

## INTERVIEW II

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INTERVIEWEE: FRANK M. WOZENCRAFT

INTERVIEWER: T. H. Baker

PLACE: Mr. Wozencraft's office, Department of Justice, Washington, D.C.

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B: Sir, to start this one off, one of the things that one begins to notice is that the president has at his disposal several different legal staffs, if it can be phrased that way; that is, he has, among his special assistants, lawyers, including those designated as special counsel. And he has the attorney general, and then there is also your office. Exactly how do those offices arrange their distinction in service to the president?

W: Well, it's fairly flexible because any president has freedom to choose any arrangement that he wishes. Usually the arrangement that evolves has its source in his own personal preferences and also in the particular people that he has in the various positions. I think this makes a great deal of difference because it's the interrelation between the people that really determines the interrelation between the organizations.

The attorney general is the president's lawyer, indeed has been charged since the Judiciary Act of 1789 with providing legal advice to the president and to the executive departments. It was not until 1870 that a Department of Justice was created. In fact, as late as 1850, the attorney general had one assistant attorney general and two clerks. That was

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the entire legal office of the United States. During the Civil War, they had to pay so much for outside legal fees that I think it became pretty clear there had to be a Department of Justice, and beginning in 1870, there was. Since that time, the attorney general has, of course, become the chief law enforcement officer of the federal government.

B: I was going to say, one thinks of the attorney general more as a law enforcement officer, and one thinks of, say, your office or the president's own staff as giving the specific legal advice. Is that a correct implication?

W: Well, I think the history that I have just been giving produces the answer to this pretty much. The attorney general originally was the legal advisor, but starting in 1870, when the Department of Justice got organized, he picked up the beginning of a great many other duties, and right now, the dimension of the Department of Justice is such that the attorney general has a very full-time job being its chief executive, being in charge of the Bureau of Prisons, the Immigration Service, the FBI, the whole law-enforcement effort of the country. But nobody has yet repealed his role as legal advisor to president and the cabinet, and it is that role that we in the Office of Legal Counsel attempt to carry out on his behalf.

B: I was going to say, is it fair to say he has delegated that to your office?

W: Yes, subject always, of course, to his general jurisdiction and approval as in any case of delegation. If we see a problem that we know the president will be likely to be asking him about personally, we certainly try to alert him to it and keep him informed on it. And the ultimate policy decision must reflect his policy decisions.

B: And, of course, presumably in his appointment he insures that; that is, you, for example, are an appointee of the attorney general.

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W: Well, that's fine in matter of general principles, but it isn't enough--I don't think you assure it just by appointing the man. Of course, first you have to appoint the right man, and it's the job of the assistant attorney general to be very sensitive to the views of the attorney general and the points on which he will want to take a particular position.

Now, I came to this job under Nick Katzenbach when he was attorney general. And it took me a while to learn what Nick's views on various points were, but I learned quite quickly, and this was not too big a problem. Then when Nick left, Ramsey Clark became the acting attorney general. I had to start learning then more what Ramsey Clark's views were so that I could reflect them accurately. This took a while, too, and it was a transition stage for me.

Now, at that time I, of course, as all assistant attorneys general do, tendered my resignation to Mr. Clark. In all candor, I didn't expect him to accept it or for it to be any more than a formality, and that's exactly what it was. We had already worked together enough in his role as deputy to where we knew there wasn't going to be any real problem about continuing it.

B: This is sort of a peripheral issue, but you've mentioned it. Is that a little awkward for the assistant attorneys general and the rest of the staff to have an acting attorney general for, I think, five months?

W: Yes. The world of government goes on, and the Department of Justice goes on, but when there is an acting attorney general, there really must be an alter ego for every department head. The business of government is just too complex today to be without it. The real problem that we found during what I guess you could call the interregnum was that Mr. Clark's time was so busy that--it was so full that we had no real opportunity to get in and

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discuss in the length that the problems would deserve. Many things where we did not yet know exactly how he would view them. It wouldn't have been nearly as bad later on, and as it was, it was easier than if Mr. Clark had come in new. The fact that he had been there and that we'd worked with him made this a lot simpler. It wasn't any fatal problem, but it certainly was a handicap.

