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Don Sanders.
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Oral History Interview with Donald Sanders.

October 25, 1979. Washington, D.C.

By Pete Daniel.

SANDERS: This is Don Sanders. I'm sitting here this morning, October 25, with Pete Daniel. We've had a preliminary discussion about the purposes and parameters of this meeting. He has explained to me that he's collecting material concerning Senator Morgan's public life for historical purposes. I have asked that there be three conditions placed on the use of my remarks about my relationship with him. First, that, of course, this material should be available to Senator Morgan. Secondly, that it not be publicly released until such time as he retires from the Senate or that there be no other public use of it. And, thirdly, that Senator Morgan, himself, would have the right to abridge the second requirement and determine that he wished to make some public use of it. If he decides to do so, that, of course, is his privilege.

DANIEL: So, could you fill us in on your background and how you came to work for Senator Morgan?

SANDERS: I'm forty-nine years old. I was born in St. Louis, Missouri, I attended public schools in St. Louis, I did undergraduate work at the University of Missouri and at Washington University in St. Louis. I, for a time, attended the School of Agriculture and then switched to Liberal Arts. I have attended

Law School at the University of Missouri at Columbia, Missouri, and graduated with a L.L.B. in 1954. Soon thereafter I was commissioned in the Marine Corps, served two years, nearly all of which was on legal duty. Upon release from the Marine Corps, I returned to Columbia, Missouri, where I practiced law for three years, part of the time simultaneously serving as city attorney for Columbia and also, subsequently, for a short period as assistant county prosecuting attorney.

I became a special agent of the FBI in 1959 and served with the FBI for ten years. I served in three locations, Birmingham, Miami, and finally in Washington, D.C., as a supervisor. I left the FBI in 1969 because of an offer from Congressman Richard Ichord of Missouri to become his staff director of the House Internal Security Committee. He had at that time just become chairman of it and hired me to run the staff. I served in that capacity for four years and immediately thereafter became the Deputy Minority Counsel on the Senate Watergate Committee, serving principally under the supervision of Senator Howard Baker. I worked on the Senate Watergate Committee for the entire time of its existence from the beginning until the very end, a period of about nineteen months.

DANIEL: Have you ever, just off the record, set down your experiences with that? You know most people there wrote a book.

SANDERS: I, of course, towards the tail end of the committee and after the committee disbanded, I've had periodic calls from

the newsmen about particular incidents that they were interested in, and I tried to give them a little insight into that, but I've never really discussed the whole array of events in the Committee, no.

DANIEL: O.K., I was just curious.

SANDERS: Of course, several people have commented upon the staff, and the minority counsel actually has written a book about his experiences. That was Fred Thompson, and I worked immediately for him on the committee.

Upon leaving the Watergate Committee, I worked for several months on a special project at the Atomic Energy Commission on security for nuclear facilities and then was given a Republican appointment to the Pentagon to be a deputy assistant secretary for legislative affairs with specific responsibility for the Senate and served in that position for two and a half years. When the Carter Administration succeeded the Ford White House, they naturally had an interest in putting their own persons in the top positions, and I began looking for other employment. During my time at the Pentagon, I had, because of my particular relationship with the Senate, I'd come to know a number of Senators because of contact with them on our interest in legislative matters, because of briefings we gave them on military and national security matters, and trips in which I escorted them; and Senator Morgan was one of the Senators with whom I became acquainted.

In looking for other employment, I was especially interested in getting back to the Congress, and at that time, which was the first part, very early, in 1977, Senator Morgan, then serving on the Senate Intelligence Committee, was asked by the Chairman of the Intelligence Committee, Senator Inouye, to chair a subcommittee on investigations. That subcommittee was created in the first part of '77, and Senator Morgan decided that he would like me to serve as his counsel, chief investigator, for that subcommittee, and I was put on the Intelligence Committee payroll.

I worked for the Intelligence Committee for Senator Morgan in that role for two years. However, for about the last year, perhaps several months in excess of a year, I, in addition to serving the Intelligence Committee, also performed some tasks for the Ethics Committee. Senator Morgan was also a member of the Senate Ethics Committee. In about October of 1977, the Ethics Committee undertook to investigate some leaks of classified information and Senator Stevenson, chairman of the Ethics Committee, asked Senator Morgan to chair an ad hoc ethics subcommittee to investigate those leaks. Whereupon, Senator Morgan asked me to begin to do the work for that subcommittee. So, although I remained on the payroll for the Intelligence Commiteee and continued with some existing projects there, I also undertook to fulfill the Ethics Committee responsibilities.

