really think somebody from the FBI should be appointed." Who he had in mind was himself, and until later, I didn't find out that he'd actually written the letter. And since he was then in charge of the FBI, pretty much told them all to sign it, which they did, the special agents in charge. And it was a very difficult time that Kleindienst -- I had gone to a meeting in Kleindienst's office -- he was then attorney general -- and he announced in a very emotional sort of ceremony to his staff and a lot of people in the Justice Department that he was leaving, had been asked to leave by the President. He was quite upset by it. And then I walked down to Hoover's old office, and then to be met by Felt with this letter.

Timothy Naftali

In the White House, they had considered hiring -- they had considered Felt, but the President felt he was leaking a lot.

William Ruckelshaus

Yeah, he did. He told me that when we met in his office. He mentioned Felt as having been somebody they were suspect of and that they'd heard from an attorney, I think he said, from "Time" magazine -- who represented "Time" magazine -- that Felt was the source of a lot of information that "Time" had been breaking, involving the Watergate and a lot of other things.

Timothy Naftali

So you -- did you come across evidence within the few weeks of your appointment that Felt was leaking?

William Ruckelshaus

Yes, I did, and it's taken a strange turn. Felt went on vacation the week after I arrived at the FBI. I mean, it may have been two weeks, but it was right after I arrived there. And he came out to this part of the world in Los Angeles, where his daughter lived, someplace around here. And he said he would be gone a week and then he'd be back. And stories began to appear on the front page of "The New York Times" about wiretaps that had been lost, that were not in the possession of the FBI, of 17 White House employees and newsmen. And the article named all the people in the -- who had done the -- who had been wiretapped by the FBI. And the first article appeared, I called in the special investigative office of the FBI, which investigates itself. Hoover had set that up, and it was very effective. I said, "We've got to find this out or -- is this true? Are there records of wiretaps that are not in our possession that are someplace else?" The keeper of the records of the wiretaps -- I think he is called the archivist of the FBI -- said, "That is true; they're not here." And so we set up an investigative group out of this investigative office to see if we could find these wiretaps.

What had happened -- and the stories kept appearing -- John Kruzen was the author of -- he was the reporter who -- from -- to whom somebody was leaking this information. And within a week, in a very systematic interview process, they found the tapes, after finding an interview with Ehrlichman, in Ehrlichman's office, these wiretaps -- tapes -- wiretaps in Ehrlichman's office in a safe. And so I went over on a Saturday and recovered the wiretaps and brought them back to the White House. In fact, at the recommendation of the investigative arm, we sent an FBI -- young FBI agent -- over to the White House to oversee the wiretaps so that somebody didn't disturb them in some way, somebody didn't take them. And he was standing -- he came back and told me this story -- he was standing in front of Ehrlichman's office sort of as a guard and kind of semi-intense, I guess, and the President walked by and said, "What are you doing here?" And he said, "Identify yourself." And I'm sure this guy -- all the blood left his face -- said he was there to make sure that the wiretaps were not in some way disturbed, and the President really got angry at him, scared him, as it would, I think, any young person like that where the President questioned him severely. At any rate, we got the tapes back that Saturday, and they were put into the archives, and they were precisely as outlined in "The New York Times" story. Now, I issued a press release that next Monday announcing what had happened. We had a press conference in the FBI. They'd never had one there before. They didn't know how to set it up, and so we actually had to use the Justice Department facilities to do it, because this was so unusual. And I said, "We've just got to get this story out, otherwise it will go on and on and on, and let me just tell them what I've found." General Haig called me and said the President wasn't certain this was a good idea to release these -- to have this press conference. I said, "This story will go on forever if we don't say exactly what we found as a result of the story in the "Times," essentially, and what we're releasing here."

So I released -- we released all the information, how the wiretaps had started, at least on the basis of the facts as we then knew them, you know, and how we recovered the information and recovered the taps themselves. And I received a phone call Sunday, before that press conference, from a man who identified himself as John Kruzen [phonetic sp]. And I knew Kruzen slightly, not well, but I knew him, and he said, "I suppose you're wondering who is the source of this information about these wiretaps." And I said, "Well, I certainly am wondering. Do you know?" And I said, "I assume you know. You're the one that's written the story." He said, "Yes, it's Mark Felt. He's the one who's telling me about this, and he is in California and just singing away." I said, "Well, has he told you why he's doing this?" He said, "No, he didn't, but at the end of each time

I've talked to him, he says 'Remember I'm a candidate for director of the FBI.'" And I said, "Well, what does that mean? Does he think "The New York Times" is editorially going to support him? And what good does he think that will do him?" I mean, I don't understand why this is happening. He said, "Well, I don't really understand either, but there's something wrong with this country right now, and I just thought you ought to know this." I said, "Well, thank you very much, John. If you don't mind my asking, isn't this a violation of your promise of confidentiality for a story of this kind?" He said, "Yeah, it is," but he said, "frankly, there's something wrong with what's happening here." And I assumed, from then on, that who I was talking to was John Kruzen. I'd never talked to him about it since; I never really said anything to anybody about it.

And then when it was revealed that Mark Felt was, in fact, Deep Throat -- he had written a book, which was very derogatory of me among others, among many others, about my time at the FBI. Because I had confronted Felt with the fact that he had, during the course of this investigation, that he was the leaker, and told him I was so -- that he had violated every conceivable dictate of the FBI in taking these kinds of sensitive records and handing them over to the press. And I wasn't sure what I was going to do about it, but I was going to think about it overnight and tell him tomorrow what my decision was. And the next day he came in, put his resignation on my desk. So he denies that he was -- he denied to me that he was the leaker. I told him I didn't believe him, because I had a pretty good source that said he was, the name of the person he'd been talking to. And the next day he put his resignation on my desk. He didn't leave for a couple of weeks. He said, you know, he wants to pull things together. And so I said, "All right," but he was going to have to leave. And when Felt was revealed as Deep Throat, I told Woodward this story, just in order for him to have the full picture about Felt. He had already -- he said, "It's too late to put it in my book. The book's already published." But he said, "This is an important fact," and he said, "I'll make sure that it gets out." I've never read anything about it, and I don't -- you know, there's no occasion for him to write it. I'm not suggesting there's anything wrong with it necessarily.

And I was then told by Pat Gray's son, who was writing a book about Pat Gray, that it -- he thinks it may have been Sullivan who called me and said he was Kruzen. I said, "Well, on what do you base that?" And he wouldn't tell me, but he said he thought that may have been what happened. And I said, "Well, I don't know Sullivan, and I wouldn't have recognized Kruzen's voice, so it is entirely possible that it was not Kruzen." But I don't know how Sullivan would have known who was leaking this stuff.

Timothy Naftali

On the tapes, Sullivan tells -- you can hear Haig and Nixon talking this time -- and Sullivan is talking to Haig, and telling him that all the people around you are Hoover people who are protecting their behinds right now. Do you recall Haig putting pressure on you to release information on national security wiretaps by John F. Kennedy and Lyndon Johnson?

William Ruckelshaus

No, no I don't.

Timothy Naftali

Because about this time, after that leak, Nixon has a press conference where he quotes that there were 102 security -- national security wiretaps in the Kennedy administration and 88 in Johnson, and only 75 in Richard Nixon's.

William Ruckelshaus

I remember that information coming out. I don't remember personally having anything to do with it, nor was I -- I mean Haig would occasionally call and complain about something that Archibald Cox and his investigators were doing, but I don't remember him calling about something like that.

Timothy Naftali

Some -- this is happening at the time that Judge Byrne is managing the Ellsberg case.

William Ruckelshaus

Right.

Timothy Naftali

Do you remember the link between -- what is going on in that case that --

William Ruckelshaus

Yeah, there is a link. There was a question of whether the FBI turned over certain information to Byrne in a timely way, and when I got to the FBI, there was -- I can't remember what the state of the case was in, but we did give him some information relating to that case, that Ellsberg had been overheard, I think, in a wiretap on somebody else -- maybe it was Halperin, Morton Halperin -- that there had been an interception of a conversation of Ellsberg, who may have been staying at Halperin's house. In any event, that information was in these documents, and we turned that over to Byrne as soon as I found out about it. And he became angry, and I think he dismissed the case or something, because the FBI had been tardy in being responsive to his desire to have this information turned over. That's my recollection of it, but --

Timothy Naftali

Now was the FBI physically responsible for the wire -- placing these wiretaps?

William Ruckelshaus

Yes, the issue -- in the press release that I issued, I indicated that according to the FBI documents, Kissinger had initiated the wiretaps in a meeting in the Oval Office with the President, John Mitchell, Haldeman and Kissinger. And there was a question in the President's mind of whether information had leaked out of Kissinger's staff involving a relationship between Pakistan and India, and that we were tilting -- I think it was toward India, I can't remember which one.

Timothy Naftali

Pakistan.

William Ruckelshaus

Maybe Pakistan. We were tilting in one direction or another, and it got him very upset. And so he wanted to find out who was leaking this information, and they suspected that it came from Kissinger's staff. And I think Morton Halperin at that time was on Kissinger's staff, and that was one of the reasons he was tapped. And so Kissinger subsequently, to me -- he got very angry when I issued this release indicating that he had initiated these wiretaps, and expressed that concern to me in fairly straightforward terms. And the information that came out of the FBI was -- something got to be part of Kissinger's confirmation hearing when he was secretary of state. And I told him I would be glad -- I said, "Initiate means -- Hoover put that in the files, so it could have been that he had to have somebody initiated. You were in the meeting, so he said you were the one that initiated it." And at any rate, he was aware that several members of his staff -- he was trying to exonerate himself, because he didn't know of any leaking going on. And so several members of his staff, in addition to these newsmen, were, in fact, tapped.

Timothy Naftali

In that period, Hoover could put a tap without a warrant.

William Ruckelshaus

No, he had to assign it. He had to get approval from the attorney general, and I don't think in this case there was, but there should have been approval from a court to -- if national security was involved, and I'm sure that was what the justification was, for interceptions of that kind, for taps of that kind. I mean, when I was there, that was the procedure we followed. I -- if I wanted to have a wiretap on somebody, I would sign it, the President -- or the attorney general would sign it, and the court had to approve it.

Timothy Naftali

This was the District Court of --

William Ruckelshaus

Yeah, a district court in Washington, D.C. I can't remember if it was required by statute or whether it was a special arrangement that was made between the courts and the Justice Department that that would be the place where these affidavits would be filed justifying the tap, and where the judge would make the determination as to whether or not it was warranted.

Timothy Naftali

I think that the -- in this case, Hoover -- in those cases, Hoover did not get a court order.

William Ruckelshaus

That may be true. It may not have been the law at that time, but when I was there it was a requirement.

Timothy Naftali

Let me ask you, when did you -- when you were given the job as the temporary director, were you told that your next job would be deputy attorney general?

William Ruckelshaus

No.

Timothy Naftali

Did you know?

William Ruckelshaus

No, no, I wasn't told I was to have any next job. My job, as I understood it, was to conduct the Watergate investigation, to try to ensure that the FBI, because it was leaderless, and had one leader for 45 years until Pat Gray had been there for about a year, that the FBI continued to function, that it carried out its responsibilities to investigate the allegations under Watergate, and that we found a successor. I went to a -- we started a search process, and there were several -- not just Felt, but several other FBI employees who thought it was important that we look at somebody internal as a possible candidate, and so I promised I would, and we did. We surfaced a couple of very good people, and obviously the choice was the President's and the attorney general, but the President really. And we sent several names over to the White House, including Clarence Kelley, who was chosen in July of 1973. I went there in April -- end of April -- and was there until July 9th. And in 1973, I went out to Kansas City and saw Kelley get sworn in.

Timothy Naftali

During the period that you were at the FBI, you got to know Archibald Cox, where you worked with him.

William Ruckelshaus

Yes, I knew him. He had been a professor at Harvard when I was in school there, at law school. And although I didn't take a class of his, I sat in on his classes from time to time, and knew him just slightly as a student and a professor. I mean, he was much more exalted than I was. But he showed up -- in fact, he was appointed, I think, before I was there. It was a condition of Elliot Richardson's confirmation that -- well, I would have been there before that, because he named Elliot Richardson about the same time I did. So Cox would have shown up a week or so later. He came there before Elliot Richardson was confirmed, but it was a condition of his confirmation that Cox be appointed by the President as special prosecutor. And so I -- Cox showed up and began -- took over the investigation and hired a bunch of people to do it, and we had conversations almost

daily in which he would request FBI assistance in interviews and doing -- investigating various leads. And my responsibility was to be responsive to him as a special prosecutor.

Timothy Naftali

And how would you assess the kinds of questions that he was raising? Were they within the context of the investigation?

William Ruckelshaus

Yes, Cox was very concerned that he not be perceived as politically biased, because he had been solicitor general in the Kennedy administration and had been the advisor and -- I don't know how close he was to the President, but the same part of the country and clearly had been part of a Democratic administration. So he was concerned -- same part of the country Elliot Richardson was from, in Massachusetts. So he was concerned that whatever he did, it not be perceived as partisan. But instead, he had been hired to pursue the Watergate crimes, if there were crimes, and take appropriate action as a result. And he was trying to be -- he was bending over backwards to be careful, not to move into areas that were not directly related to the Watergate investigation. And as I mentioned, many times Al Haig, who was then the chief of staff, would call and complain that Cox [unintelligible] hired a lot of very aggressive young prosecutors. And he -- sometimes those prosecutors got into areas that were peripheral to the Watergate charges. And Haig would find out about this and call me and complain, and I said, "Well, I'll pass that on to Cox." Every time I talked to him about it, he'd pull them back, and he never argued about it. And, in fact, most of the time -- in fact, all the time, as far as I can recall -- what Haig was complaining about was right, that they had gotten into areas that were fairly removed from the Watergate claims. And Cox, in order to make sure that, in my view, in order to make sure that what he was doing was as justifiable as possible, was being very careful not to look into charges outside the Watergate.

Timothy Naftali

Richard Helms once told me that the CIA had -- that the director of the CIA taped his conversations with people. Did Hoover tape his conversations then?

William Ruckelshaus

Not that I know of. There was no taping system -- again, not that I know of, at least that anybody revealed to me. But he might have. That's entirely possible.

Timothy Naftali

Well, you were in the job at the FBI when the White House taping system became public.

William Ruckelshaus

That's right.

Timothy Naftali

What did you -- what was your reaction?

William Ruckelshaus

Oh boy, I can -- I mean, one of the things that I was doing at the time I was there was when the Ervin Committee hearings had started, and I was -- had a television on in my office and was sort of watching what was going on in the Ervin Committee hearings. And I remember seeing both John Dean testify, but also Butterfield revealed the existence of the tapes. Oh man, that is a big issue now. And I was surprised about it as anybody else -- as I'm sure others did, immediately thought about the meetings I had had in the President's -- including the one preceding that FBI director, and I said, "I wonder what I said. How dumb were my statements?" Too late to do anything about it, but it just made you wonder.