B: Was there a temptation to sort of put off or go slow on adjusting to the acting attorney general on the theory that he might not be the attorney general, that you'd have to do it all over again?

W: No. Not at all. You can't afford that. You have to go ahead. But there is a temptation on his part, and a very proper one, not to take decisions that a successor to him might properly be charged with. So that he postpones some decisions; he postpones reorganization of the department completely. You can't begin to reorganize anything while you're acting; in terms of personnel, you can't be sure whom you're going to employ. You can't get people to come in to serve you if you're not certain that you're going to be there. So it's very difficult on him, but there's no temptation that I have seen on anybody's part to wait at the lower levels about getting something done. There's simply a delay at the final approval stage.

B: Related to this, from your vantage point, what were the differences between Mr. Katzenbach as attorney general and Mr. Clark as attorney general? Were there differences in emphasis, tone, character, methods?

W: There's a great deal of difference in personality, I suppose, between any two people that come into this job. I doubt if there have ever been two attorneys general that viewed it exactly the same way or had exactly the same impact on the department. Both Attorney General Katzenbach and Attorney General Clark, in my view, were excellent attorneys

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general. I have really enjoyed serving with both of them, and if there had been an attorney general with whom I could not enjoy serving, I would have left some time ago. In this job in particular, there has to be a sufficient ability to get along with the man in the top spot, because you're reflecting his views. You're taking his legal positions. I now feel quite confident about saying, as I did yesterday at a meeting, that I was quite confident that the attorney general would reach a particular result on a particular problem. Now, Attorney General Katzenbach might have reached a somewhat different result. Each of them has his own general scope and general view.

I would say that the main difference from my standpoint was when I came here, I was new and Mr. Katzenbach actually held my job in 1961 and 1962 under [Attorney General] Bob Kennedy and [Deputy Attorney General] Byron White, before he succeeded Byron White as Deputy. So that he knew perfectly well what was happening here, and this was a great help to me. I didn't have to make quite as many ultimate decisions myself, because the Attorney General was quite familiar with the whole arena in which I was operating. Also, I was so new that if a tough cliffhanger came along, I would go to him quite quickly. Nick Katzenbach has a very fluid, darting mind. It's a very quick mind; it's very sensitive to nuance; I've never seen anybody who knows better what little word or change can do to change the tone and make it acceptable to people who might have objected to it in its prior form. At the same time he's driving very much ahead toward a set of goals which he wishes to accomplish.

Ramsey Clark is quite different in personality. He is very direct, very open. He plows a very straight furrow. I would say that Nick in his approach will dart over a whole range of possibilities more quickly than Ramsey. Ramsey will know exactly where he's

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going and plow the straightest line to get there. They both end up in very much the same place by very different methods.

B: Your latter statement may have answered my next question. Is there any basic philosophical difference, or even any difference in emphasis; does one care more about a certain issue than the other?

W: I don't think you'd be fair to say that there is any such difference in any dimension that becomes notable. They both were dedicated to the furthering of civil rights in our country; they were both very dedicated to public service as an end in itself and not simply as a stepping stone to something else. I think each of them really had an immensely high regard for the Department of Justice as an institution and for the law. They wanted to use the Department of Justice and the law to achieve these results, particularly in the civil rights area.

Now, there are other basic doctrines of government where their emphasis may differ a little bit, but not all that significantly. The separation of powers is one of these areas, the role of the executive as opposed to the Congress. I think that perhaps it was the instances in which the problems came up; both of them were quite anxious to protect the role of the executive and at the same time, you can't have the executive take over the role of the Congress. I think, reflecting the earlier differences in their personalities and approaches, in this situation, Mr. Katzenbach was perhaps a little more willing to try to work things out and avoid ruffling any feathers and try to keep the Congress and the President happy with each other--

B: Avoid a direct confrontation?

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W: Avoid a direct confrontation, right. Attorney General Clark doesn't go looking for needless confrontation, but he does not hesitate to provoke one whenever he thinks that it's in the long-run interest of the government to do it.