DANIEL: I know he has talked to me about the Intelligence Committee investigations and how he was at first skeptical--that investigating

the FBI or the CIA would produce anything, that it probably shouldn't be investigated. Because, as he said, he had spent his life working with law enforcement officers. Then he was appalled at what was discovered, and I guess you had pretty much of a role in breaking those witnesses or whatever.

SANDERS: Of course, I personally felt that because of my background in the FBI that I understood how the FBI conducted its investigations. Although I had no experience with the CIA, I felt like I understood the type of systems that were in use, and it was my interest as I think it was the Senator's interest to stop any abuses that were occurring, to ferret out the probelms and to correct them. It was not that we didn't want an effective FBI or CIA, but I think, in this democratic society, all agencies of the government have to operate within the law and with regard to the civil rights of all peoples. I was especially attracted to Senator Morgan because of his philosophical attitude towards these problems that were existing in our society.

I think that he was subjected to criticism by former FBI agents down in North Carolina because of his, what they thought was an anti-FBI attitude, and I think that this was incorrect, and I think that he was maligned in that respect. I don't think that he has an anti-FBI attitude. I think they just didn't sufficiently understand his position. So, I think perhaps because of my experience in the Executive Branch that it was possible

to investigate what was being done--possible under the mandate of the Intelligence Committee--to investigate what was being done there and to not just have the wool pulled over our eyes.

DANIEL: You were invaluable, I guess with your background.

SANDERS: Well, I think we accomplished something there. The investigations we did were classified, and I can't identify what they were. The Intelligence Committee has decided that nothing that we did there could be made public. But, I think that there were some accomplishments. Now, during the Church Committee days, there were a lot of public investigations and a lot of public criticisms of the FBI and the CIA, and it was by those means that some improvements were achieved. Also, of course, the agencies suffered a lot in public credibility through those activities.

This is not to say that improvements can't be worked quietly between the Congress and the agencies so that national security is not jeapordized. I think Senator Morgan with his, god bless him, with his strong support, I was able to take a very firm position with the agencies in demanding access to records and demanding the right to interview employees and in putting together a picture of the problem. Needless to say, I could not have done that without his strong support and without Senator Inouye's support. The two of them stood shoulder to shoulder when push came to shove a couple of times. Some might say it's unfortunate that the results of our work has not been made public. I don't think so. I think we achieved something even though nothing ever made the public press.

DANIEL: So the real constructive things then were based on what you found out that was classified and how you and the Senators worked to implement changes based on those revelations?

SANDERS: Yes.

DANIEL: That you don't think would serve any purpose if they were made public.

SANDERS: No.

DANIEL: Do you want to move on to Ethics or is there anything else you could say about Intelligence?

SANDERS: For completeness of your total program of interviews, I might clarify that I had no legislative responsibilities for Senator Morgan on the Intelligence Committee, because he had the services of Walter Ricks on the committee, who handled such legislative responsibilities. I would occasionally confer with Walter, back him up a little bit, but virtually all of my job was that of investigation.

DANIEL: Do you want to move on then to Ethics?

SANDERS: All right. As I think I said, it was October of '77 when Senator Morgan asked me to undertake to investigate some leaks of classified information which were occurring with respect to the pending Panama Canal Treaty. He and Senator Schmidt co-chaired an ad hoc committee of the Ethics Committee for that purpose. I started putting together a staff, eventually accumulated three investigators on contract, one researcher, and one secretary.

Here again, we were dealing with highly classified information, although the committee elected to announce that we were, contrary

to even the Intelligence Committee in this case, we announced that we were doing this investigation. We held some hearings which were in executive session, closed hearings, and we made an internal report and drew some conclusions but there was never a decision by the committee to make any of the results public. Here again, I can't tell you what we ended up with, but at the very beginning of the investigation, we put out a press release. It was dated October 17, 1977, and I'll give you a copy of this, simply stating what we were doing. The following month, we put out another press release which was merely more administrative just to show how we had staffed up for that purpose, who the people were. As time went on, we accumulated several more leaks to investigate--there were several more leaks to investigate. I think I can tell you that, although the committee never publicly announced those additional investigations, that is, formally and officially announced them.