Timothy Naftali

So how did you get the call to be Elliot Richardson's number two?

William Ruckelshaus

In June, before Kelley was chosen and then sworn in in July, Elliot Richardson asked me to come up and see him, and said, "We've got a terrible problem." And I said, "Which one? We've got several." And he said, "No, the prosecutors in Baltimore have found evidence that leads to charges of bribery against the Vice President, that when he was governor of Maryland, and then even after becoming Vice President, several contractors in Baltimore had been giving him bribes." And he said, "As best we can -- I've talked to these prosecutors, and as best we can tell, they have a very solid case, but we're going to continue to pursue this as thoughtfully and carefully as we can, because charging a Vice President obviously isn't something you do lightly. So we want to make sure that what they believe they have is accurate." And they had already begun to present some evidence to the grand jury in Baltimore at that time. So during that whole summer of 1973 -- when I left the FBI, Elliot named me as his special assistant, really without saying why, but to help in this -- think through about what we should do about the investigation of the Vice President. And there were essentially four of us that were involved in it -- five: Elliot and myself; Jonathan Moore, who was one of his assistants, Dick Darman, who afterwards was a prominent in the Reagan administration; and J.T. Smith, who is now a lawyer in Washington. And we spent everyday, seven days a week, worrying about what we were going to do about this investigation, and this case just kept getting stronger and stronger.

And so it was during that period that Elliot told me -- he had a deputy that had recently had been sworn in. He afterwards became a judge -- he was a law professor at Duke, and he had been, as I understand it, essentially named before Kleindienst, I don't think it was Kleindienst's choice, but he had been sworn in as deputy attorney general -- or either nominated, I forget which, under Kleindienst. And Elliot said, "If I can talk the White House into giving the deputy -- current deputy a judgeship, would you be willing to be the deputy attorney general?" And I said, "Well, I'm not sure that the White House would approve that, but yes, I would accept it if that all happens." Snead was the man's name, and he was in the deputy's office at the time. I remember going to see him from time to time. And so he talked them into appointing Snead to an appellate court judgeship.

It's something Snead had wanted to do. He was qualified for it. There wasn't any question about that. And then the -- I went over to see -- I never talked to the President about it, but I talked to Haig -- and before going over there, I told Elliot, I said, "You know, I've been in charge of this investigation of Watergate now for several months prior to Kelley taking over, and I've concluded there was a lot of involvement on the part of the White House and probably the President in this -- particularly in the aftermath of this -- these allegations." And I said, "If they ask me, I'm going to tell them that's what I think. Now, I'd never say anything publicly about it and won't. The investigator's not supposed to speak out publicly until the investigation is over, but if they ask me about it, I'll tell them what I think." And he said, "Well, it's a pretty good test. Go talk to them."

And so I went over to see Haig when I was nominated, because that's what I was asked to do, to come see him at the White House, and he never asked me what I thought. He made an extended statement about how he felt the President was not involved with this in any way, and he hadn't been there at the time that all these, most of these conversations took place, and it subsequently came out. And he said he was personally convinced the President was in no way involved in any of the Watergate allegations. And he -- and I was -- he'd say, "What do you think?" And he never asked me. And so I didn't volunteer it; I said, "All right." And so, after that, I was then asked -- or appointed by the President -- nominated as deputy attorney general -- this was about early September -- and was confirmed a couple weeks later.

Timothy Naftali

You hadn't listened to any of the tapes at that point. What was it that gave you the impression that the President was involved, at least in the cover-up?

William Ruckelshaus

Watching the -- I'd known John Dean quite well in the Justice Department. We both did some negotiating. I was in charge of the Civil Disturbance Unit in the early years of the anti-Vietnam War demonstrations in the Nixon administration, and Dean was a negotiator with the new mobilization front, a lot of the anti-war groups, and we worked together quite closely. I knew Dean's strengths and weaknesses, and he knew mine. But in watching him testify, I was convinced that, at least, he thought what he was saying was as accurate as he could make it. That was one thing that made me really wonder how deeply the President had been involved. There was a number of other things that were coming in. There were daily reports as a result of investigations that had been started by Cox, where the investigators would make a memorandum, give it to Cox, give me a copy, and it was -- Cox understood that I was preceding to copy these things. So I would be getting every day a lot of evidence that had to do with various people in the White House and their involvement in this activity, a lot of which was subsequently coming out in the grand jury.

And I just concluded, as a result of the accumulation of stuff I had read and my own knowledge of the personalities of the people involved, that there was a lot more involvement on the part of the White House, and indeed the President himself, than had yet come out. And it led me to the conclusion that there was a lot of stuff going on there that was not yet public knowledge, but that would be very damaging once it -- I assumed it would become public knowledge once these tapes were revealed. And clearly a lot of people were beginning to testify, like John Dean. And the grand jury was going on at the same time. So that -- the accumulation of all that -- I didn't have any specific -- I didn't hear a phone call or something like that, that led me to believe -- and when I said

that to Elliot Richardson, he said, "Well, I haven't concluded that yet." I said, "You haven't seen all the stuff I've seen. I can understand why you wouldn't conclude that. But that's my view, and if -- it seems to me the honorable thing to do is if, when I'm asked to do this job, somebody asks me about it, I tell them." So he said, "All right, it'll be a good test."

Timothy Naftali

And they didn't ask you?

William Ruckelshaus

They didn't ask me.

Timothy Naftali

So tell me -- that whole summer you were working on the Spiro Agnew case. How did you get to the nolo contendere outcome? I know he wanted to -- the Vice President wanted to actually fight it in the Senate.

William Ruckelshaus

Well, he wanted to do a lot of things, but he knew he was hung. That was the most solid bribery case I've ever seen. There were five separate guys who testified, and they were put under all kinds of lie detector tests and everything else to try to break them down to make sure that their story would hold up, and it was really solid. And Agnew had fought this case and fought it, and he had a lawyer named Pablo Conceros [phonetic sp], who's a really interesting fellow. But he also -- he represented Monica Lewinsky later on, and he also represented one of the people who had been allegedly bribing the Vice President, and he was the most difficult one to bring in, his client. He kept holding him out, so we kept trying, and -- I remember a funny story that I had told Elliot. He'd kind of given me the assignment, he said, "You've got to get Pablo Conceros to bring his client in. All the rest of these guys have testified, and we know what he's done, that he's been one of the bribers." And his name was Hammerman [phonetic sp]. So I said, "Well, I'm trying." I remember calling Pablo Conceros in Elliot's -- in the attorney general's office. I said, "You listen, I'll -- put him on the speaker, I'll talk to him." And I said, "Pablo, you've got to bring your man in, you've got to get him across here, because this -- we've gone to the grand jury with this information, they're about to act. The boat's leaving the dock, and your man isn't on it." There was this long pause, and Pablo Conceros, "With the baggage we've got, you'll come back and pick us up." He was absolutely right. In any event, that -- it led to the -- in October, the information was leaking into "The Wall Street Journal" about this investigation. The Vice President made a speech out in California in September to a Republican women's group, in which he just excoriated the FBI for attacking him. The information had begun to leak out about this investigation of him, and said the FBI was trying to atone for its failure in the Watergate investigation, and that was the reason why he was being singled out. And it was a very aggressive -- leaving aside all the ethics and morals of the matter, gutsy kind of thing for him to do. He took the offensive in a situation in which he had very little defense left. And Elliot suggested to the President that he ought to talk to the Vice President. And I never heard the President say this, but Elliot finally talked him into it, and the President met with Agnew, and this stuff was -- and this was after it was coming out in the newspaper, what he was alleged to have done. And the Vice President really confronted him and

said he'd gone after first, Henry Petersen, who was then the head of the Criminal Division in the Justice Department, in that speech to the women out in California. He said, "Then I'm going after Ruckelshaus, then I'm going after Richardson, then I'm going after you." And so he obviously had in mind a very aggressive campaign to somehow try to extricate himself from this terrible set of charges he faced, and the President never saw him again. That was not a happy meeting, to say the least.

But then stuff began to leak out of this -- toward the end of September, early part of October -- into "The Wall Street Journal." There was a "Wall Street Journal" reporter who was getting, obviously, very firsthand information about what was happening. Agnew's lawyers filed a notice of intent to -- what do they call it, it's a contempt citation -- that we should be held -- Elliot and I should be held in contempt because we were the source of these leaks. "The Wall Street Journal" reporter had told our public affairs office in the Justice Department that Agnew's office was the source of these leaks. And he said, "I know you're not leaking here, it's coming out of Agnew's office." So we were asked to go to Baltimore and defend against this notice, to show cause why we shouldn't be held in contempt. That's what it was called. It's a contempt citation.

And the night before we were going to -- we were all set to go to Baltimore. Jim Thompson, who afterwards became governor of Illinois, and was then U.S. attorney in Chicago was defending us. He was defending the attorney general and me. And, at that time, I was the deputy attorney general. And Agnew's lawyers called and said, "We'd like to file a nolo contendere -- not going to contest the charges against us, but it's got to be coupled with a resignation and no further prosecution." And Elliot insisted that there be a 40-page affidavit signed by Agnew, admitting all of these charges against him, which he signed. And so that Friday, instead of going to Baltimore, answering a contempt citation, we went up with a nolo contendere plea on the part of the Vice President and his resignation, and the judge accepted it. That was on a Friday, and then the next Monday, I got this call from Elliot -- I was going out -- the President then announced Gerald Ford was going to be his choice for Vice President. And he was -- that was -- entailed an investigation by the FBI of everything Ford had ever done, because he had to be confirmed by the Congress. And so they descended on Grand Rapids, and I had gotten several calls from people in Grand Rapids, "What's going on? The FBI's all over the place." They knew Ford was the nominee, but it was just really disrupting things. So I went up to tell Elliot, I said, "I'd better go out to Grand Rapids and make sure that this is done right." And he said, "We've got a worse problem than Agnew." I said, "That's not possible. There's no way we could have a worse problem." He said, "Oh yes, the White House is -- wants to fire Archibald Cox." And I remember saying to that, "Well, don't worry about that, that'll never happen. The public wouldn't tolerate it. And so I'll go on out to Grand Rapids." It's funny how little I knew about it. So it just kept getting worse during that week, and I came back on Wednesday instead of staying the rest of the week.

Timothy Naftali

That gets us to the Saturday Night Massacre. So did Richard -- did Elliot -- first of all, I want to back up for a moment before we talk about this. When did you meet -- did you meet Elliot Richardson at Harvard?

William Ruckelshaus

No, I met him as part of the administration. He came in as the deputy secretary of state or undersecretary of state when I was assistant attorney general. And I met him just as you meet people in Washington in the same administration.

Timothy Naftali

Just -- did you -- had you read the Alexander Bickel article about -- did you know about that Alexander Bickel article?

William Ruckelshaus

No.

Timothy Naftali

It's where he argues that the President can fire the special prosecutor.

William Ruckelshaus

But he could, and he did.

Timothy Naftali

Yes, yes, but it was an article that, well, Robert Bork --

William Ruckelshaus

Saying he was justified to do that?

Timothy Naftali

-- that it was justified. And Robert Bork had sort of been a colleague of Alexander Bickel, so Bork was well aware of this article, and the President apparently was well aware of this article. And this is sort of the background to what happens. That Monday when Elliot Richardson calls you, the White House -- Haig has told him about the Stennis Compromise, which the White House is, of course, thinking about.

William Ruckelshaus

Right.

Timothy Naftali

Did Richardson -- do you remember whether he talked to you about it?

William Ruckelshaus

Oh yes, yes, we talked about that. He was trying very hard and tried throughout that week, and maybe before, to develop some approach, some process to ensure that the concerns of the White House would be answered, and at the same time, that Cox would be possible to discharge his responsibilities. And he was searching for some way to avoid the clash that was obviously coming. And Stennis was -- the Stennis Compromise was something I think he agreed to present to Archibald Cox -- was not acceptable to him. But yes, he was involved in trying to figure out a way not to have this -- what he saw as a sort of constitutional crisis -- occur between, within the executive branch and the judicial branch, where they were trying to take stuff from the President he didn't think they had any right to take.

And so it was a -- I mean Richardson -- throughout this, Richardson behaved very, very well. I mean, we were lucky, I think, to have an attorney general with as much capability of thinking forward about a complex set of problems like this, and he had the capacity to think four or five steps ahead as, "If I did this and this happened, what should I do?" For instance, I remember "Time" magazine during a lot of the stuff going on with the Vice President and the President under a lot of stress. They called and said, "We want to put you on the cover, because you're right in the center of all this stuff." And he was just appalled, he said, "You cannot do that. That," he said, "That would just destroy my capability of acting responsibly during this. It'll make it look like I'm being self-serving, and that -- I can't function if you start doing stuff like that." And he absolutely talked him out of using any, you know, cover story or anything like that involving him. He did several things like that during that period that I thought were very farsighted on his part. And his ability to think about -- I mean, he called himself the lawyer for the situation, the situation being all of these things going on at once: the Vice President resigning, a new Vice President being chosen in a way that had never happened before, the President under all kinds of stress. And I just think we were lucky to have somebody that stable and thoughtful at that time as attorney general.

Timothy Naftali

You come back from Grand Rapids; it's Wednesday. The next day, Cox replies to the written compromise that he's received. Cox's great concern was that he would have access to future tapes and papers. He didn't want to sign that away. And the other thing he says is, "Look, if there's a criminal proceeding, I -- we have to have the right to use the original tapes, because they're the only evidence, not these summaries, in the event of a criminal proceeding." Do you remember coming back? Did you -- did the attorney general involve you in these discussions that Thursday?

William Ruckelshaus

Yes, we did talk about it as the -- really as the five people that I mentioned that were actively engaged in the Agnew investigation were also -- it was sort of a continuum almost into this issue. And there were -- I mean Cox himself was trying to treat seriously these requests that were coming and not just give them the back of his hand, and he was raising what, in his eyes, were legitimate questions about that approach and how he would have to proceed in the event criminal charges were filed or whatever else might be -- use might be made, he couldn't sign away his right to ever see or hear these tapes.

Timothy Naftali

What did -- did you -- your group, as you were thinking about it, did you think the Stennis Compromise could work?

William Ruckelshaus

I don't know what everybody thought. We all discussed it and expressed views on it. I didn't think it would work. I didn't think Cox would accept it. I didn't think he could and, with a straight face, say he was discharging his responsibilities as a special prosecutor. He could have been blocked by the court, I mean, the court could have said under executive privilege, or whatever the rationale was, you can't take these tapes away from the President, but that isn't what they found. And if he raised the issue as a prosecutor, saying, "I need this information, and it's available and it's clear where it is, in order to continue to discharge my responsibilities," and the court went along with him. But if the court had said no, then I assume Cox would have said, "Well, that's the judgment. I don't agree with it, but that's the judgment." And so in this case, what he was being asked to do was to work out a different way for him to receive the information that was on the tapes, and, in effect, delegate to a member of Congress, even a respected member of the Senate, the responsibility for listening to them and passing on that information to him. I didn't see how that would work, to be honest with you. I thought he would say "No," in effect, and he did.