B: From the standpoint of the people like yourself who were in the Department of Justice during that transition, was there any concept that the new attorney general, Mr. Clark, was more a Lyndon Johnson man than the old attorney general, Mr. Katzenbach, was?

W: Oh, obviously Lyndon Johnson had known Ramsey Clark for many years longer than he had known Nick Katzenbach. He chose each of them, however, as his attorney general. And when I came to work here--when Nick first asked me to become assistant attorney general, he told me that I would be responsible to two men and would be expected to be, of course, completely loyal to two men--one was President Johnson and the other was Nicholas Katzenbach, the President and the attorney general, and that they were the only two people to whom I had that obligation. That was very correct, I think, and the importance of that "only two people" is that you have to be free to hoe your own row. You can't worry too much about people all over the government maybe getting a little upset here and there, if you are going to still call the shots as you see them.

I don't know if I mentioned last time my conversation with the President before my Senate confirmation?

B: I don't recall specifically. You'd better repeat it just in case.

W: He was very rushed and we had a very short period of time, but he told me very briefly and very clearly that he was counting on me to be sure that he got the right legal answers from the Office of Legal Counsel and from the Department of Justice, and that he expected me to call the shots absolutely as I saw them and do what I thought was right in every case. And

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that if I did that, he would stand behind me 100 per cent as long as he was there, and not to worry about what other people happened to want or what people would like to have the answer be, but just call it the way it really was.

And this was a very heartening message to me because one of the things I had worried about was whether coming into government, you'd be expected to hew to a particular political line or policy line and what the consequences would be if that was really distasteful.

B: What's the relationship between you and your office and the president's direct White House staff? Most of those people are lawyers, and some of them have the title "Special Counsel," the implication being that they are the President's immediate legal advisors. How does your office work with them in general and in specific cases?

W: Well, we work with them very closely, and there's really no distinction in our mind between whether their title is special counsel or special assistant. There is always at least one special counsel; right now, I think there are two. And there's one deputy special counsel who doesn't really work for the special counsel; and another associate counsel who is really rather separate.

B: I think the point is that most of them, I believe, are lawyers.

W: They are lawyers, and each has a very different role, depending upon the particular matters that are coming up, but also upon what areas of responsibility the president has entrusted to them. In no case, however, that I know of, do they do the day-to-day legal work or prepare anything resembling official opinions or underlying memoranda supporting conclusions of law. For those, they call on us. They are mainly policy advisors and program shapers.



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B: Well, in the case of legislative drafting, and I would suppose even in the drafting of executive proclamations, much of that originates among the White House special assistants, and much of it involves fine points of law. Do you get involved in the early stages of, to take an example, something that Mr. [Joseph] Califano's office would be working on in domestic legislation? Does your office get called in fairly early in the game in the drafting procedures?

W: Well, it all depends on what particular area, even in this legislative program, is involved. Let's back up a little bit and talk about the different people in the White House, if you like, and their responsibilities.

Mr. Califano is in charge of preparing the administration's legislative program and working with him--he's a Special Assistant--and his right-hand man is the Deputy Special Counsel Larry Levinson. Matt Nimetz and Jim Gaither, and formerly Fred Bowen, worked very closely with them, and this is one shop in the White House, and you would call it the legislative program, and really the domestic program, of the administration. They don't deal much with foreign policy or defense as such. That's more in Walt Rostow's ball park.

Now, you can come over to Harry McPherson, who is the special counsel. Harry writes a great many speeches for the President and advises on a lot of policy matters. He also does supervise the preparation of the proclamations and some of the executive orders and veto messages and signing statements. But a lot of those veto messages and signing statements, and a good many of the executive orders, go through Califano's shop instead if they involve matters that are tied in with the domestic legislative program. So it's very hard to draw any fast lines between those two even though they have different titles.

B: A question arises here. Does your office get automatically called in on all of these or just some of them?