There was one press account several months later; it was like in the winter of '77-'78 about an additional investigation we were doing with respect to leaks concerning an Intelligence Committee report on Mideast oil. CIA had gotten into that matter. The Intelligence Committee had issued a classified report on Mideast oil, and some related classified material became accessible to the press. I have taken the liberty of mentioning that because in in the winter there, a newsman was in contact with our staff director

orally and received oral confirmation of that investigation, and that's why I feel free to mention it.

Still a few months later, we took a third leak investigation. There were several, still later, more minor investigations that I did for Senator Morgan and Senator Schmidt. We had a number of ongoing investigations. The committee never released the results of any of these with the exception of one, and that was with respect to the Senator Brooke investigation of the Ethics Committee. There was a complaint that the committee had leaked some confidential information concerning Senator Brooke, and I was asked to do an internal investigation of the Ethics Committee to determine whether it was the Ethics Committee or whether it was some outside persons who also had access to that report, i.e., Senator Brooke's attorneys. The committee on April 2, 1979, issued a press release explaining the results of that investigation.

DANIEL: But, it turned out to be who?

SANDERS: Well, the committee, in my opinion, hedged a little bit on its press statement, that is, perhaps I should say hedged a little bit on who really did it but wanted to make it rather clear that the committee felt that the committee had not done it. For example, there's a sentence in here; the two copies in the committee staff's possession have been accounted for from the time they were made until the time of the news account. Here's another sentence. "There was opportunity for access to this copy," meaning a copy in the law firm's office "by a Globe reporter who visited the law firm offices on other matters the day before this story appeared."

But, as I said, the committee goes on to say, "The committee has no evidence that any of Senator Brooke's attorneys deliberately disclosed the contents of the report." That's an example of some additional work, investigative work, that I did for the Ethics Committee under Senator Morgan's supervision. All of that Ethics Committee investigative work came to an end in April of this year. This press release was dated April 2. That was the conclusion of all of that work, and in March or April of this year I went on the payroll, full-time payroll, of the Ethics Committee--left the Intelligence Committee. Since then I have been a counsel on the Ethics Committee handling any and all legal problems that come in with respect to the Senate's code of conduct. I assisted, as did a number of other attorneys there, in small ways on the Talmadge investigation.

DANIEL: Do you have any particular reminesces about, not only your role, but what you think Senator Morgan's thoughts were that developed about Senator Talmadge? I ask you because I have spoken to him about the hearings, and I think that he was exasperated about the whole thing. It weighed on him heavily.

SANDERS: Well, I think I could say that I've had with Senator Morgan many small short conversations, as the Senator Talmadge matter evolved and been present when he had conversations with others, including Gene Boyce and Brent Adams, who were especially hired from North Carolina to assist him. I never had any terribly

long conversations with him about it, but I suppose if you put all these bits and pieces together I do have a sort of a perception of his feelings about it. And having worked with the man for, I've known him now for three or four years, and worked directly, closely for two and a half years, I think I have a good feel for the way he looks at things. I don't ever want to get overconfident about that, because one shouldn't with Senators. Their views are continually evolving, and we have to grow along with them.

I think I could offer some thoughts on the Talmadge matter. From the beginning, he was criticized by the press as being a defender of Talmadge. I think that this is extremely unfair. There was a big blowup in the Georgia press when some newsman discovered that Senator Talmadge had made one little speech for Senator Morgan in Senator Morgan's Senatorial campaign five years ago. And they made a big to do out of that, on the presumption, I guess that Senator Morgan is beholden to Senator Talmadge for that campaign assistance. Well, that's a lot of baloney. I think that he was maligned and that was blown out of proportion. My perception is that Senator Morgan and Senator Talmadge are not close friends. They have no ongoing close relationship. I have never been around when I've seen the two of them together. I've never heard him call or talk to him. Senator Talmadge is not a social person. I'm sure they have brief occasional contacts around the Capitol or on the floor or in the cloak room and so forth, as do all the Senators. But I think those are very sporadic, and I don't really sense any intimate relationship between the two.