Timothy Naftali

Richardson thought it might work, though.

William Ruckelshaus

Yeah, I think he did. I think he thought it might -- he was really looking for a way to stop the -- what he saw as a couple of trains running at each other. And this compromise may have been a way of doing it. And if it wasn't appropriate just the way he suggested it, maybe there was some different approaches that might work.

Timothy Naftali

Do you remember when he first mentioned to your group that he was prepared to resign?

William Ruckelshaus

We talked about it, not at length, but we talked about it the Friday night before Cox's press conference. And it was -- frankly, it was pretty clear to me that was the only choice you had if you were asked to discharge. But I don't think it was quite as clear to Elliot, and he wrestled with it quite a bit, and -- but he finally concluded that was what he had to do.

Timothy Naftali

There's -- almost like Rashomon, the October -- that Friday, Elliot Richardson goes to meet with Haig. He wants to meet with the President. The President won't meet with him, goes that morning to meet with Haig, and they have what seems to be, in retrospect, a confused conversation over

whether or not future access to the tapes would be part of the compromise. That seems to be the line in the sand. Cox can't possibly give away his right to request future materials. The White House is insistent that that's part of the compromise. "You get these nine tapes, or the summaries of these nine, but no more tapes." Haig has one understanding of what Richardson thought could happen. We can't, unfortunately, ask Attorney General Richardson, but through papers and others and interviews, there seems to have -- he had had a different view. You had lunch with him. I think he had lunch with your group after he comes back from the White House that Friday. Do you remember that lunch at all?

William Ruckelshaus

Well, I remember -- I can sort of put together, I think, what you're driving at, in retrospect. I think Haig believed, either because of something Elliot said, or because he wanted to believe and convinced himself, that when push came to shove and the President asked Elliot to discharge Cox, that Elliot would do it. And I don't think Elliot had ever -- he may have, at that lunch -- at that period on Friday, he may have still been wrestling in his own mind with exactly what he would do if it came to that. He was still searching for a way out, or a way to avoid that kind of direct confrontation. So, it's conceivable that he spoke to Haig in such a way that Haig would have gotten the impression that he would go along with it. I know subsequently that's what he said and believes, but Elliot doesn't believe that he ever communicated that. I mean, he's told me any number of times he didn't believe he ever communicated that to Haig, and there was no reason why he should have concluded that, that he would go ahead and discharge Cox if the President asked him, and that this line in the sand about the tapes was a real one in the eyes of the prosecutor and certainly the eyes of the White House. And Elliot was still looking for ways to take that line out of the sand and see if there weren't other ways to work this out.

And that willingness to sort of figure ways out of this may have led Haig to believe that he would, in the last analysis, support the President's decision. But I don't recall any direct conversation with him. I mean, we were meeting almost just all the time that we were both together in the Justice Department. I don't remember that he ever said -- he never said to me that he indicated to Haig that he was willing to carry out what the President wanted him to do.

Timothy Naftali

That night, Friday night, at 7:00, Haig calls Elliot Richardson to say Nixon refused to defer the issue of future access to the tapes. And he reads to him this letter that's going to be sent to Elliot saying, "You have to discharge Cox." Were you with Richardson when that call came in?

William Ruckelshaus

No, as I understand it that call came to his home. I was not there.

Timothy Naftali

Did he call you after that?

William Ruckelshaus

No, I saw him the next morning before Cox's press conference, and I think -- he told me of this conversation with Haig, and I don't recall the letter. I do, as you mention it, I do sort of remember there was a letter that we discussed, but I don't remember exactly what was in it. And it was very clear that there was no other -- that Cox wasn't going to back down and neither was the President by Saturday morning, before Cox's press conference.

Timothy Naftali

I'm sorry to ask you this, but I have to as a historian for sake of completeness, because Haig makes a point of this. Haig asserts that Richardson wasn't totally sober when he spoke to him on that Friday night.

William Ruckelshaus

I --

Timothy Naftali

You weren't there.

William Ruckelshaus

-- so I don't know.

Timothy Naftali

Was the strain showing on the attorney general?

William Ruckelshaus

Elliot was the kind -- when he would take a drink, you knew it. He wasn't drunk, but you -- there are some people that alcohol affects differently, and in his case, you just knew that he had had a drink. It may have been he had a drink before dinner or, you know, maybe several, I don't know. I wasn't privy to the conversation. But there was obviously strain. He was straining very hard to figure a way out of this. I mean, he really did see himself as a lawyer for the situation, trying to figure out a way to avoid this confrontation. And it wasn't simple to do, because neither of the two -- what he saw as the two sides had an awful lot of give in them, for different reasons, but nevertheless it was almost impossible to make the kind of compromise that the President, and I think Haig, wanted to see made. And I'm sure this was putting him under some strain. We're all under some strain. But he was certainly behaving in ways that I thought were entirely appropriate and even exemplary, Elliot was.

Timothy Naftali

Next morning he tells you. What do you think? He calls you to tell you what's happened.

William Ruckelshaus

Yeah, we were in his office. I mean, we'd show up there at about 8:00. It was kind of like the coffee or water cooler during those months really. And, you know, I said, "Well, let's see what Cox says at his press conference, and, assuming he continues to insist on the full access to the tapes, I think we know what the President's response is going to be." And we did have a conversation during that period about resignation. And Johnson more is an important person to talk about this, because he was there during most of that. He was very much part of Elliot's conscience thought process. And it was clear Elliot wasn't going to carry out that order, assuming it maintained after Cox's press conference. And I remember him turning to me and saying, "What are you going to do?" And I told him, I said, "I don't think it's close. I think that what he's asking you and, apparently, subsequently, me to do is fundamentally wrong and that you don't have any choice but to refuse to do it." And that will mean they will find somebody else to do it eventually.

I mean, there was only one last person in line of official command in the Justice Department. If Bork hadn't done it, he could have asked anybody in the department to do it. And that was not good, as far as I was concerned. If he was going to be discharged, it was better for him to have been done by somebody in the department who was in the line of command. Otherwise, you know, it would have looked chaotic. And I told him I wouldn't do it either. He asked me as a matter of genuine inquiry, not saying, "You ought to," or "You ought not to." He didn't want to say one way or another.

Timothy Naftali

Although he probably could predict what your answer would be.

William Ruckelshaus

He might have, yeah. As I say, we -- in discussing this sort of theoretically up to the point it became fairly apparent that there really was a confrontation about to take place here. To me, if it came to that, your responsibility was fairly clear, and I don't think you resign lightly. I mean, I think you do have an obligation to the President. He is the one who appointed you, and you do have a duty of loyalty. But then there's lines over which you can't step, and you have to tell yourself that, it seems to me, before you take one of those jobs. You just say, "Some things I won't do." And you can't predict what all of them will be. Certainly I couldn't have predicted this, but if you don't tell yourself that, you get in really ambiguous situations, and it's hard to think through them.

Timothy Naftali

Did you talk that morning -- did you talk to Bork?

William Ruckelshaus

Yes, Bork was not involved in any of this conversation before. And after Elliot had asked me whether I would resign, I said yes, we all said, "Who's going to ask to resign?" So we went and looked it up, and, sure enough, it was the solicitor general who was third in line. I don't remember who it was. That's when we noticed, somebody at some point noticed -- and there's nobody behind him. And then we decided that, well, then he could ask anybody to do it, anyone in the department.

Presumably he'd try to find the highest official he could. So I went down and got Bork and said, "You ought to come up here, because there's something fairly urgent on the line." And he came up and we told him what had happened and what was going on and what the likely outcome was apparently, and he became furious. He said all of his life he'd wanted to be solicitor general, that, to him, was the highest calling any lawyer could have, was to be the government's lawyer in the Supreme Court. He said, "This is the third time since I've been here I've had to decide whether I want to resign." He said, "That's not why I took this job." And he'd had no background in this, all of this struggle. But he made it clear to both of us that, if the President -- if neither one of us were going to do it and if the President was insistent on Cox being discharged, that he would do it.

He thought the President had the power to do it, and the fact that he was the instrument in the exercise of that power didn't bother him. He had none of this background that Elliot or I had had. I mean, when I was confirmed for deputy attorney general, Senator Kennedy asked me what I would do in the event that -- no, he asked me whether I was supportive of the appointment of Archibald Cox. And I said that I was, that I'd had several dealings with him over the previous months. Now he didn't make it a condition of my confirmation, but to me -- I said that I was supportive of him and his responsibilities, which added to my belief that I was under -- my responsibility was not to do what the President was about to ask. Bork had had none of that background, and he really didn't know an awful lot about what was going on with the Watergate investigation.

Timothy Naftali

So, did he say who would resign?

William Ruckelshaus

Bork?

Timothy Naftali

Yeah, after --

William Ruckelshaus

No, no, no, he said he would not resign. Elliot went over to see the President, and Haig called me, and then Bork was, I think Bork -- in fact, yes, Bork, I put the phone down on my desk after I told Haig "No," and he said, "Well, is Bork around?" And I knew he was up in the attorney general's office, so I said, "Yeah, I'll go get him." There was an elevator between our offices, and I got on the elevator and went up and said, "Bob, there's a phone call for you." And so he went down and then went over to the White House. And I don't know whether he met with the President or not, but he met with Haig, I'm sure. And it was then that he came back and discharged Cox and was acting attorney general for a while.

Timothy Naftali

Well -- because I'd read somewhere that what he said to you, is he said to you and Richardson, "Well, I'll fire Cox, but then I'll resign." And you said, "Don't resign. We need somebody in the" --

William Ruckelshaus

Yeah, that got to be an issue, sort of a public issue for a while. I think Elliot either questioned or -- I forget exactly how it came out, but there was some question as to whether he actually told Bork that he should stay on. I did urge him to stay on. I said I thought for purposes of stability in the department, if you feel -- the threshold question is, "Do you feel comfortable in carrying out the President's desire, his order? And if you do, then I think you ought to stay there and not resign afterwards." In fact, Haig had said to me, when he asked me to discharge Cox, he said, "The President wants you to discharge Cox." He said, "Well, if you don't want to stay in the department, why don't you discharge him and then resign a week later?" And I said, "Why would I do that? That doesn't make any sense. If I think it's wrong to discharge him, it doesn't make any sense for me to do something I think is wrong and then later discharge in protest of what I'd done." That doesn't make any sense to me. And, in the case of Bork, I didn't really see the rationale for resigning.

Timothy Naftali

So Bork actually considered resigning after --

William Ruckelshaus

I don't know whether he did or not. This all was coming on him just without, you know, an hour's worth of thought given to it. It wasn't as though it had been building up for a week or even longer with him, so he didn't have a lot of time to think about it. I mean, he did recognize that, if we both refused to discharge Cox, and he did, that, you know, his act would be questioned by many. And maybe he felt that, since he saw himself simply as the instrument, exercise of the President's power, then resigning would be an appropriate thing to do. I mean, I don't know what he was thinking about.

Timothy Naftali

But he didn't say anything to you about resigning?

William Ruckelshaus

He may have mentioned that that was an approach he could take, and, I mean, if he did, I'm sure I told him -- I did urge him to stay on, and I think Elliot did, too. I don't think it was just me, for purposes of stability, if he thought it was appropriate to discharge Cox. I went up and talked to his fellow professors at Yale a couple of weeks later, he was -- they were really angry with him at the law school, and they asked me if I'd come up and talk to them about it. I can't remember whether he asked them to talk to me or they called me independently, but I went up and spent a couple of hours with them over lunch. There were, I don't know, 20 or so law professors there, and I explained to them why I thought what Bork had done -- I mean, assuming he could bring himself to discharge him -- that staying on there and continuing to function was appropriate from his standpoint, and that he felt -- what he felt was he was simply the instrument of the President's exercise of power.

Timothy Naftali

So the two of you, in a sense, had a different interpretation of what Presidential power was?

William Ruckelshaus

Well, not so much that as I felt I was more than an instrument of the exercise of Presidential power. I felt that, by my carrying out his order, I was affirming that particular exercise of power, and that I wasn't willing to do that, because I thought that was wrong. I thought the reason he was doing it, the best I could tell, was because the prosecutor was getting too close, not because the prosecutor was misbehaving. I don't think he was misbehaving. As I've told you, all the times that I've talked to him and asked him to pull back, he did just that.

Timothy Naftali

During this crisis, the President is really upset about the Bebe Rebozo investigation. Did you and Elliot Richardson talk to Cox about that investigation?

William Ruckelshaus

I don't recall that. There were a number of times -- you know, I say a number, maybe half a dozen or so -- where Haig would call me, and I think he continued that after I left the FBI, to complain about something Cox was doing. And what I always told him was, "I'll pass that on to him, but it's up to him to make the judgment as to what his investigative responsibilities are, not me." And, because he was a special prosecutor, I mean, it was a different sort of relationship between the FBI Director and that particular prosecutor. The prosecutor really dictates to the investigative arm where the investigation should go and what things should be looked into, not the other way around. And it's, you know, if the relationship is good, it gets mixed. It's not entirely black and white the way I've just described it. But each time that there was a call, and I would say to Cox, "Your people or somebody's getting into an area that the White House feels is not part of the Watergate charges," he would say, "I'll look into it," and every time called me back and said, "I think they're right, or at least close enough to being right, and so we're not going to look into that anymore."

Timothy Naftali

It's a tough call for you to make because the White House is a subject here.

William Ruckelshaus

That's right.

Timothy Naftali

So it --

William Ruckelshaus

And I didn't tell him he shouldn't do it. I would just pass on their expression of concern, knowing that he was very sensitive to all this because he was so concerned that he would be perceived as biased, as a partisan sort of witch hunt of some kind. And he wanted to be alerted if there was some concern about what his people were doing that was legitimate, so that he could stop it. He wouldn't want that to continue to go on and find out only later that this was occurring and have to make some excuse for it. So, I mean, the contrast between Cox and Jaworski was marked. Jaworski didn't have that kind of flexibility that Cox did. He didn't have the ability to call people -- in the first place, these people had all been chosen by Cox when he arrived. And Jaworski, not being as independent as Cox was, wasn't able to go to these guys and say, "That hasn't got anything to do with Watergate. You know, maybe it's wrong, maybe it's not, but that's not our responsibility," which is what Cox would do. And Jaworski -- I mean, I've become convinced since that probably some people went to jail that never would of if Jaworski hadn't been put in exactly the conditions that he was after Cox.

Timothy Naftali

Cox's 1:00 p.m. press conference, dramatic press conference, did Richardson give him any advice before that press conference? Did he talk to him before that you know of?