W: We are automatic on all executive orders. We must review the orders for form and legality before they can be issued. There have been occasions on which cabinet members have submitted their own executive orders to the White House, usually to Harry McPherson and sometimes to DeVier Pierson or Joe Califano. In each instance they are sent over to us for our review. And sometimes we've actually made very substantial changes as a result of that review from what the cabinet officer originally had in mind.

B: This was the next question. What happens when your office disagrees with something that has been produced there or has come through the White House?

W: Well, there has never been a time that I can think of when an ultimate legal insistence on our part has been rejected by the White House staff. Now, there have been differing viewpoints, of course, on various things, which we usually sit down and work out. I would say that, in a sense, they are the client and we are the lawyers. They are charged with telling us what the President's decision is, finding out what his decision is, presenting him with the alternatives. We are in charge of presenting them with the legal perimeters, and an evaluation of the legal consequences of various alternatives. And this works out very happily really, because I think that the best way to characterize our relationship to the White House is that we are the outside law firm for the White House. At most, the special counsel and special assistants of the past two-and-a-half years, while I've been there, would be regarded as house counsel, but really vice presidents in charge of general legal matters, but not really practicing law.

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Now, at the same time, I am reporting to the attorney general, and if there were a really major difference of opinion between our office and the staff, I would go to the attorney general, and I'd say, "Look, here is the position, and here is what we think has to be done." And the attorney general would then either decide that it wasn't worth making an issue of or that he didn't really agree with us, although that has never happened either, or he would go to the special counsel, the special assistant, and underline that he thought our position was correct on it. If that didn't work, he would, if he felt it was sufficiently important, go to the president himself.

B: Has such a case arisen in your tenure?

W: There have been no cases when he has had to go to the President over the view of a special assistant or special counsel over there because he is the chief legal officer of the government, and they know it. And they don't argue with him on questions of law.

B: Has there been a case where he has had to settle the difference of opinion between your office and one of the special counsels?

W: There have been times when I've called him in for support, for reinforcement, and asked him to telephone a special assistant or a special counsel and underline what I have said in points where I have known that other pressures from other sources might be trying to sway that special counsel or special assistant to a different decision. And I felt that, from a legal standpoint, it was important that it come out our way. Now, that kind of case, yes, I would go to Ramsey.

B: You mean if they were bringing up the big guns, you would have to bring up the big guns?

W: Well, the "they" would be the people outside of the White House. It wouldn't be these special counsels or special assistants themselves. It would be, for instance, the Department

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of Interior or the Department of State insisting that something should be done. And as they bring a pressure to bear on the White House decision-making process, there are times when I have invoked my leaders, Nick Katzenbach or Ramsey Clark or sometimes [Deputy Attorney General] Warren Christopher if they're out of town, to stress the importance of the position that we are taking.

B: Can you give a specific instance?

W: I'm having a little trouble thinking of it at the moment. There have been a good many. I think mainly it would be in the--well, I don't know. Right now, frankly, I can't put my finger on something specific, but I know that it has happened and that it should happen; I'd do it again with no hesitation, where I--

Well, let's see, here's one kind of thing--this isn't that kind of a pressure, but it's an example. We're having trouble in a Senate subcommittee which is about to approve a bill that would completely revise the Administrative Procedure Act and would do so in real disregard of the basic principles of good government that we espouse in the executive branch about the administrative procedure. There is a key senator on the subcommittee who is being wooed by the opposition. I ask Ramsey Clark to telephone that senator and tell him how important this is to the department and to Ramsey personally, which it is, because I am carrying out Ramsey's views when I make this fight, and Ramsey's gotten his views a lot from the position that I have taken and what I tell him the situation is. He hasn't had time to study that bill in detail.

But then it also helps to get White House persuasion in here, and I would talk to Harry McPherson and ask Harry to call the senator. And Harry would say he would do so. Then I would ask Ramsey to please call Harry and remind him and be sure that Harry does

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it, because Harry has an awful lot of things to do and he may just forget. He's less likely to forget if Ramsey calls him, too.

B: Who would be the opposition wooing the senator in that case?