I think Senator Morgan's interest in this matter was in insuring that Senator Talmadge got a genuinely fair shake. I think Senator Talmadge was instantly put off to a disadvantage in this matter because of the Georgia press and the readership. The readers of the press very quickly came to take what was said in the press to be charges, as the evidence. The public assumed, very quickly, that the charges were the evidence. I think Senator Morgan's interest was in insuring that the material which came before the committee was genuinely admissible, was genuinely relevant evidence. To do this, he had to speak out a few times during the hearings, and this revived the press charges that he was defending Talmadge. I don't suppose it makes a hill of beans in North Carolina whether he is or is not, but in fairness I don't believe he was defending Talmadge.

DANIEL: Do you think that the main culprit in that was really Talmadge's seeming, as he admitted, incompetence as an administrator or was it the fact that Minchew saw that vacuum, the lack of administrative policing on Talmadge's part and just went in and filled it with his own designs to further his career? Could you distinguish between where one stopped and the other began?

SANDERS: I just hope for the sake of history that it is made clear that there was no finding by the committee that Senator Talmadge did any of those things wilfully. I think the press has completely missed the point in that respect. Now, there was some conflicting

evidence. There were some bits and pieces of evidence from which some people who were interested in establishing willfullness might argue. The way they see that evidence, it tends to support willfullness. But the committee agreed to use a standard of judgment, called clear and convincing, and if we are going to be fair about this, there was no clear and convincing evidence that he did anything willfully.

So the committee is left with simply having found he did those things, that those things occurred as a result of his negligence. Really, what they're saying is that the degree of negligence was such as to require Senate discipline. In effect, they're saying gross negligence. As Senator Talmadge himself has said, an office holder has an obligation to the public to a higher degree of care than would be required of the ordinary person. So he has to be castigated for failure to meet those higher standards.

DANIEL: I talked to the Senator--he wanted to talk about it--on tape, and he was very candid about, in this case, that he had an administrator that he trusted to do these things and if that administrator turned out to be hoodwinking him and then he would be victimized. So I guess there has to be, in a busy Senator's life, a lot of trust placed in his staff, and Talmadge wasn't served well, plus his admitted lack of policing. Do you think the Senator anguished a lot over that? When I talked to him, he seemed to be distrought by the amount of time it was taking and the wording and those kinds of things?

SANDERS: Yeah, I think he did have a lot of anguish over the whole matter. I think a lot of that is due to the feeling, on his part, that he knew where it ought to come out, because you've got very strong-minded men in the Senate, and that's what we want. There were six different views on the committee, I am sure, of how it should come out, trying to reach a compromise so that you could say the Senate was unanimous or rather unanimous on this. It's of no value if the committee reports back to the Senate with six different views. That's of no service to the Senate. So they try to reach some, some, kind of concensus, but in doing that, you have to surrender a little bit of your position. Everybody's got to surrender a little bit, and then the question is, well, is that fair to the defendant. I was not privy to those debates, private debates, the Senators had about what words to use, but I can only shake my head when I think what must have been going on in there. Gene Boyce helped the Senator quite a bit on that matter, drafted point papers for him and so forth.

DANIEL: There's one line of questioning I'd like to pursue if you're willing and that bears directly on your reaction to some of the things you've been involved in with Senator Morgan. For example, your whole background has been--you've been a lawyer, you've been in the Marines, you've worked with the FBI, and worked on the Hill, you'be had tremendous experience with officials, and then most recently what you've been really

doing is seeing how some of the things that you, I'm sure, believed in, like the FBI and a high code of conduct for public officials, these things, have been brought into question and in a lot of cases shown to have failed in pretty severe ways. What were your reactions? Were you completely shocked or did you have some kind of inkling that such things had gone on? Historians would be interested, I think, in knowing, with a background such as yours that had encompassed so much of the very things you later ended up investigating, what was your personal reaction when you confronted these things and found yourself investigating your former employer and such things as that?

SANDERS: I suppose I've got a kind of a longer range philosophical view of that topic you're talking about. I feel like each generation has to learn it all over again. I think that is really true, you know. Kids growing up, they can read about what happened, but it doesn't become their own until they've experienced it. So, I think human nature being what it is, these things recur cyclicly every twenty or thirty years. Scandals in the government, a diminishment in the office holder's fidelity, exposés occur, investigations, and then there's a rededication to higher standards. I don't think we're ever able to change this in civilization.