William Ruckelshaus

I don't know. He did have conversations with Cox. We all watched it. We were all sitting there watching what he was saying on television, and I don't honestly know whether he talked to him. I mean, he was talking to him from time to time, passing on -- I mean, they're were talking about the Stennis Compromise and that sort of thing. And I don't think that Cox or Richardson was trying to, you know, pull any tricks or anything on one another, so they probably were very open to one another.

Timothy Naftali

What did you think of the press conference?

William Ruckelshaus

It was very straightforward, and I thought Cox had thought clear through what his position was and stated it very clearly, and it was an effective presentation of his point of view. And, you know, he -- I thought what he did was very defensible and he was, I thought, careful not to try to make it a direct confrontation, just to state his point of view as the special prosecutor, as to what steps he had to take and how he had to continue to pursue whatever information was available that would lead him to conclude what should be done about these charges, including the information that was on the tapes.

Timothy Naftali

Did it steel your determination or did it affect your determination at all to resign? You knew it was inevitable now that you were going --

William Ruckelshaus

Yeah, then, well I assumed that -- Elliot requested a meeting with the President that afternoon, and he went over to see him shortly after the press conference. And when he came back and said what had happened in his meeting -- he did meet with the President then -- it was very clear he was going to resign and that, while I had been called -- I was called while I was talking to him about what had happened at the White House. My secretary came up from my office, which was right underneath his -- I mentioned an elevator -- and I went down and talked to Al Haig, who was on the phone with the same request.

Timothy Naftali

Did Al Haig mention the Mideast crisis?

William Ruckelshaus

Yes, he did, he mentioned the fact that it was the commander in chief that was ordering me to do this, and that there was this Middle Eastern crisis, and this would be a terrible time for the President to appear to be weak during the time this crisis was going on. And I said, "Well, then wait a week before you discharge Cox. Why do you have to do it today? If this crisis is as severe as you think, do it next week or the week after." But I said, "I've been thinking about this for several weeks now, Al, and I can't do it. I just don't think it's right, and I'm not going to undertake this." And I said, "I can't -- I mean, the Middle East is the Middle East, but if it seems to me you can handle that problem if you need to by simply putting off a decision." I mean, that wasn't what he wanted to do.

Timothy Naftali

Did he raise his voice with you at all?

William Ruckelshaus

I don't know, he might have, I don't remember. He was not happy with my answer.

Timothy Naftali

What did you do after you called -- after Bork was called? What did you do? What did you do with the rest of the day?

William Ruckelshaus

Well, I filed a -- or I sent over a letter of resignation, and this was getting toward the evening time. And Elliot spent a lot more time on his letter than I did. I sent over a fairly simple, straightforward letter, respectful, I thought [unintelligible] resigning, then went to -- I called my wife and told her what happened. And we were going out to dinner that evening with some very close friends and our children -- we had five small children at the time -- they were all going with us. So I said, "Well, I'll meet you over at" -- this friend of ours' house.

And a couple of funny things happened. I got there a little early because I got off early, and I think the dinner was supposed to start at 6:30 or 7:00, and I got there around 5:30. And there was a "Washington Post" reporter there, talking to this friend of mine, who lived there, whose house it was. And it was his wife who was talking to him. And I came in. She said, "Well, welcome. You're here a little early." And we lived in Maryland, so my wife was driving in with the children from Maryland. And I told this guy what happened, and his eyes got wider and wider, and he said, "This is maybe a big story." I said, "Well, I think it probably is." So he went charging out to "The Washington Post," and then my wife arrived. And the children went upstairs with their children, who were similar ages, to watch television, and it was just before we went into dinner that the story broke on television. And I remember our children come running down the stairs and said, "The President's fired dad." And they were all -- I mean, it was just chaos, and I sat them all down and said, "Now, calm down. Here's what happened and why." And originally it was announced from the White House that I'd been fired. The next day the President announced that our resignations had been accepted, that Elliot's -- the original announcement was that Elliot's resignation had been accepted and I was fired, and the next day it was announced that both resignations had been accepted. But from their standpoint I'd been fired, and it was very disturbing to them.

Timothy Naftali

The kids?

William Ruckelshaus

They got over it in about a half hour.

Timothy Naftali

Well, because it was a confusion that -- I'm surprised you laugh about this.

William Ruckelshaus

Well, it is, I mean, both things happened. I was fired and I resigned.

Timothy Naftali

Well, you weren't fired; nobody fired you.

William Ruckelshaus

Well, whoever now said -- whether it was Al, I can't remember who it was that said I was fired. Out of the White House came a release that Elliot's resignation had been accepted, and I'd been fired.

Timothy Naftali

But for your wife, this wasn't a surprise. You'd been talking to her, I'm sure, about this for some time. She knew this was going to happen.

William Ruckelshaus

Yeah, no, it wasn't, but it was disturbing. She still worked at the White House. She was in the political side of the White House, representing the administration on women's issues throughout the country. So the question in her mind was, what should she do? Should she stay there?

Timothy Naftali

And what did she decide?

William Ruckelshaus

She stayed there through most of the Ford administration.

Timothy Naftali

Last two quick questions before we take a break and shift to the environment. Art Buchwald, tell me the story of Art Buchwald's party.

William Ruckelshaus

Yeah, I've always thought -- it was always kind of surprising to me that this story got to be so big. It was unusual to say the least, but it just sort of slammed into the country. I had well over 1,000 letters that people sent from all over the country just expressing their concern about what happened, and these letters -- I'm sure it's because of the way this story was presented by the press on television. These letters were 99 percent supportive. And like all these kinds of issues, it's not nearly as clear as it might appear in the way a story breaks or something exactly what the right thing to do was. It was fairly clear to me, but I don't know that other than the way it broke, it would have been that clear to the American people. And Art Buchwald was having a birthday party at a tennis club in suburban Virginia and had invited all his friends from the press, which was about all the press in Washington. They all knew and loved Art Buchwald.

And that story broke just as his party was starting. And all the guests had arrived, and they were going to play tennis and then have a dinner, and everybody was in a fairly jolly mood. And here came this story like a bombshell inside all these reporters, and they were all the talking heads and the national news networks then and the newspapers, and they just fled out of there. And Buchwald said he was about the only one left when they all left his birthday party. And I think they all received that news at once, and it all seemed to them to be fairly cataclysmic. And there had been FBI agents placed around my office and Elliot's office, and somehow pictures were taken of them from some -- I don't know how that happened. In any event, they all got the same impression that there was some kind of coup or something going on, and that's the way the story kind of came out in the press that evening. And every year after then, for about 10 or 15 years, Art Buchwald used to have, instead of his birthday party, he had a party at the same place and he called it the "Saturday Night Massacre Party." I went a couple of times, as did Elliot.

Timothy Naftali

Did you think this was a constitutional crisis? That's how it was played in the press.

William Ruckelshaus

Yeah, well, I don't know if I'd call it a constitutional crisis. In fact, if it were a crisis, the system that is laid out in the constitution ended up working, and, you know, depending on your point of view you may think it worked well or worked poorly. But it worked, the system worked, and I didn't really see it so much as a constitutional crisis as a clash between the President's view of this investigation and that of the attorney general, the deputy attorney general, and the special prosecutor. And that he took a power which he clearly had under the constitution, I think. I think Bork was right about that. He had the power to discharge the special prosecutor, just as he had the power to discharge me and Elliot if we hadn't resigned. I mean, that's why it's kind of amusing to me as to whether this is a resignation or I got fired, because when I was talking to Haig, there wasn't any question in either one of our minds that if I said no, I was gone. And, you know, whether I resigned or was fired was irrelevant. It was the refusal to carry out the order of the President that resulted in my no longer being there, and the President had the perfect right under the constitution to hire or fire people that he appoints. Now, you know, the question of whether it's advisable or whether the circumstances warranted it or not is a different issue, but he had the power to do it. So I didn't see that he was somehow usurping the Constitution.

Timothy Naftali

It was just a question of whether it was wise to use that power or not?

William Ruckelshaus

It's the advisability of it, the wisdom of it. That's exactly right. I mean, it's the same thing going on now with these U.S. attorneys. It's not a question of power; it's a question of advisability of its exercise.

Timothy Naftali

That's the George W. Bush -- since people will be watching this years from now --

William Ruckelshaus

Yes.

Timothy Naftali

-- they might not know what the story is. Now, I want to clarify one point, which is that, throughout that week, you knew that it was a possibility that the attorney general would resign. And you said to Haig you'd been thinking about this a lot. So you'd been thinking about the possibility you'd have to resign for some time.

William Ruckelshaus

Right.

Timothy Naftali

So it wasn't really Friday or Saturday that you started to think about it.

William Ruckelshaus

Oh, no, no. I mean, even when Elliot told me on that Monday that we've got a worse problem than Agnew, when I was going to Grand Rapids, I was thinking, "Well, if it really, really came down to it, and they ordered him to do it, and he didn't do it, what would you do?" To myself I was asking that question, and, you know, as I thought about it, that's when it became fairly clear what I thought he would do, although I don't think he had come to that conclusion by that time, and what I was certain I would do.

Timothy Naftali

The last thing for the record. I hope we'll talk to Wally Hickel. But you didn't actually have many interactions with Richard Nixon at all.

William Ruckelshaus

Not many.

Timothy Naftali

But you have a great story about Wally Hinkle's, which is --

William Ruckelshaus

Hickel.

Timothy Naftali

Hickel, I mean, sorry, Hickel.

William Ruckelshaus

Yeah, well, he told me the story. He was secretary of interior when I was appointed administrator of the Environmental Protection Agency. And he had been under fire, first from the environmentalists when he was confirmed. He said, "I don't believe in conservation for conservation's sake." Whatever that meant, the environmental organizations, they exploded and got very nervous and got very upset about it. And he almost didn't get confirmed. And then when he did get confirmed, he became as strong on the environment as any secretary of the interior practically in history for a while. And he sent a letter to the demonstrators, Vietnam War demonstrators, that was very sympathetic, and it leaked. And I don't know who leaked it, I have no

idea who leaked it, but it was very upsetting to the President and the White House that one of his Cabinet members would side with someone that he felt was -- or that were opposing his policies.

So they decided to let him go obviously, and Hickel told me of the event. He said he was called over to the White House, and he said he went into the Oval Office, and the President and John Ehrlichman were both there. And the President said to him, "Wally, you've been a very strong governor of Alaska. You have justifiable pride in what you've done up there. Your people all support you. You've been a terrific secretary of the interior, and I can't tell you how much I value our association while you've been part of this Cabinet. Now, John Ehrlichman's got something to say to you." And John said, "You're fired." This was Hickel's version of what happened. I wasn't there, so I don't know if that's exactly what happened. And Hickel said, "You know, when I left the White House," he said, "I still felt very good because of all the nice things the President said about me." So that was his version, at least, of what happened.

Timothy Naftali

Let's take a two-minute break and switch chairs. Thank you.

William Ruckelshaus

Sure.

Timothy Naftali

I think we just -- let me just carry this.

Paul Milazzo

Okay, we're back. We just finished talking about Watergate. Now we're going to talk about the environment, so we're going from sexy to sewage. But in many ways your broader legacy, I think, is with the environment. And before we go to EPA years, I wanted to ask you just some earlier questions about your experience in Indiana and in Indiana politics. In particular, I'm curious what the appeal was to you of the Republican Party, and how the Republican Party distinguished itself from the Democratic Party in Indiana during those years. And particularly, whether the issue of regulation was at all involved in sort of developing a philosophy of regulation, whether those years sort of shaped you [unintelligible] --

William Ruckelshaus

My Republican roots are from my heritage. My grandfather was the chairman of the Republican Party in Indiana in 1900. My father had been very active in the party throughout the first part of the 20th century. He'd been chairman of the platform committee of the party for five straight conventions, which was what really interested him, the theoretical side of politics. My brother was in the state legislature. And so when I came back out of law school to Indiana, the parties in the state were very important institutions for people to belong to, and if you left one party and went to another one, by no means could you move to the front of the church. You were in the back. And people didn't do that in Indiana. And so my allegiance to the party was really more through my association with my family and their Republican roots than it was philosophical. But still, there

were parts of the party in those days that I really felt strongly about and wasn't uncomfortable as a Republican.

Paul Milazzo

You were counsel to the Indiana State Board of Health, and I wanted to know how that experience influenced your later environmental career.

William Ruckelshaus

Well, it had a lot to do with my interest in the environment, because it was in those days the environment was really seen as a health issue, not so much an environmental issue. And that was true clear up to the passage of the Clean Air Act and Clean Water Act, their primary and secondary standards. The primary standards are health standards, so the clean -- we had a sewage or a -- what do they call it -- a water pollution control board. It was a board made up of a mix of interests. There were business interests, citizen interests. There really were not many environmental, modern environmental groups in those days. And those boards would make judgments about whether we would have enforcement actions against somebody polluting a stream. And there was an air pollution control group much like it that was created under a clean air act in Indiana, which I'd helped draft at the time. And those were very weak kinds of agencies and hard to stimulate to action. You really had to find something terrible going on in order for them to take any action against a city or an industry of any kind. But that's where I first became acquainted with the governmental side of environmental regulation.

Paul Milazzo

And, indeed, one of the major impetuses for the Federal environmental legislation that was passed in the '60s, but especially the '70s, was addressing those sort of shortcomings on the state and local level in terms of pollution control. You spoke a little bit about your perspective on the strengths and weaknesses of the agencies. Were there advantages to sort of have a local locus of control, or was it really a great disadvantage?

William Ruckelshaus

It was a disadvantage if, in the country, there weren't uniform laws and uniform approaches being taken in other states. Because the states competed so strongly for the location of industry within their borders, they really weren't very good regulators of industry. They were trying to get industry to locate there in order to generate economic growth and development and jobs. Those were more politically important issues than the environment, certainly in the decade of the '60s. And, I think it was the perception of the Congress when those laws passed, the Clean Air Act, Clean Water Act, that one of the big problems was that the states weren't good regulators, and that's where we had located the responsibility, so pulling all of that in centrally and having a central part of standard setting enforcement, a central role that could be delegated back out to the states, the way those laws worked, was a better approach. And that was a very strongly and uniformly held view of members in both parties in the Congress.

Paul Milazzo

Well, that bring us to the Federal level, and I wanted to ask you how you came to the EPA.

William Ruckelshaus

I was assistant attorney general in the Civil Division at the time, had been appointed by the President. The EPA was created as a result of work by the Ash Commission to reorganize the government. And they had recommended, under an executive reorganization plan, that EPA be created. It was made up of, under their recommendation, 15 agencies and pieces of agencies. Under that act, the Executive Reorganization Act, if the President presented to the Congress his idea of a new agency, or a reorganization within an existing one, it became law unless the Congress vetoed it within 90 days. And in this case the Congress didn't, and so EPA was created, and here we are.

Paul Milazzo

And how did you, in particular, end up with the job of administrator?

William Ruckelshaus

Oh, you asked me -- I'm sorry. Well, there was a friend of mine who had been at the National Health -- what do they call it? It was a part of HEW at the time --

Paul Milazzo

Public Health Service?