W: In this particular case it was basically the American Bar Association and the committee staff of the Subcommittee on Administrative Procedure and Practice under the chairmanship of Edward Long.

B: Again, in this same area, there are also in each department at the departmental level, and on down into the agencies, counsels specifically in those functions.

W: Yes, each agency and department has its own general counsel.

B: How does your office, if at all, work with them?

W: Just as we are the outside law firm for the White House, we are also the outside law firm in a sense for these departments and agencies. The general counsel in each of those agencies will come to us under any of several circumstances. One will be if there is a disagreement between the two departments or agencies as to the meaning of a particular law. Another would be where there have been allegations, say, in the Congress or the press or elsewhere that their particular legal interpretation of something in that department was incorrect. They would frequently come to us, at least informally, trying to get us to review it and hold their hand and back them up. Sometimes they come to us to try to get us to help them in a Senate or House fight where questions of constitutionality or legality or statutory interpretation are involved. So we deal with them on all of those. And, in essence, we are the umpire and you might say, the adjudicator within the executive branch as to legal disputes.

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B: It's more of a referee function then, because I was going to ask if you ever found yourself, to use this law firm analogy, in the position of a law firm that had two clients, one on each side in opposing issues.

W: Yes, and at that point we become the judge.

B: You attempt to compromise--

W: We attempt to compromise as much as we can consistent with what we think the right legal answers are. And we try to work it out informally and without fanfare or trouble. But there are times when you simply have two views, and one of them is right and the other is wrong. Or there are times when you have two views, and it's not clear which one of them is right, but one of them has to prevail because you can't go on with two conflicting views.

B: Does that kind of thing ever have to be taken to the attorney general or to the president?

W: It would very frequently be taken to the attorney general. If there was a real fight on between the secretary of state and the secretary of commerce, as has happened in, for instance, whether a proposed statute that the Department of Commerce wanted to get adopted in early 1966 on safety standards for ships. The question was whether that was in violation of the Safety of Life at Sea Treaty convention to which the United States was a party. The Commerce thought it was not, and the State thought it was. The question was referred to us for decision; we decided that it was in contravention. We were sorry it was; we liked Commerce's position on the substance, but it simply would have violated the treaty to do it. So we tried to work with them to see what they could do consistent with the treaty to achieve the same result. That's the kind of role that we would have. There we actually had to write out our answer because ranks had formed.

There was another really sharp disagreement between the State Department and the Department of Agriculture on whether the [Paul] Findley amendment to Public Law 480 would preclude the shipment of vegetable oil by the Commodity Credit Corporation to Yugoslavia. The Findley Amendment said that no nation which had provided aid to North Vietnam or was the nation of registry of ships carrying aid to North Vietnam should be the recipient of our aid under PL 480.

The question that came to us was whether the word "nation" meant the government of the country or whether it meant anybody in the country. Specifically, the question involved the Yugoslavian Red Cross, which had certainly sent medical aid to North Vietnam, but the Yugoslavian government had not. We got a request from the legal advisor's office to--

B: Excuse me, whose legal advisor?

W: --legal advisor of the State Department, Leonard Meeker, to give our views on this, and whenever we give an opinion on something like this, we ask the department to give us its own views. And we do this for several reasons.

B: You mean the requesting department?

W: Yes, the requesting department has to tell us what its legal view is. This is to keep them from just passing the buck, but also it's to give us the background information on which they have based their conclusion. Then it gives us a better chance to review. In this instance we then called up Agriculture.

B: I was just going to ask if you ask for the same thing from the other--

W: And we got from Agriculture an informal draft memorandum. It was not a formal one, and it never became an official opinion of the counsel of Agriculture, but it was a memorandum

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that he had prepared for his secretary. And when State asked us for opinion, we got them to send us that memorandum, too. It was a very close, tough question. You go back into the legislative history, you will find that there is a little language both ways, but in our view--the wording of the statute in this case--we felt that the word "nation" could not mean two different things in the same sentence.

B: By legislative history, do you mean the record of the debates and the committee hearings?

W: Yes.

B: An attempt to elucidate exactly how the word was used in formation of the law?