I think it's going to continue to occur from one generation to the next. So, no, it does not shock, did not shock me.

I think it will continue to happen. I just hope it doesn't ever get absolutely rampant. I think what is important, as was stressed by many responsible people during Watergate days, is that our democratic system remain strong enough to tolerate the investigation of office holders. Certainly there is no stronger proof of the viability of our constitutional system than for us to be able to investigate the President and for him to be forced out of office as a result of that.

We've got problems in the Senate with respect to the recurring debate and discussion with the Senators about whether they can reliably investigate themselves. There's a weakness in that respect, but it's hard to think of a way out of it. I don't know that there is a way out of it. The ultimate judge is the people when they try to run for re-election. The difficulty could be if some violation of trust occurs in the first year of a Senator's six year term, and the people have to wait five years to get another crack at him.

The Constitution places the responsibility for monitoring itself upon the Senate, upon the Congress. I don't think, I'm convinced, I'm absolutely certain, they cannot delegate that responsibility; nobody else can undertake to do that constitutionally. During the debate on Talmadge, there were a few Senators who remarked on, including Senator Morgan, an interest in perhaps using hearing examiners in the future to save the

Senator's time in sitting there day after day listening to evidence, and I think that would be a very valuable tool. They weren't ready to do that six months ago. Philosophically, politically, they were not ready to do that; they saw that as a relinquishment of their own power, and they did not want to relinquish their power. But having then been required to sit through twenty-eight days of hearings, not only the six members that were in there, but all of their colleagues began to see what a tremendous drain on their time was occurring and those colleagues don't want to be caught in that bind in the future. So, I think there's some thinking about at least how they could alleviate the hearing problem.

The Ethics Committee already has the power to appoint the hearing examiner. It doesn't take any big change in the system to use that. So that's there. They just have to exert the will to relinquish that much of their prerogative. Interesting to see if it should happen.

DANIEL: There don't seem to be any more big investigations in the offing though. You're sort of over the hump now as far as the major cases?

SANDERS: We have none pending. Those have occurred, you're probably aware, roughly once each ten years. Twelve years ago we had the Dodd investigation; twelve years before that the McCarthy.

DANIEL: That's amazing. I hadn't thought of it in decade cycles. Were you in any way involved in any of those?

SANDERS: No. I came to the Hill in '69; the Dodd thing was in '67-'68, I guess.

DANIEL: It's amazing how all those dates blur. I was living in College Park and read all of the Dodd thing, and I couldn't come within five years of the date.

Do you have any other insights that might interest historians on any of this? I know it's a broad question but, just sort of maybe a summarizing statement. I'll give you time to think about it.

SANDERS: I might just offer a few comments about Senator Morgan's method of operation with respect to me. I know virtually nothing about how he works with regard to other staff. I guess my relationship with him is peculiar and unusual because I'm not really on his payroll, but I do have periodic need to see him and discuss committee problems with him. I have been intrigued by his method of operation.

I have to explain, first, where I come from and that is a very bureaucratic, highly structured existence in the FBI. For example, for ten years I did things by the numbers; you write a memo and it's approved by your immediate supervisor, and he sends it up to his supervisor, and he sends it up to his supervisor, and he sends it up to his supervisor, and things are done on paper; very few decisions are made orally. When I first started working for Senator Morgan, I was not aware that he didn't work that way. I would write these papers, organize them beginning with the purpose of the paper and the background

and the current problem and end up with some kind of analysis and recommenddation and so forth and then suddenly realized that these things would lay around on his desk and that he wouldn't get to them. I thought he was just terribly busy and had other priorities.

But, I gradually learned that he much prefers to have a quick oral briefing on the matter. He might be interested in a succinct page or two statement on the problem if he's going to use it someplace in a meeting. I think he expects that if he has staff working on a specific problem for him, they'd better know about all there is to know about that problem and perhaps, far more than he's expected to know about it, and understand it so well that they ought to be able to explain it to him in a few minutes.