William Ruckelshaus

National -- Public Health Service. And he was assigned to the State of Indiana as what they called a Federal assignee, and we worked closely together on pollution cases in Indiana. And, in fact, that was about the only cases that were ever brought in Indiana. He had a little panel truck, and we'd go around and look for violators, and if we found an odor that was high enough or terrible things happening or a lot of fish dying, we'd go back and bring the case to the Extreme Pollution Control Board. He had -- when he found that EPA was being considered by the Ash Commission -- he had leaked my name to the -- not leaked, but suggested to the Periscope column at "Newsweek" that I be named the EPA administrator. This was the first I'd ever heard they were doing this. I didn't even know this study was going on by the Ash Commission. And he called me and said, "I suppose you wonder how you got your name in Newsweek." And I said, "I sure do." He said, "Well, I'm the culprit."

Paul Milazzo

His name was?

William Ruckelshaus

His name was Hansler, Jerry Hansler, H-A-N-S-L-E-R, and he's still around. He said he was the one that leaked it. So I went up and talked to the attorney general and told him how my name had appeared there. He hadn't asked me about it, but I thought, since everybody sort of read that column in those days, I was fairly certain he would have read it. I said, "I'm not looking for another job; I'm not unhappy." And he said, "Okay." And then about, I don't know, two months later, he called me up and said, "Would you be interested in that job?" I said, "Well, as I told you, I'm not unhappy here, and I'm not looking for another job, but yes, I would be. I've now learned a lot more about it and taken a look at what's happening, and it looks like a very exciting time will be had there." Then he said, "Well, let me talk with the President about it and see what he thinks." And, two days later, I went over to the White House and talked to the President, and the attorney general said, "They want you to do it." So that's how it happened.

Paul Milazzo

And who were the most important administration officials you ended up dealing with regarding the environment and the ones you dealt with most frequently?

William Ruckelshaus

Russell Train was the head of the Council on Environmental Quality, which was part of the White House. We worked together almost -- at least weekly, if not daily. John Ehrlichman was a very important contact at the White House to both counsel with me and for me to indicate actions I thought were going to be necessary so it wasn't a surprise to the White House what was going on. Those were the two most important people within the administration, or within the immediate office of the White House. Outside of that, there were -- the secretary of interior was important, because -- it was Rogers Morton, shortly after I got there -- because we had some overlapping responsibilities. We had overlapping responsibilities with the Nuclear Regulatory Agency -- I can't remember exactly what the name of it was now.

Paul Milazzo

Atomic Energy Commission.

William Ruckelshaus

Atomic Energy Commission. They had responsibility for regulating radiation inside the fence of these plants, and we were supposed to regulate it outside. HEW was an important agency because the air pollution agency had come over from HEW. Water pollution had come from the interior department. The agriculture department was important because of pesticide regulation. We had received pieces of the agriculture department as well as HEW, one of which promoted pesticides, the other regulated them. So, those were among the really important agencies and departments I dealt with.

Paul Milazzo

Did Ehrlichman have a particular interest in the environment that he had experienced --

William Ruckelshaus

Yeah, he was a lawyer in Seattle who had specialized in land use kind of issues and was personally interested in the environment and knew quite a bit about it, and therefore, was a very good contact for me in the White House because he understood the kinds of issues that I was dealing with and was basically sympathetic to the need to do something about the environment.

Paul Milazzo

As was John Whitaker? Was he someone else --

William Ruckelshaus

Yes, John Whitaker, I should have mentioned him. He was a very important person in the White House. And that was kind of his portfolio: the interior department, EPA and CEQ.

Paul Milazzo

What was his official position at the time?

William Ruckelshaus

He was an assistant to the President, and, you know, I don't know exactly the hierarchy of all that, but he was part of the President's staff and had been a close advisor to him during the campaign. But he was an important figure in all this.

Paul Milazzo

Within the EPA itself, John Quarles was another --

William Ruckelshaus

Yes.

Paul Milazzo

-- person. What was your relationship with him?

William Ruckelshaus

John was general counsel when we started, and he had come from the interior department and knew a lot about the environmental issues. He was a very good lawyer and extremely helpful in the early days of EPA. He was actually the person that kind of created the permit system that coordinated a lot of discharges from major polluters.

Paul Milazzo

Which we'll talk about, yeah. Others I think in the EPA worth mentioning, Alvin Alm, Robert Fri?

William Ruckelshaus

Al Alm came later. He was the chief of staff for Train at the Council on Environmental Quality, and he came over to EPA just about the time I went to the FBI. He was in charge of the planning and management part of the agency at the time. The second time I was there, he was the deputy, number two job.

Paul Milazzo

Robert Fri ? Was he --

William Ruckelshaus

Robert Fri was a deputy. When EPA started, we had the authority under the Reorganization Act to hire 2,000 people, and we had six Presidential appointees in addition to myself. The administrator sort of made seven. And Bob Fri was the number two job, the deputy job. And I had developed a relationship with Fred Malek, who was then in charge of the personnel office in the White House, that was very good. It was two years into the administration, so we were able really to get really very good people to fill those 2,000 jobs we had, and as well as the Presidential appointees. And what we did was work it out that I would send names over to him, and he would suggest names to me, and if we ever had a disagreement, we'd both have a veto over what happened. And it was a very good working relationship. I've had others within the -- where you work with a personnel office where it's not so good. I mean, a lot of political pressure to put people in jobs they're not qualified for, and it can get to be a very contentious situation. And it was not with Malek at all.

Timothy Naftali

Okay, just for future, could you tell the story of what you faced in the Reagan administration when you came in?

William Ruckelshaus

Yeah, as an example, in the Reagan administration, when I went back to EPA, there were then 13 Presidential appointees in addition to the administrator. It had gotten to be much bigger just in 10 years in terms of Presidential appointees. And the only thing I requested the President when he asked me to take Anne Burford's place was that he allow me to appoint -- he would appoint, but he'd allow me to nominate for his appointment -- people to those key jobs at EPA without going through that personnel office, because it will take forever. And we were in the middle of his administration and he said, "Fine." What he said to me actually was, "Well, go ahead. Obviously we don't know what we're doing." So, all 13 appointees were approved unanimously within 45 days, which has got to be some kind of record for getting that kind of thing done. But almost all the ones that were there had been let go. There was only one guy left, and he lived up to what he said he would do, and they went right through the system.

Timothy Naftali

Sorry.

Paul Milazzo

Oh, that's no problem. I also wanted to ask about the division of labor between EPA and CEQ. You have these two very prominent environmental agencies --

William Ruckelshaus

Right.

Paul Milazzo

-- coming --

William Ruckelshaus

Yeah, it wasn't all together clear who was supposed to do what, and CEQ was all by itself for a year.

Paul Milazzo

Right.

William Ruckelshaus

So a lot of the laws that were developed were developed there, the Clean Air Act and, I think, with the exception of the Clean Water Act, a lot of the Presidential initiatives really came out of CEQ. And Russell Train had himself been a candidate for the first EPA job. He had, in fact, suggested to the White House they might combine CEQ and EPA into one job. And our relationship, even though there was some, you know, rivalry, I suppose, at the beginning, was always very positive, and we both decided that they should keep that sort of substantive development role of legislation and do the analysis necessary to determine what made sense as far as the White House's recommendations on legislation were concerned. He also, as far as I was concerned, should have the lead on the international scene. He was like -- he was very interested in that. And there was some struggle between the State Department and the CEQ over who would do what internationally, but -- and then we had a very good relationship. It wasn't as though the administration had too many people concerned about the environment, so there wasn't any sense that those who had that charge wrestled with each other over who was supposed to do what.

Paul Milazzo

Right, well, I wanted to ask you about the challenges of actually administering the EPA, which was a bureaucracy that served, in many ways, like a giant holding company for all the government's sort

of diverse agencies, which you sort of said came over. How did you administer such an agency, particularly if you're dealing with different bureaucratic cultures?

William Ruckelshaus

Yeah, well, if I had known what I was getting into or I probably wouldn't have accepted. It was complex, and it was important to try to make it a single agency and not, as you say, a bunch of competing bureaucracies. I mean, much like the interior department, in many cases still is. So, while we divided the agency into water pollution, air pollution, sort of pillars that, you know, in terms of modern management, might not make a hell of a lot of sense. And the planning and management office was important, as was the deputy, in this case Bob Fri, as you mentioned -- I really gave -- he had come from McKenzie. His background was management and organization, so he was, he was very good at figuring out how to get people to work together and move in the same direction, and my role was more external than was his, although I had a lot of internal responsibilities as well. But we would have several retreats of the, all of the Presidential appointees, and we would go out and try to figure out how we could make it work as a whole. We divided the country into ten regions -- actually, we didn't do it, they had already been divided by the White House.

The President has this idea of -- and it was really Ehrlichman's idea, I think -- of moving a lot of Washington out into the various parts of the country that would act as kind of a Federal presence there and give them more power and responsibility to act, consistent with the needs of that region of the country. Well, we really took that seriously and nominated regional administrators in all ten of the regions, gave them a lot of power and authority to act. That made a lot of sense because these problems aren't the same, by any means, every place in the country, and having a Federal agency there that was sort of more in tune with how that part of the country felt about things and reacted to them was an important innovation. And we were lucky to have come along just about the same time that the President himself was interested in pushing some of that authority and responsibility out into the regions of the country. And we had all kinds of gatherings of the whole group that were aimed at trying to make people pull together. We once had a -- after about after six months we developed a program in conjunction with AT&T where we brought all the employees either in Washington in one place and then in theaters around the country, so they could see firsthand -- and it was an interactive process where they could ask questions, and we had all the Presidential appointees sitting there, and we talked about what our role was, what I would -- our philosophy of how we were going to discharge this important responsibility, what all the -- how the laws that were unfolding gave us new responsibilities, how we should all pull in the same direction. That was an extraordinarily effective thing, although, you know, how it all happened and came together was beyond my technological capabilities.

And for, of course, 1971, which is when it happened, really quite an innovative thing to do technologically. I mean, now having these video conferences is fairly common, but it wasn't then. And the ability to talk back and forth and answer questions that were different depending on the part of the country you were in and for giving people a chance to see one another in that setting was a very effective tool of pulling people together. In fact, many people said, "We should do this every year. We ought to do the same thing next year and the year after." And I thought, "We'll never pull this off again. And we were lucky the first time, so let's let it go."

Paul Milazzo

With respect to differing bureaucratic cultures within EPA, one of the more interesting ones is the divisions between the Office of the General Council and Enforcement, which is made up mostly of attorneys and young attorneys --

William Ruckelshaus

Right.

Timothy Naftali

-- who were interested in perhaps more aggressive -- a regulatory role, versus other agencies where the employees came from Department of Agriculture and HEW, like you said. And one of the ways that divided was over the issue of whether you were going to focus on ecology or health. You mentioned that your background was in health, but when dealing with certain types of pollution, the Office of the General Council -- like with pesticides or other things -- tended to want to focus on ecology and make that sort of one of the central issues. Where did you come down on this division between ecology and health in terms of the focus of the agency?

William Ruckelshaus

Well, I felt it was very important for us to be guided by the law, by what the statute said, and the statute's clearly divided, health and the environment, or ecology as we now call it, with health being the primary responsibility. So if there were pollutants that were really adversely affecting human health, those seem to me to be a very high priority for us to deal with. Ultimately, we were going to have to deal with environmental insults as well, and certainly we weren't ignoring that when the agency started, but since the primary standards were health, and those were the ones that were primary, it seemed to me that was what we should attempt to deal with first. By the way, we didn't have a lot of discussion about that sort of thing inside the agency. There wasn't this -- at least I wasn't aware of it. I'm sure there's a lot of things I wasn't aware of, but all this tension between we're not paying any attention to the environmental impact of things that are happening, and then we're spending all of our time worrying about human health. We had to do both, and the crises seemed to center around health problems, where, if there was a human health element to it, we had to get at it. And the automobile standards were a very good example of that. That was a mainly a health related issue, and that took up a very large part of my time in the first years I was there.

Paul Milazzo

Yeah, which we're going to talk about in a minute, because it is important. Early on in your tenure you defined the EPA's mission before the House Committee on Agriculture in this way, and pardon me while I quote you back to yourself. "EPA is an independent agency. It has no obligation to promote agriculture or commerce, only the critical obligation to protect and enhance the environment." In retrospect, was it really possible for you and the EPA as an agency to focus so exclusively on environmental issues with no thought to balancing social and economicals? How did that work out in practice?

William Ruckelshaus

Yeah, I don't remember when that quote was made, but I actually changed my view over time that you can't deal with them as independent entities there. The economic interest of man and the interest in the environment and in public health are connected, and you've got to figure out how to balance them or you're not going to be very effective at, I don't think, at really making sustainable progress on an environmental front. And a lot of the law has reflected that same point of view -- the Clean Air Act clearly did -- that we were to set national standards, for instance, without any regard to the economic impact of those standards. And, you know, when a lot of those standards were set, you almost had to take careful steps to make it clear you didn't take economics into account. And -- so that did have an impact on my thinking and the thinking of others in the agency when we began, but it has become clear -- and even clearer to me since -- that if you don't deal with the economic impacts of whatever regulatory system you're putting in place, or a system absent regulation where you're trying to improve the environment, you don't get anywhere. People will resist you; they'll go to court and resist you. So that statement would not reflect my point of view today. It may have been an accurate description of what EPA was all about at the time, but I think we -- I think the agency has changed and the attitudes of the Congress, as well, have changed about how these issues really work.

Paul Milazzo

Well, that leads to the relationship you had with the White House and Nixon, something I didn't ask earlier when I was talking about officials, because I was going to come back to it. When did the honeymoon with Nixon end, essentially?

William Ruckelshaus

Pretty quick, pretty quick. And I don't know so much about the President, because I didn't talk to him that much about it, but I was talking to people who were always telling me they were reflecting his point of view. Whenever it was contrary to mine, it was always the President that wanted to do this. But when we announced the clean air standards, which we were to do, I think it was 60 days after the Clean Air Act passed, which was the first of December of 1970, which was the same day we opened our doors -- so we had 60 days to announce the standards for six major air pollutants that affected the whole country. And I remember them bringing these standards in to --

Paul Milazzo

-- how much independence you thought that the EPA had as a regulatory agency in promulgating standards, particularly after, sort of the buzz of environmentalism of the very early '70s wore off and the implications of these standards economically began to hit home, what the reaction was of the Nixon administration, whether you felt your --

William Ruckelshaus

Well, the reaction was to recognize that this was the powers that had been given to the EPA administrator, both by the reorganization, as well as the new laws that were passing, were significant and that exercising those powers carefully and thoughtfully was an important thing to do, not just -- you know, it wasn't just back off doing what you thought you were supposed to do

and do nothing. It was really, "Are we doing the right thing here? Are we attempting to regulate the environment in such a way that it will, in a sustainable way, be improved?" And after the announcement of the air pollution standards that I mentioned, it was very apparent that the actions that this agency would take would have a significant impact on -- could have on the economy of the country. And so we set up with -- Sampson was this guy's name, Bob Sampson -- we set up with him an economic review group to make sure we understood the economic implications of what we were doing. They then set up this, what they call a quality of life review group in OMB, where we would send standards over for their review, and that was kind of a contentious situation between the people at EPA and at OMB and remains so today. It hasn't changed all that much, it was that way in the Democratic administration. I mean, sort of different people being upset about it, but it's the same thing, and in my view it's a society trying to determine what cost it should bear in return for what benefits, what risk it ought to be willing to take in return for benefits.