W: Yes, in saying what the Congress intended the law to achieve. The committee reports are very useful, too, in this regard. Floor debates can be very confusing, but they do get a good deal of attention. They're just different in that sometimes one congressman or senator--this could be the subject of another hour's discussion. I could give you about four examples of real legislative history problems, and we could talk about the creation of legislative history, but just let me wrap up PL 480 because, in essence, we concluded that the State Department was right, that the nation of registry was obviously a country and not people in the country, and therefore, it has to be the government, the nation itself, sending the supplies.

Now, we did not then pass on whether the Yugoslavian Red Cross was a governmental organization in Yugoslavia or not. We regarded that as something where State Department had a lot better capacity to make the decision than we did, because we don't know the ins and outs of what happens to Yugoslavia and have no particular desire to learn about it. Parenthetically, this had another very good advantage. It not only kept us from going beyond our expertise, but it also kept us from having to put ourselves on the final decisional line in opposition to Representative Findley, who was making a great deal



of clamor that Agriculture was right and State was wrong. So we answered the legal question very correctly to the full limit of our expertise.

Agriculture then immediately went along with us. They had no trouble with that, once we had spoken. We were the umpires. We had decided; that was that. But there's nothing that gives us jurisdiction over Congressman Findley. And Congressman Findley was far from pleased with that result.

B: Why would Agriculture go along so quickly; would it be perhaps that they just held that position anyway and wanted someone else to say it, to take the brunt from Congressman Findley?

W: I doubt if they cared very much one way or the other. As long as they had somebody else to be making the decision for them, it wasn't something worth--they were not deeply aggrieved by the result, I'm sure of that. But frankly, there has never been a case since I've been here where our ultimate legal decision has not been accepted by the executive branch, really, without question. You know, in this case, I wrote the opinion, not the Attorney General. It came from my office signed by me. This was partly to keep it from escalating too far, because there's no sense getting the attorney general out on the firing line deciding between the secretary of state and the secretary of agriculture in the face of Congressman Findley--

B: I was going to say, particularly in the case that has congressional attention?

W: Right. And so it would have been the Secretary of State asking the Attorney General for an opinion, but it was the Secretary of State's legal advisor asking me for an opinion. I dealt with the counsel at Agriculture; we worked it all out on a lawyerly level just what the right legal answer was.

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B: And, of course, I don't mean this to impugn ethics or anything like that, but you were not precisely judicial in the sense that you're deciding abstract legal questions in a vacuum? You're dealing in a policy and a personality context which, within the bounds of--well, you used the phrase "legal perimeters"--within the bounds of legal perimeters, you must take into consideration politics, policy, personalities?

W: Absolutely. I stress to my colleagues here that we are not judges in the sense of someone sitting on the bench in a black robe. We are lawyers, and our clients are the attorney general and the White House. And if they want to achieve a particular policy result, then we will do our best to help them achieve that just as the general counsel of a corporation or the law firm representing a corporation will try to achieve the result which the corporate executive wishes to achieve.

Now, neither they in that case nor we will willingly assert an argument that we think does not meet the standards of proper legal argument and intellectual integrity. If we can't devise a good enough legal answer that reaches the way they want it to reach, then we tell them we don't think they ought to do that, but we try to help them find some other way to achieve that which they want to achieve. But we're being an affirmative useful force, hopefully, and we're not just passive judges.

B: Sir, a layman's view is there is often a good deal of leeway in the law, or in interpretation of the law, perhaps, would be more precise.

W: There is. That's particularly true in this kind of area. The questions that we deal with practically never have court decisions on them. And if the statute is all that clear on its face, it rarely comes to us for a decision. One of the things that Attorney General Katzenbach told me was the major mission of this office was to solve difficult legal problems at the

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level of imagination. Resourcefulness, I think, might have been a better word than imagination, but certainly resourcefulness in coming up with a legal way of achieving the policy result that the President wishes to achieve is one of our major missions.

Now in the PL 480 case we were cutting out a way that we thought was a good policy way.