And what staff has to really keep in mind is that this man has tons of problems, far more with such a huge spectrum of problems, that any one of us staffers who have a very narrow segment of his Senatorial function. And we forget about what all the other staffers are dumping or trying to dump on him. He's just beseiged with staff people with problems, constituents coming in, people calling from the home state, and that's very important for us, for the staff to be considerate of his time by well organizing our material and not giving him ten or twenty page papers to have to digest. If we all did that, there's no way that he could keep up with it. So, we've got

to know our problem well enough to be able to say it to him in two or three minutes or in a walk down the corridor to where he gets on the elevator.

It was a complete change in my experience and I have been able, fortunately, to adapt to it and he's very intuitive. He grasps a problem. He is able to grasp a problem if you give him the essential facts. He can quickly chart out where he wants to go.

DANIEL: That's been a recurring observation of everybody I've talked to, how intuitive he is. He has the ability to quickly, not only digest it, but ask for alternatives that perhaps you haven't thought of. He really is good at that.

SANDERS: I feel like sometimes I know where I want to go in a problem. I think a staffer has to be cautious about his trying to just accomplish what the staffer wants to accomplish. You must keep in mind what is the Senator's interest, and I guess you kind of work out a compromise between those two in a practical manner. But you really have to be sure that the Senator's interest predominates and that you're not trying to force your own views if they differ from his. There's a fine line between those two, because you might tend to think, well, maybe he doesn't understand quite all the facts, and if he did, if he really understood it, he'd agree with the way I'm thinking about it. And maybe sometimes you don't have the time or can't

get him away from other problems to explain in the depth you think, explain the problem in the depth you think he ought to have it. That's where a lot of intuitiveness comes in. He's got that.

DANIEL: So you found that you could adapt to that after you found out the way that he operated?

SANDERS: Yes, I started getting a little bit of that with Dick Ichord, Congressman Ichord. We still did a lot of paper on the Internal Security Committee, but at the same time because Ichord was also a chairman and a busy man, I had to start learning how to just give him the top few aspects of the problems and if he wanted more, be prepared to give him that.

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Daniel: ~~Pete:~~ So, could you fill us in on your background and how you came to work for Senator Morgan.

Sanders: ~~Don:~~ I'm forty-nine ~~49~~ years old, I was born in St. Louis, Missouri, I attended public schools in St. Louis, I did undergraduate work at the University of Missouri and at Washington University in St. Louis. I, for a time, attended the School of Agriculture and then switched to Liberal Arts. I have attended Law School at the University of Missouri at ~~in~~ Columbia, Missouri, and graduated with a L.L.B. in 1954. Soon thereafter, I was commissioned in the Marine Corps, served two years, nearly all of which was on legal duty. Upon release from the Marine Corps, I returned to Columbia, Missouri, where I practiced law for three years, part of the time simultaneously serving as city attorney for Columbia and also, subsequently, for a short period, as assistant county prosecuting attorney.

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Daniel: ~~Pete:~~ Have you ever, just off the record, set down your experiences with that? You know most people there wrote a book.

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Sanders: ~~Don:~~ Of course, several people have commented upon the staff, and the Minority Counsel ~~Council~~ actually has written a book about his experiences, ~~on the and~~ that was Fred Thompson, and I worked immediately for him on the Committee.

Upon leaving the Watergate Committee, I worked for several months on a special project at ~~with~~ the Atomic Energy Commission on security for nuclear facilities and then was given a Republican appointment to the Pentagon to be a Deputy Assistant Secretary for Legislative Affairs with specific responsibility for the Senate and served in that position for two and a half ~~2½~~ years. When the Carter Administration succeeded the Ford White House, they naturally had an interest in putting their own persons in the top

positions, and I began looking other employment. During my time at the Pentagon, I had, because of my particular relationship with the Senate, I'd come to know a number of Senators because of contact with them on our interest in legislative matters, because of briefings we gave them on ~~the~~ military and national security matters, and trips in which I escorted them; and Senator Morgan was one of the Senators with whom I became acquainted. In looking for other employment, I was especially interested in getting back to the Congress and at that time, which was the first part, ~~of~~ very early. In 1977, Senator Morgan, then serving on the Senate Intelligence Committee, was asked by the Chairman of the Intelligence Committee, Senator Inouye, to chair a Subcommittee on Investigations. That subcommittee was created in the first part of '77, and Senator Morgan decided that he would like me to serve as his counsel, chief investigator, for that subcommittee, and I was put on the Intelligence Committee payroll.