So a lot of the statutes that we administered -- you mentioned the agriculture department -- were sort of risk/benefit weighing standards, and that's the appropriate thing we ought to be weighing, it seems to me. And the fact that the White House was agitated when we announced these standards, and a lot of people erupted, isn't surprising to me. And it's not an illegitimate concern that they're expressing in trying to bring some discipline to the process of enunciating these standards and enforcing them, is a good thing to do.

Paul Milazzo

That was -- the OMB was under George Shultz at the time, right?

William Ruckelshaus

That's right.

Paul Milazzo

Sort of became the major agency affecting or asking questions about some costs, and so --

William Ruckelshaus

The standards, as proposed by EPA -- and there's just a ton of them coming out of those agencies -- that agency every day -- go through this. It's not, it's no longer called the quality by review. It's just a review at OMB, and there are analysts over there who question very strongly what you're doing and what benefit that you're achieving as a result of the costs that are incurred.

Paul Milazzo

Well, one of the ironies of the Nixon administration's environmental legacy is that you accomplished much more under an administration that was supposedly conservative than anything under the Great Society or Lyndon Johnson, sort of far and away more, and yet, a lot of people within the Nixon administration, Whitaker, Ehrlichman, you, Russell Train and others who were committed to the environment -- so it begs the question of what the President's own views on the subject were.

William Ruckelshaus

That's a good question. He -- I think that he -- what he was doing was responding to what he saw as a political imperative. This is my sense of it. That the concern about the war was something he was dealing with every day, and here came another issue that had never been part of his political dialogue. He had not -- when he was active here in the state of California, and running for the, for governor, or even certainly before that when he was in the Congress and the Senate, the environment had never been much of an issue. And it wasn't an issue when he was Vice President under Eisenhower, but it came up in a sort of explosion in the late '60s and along about the '70s, and he responded by creating EPA under the Ash Commission by submitting the Clean Air Act and the Clean Water Act. I think, really, what he was doing was responding to -- some would call it political pressure; some would call it a social concern being expressed very strongly by the American people.

As far as I'm concerned, that's fine. I don't think he was personally interested that much in the environment. It wasn't something that he was curious about. I mean, I didn't go over and talk to the President and have him say, "Is the air really dirty? Is something wrong with the water? What is it we're not doing that's right about it?" That was in contrast to President Reagan; he was curious about it. He was skeptical about it, but he was curious as to what was happening, and I think -- I really think President Nixon saw it more as necessity on his part to respond to political demands. And again, as far as I'm concerned, that's the way democracy is supposed to work. He was responding to public demand that may or may not have been consistent with what he would have done if left to his own and nobody else demanding it, but he had to respond to public -- legitimate public concerns, which this was certainly one, and he did. So, his motive wasn't -- he shared the concern of the public. He shared their concern about democracy working, and in this case he responded to it.

Paul Milazzo

It's fair to say, though, he was certainly distrustful of environmentalists who he thought were sort of cut from the same cloth as Vietnam protestors and --

William Ruckelshaus

He did, yeah, that's what he felt. He thought that was part of the same crowd.

Paul Milazzo

Well, what do you think would surprise ordinary citizens most about the process through which environmental regulations were decided and promulgated? And for that matter, what surprised you the most when you started doing it?

William Ruckelshaus

I think what would surprise them is the scientific uncertainty with which we're dealing. And it surprised me because I hadn't had that much responsibility dealing with it. When I was in the Indiana attorney general's office representing the State Board of Health, I thought we essentially knew what the bad pollutants were, we knew what effects they caused at certain levels, and we

really had available technology, even though it was expensive sometimes, to alleviate that pollution. So it was really a matter of generating the political will to get it done, and that once we centralized all that responsibility, it would be much easier to do, because there was no place for people to run and hide. There were no pollution havens around. I subsequently concluded that I was wrong. We know what some of the bad pollutants are. By no means are we certain at what levels they cause what kind of effects, either environmental or in public health.

It's -- and while we do know something about it, I'm not suggesting we don't know anything, we knew a lot -- we know a lot more today than we did when we started back in the '70s about the environmental or health effects of these pollutants. And, that while the technology is theoretically there, by no means did it work in every case, and by no means was there a uniform belief and understanding of what technology could be applied to accomplish what results, and it was very expensive in some cases. So that -- it surprised me -- I was in there a couple of months before I determined -- the scientists would come in and talk to me and they disagreed right in front of me as to what should be done. They weren't in agreement. And I would think if I could only get this discussion I'm having with these scientists about what the nature of the problem is, not necessarily what we should do about it, which is not a scientific question, it's more of a political, small "p" political question. But if I could get this on television in front of the American people so they could see the uncertainty with which we're trying to proceed here, they'd have a lot more sympathy for what I'm trying to do. And, in fact, subsequently, I tried to cause that to happen by pushing out into the public a lot more engagement and involvement in the decisions of EPA to educate them, that these things aren't as simple as it appears.

Paul Milazzo

Well, I do want to get into talking about specific examples of regulation, but before we do, we need to talk about Congress a little bit and your relationship with Congress. How did Congressional oversight of the EPA work?

William Ruckelshaus

It was very contentious in many cases. Senator Muskie was the author of the Clean Air Act and much of the Clean Water Act. He was the chairman of the Senate Public Works and Environment Committee. He was the -- at the beginning of 1970, the chief opponent -- appeared to be the punitive political opponent of the President in the next election. And his staff, as normally happens, was quite aggressive in trying to discredit the administration's effort at the environment. I actually had a very good relationship with Senator Muskie, and, not only him, but Senator Baker, who was the ranking member of the committee at the same time. It wasn't a political issue in the committee at all. They were pretty much uniformly of the same point of view, that we needed to do something about it and these laws that they were passing were their first pass at trying to figure out what the right thing to do was and that the -- so I thought my relationship with that committee, I thought, was very good. I think they believed I was trying as best I could to implement these laws that they had passed. It was -- there were other committees, there's so many committees EPA reported to where the relationship was not as good, it was more contentious, but that was the principal one in the Senate. John Dingell's committee in the House was an important one. He wasn't the chairman of that when I started the first time. And there were very skeptical members of the House. Jamie Whitten was one of them. He was the head of the Appropriations Committee,

had written a book that was really targeted against opponents of pesticides. He was a strong believer in pesticides.

Paul Milazzo

"That We May Live."

William Ruckelshaus

Pardon me?

Paul Milazzo

"That We May Live" is what it's called, yeah.

William Ruckelshaus

Right, and he was not sympathetic at the EPA. In fact, when I was first appointed, he said, "You've got more power than a good man would want or a bad man ought to have," and he believed that very strongly. So I mean, that was from one side; he was sort of anti-environment. There were others who felt we weren't doing enough about the environment. So it was a -- it became much more politicized as that -- as the years went on. It wasn't when we started.

Paul Milazzo

Well, let's talk some nitty-gritty. I want to start with the Clean Air Act. You've already mentioned some of the challenges administering such a complicated act, which dealt primarily with two main things, auto emission standards and then stationary sources. I want to talk about a few of those complications. State implementation plans, SIPs, one of the -- there were a set of hearings in February of 1972 before Muskie's committee where you essentially had to defend state implementation plans. They had been attacked by the National Resources Defense Council. You were under sort of tough questioning from Senator Eagleton and -- about the EPA guidelines for state implementation plans, which folks thought you were being kind of lax. What was the challenge of dealing with these as part of the act?

William Ruckelshaus

That was a political -- Senator Eagleton subsequently apologized for that outburst to me, personally. And I remember it because it was sort of underscored some of the contention and political -- what I thought was politicization of the issue. State implementation -- we were charged with the Congress to develop national standards for these major air pollutants, and the states -- we were to delegate to the states, assuming they had the right regulatory system in place, the responsibility for actually enforcing, carrying out the regulations necessary to achieve the national standard. And the state implementation plans, or SIPs as they were then called, were the state's plan for achieving this delegated responsibility to improve air.

And it was a new system of delegation. The Clean Water Act ended up with the same responsibilities. And so the states were -- some were quite good, like California, who had been

trying to regulate pollution for longer than the Federal Government had, were quite good at developing state implementation plans, being responsive to the requirements of the Clean Air Act, and others were not. And we had to keep pushing in all of these states to develop these plans to get them going, to meet the deadlines that were in the laws. Some of the states had good air pollution control agencies; others had just hollow kinds of organizations that had never done much, didn't have much technical expertise. So they were moving forward at an uneven rate, and given that the Clean Air Act, as well as the Clean Water Act and others, put very stringent deadlines in there for the achievement of certain responsibilities we were given as an agency, if we missed those deadlines then we would often be called up to Congress in a hearing and said, "What are you doing not meeting the deadlines that we've set?" In some cases, I would have testified earlier, particularly in the Clean Water Act, "There's no way we're going to be able to meet these deadlines. You can put them in there, but we can't achieve them in the timeframe that you're suggesting. If we did nothing else but devote our attention to these standards, we'd still fall short.

So in effect, you're dooming this agency to failure before we start. Why do that?" My pleas never had much effect because the setting a stringent standard and a deadline to achieve it is very appealing politically. It's the statement we made yesterday about people being ideological liberals and operational conservatives -- of Americans being that way. It's very hard to resist these -- let's eliminate pollution, and let's do it within a relatively short period of time. But then when it comes right down to what you need to do in order to accomplish that, people resist.

Paul Milazzo

That leads to the politically touchy issue of when do you issue variances, right, when you have the power to sort of give -- extend deadlines and sort of say, "Okay, you don't have to meet it right now." But it was politically tricky to do that because you came under criticism from environmentalists, and indeed the courts circumscribed your ability to do that. How did you deal with the question of variances?

William Ruckelshaus

Well, you know, sometimes you weren't given an awful lot of flexibility to provide variances under the laws. If a variance made sense to me because it was not either technologically or even physically possible to achieve the standard within the time that the Congress had set, I would give a variance, recognizing that, you know, the ceiling would fall in in terms of some of these committees' response to doing that. And the fact, in case of the automobile companies, we denied them a variance. They were given the right to get a, you know, one-year extension and after extensive hearings in which I sat through the whole thing, for purposes that were important to demonstrate my knowledge of what I was talking about, because I thought I was going to have to give them a variance when we started the hearing. At the end of the hearing, I didn't think I could give them a variance.

Paul Milazzo

What changed your mind, because that was going to be my next question. What was it about the -- what evidence did you review that you decided to deny an extension of the 1975 [unintelligible] --

William Ruckelshaus

Their testimony, the automobile company's testimony was very weak. The Japanese automobile companies not only said they could meet the standard, but they would be happy to show the American companies how to meet it if they would come to Japan, which just infuriated them. And the analysis that we had done indicated that, first of all, they didn't need a decision to grant a variance right then. We could wait and try to push them very hard to do more on trying to achieve these standards. I just don't think they took it seriously in the first year or so of the Clean Air Act's -- really almost two years -- Clean Air Act's implementation, and I thought we had to do something that would say, this is a serious exercise here. This isn't something you should take lightly and just think you can come in and make a token appearance in front of the EPA administrator, and you get a year's extension. So, we needed to let them know it was serious, and I think they did get serious after that. And the next time around, we had another hearing a year later, they made a much more persuasive case as to why they needed more time to meet the standards, but ultimately they met those standards that were originally set on automobiles. Nitrogen oxide, we're still a little short, but carbon monoxide and hydrocarbons, they were told to reduce the emissions by 90 percent, and, essentially, they have done that, and it's made modern cars appreciably cleaner than the ones that were there before.

Paul Milazzo

Was meeting those deadlines, was that sort of contingent on the catalytic converter technology?

William Ruckelshaus

Yeah.

Paul Milazzo

Was that sort of the central thing?

William Ruckelshaus

Yes, it was.

Paul Milazzo

Was insisting on the catalytic converter and the original '75 deadline, do you think that retarded the use of potentially other technologies that might have been used? Some have made that claim, that sort of focusing on that deadline and on this one technology had a detrimental effect on developing other technologies?

William Ruckelshaus

Well, the deadline was set by Congress, not by me.

Paul Milazzo

Yeah.

William Ruckelshaus

And the question was, could the catalyst, in fact, help achieve that deadline, and the answer to that was yes, and it turned out to be correct. Now, why the catalyst applied to the engine should necessarily inhibit automobile companies or others from doing research that had better ways of achieving the standard has always escaped me. I don't think that the fact that, because the deadline was not extended, and the catalyst was really the only approach that could be taken at that time to achieve the standard within the deadline set by Congress, the catalyst resulted from the decision to not give them an extension of time and not move -- they could have gone back to Congress and asked the Congress to extend the deadline, which, in fact, they did, and the Congress didn't do it in the context of the catalytic converter. And the catalytic -- I mean, the testimony on the catalytic converter was, it won't work, it will -- you know, you won't know what your car will do to go uphill, because it won't go uphill, it'll stop, and everything terrible was going to happen. And we adjusted, and the catalyst is still with us today. I don't -- I mean, it's 37 years later, if there are all these wonderful technologies around to take its place, why haven't they?

Paul Milazzo

One of the other things you needed to do with the catalytic converter, ultimately, was to ban lead gasoline, right, because that's --

William Ruckelshaus

Right.

Paul Milazzo

-- the gasoline interfered with it, which leads me to ask you to address some modern-day criticism of the EPA, which is relevant. And this criticism leveled by David Schoenbrod, I think, is the way he pronounces it. And he was an NRDC lawyer who was active in trying to get lead gasoline banned, and this was after, I think, your time. But he got very disgruntled about how long it took, and in a recent book called "Saving Our Environment From Washington," he basically levels charges against the EPA and says that, actually, air was getting cleaner in the '60s anyway, and that EPA, in many ways, retarded progress and that he thought that lawmakers at the state and the Federal levels would have been forced to act sooner to deal with the problem if it hadn't been delegated to EPA. He was very critical of Congress sort of setting these very high standards and then kicking it to the EPA and then the EPA being unable to deal with it. His criticism of the EPA echoes others, like columnist John Tierney refers to the EPA as the "Environmental Procrastination Agency" because what they do, generally, is they, you know, they get these mandates and then they just kind of stall and delay. And he was talking about this in 2007 in the context of this recent Supreme Court decision, where the Court decided that the Clean Air Act had to include dealing with greenhouse gases.