B: One more related question. Are you ever called upon to be Congress' lawyer in the sense of advising on the legality of legislation while it is within Congress, before committee or on the floor?

W: I think we better watch our language there a little because to call us Congress' lawyer would not be accurate. On the other hand, Congress does ask for our views on pending legislation, and we provide those views very freely. But we're doing it simply as someone who Congress has asked for an opinion, rather than somebody that has Congress as a client. The executive branch is our client.

B: Yes, I was going to say, to use the analogy that we've already started, if you gave advice to Congress, it would be as a representative of the executive branch, and Congress would not be, in this analogy, your client?

W: Yes, that's correct. Or Congress might even be in the analogy of, say, a customer of our client, or some other company working with our client on one transaction, where there was an interrelation. Maybe all interests conjoined. There isn't necessarily an adverse interest. But our relations are clearly that of executive branch lawyer.

B: Actually, it would be more likely to be a case of Congress asking you for a clarification of something that you had been working on anyway with the executive branch.

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W: Well, no, Congress would usually seek our views simply because they wanted to know how this proposed new bill would look in the light of legal review. What kind of legal questions has it raised? What does the Department of Justice think about it, even if it doesn't involve the Department of Justice? If it involves a question of constitutionality or legal policy, they'll come over here and say, "We'd appreciate your reviews on it."

Now, at that point, the department's role is as a part of the executive branch. Our views and statements to the committee are at least theoretically cleared through the Bureau of the Budget as part of the administration's comments, just like any other departments.

B: Why Bureau of the Budget?

W: The Bureau of the Budget coordinates through the Office of Legislative Reference all congressional inquiries to the executive branch, so that the branch will speak more or less with one voice. Now as a practical matter on legal questions, we are so much the lawyers for the executive branch that very rarely, if ever, have I actually sent a statement of mine over to Budget for them to look at first. They know what I'm going to say; I would discuss with Budget any problems that I thought they needed to know about, and they would be aware of our general position. But I wouldn't feel that I had to clear it with them. In terms of technicalities, I would be supposed to.

Let me back up one minute here to finish up the Findley PL 480 situation, because it's pretty interesting. We came out with our decision. Congressman Findley was unhappy with that and referred it to the GAO, and got the GAO to give a contrary decision saying that Agriculture was right.

B: I think we'd better put in the record what the GAO is.

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W: The General Accounting Office, which is an arm of the Congress, not of the executive branch. Their main job has been a watchdog to oversee the operations of the executive branch from the standpoint of disbursement of funds. They would have been in a position to try to tell Agriculture that they couldn't spend money on vegetable oil for Yugoslavia. However, Commodity Credit Corporation is a separate corporation and is not under their jurisdiction, and so they wrote a letter to Agriculture saying, "If we could get our hands on any of these funds, we would tell you you couldn't do it. But since we can't, we'll just tell you we'll catch you the first time we can." Agriculture continued to follow our opinion.

B: In other words, all they had left was a popgun?

W: In that particular case. There would have been other cases where that would not have been true. This brings up a very interesting problem of the relationship of GAO to the executive branch that would be the subject of another long discussion.

End of Tape 1 of 1 and Interview II

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Legal Agreement Pertaining to the Oral History Interviews of

FRANK M. WOZENCRAFT

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Shirley Ann Wozencraft of Houston, Texas do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of the personal interviews conducted with my late husband Frank M. Wozencraft in Washington, D.C. on October 21 and November 12, 1968; January 21 and 22, and February 24, 25, 26, and 27, 1969, and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

- (1) The transcripts shall be available for use by researchers as soon as they has been deposited in the Lyndon Baines Johnson Library.
- (2) The tape recordings shall be available to those researchers who have access to the transcripts.
- (3) I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.
- (4) Copies of the transcripts and the tape recordings may be provided by the Library to researchers upon request.
- (5) Copies of the transcripts and tape recordings may be deposited in or loaned to institutions other than the Lyndon Baines Johnson Library.

Shirley C. Wozencraft  
Donor

8-25-94  
Date

Arudy Huckamp Peterson  
Acting Archivist of the United States

12-22-94  
Date