I worked for the Intelligence Committee for Senator Morgan in that roll for two years. However, for about the last year perhaps several months in excess of a year, I, in addition to serving the Intelligence Committee, also performed some tasks for the Ethics Committee. Senator Morgan was also a member of the Senate Ethics Committee. In about October of 1977, the Ethics Committee undertook to investigate some leaks of classified information and Senator Stevenson, chairman of the Ethics Committee, asked Senator Morgan to chair an ad hoc ethics subcommittee to investigate those leaks. Whereupon, Senator Morgan asked me to begin to do the work for that subcommittee. So, although, I remained on the payroll of the Intelligence Committee and continued with some existing projects there, I also undertook to ~~investigate the Ethics Committee, to~~ fulfill the Ethics Committee responsibilities.

Daniel: ~~Pete:~~ I know he has talked to me about the Intelligence Committee investigations and how he was at first skeptical that investigating the FBI or the CIA would ~~release~~ produce anything, that it probably shouldn't be investigated because, as he said, he had spent his life working with law enforcement offices, ~~and~~ then he was appalled at what was discovered, and I guess you had pretty much of a roll in breaking those witnesses or whatever.

Sanders: ~~Don:~~ Of course, I personally felt that because of my background in the FBI, that I understood how the FBI conducted its investigations. Although I had no experience with the CIA, I felt like I understood the type of systems that were in use, and it was my interest as I think it was the Senator's interest to stop any abuses that were occurring, to ferret out the problems and to correct them. It was not that we didn't want an effective FBI or CIA, but I think, in this democratic society, all agencies of the government have to operate within the law and with regard to the civil rights of all peoples, ~~and~~ I was especially attracted to Senator Morgan because of his philosophical attitude towards these problems that were existing in our society. I think that he was subjected to criticism by former FBI agents down in North Carolina because of his, what they thought was an anti-FBI attitude, and I think that this was incorrect and I think that he was maligned in that respect. I don't think that he has an anti-FBI attitude. I think they just didn't sufficiently understand his position. So, I think ~~that~~ perhaps because of my experience in the Executive branch that it was possible to investigate what was being done possibly under the mandate of the Intelligence Committee, to investigate what was being done there and to not just have the wool pulled over our eyes.

Daniel: ~~Pete:~~ You were invaluable, I guess, with your background.

Sanders: ~~Don:~~ Well, I think we accomplished something there. The investigations we did were classified, and I can't identify what they were. The Intelligence Committee has decided that nothing that we did there could be made public. But, I think that there were some accomplishments. Now, during the Church Committee days, there were a lot of public investigations and a lot of public criticisms of the FBI and the CIA, and it was by those means that some improvements were achieved. Also, of course, the agencies suffered a lot in public credibility through those activities. This is not to say that improvements can't be worked quietly between the Congress and the agencies so that national security is not jeopardized. I think Senator Morgan with his, god bless him, with his strong support, I was able to take a very firm position with the agencies in demanding access to records and demanding the right to interview employees and in putting together a picture of the problem. Needless to say, I could not have done that without his strong support and without Senator Inouye's strong support. The two of them stood shoulder to shoulder when push came to shove a couple of times. Some might say it's unfortunate that the results of our work has not been made public. I don't think so. I think we achieved something even though nothing ever made the public press.

Daniel: ~~Pete:~~ So ~~then~~, the real constructive things then were based on what you found out that was classified and how you and the Senators worked to implement changes based on those relevations.

Sanders: ~~Don:~~ Yes.

Daniel: ~~Pete:~~ ——that you don't think would serve any purpose if they were made public.

Sandra: ~~Don~~: No.

David: ~~Pete~~: Do You want to move on to Ethics or ~~do you want to...~~ is there anything else you could say about Intelligence?

Sandra: ~~Don~~: For completeness of your total program of interviews, I might clarify that I had no legislative responsibilities for Senator Morgan on the Intelligence Committee, because he had the services of Walter Ricks on the Committee, who handled such legislative responsibilities. I would occasionally confer with Walter, back him up a little bit, but virtually all of my job was that of investigation.