William Ruckelshaus

Right.

Paul Milazzo

What is your response to this kind of criticism that -- and it's been made by others as well. Brookings Institute scholar Robert Crandall said, "The assertions about the tremendous strides the EPA has made are mostly religious sentiment." How are we to understand sort of these criticisms? How would you respond to these critics about what the EPA did?

William Ruckelshaus

Let me tell you, first of all, one of the things that may not be unique about EPA, but it's close to it. EPA is essentially an agency with no constituency, except in a broad sense, the American people. The environmentalists have a stake in EPA not succeeding. And that isn't to say not succeeding ultimately, but not succeeding for purposes of their own continuation as an important voice in trying to improve the environment. And that voice, particularly in Washington, is usually aimed at criticism of the EPA and various steps it's taken or not taken. And if all of a sudden EPA is doing great things, then what's the sense in having our NRDC or other environmental agencies around or not-for-profits around. So it's hard to call the environmental groups EPA's constituency.

Paul Milazzo

Right.

William Ruckelshaus

And certainly business doesn't think of itself as a constituency of EPA, although it probably comes closer than the environmental groups, if you step back and think about how we're trying to govern ourselves as a society. Because if business doesn't have some regulatory authority, governmental regulatory authority, that puts an imprimatur on their conduct in emissions or whatever the action they're taking that might have some adverse effect on public health or the environment, they're naked to the world, and they can't control it. And that was particularly apparent when Anne Burford was EPA administrator. Business was in near panic because there was no way for them to get affirmation of the actions that they were taking as being consistent with the public interest if the agency that is charged with giving that affirmation is completely discredited in the public's mind. So, I had conversations with people from chemical manufacturer's association when I went back to EPA the second time saying, "You've got to go in there and start regulating this stuff, you've got to get serious about this. Otherwise, we have no chance of maintaining public support for our right to do business, to continue to function, unless there's more trust that somebody is paying attention to this other than just us, and we're not trusted." So the thing that actually concerns me about the kinds of comments that you've made about EPA are that the people who have -- and all the people you cite aren't coming from the same direction. They're coming some from the left, some from the right.

Paul Milazzo

Exactly, yeah, exactly.

William Ruckelshaus

But to the extent that people discredit this agency charged with protecting the public health and the environment, it weakens it. It weakens, even more importantly, the trust that the American people have that the government is trying to do the right thing. Some of these things that EPA deals with are stalled because they are enormously complex to deal with. I personally believe they should have been, not just the agency, but the administration should have been far more aggressive about dealing with climate change than they have, and that for EPA to argue that they don't have the authority to regulate CO2 under the existing law was -- should have been treated pretty much the way the Supreme Court did treat it. It's not a serious argument. Even the dissenters said this is a -- states have no right to sue, or a standing to sue. They didn't really argue what the statute said. And that -- so that's an action probably EPA itself is discrediting it, it's not just the critics that are doing it. But, you know, to try to respond to these questions one by one in more than a general sense is hard to do, but, I mean, EPA is an important agency for this country.

There is an important role for government to discharge in setting rules for the conduct of business activity, of individual activity, of municipal activity so that we don't run the risk of the tragedy of the commons sort of taking over, but that there are rules that are set that guide conduct, that insure that the environment and public health are going to be protected. An agency like that is important, and so discrediting it is not doing a service to the orderly functioning of our society, I don't think. And I'm not saying that, I'm trying not to say that in a defensive way, and I don't think these people who are doing the discrediting think of it in those terms. And sometimes they have legitimate complaints. I'm not saying the agency is perfect, but like any other agency it's got its flaws.

Paul Milazzo

Well, let's talk a bit about water, too, another big category that you dealt with. And here you, you and the EPA staff did a lot of back and forth with the Muskie subcommittee that was putting the Clean Water Act together in '71 and '72. Tell me a little bit about your reaction to the so-called Tunney standard, John Tunney's proposal that was incorporated into the early draft of --

William Ruckelshaus

Remind me of what that was.

Paul Milazzo

Basically it was a swimmable, fishable standard. The idea -- it was an ambient standard that, by 1980, all bodies of water in the United States would need to be fishable and swimmable.

William Ruckelshaus

I think it was '83, wasn't it, that he said that?

Paul Milazzo

Originally it was '80 and EPA --

William Ruckelshaus

Well, that's the sort of thing that people in Congress or in the Senate, or in the House and the Senate can't resist. It's -- who's against? What do you want it to be, unfishable and unswimmable? No, you want it to be fishable and swimmable. It's not a scientific term, so -- and we're still doing that. State statutes have the same promise in them: they will be fishable and swimmable. Well, my concern about that is not that that isn't a sort of aspirational goal we ought to aspire to in some ways, but that, as a goal over a period of time that is unreasonable, it does as much harm as good.

Because, in the first place, it was not possible to make every waterway in this country fishable and swimmable by 1980 or 1983, the date they finally adopted. It just wasn't possible to do it. I mean, if you dropped everything else you were doing and spent nothing but on that goal, you wouldn't be able to achieve it. Now, what we did achieve over that ten year period was appreciable advances in making places fishable and swimmable, appreciable reductions in water pollution that were contaminating certain bodies of water. They may not be fishable and swimmable -- they're no longer flammable, the rivers were, after that ten year period. And it -- what setting a goal that's not possible to achieve by a legislative body means it makes it very difficult for the public to measure progress, because you're measuring progress against an unattainable standard. And it's discouraging to the agency itself because they know they're not going to meet the standard that they have been charged with setting, charged with meeting by the Congress. And sometimes they get discouraged enough that they stop trying. Now, I don't think that's ever happened at EPA but it is discouraging because you know you're going to get beat up, and you end up -- and again, I don't think EPA has ever gotten there, but it's sort of like the battered agency syndrome that some agencies in the Federal Government get into. Every time they announce a decision, they duck because they know somebody is going to swat them.

Paul Milazzo

Well, in part from the EPA's protest about the Tunney standard, ultimately they switched to an arguably even more ambitious standard, the no discharge standard, by 1985, as a goal. But the Clean Water Act was an effluent -- technology enforcing statute that focused on effluent controls. The two big ones were best practical technology, which I think had to be in place been 1977 and best available technology by '82 or '83. How did the EPA go about defining these types of technology-based standards, which are so dependent, it seems, on industrial knowledge of internal process?

William Ruckelshaus

Right.

Timothy Naftali

When you have so many different industries, and you also have the question of ambient bodies of water, which frankly, the legislation didn't want you to consider. They just wanted you to consider what was coming out of the end of the outflow pipe at the end. How did you even begin to develop these sorts of standards?

William Ruckelshaus

Well, in those relatively simple industrial processes and relatively similar across an industry, it was possible to develop technological standards that made sense or that approach making sense. My own view is the standard should be a performance standard, not a technological standard. Here's what we're trying to achieve in the form of water cleanup or -- and you figure out how to do it because, as you say, who understands how these processes in these plants work are the engineers who run the plants. It's not the people from EPA who come in and who may be good engineers, but they don't have 25, 30 years of experience in trying to manage this big industrial facility.

So if you tell them what it is you're trying to achieve in the form of protection of health or the environment or whatever in their industrial discharge, spell it out in the permit and say, you figure out how to do it, and then measure them along the way, that's a -- in the first place, it's a much cheaper way to do it, it's a much more efficient way to do it, and it's an engineering challenge, which engineers like. And they don't like somebody to come in and tell them what to do. I mean, I remember when I was first at EPA, the analogy to me was how do we get the engineers in the country from standing in the door of their plant shaking their fist at the government and taking their fist down and looking inside and say, "What can I do to make this thing run more cleanly in terms of air and water pollution?" That's the attitude we want those people to have, because when they see a problem and they go to work on it, it's amazing how much progress they can make. And I think we made some progress in that, but dealing with these technology standards, like you say, can have a very distorting effect. And there are some industries where -- metal plating industry is one of them -- where the processes are different in every metal plating operation in the country, and to try to set a best technology standard for them is essentially impossible.

Paul Milazzo

Yeah, the Muskie subcommittee and his staff, I think, were under the general impression that the EPA liaisons they were working with were in agreement with them about what best practical technology should be, which is basically a secondary treatment equivalent for industry, which, of course, because industry deals with a lot of chemicals, is very complicated to actually work out. And they seemed to think that the EPA was on board with the standard for 1977, and that also included secondary waste treatment for cities, urban areas. Was it the case that the EPA generally agreed that the '77 deadline was doable, given that what they were trying to do then is basically kind of come up to the standard that the '65 Water Quality Act had already set down. They said, basically, essentially you should -- you know, every urban area and business should meet the secondary equivalent.

William Ruckelshaus

Yeah, I think, I think you have to be careful about saying EPA agreed, because the EPA is made up of a whole bunch of people, and there are differences of opinion within the agency that has nothing to do with politics, just difference of opinion about how you should proceed.

Paul Milazzo

Right, right.

William Ruckelshaus

So, there are, in the development of these statutes, some people have described it as the iron triangle of the environmental groups, staff on the committees, and the staff at EPA, and there was no question that there was a lot of give and take and interaction at the staff level among people who ended up being in agreement about what the Clean Water Act, or, for that matter, acts that came along subsequently, how they should read and what they should look like then they're passed. So I'm sure there were people in EPA who thought this was a good approach and who agreed with the staff and the Congress.

Paul Milazzo

Could you tell me a little bit about how the Refuse Act Permit Program worked in the context of the Clean Water Act? This is the secretion that sort of happened --

William Ruckelshaus

Well, that was in 1999 -- or 1899.

Paul Milazzo

1899, yeah.

William Ruckelshaus

Well, that was essentially a no discharge law that -- we had no Clean Water Act, so we used that as a surrogate for attempting to get people in better shape in terms of what they were discharging into the water. And there was a draconian kind of -- you shut them down if they didn't comply with the no -- in a sense, no discharge standard. And it was an imaginative interpretation of the law, and we used it for a couple of years until the Clean Water Act passed in 1972, and I think after that we essentially stopped using it. But it was used as a way of getting really gross dischargers. I mean, the kind of pollution we were dealing with in the late '60s and early '70s were smell, touch and feel kind of pollution problems. I mean, they were gross, and there wasn't any question that the pollution that was being discharged in a lot of waterways and into the air in the country was bad stuff and that we should be taking steps to control it. And the permit program that we ultimately developed was what allowed us to do that in an orderly fashion.

But in the early days of the agency, because it was important that we be seen as -- I thought it was important we be seen as serious about dealing with this problem -- using that act, which was the one that was available to us as a means of pushing people in the -- closer into a compliance, was an important thing to do. I mean, there had been very little enforcement done in the country. A few northern states did something, but not too much in the country at the state level beyond that and very little at the national level, because there were no national powers.

Paul Milazzo

The question of enforcement leads to the question of the role of the courts in environmental protection and the EPA's operation. And in many ways EPA was a creation of court action. Your mandate was expanded or limited or otherwise changed around or interpreted based on court decisions. I wanted to know what you thought the role of the courts was in environmental regulation, whether you saw it as positive and negative, as somebody who is named as a defendant in many a suit since --

William Ruckelshaus

Yeah, well, I long ago learned not to be defensive about that.

Paul Milazzo

Right.

William Ruckelshaus

It wasn't me; it was --

Paul Milazzo

That's with the EPA, yeah.

William Ruckelshaus

The courts play an important role in all of this, but my concern about the courts is not that when the agency or somebody isn't carrying out the responsibilities they have under the law that the court steps in and some plaintiff, or often some environmental organization, will sue the agency or sue even individual plan and force them to comply. In those cases, it can be fairly clear what the law is, what the violation is, and whether it's the agency or an industry, whoever it is, what they're supposed to do. Where the courts are less valuable is where you have multiple parties, multiple problems in the form of various kinds of pollutants, efforts to restore bodies of water, for instance. The courts are not equipped to get into that kind of area, and we have way over used them as a society as a mechanism for resolving these kinds of problems or disputes. And the courts themselves sometimes will admit that this -- they're simply not equipped to set a series of standards for a whole water basin and try to get everybody into compliance with them. So when they get -- when somebody gets sued in those circumstances, you devote a lot of resources to the lawsuit itself, sometimes governmental, sometimes private. And when the case ends, seven, eight, ten years later, you, you may well resolve that particular part of the problem and make some progress, but

you've still got 90 percent of the problem remaining, because the court hasn't been able to encompass within its jurisdiction all of the aspects of the problem to solve it.

And so, while in the early days of EPA, in particular, the courts played an important role in interpreting the statute and at the same time mandating the agency to move -- and they still do, and I think in cases like this, we were talking about the climate change case. But as an instrument for resolving major natural resource environmental disputes, the courts have limited usefulness.

Paul Milazzo

Well, as you said, you mentioned that the American people are operational conservatives and policy liberals, and that got played out in the court level, right, because you would get sued by environmentalists at sort of the appellate and circuit court levels, so they would expand the mandate for the agency. But then you would get sued by businesses at the district court level, where you would trying to figure out, okay, what should the permit actually say --

William Ruckelshaus

Right.

Paul Milazzo

-- is this reasonable on a cost benefit basis?

William Ruckelshaus

Right.

Paul Milazzo

The one place I wanted to ask your opinion on the courts was the court impact on NEPA, National Environmental Policy Act, and EPA, because the courts seemed to put NEPA and EPA at odds. You had decisions like the Calvert Cliffs decision on water quality standards and the AEC, which basically left the question open as ultimately whether NEPA applied to EPA, whether EPA needed to have environmental impact statements written. And the Kalur v. Resor decision on the Refuse Act Permit Program basically said, well, you need to have an environmental impact statement for every permit, which essentially shut down the program for a while.

William Ruckelshaus

Right.

Paul Milazzo

Was EPA, did you think, ultimately liable to environmental impact statements? Did it have to write these statements for each one of its actions? Or was EPA, as Muskie certainly thought, sort of something beyond, an agency that was sort of beyond these, environmental impact statements?

William Ruckelshaus

Well, it certainly could have been straightened out by the Congress, if there was any problem. The expansion of the meaning of NEPA took place before this controversy about whether it applied to EPA that you're referring to happened. And so, I think, if you went back to the authors of NEPA, they would not have understood how expansive it ultimately became, primarily as a result of court interpretation. But when that same expansiveness of the application of NEPA applied to EPA when we were issuing a permit or even issuing a standard or whatever action we were taking, our early impression was, "That's what we're doing, we're trying to follow the requirements of the National Environmental Policy Act to make sure that when we take an action, it takes the environment into account. So why should we have to go back through this cumbersome administrative process again and spell it out under NEPA." And, you know, the fight went on for years, and I can't even tell you where it is now. It's -- but still, it obviously was an issue that the Congress could have dealt with. There's a similar problem in the state of Washington that the legislature there has dealt with. Whether or not grants for salmon recovery habitat processes have to go through all the permitting processes that everything else does in order to avoid salmon impact. These are meant to help the salmon. And the legislature said, "No, that's what they're doing, they don't have to go back through all these other permits in order to get permission to do it."

Paul Milazzo

Well, the last policy issue that I would like you to address is a very interesting one, the question of regulating pesticides and your decision to ultimately ban DDT. Can you give us a little background on what the situation was with DDT and pesticides when you kind of came on the scene at EPA.

William Ruckelshaus

DDT had been condemned broadly by -- starting probably with Rachel Carson, but then a number of others had sort of singled DDT out as a broad based, very useful pesticide in terms of controlling pests, but, also, its impact was on a whole lot of non-target species, and it was a highly visible contentious issue. And under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, it was a risk benefit balancing process that you're supposed to use when it's a benefit to the society of the use of the pesticide versus its cause -- or excuse me, versus a risk to environment or man of using it. And sometimes that's a very delicate balance there, but there is benefit because it does control pests and, at the same time, there's some risk. And, as is usually true, the risk is subject to scientific debate as to how serious that risk is. So in DDT, we decided that as a result of court cases and applications that were made to the agency, to start a procedure that would try to resolve it, and the first step was to cancel it. And it sounds like you're banning it from its use, but that's not true. You cancel it in order to trigger this administrative procedure. And the procedure is you look at the risk and you look at the benefits and you examine them very carefully, and you have a hearing, and as a result of the hearings, whatever the finding of the hearing is is then appealed to the administrator, where a final decision is made which, in turn, can be appealed to the courts. And, so, in looking at it, our administrative hearing officer decided that the benefits of EPA outweighed the risks. That was then -- that was sent to me in the form of a --

Paul Milazzo

It's Edmund Sweeney's decision.

William Ruckelshaus

That's right, Sweeney's decision.

Paul Milazzo

Because he was the hearing examiner in '72.

William Ruckelshaus

That's right. Hearing examiner -- he was similar to an administrative law judge, but that's what he was.

Paul Milazzo

That's right.

William Ruckelshaus

And so I -- in order -- because I knew the case was contentious and I knew the case was very visible, I gave the proponents of taking particular action, some of whom were our own employees in the pesticide office, which is a very bizarre part of this statute, as well as manufacturers of DDT at the time. And there were others, there were several lawyers involved, gave them questions I wanted them to address in the hearing before me, and I sat through the hearing myself, read their responses to this and told them, "These are the questions that I have on my mind, and these are the questions that I want you to address." Almost none of them were addressed in this hearing. They had gotten so angry with each other, these attorneys, that they spent the whole time trying to discredit the other guy's case, saying he manufactured this evidence, and he did these terrible things, and I couldn't get them to stop. So, at any rate, my reading of all the evidence that we had adduced in the hearing was that, while it was a close call, the fact is 70 percent of it was now used on cotton.

Paul Milazzo

Right.

William Ruckelshaus

More and more of it had to be used, so you put more and more of it into the environment, and it was having less and less effect on the target species because they were building up resistance to it. And there were some other uses around the country, in timber in the northwestern part of the country and some vegetable crops. At any rate, I -- what do they call it, where it's cancellation and suspension -- suspended the use, which essentially banned it, except for emergency purposes where people could make a showing that it was necessary to use this particular pesticide in order to

control an infestation of some kind where the risks were clearly less than the benefits themselves. The decision has been criticized since by any number of scientists and others who say it's -- I have been accused of killing 30 million people of malaria and all kinds of wonderful things. It applied only to this country; there is no malaria in this country. If I were in Sri Lanka or in Chad or some other country where malaria was a real problem, it would have been a different matter all together. But, in this case it was -- that was the decision.

Timothy Naftali

So, let me ask a question. It was a politically charged decision?

Paul Milazzo

That was actually where I was going. Do you think -- could you have upheld the use of DDT? I mean, was it a scientific decision that you ultimately made or was it a political decision that you think you ultimately made?

William Ruckelshaus

I tried to be very careful to follow the requirements of the statute, which was I was supposed to understand what the -- the decision maker was supposed to understand what the risks were and what the benefits were and balance those against one another in making the decision. And in my feeling, the benefits were primarily on one crop, there was a substitute, the benefits were receding, and the risks were to raptors, raptorial birds, shellfish. It was building up in the fatty tissue of man. It was -- there was no evidence it was causing any health effects in man. There was a concern about that, because if we found, subsequently, with this stuff building up, it would have a very widespread impact. And the pesticide itself was very persistent; it hung around for a long time, so, once you got it out into the environment, it continued there for several years. And on the basis of all of that, I decided the best course of action was to suspend its use. It was not a political decision. There is no question it was politically charged, and I was accused of making it a political decision. I talked to a reporter from "Chemical Week," editorial writer actually, who asked me a question about it and he asked me whether it was political. I said small "p" political, in the sense of a society trying to decide for itself what risk it's willing to accept in terms for what benefits. But that's not -- I'm not talking about big "P" politics here. His editorial said that I admitted it was a political decision.

Timothy Naftali

Did you hear from Ehrlichman or the secretary of the agriculture on this decision?

William Ruckelshaus

I talked to Ehrlichman about it. He said that the President would not be happy with that decision. The President had a strong relationship with Norman Borlaug, who had been the sort of founding father of the green revolution, and who deeply disagreed with the decision on DDT, as did a lot of other scientists. He wasn't alone in believing that, that it should be still made available for broad-spread use in the society. But there was never any -- the President never called me about it, and I told Ehrlichman I was going to make this judgment as honestly as I could. And it was not an easy

decision; it was not a lay down as to what ought to be done. It was a close call between this balance, and he said, "Fine."

Paul Milazzo

Was there also the question -- the administration was developing legislation to clarify EPA's role, I think the Federal Environmental Pesticides Control Act was what it ultimately became, which modified FIFRA. Was your decision in any way sort of relevant to that legislation -- that you thought that legislation would ultimately clarify the situation?

William Ruckelshaus

I don't know, I was -- shortly after that decision on DDT, I was gone to the FBI. I mean, it was made during the fall of '72 as I recall, somewhere around then. At any rate, we'd -- I don't remember there being a legislative response that this decision was central to.

Paul Milazzo

So, and ultimately the science that you relied on was very -- and looking back on it now, it's very complicated, very confusing, very contradicting. I'm sure it must have been quite a challenge for you to sift through.

William Ruckelshaus

It was very, very -- and it still is. I mean, there was a wonderful article written in "The New York Times" not long ago, in the magazine, about that decision and the use of DDT and its effect on malaria and the controversy in Africa and the World Health Organization. And the Court of Appeals upheld the decision unanimously and said there was adequate evidence to bolster the decision, but it was mixed. Scientists don't agree on these kind of things. And, you know, that's -- we're back to that earlier part of the conversation. If the American people could see the scientific controversy involving some of these issues, about what real public health impacts there are, and, in fact, if it were peer reviewed, all of this stuff, so that it wasn't somebody who didn't like the decision deciding he was going to attack it on whatever grounds he could find, instead in a peer reviewed journal determine whether it made sense or not. I think that's fine. I think it would be a very good thing for the public to see that, but they don't.

Paul Milazzo

Just end on asking what you believe your legacy ultimately was at EPA.

William Ruckelshaus

Oh boy, I don't know that. I mean, somebody else is going to have to write about that. I've never worried much about any legacy. I found it very exciting to be a part of starting a new Federal agency. It doesn't happen very often, and when it does, there's a lot of energy generated and a lot of effort, if it can be properly channeled, to deal with the problem that the agency's creation has identified. And it's an extremely complex thing to get all that energy channeled in the right direction. And, you know, whether I was successful in doing that or not, somebody else is going to

have to judge. But I not only found it exciting and interesting and challenging, which are three things I think you should look for in a job, I also found it very fulfilling, because you were really trying to work on something which was beyond yourself and beyond your immediate concerns, and hopefully add some light and organizational structure to dealing with those kinds of problems that will stand us in good stead in the future. And knowing that you tried as hard as you could and made some progress at it is a very fulfilling exercise.

Timothy Naftali

Did you know that President Nixon called you "Mr. Clean"?

William Ruckelshaus

Oh, yeah, he did. I'm not sure he said it with enthusiasm. Because we would do things, DDT probably was one of them -- my guess is he heard from people like Norman Borlaug, whom he admired greatly, and others that that was a very bad decision. And, you know, he didn't have any way of judging that, and his approach to things wasn't to call me and ask me about something of that kind. And I feel, because John Ehrlichman would tell me this, that he was expressing the President's views on some issue or other that I was dealing with. But it wasn't that often, I mean, I didn't have that much interaction with him.

Timothy Naftali

Did you wonder whether they gave you the FBI job to get you out of EPA because you were too effective?

William Ruckelshaus

No, I might have wondered that if the Watergate weren't going on, but that was not true.

Timothy Naftali

But it must have surprised you, though, because you were so effective at EPA, that they would put you at the head of the FBI's investigation of Watergate.

William Ruckelshaus

It was a time of great crisis. I mean, Watergate was unraveling almost daily in "The Washington Post." "The New York Times" had kind of gotten the wind of it. Here was Gray, who was the President's appointee, had collapsed because of destroying these documents. He needed somebody right away. And he was getting ready to discharge these two most important aides in Ehrlichman and Haldeman. He'd already decided to do that. He told me in that meeting on the Friday before the Sunday firing that both those two and Kleindienst and Dean were going. You know, I don't think balancing whether I could do more good or more harm, whatever the judgment was at EPA versus the FBI, was ever a part of it. I think he needed somebody to go over there. I'd been in the Justice Department before. I knew something about the FBI. In fact, when I went in to see him in December and was reappointed to EPA in 1972, one of his aides -- it wasn't Haldeman, it was another one -- was sitting in there with him. And he told me afterwards that, when I left, Nixon

turned to him and said, "You know, he'd be a good FBI director." And he asked me when I was sitting there about law enforcement. He said, "How much law enforcement experience have you had?" And I thought, "Well, what's that got to do with EPA?" I said, "Well, I was in the Indiana attorney general's office, but I never was a prosecutor. Never was" -- I didn't say "investigator" because it didn't occur to me what he was talking about. But this guy told me that after I'd been appointed to the FBI -- I can't remember his name. I ran into him somewhere.

Timothy Naftali

Higby?

William Ruckelshaus

No.

Timothy Naftali

Your name was mentioned in February on the tapes as a possible director of the FBI, before they even approached you in April.

William Ruckelshaus

Yeah, well this was -- I didn't know that.

Timothy Naftali

Seventy --

William Ruckelshaus

This was in December --

Timothy Naftali

'72.

William Ruckelshaus

-- of '72. And it was one of his -- he was probably part of Haldeman's office, but he was one of the guys that would occasionally sit in for meetings with the President, take notes, and record what happened.

Timothy Naftali

Two more things. One, Earl Butz was named as the Super Cabinet -- you're smiling, because you know we're going to see him -- and Earl Butz had not been supportive of environmental policy. You were to report to him. How was that supposed to work in early 1973?

William Ruckelshaus

Well, I never was sure, but it never really came about. But there were supposed to be four or five, I forget which, I think maybe it was four --

Timothy Naftali

Four Super --

William Ruckelshaus

-- sort of Super Cabinet members. And they were given other offices, EPA being one of them, out of Cabinet positions to report to them, and they were kind of supposed to coordinate that. Actually, I didn't think -- conceptually it's not a bad idea. I mean, I have felt for some time that if Presidents, who don't have the time to spend on every domestic issue, no matter how important it is, plus all their foreign policy responsibilities, if they would appoint somebody within their office and say, "I want you to pay attention to this. Tell the other Cabinet people this is the guy I'm depending on to coordinate your activity, and if you've got a problem bring it to him, and if it's really big, you know, maybe I ought to get involved in it. But he, in effect, is my stand-in." I think we could make a lot of progress on some of these domestic issues that kind of don't move very much because the President doesn't have time to deal with them.

Timothy Naftali

Butz was not a fan of the DDT --

William Ruckelshaus

No, no, he thought that was terrible. I don't remember talking to him about it, but I'm sure he thought it was a bad idea.

Timothy Naftali

Last point, Henry Petersen at DOJ -- by the time you went back to DOJ, was he still effective? He was sort of drawn in to this Watergate business. How effective was Henry Petersen?

William Ruckelshaus

He got very discouraged. I mean, I knew Henry when I was there before. He was not then assistant attorney general in the Criminal Division; somebody else was, but he took their place. He's a career guy, and I always liked him, I always thought he was a very good person. But by the time I got to the FBI, I'd talked to him a couple times about what was happening, what was going on. He was very discouraged about a lot of things that had happened. He was close to Kleindienst, and he'd been discharged. Peterson was very upset.

Timothy Naftali

Did he feel he had been used?

William Ruckelshaus

Well, I think so. I mean, he was very derogatory of the whole White House apparatus and how they'd handled this, all the Watergate charges. And he felt, I think, himself somewhat tainted by it and felt unfairly so, but nevertheless, he was really discouraged about it.

Timothy Naftali

When we were talking about that last week before you left the DOJ, did you offer Elliot Richardson any advice about the Stennis Compromise? You disagreed on it really, that from listening to you.

William Ruckelshaus

I just didn't think it would work!

Timothy Naftali

But did you tell them to stop trying, or --

William Ruckelshaus

Well, I would talk to him about it and say, "I don't understand how" -- the reason I didn't think it'd work is because I never thought Cox would accept it. Because, if I were him, sitting in his position, and having the responsibility for generating the evidence -- and he had identified these tapes as really crucial evidence -- and now somebody was going to summarize them for him and give him a laundered edition, and he couldn't look at them anymore, I just didn't see how he could possibly say yes.

Timothy Naftali

Did you talk to Cox and Richardson after the Saturday Night Massacre? Did you chat about --

William Ruckelshaus

Yeah, I talked to both of them.

Timothy Naftali

What did they say? What did they think about what happened?

William Ruckelshaus

Well, I used to see Elliot all the time, I mean, we were pretty good friends, and we'd go fishing and things together. And, you know, over several years we finally talked about things other than that. I think Elliot felt he did the right thing and that he performed well under the circumstances and tried everything he could figure out to avoid having to resign, but that was the right thing to do. I mean,

we almost knew exactly what one another thought about everything. We didn't need to rehash it, because it was part of what we were living day to day at the time. In the case of Cox, he did tell me -- he told me once that -- he said, "You know, it was interesting, when I had that press conference," he said, "I wasn't sure what Elliot would do." He said, "I knew what you'd do, but I wasn't sure what Elliot would do." And I said, "Why?" He said, "Well, I just, I'd known him a long time, and I just wasn't sure that he would refuse the President's order." I said, "Well, he did." And he said, "That's right, he did."

Timothy Naftali

Mr. Ruckelshaus, thank you for your time. Thank you, Paul.

Paul Milazzo

Thank you.

William Ruckelshaus

Okay.