Daniel: ~~Pete~~: Do You want to move on then to Ethics.

Don: ~~Alright.~~ All right. As I think I said, it was October of '77 when Senator Morgan asked me to undertake, to investigate, some leaks of classified information which were occurring with respect to the then pending Panama Canal Treaty. He and Senator Schmidt co-chaired an ad hoc committee of the Ethics Committee for that purpose. I started putting together a staff, eventually accumulated three investigators on contract, one researcher, and one secretary. Here again, we were dealing with highly classified information, although the Committee elected to announce that we were, contrary to even the Intelligence Committee, In this case, we announced that we were doing this investigation. We held some hearings which were in executive session, closed hearings, and we made an internal report, and drew some conclusions but there was never a decision by the Committee to make any of the results public. Here again, I can't tell you what we ended up with, but at the very beginning of the investigation~~s~~, we put out a press release. It was dated October 17, 1977, and I'll give you a copy of this, simply stating what we were doing. The

following month, we put out another press release which was merely more administrative just to show how we had staffed up for that purpose, who the people were. As time went on, we accumulated several more leaks to investigate - there were several more leaks to investigate. I think I can tell you that, although the Committee never publicly announced those additional investigations, that is formally and officially announced them. There was one press account, several months ~~thereafter,~~ later; it was like in the winter of '77-'78 about an additional investigation we were doing with respect to leaks concerning an Intelligence Committee report on Mideast oil. CIA had gotten into that matter. The Intelligence Committee had issued a classified report on Mideast oil, and some related classified material became accessible to the press. I ~~mentioned~~ have - taken the liberty of mentioning that - because in the winter there, a newsman was in contact with our staff director orally and received oral confirmation of that investigation, and that's why I feel free to mention it.

Still a few months later, we took a third leak investigation. There were several, still later, more minor investigations that I did for Senator Morgan and Senator Schmidt. We had a number of ongoing investigations. The Committee never released the results of any of these with the exception of one, and that was with respect to the Senator Brooke investigation of the Ethics Committee. There was a complaint that the Committee had leaked some confidential information concerning Senator Brooke, and I was asked to do an internal investigation of the Ethics Committee to determine whether it was the Ethics Committee or whether it was some outside persons who had also had access to that report, i.e., Senator Brooke's attorneys. The Committee on April 2, 1979,

issued a press release explaining the results of that investigation. ~~(I'll give you a copy)~~

Daniel ~~Pete:~~ But, it turned out to be who? ~~that.~~.

Sanders ~~Don:~~ Well, the Committee, in my opinion, hedged a little bit on its press statement, ~~but,~~ that is, perhaps I should say hedged a little bit on who really did it but wanted to make it rather clear that the Committee felt that the Committee had not done it. For example, there's a sentence in here; ~~that~~ The two copies on the Committee ~~'s~~ staff's ~~position~~ possession have been accounted for from the time they were made until the time of the news account." Here's ~~the~~ another _____ sentence." There was opportunity for access to this copy," meaning a copy in the law firm's office, "by a Globe reporter who visited the law firm offices on other matters the day before this story appeared." But, as I ~~say,~~ said the Committee goes on to say, "The Committee has no evidence that any of Senator Brooke's attorneys deliberately disclosed the contents of the report." That's an example of some ~~of the~~ additonal work, investigative work, that I did for the Ethics Committee under Senator Morgan's supervision. All of that Ethics Committee investigative work came to an end in April of this year. (This press release was dated April 2.) That was the conclusion of all of that work, and in March or April of this year, I went on the payroll, full-time payroll, of the Ethics Committee - left the Intelligence Committee. ~~and~~ Since then, have been a counsel on the Ethics Committee ~~doing any,~~ handling any and all legal problems that come in with respect to the Senate's Code of Conduct. I assisted, as did a number of other attorneys there, in small ways on the Talmadge investigation.

Daniel ~~Pete:~~ Do you have any particular reminisces about, not only your role, but what you think Senator Morgan's thoughts were that developed about

Senator Talmadge? I ask you because I have spoken ~~with~~ to him about the hearings, and I think that he was exasperated about the whole thing. It weighed on him heavily.

~~Don:~~ Sanders: Well, I think I could say that I've had with Senator Morgan many small, short conversations, ~~about~~, as the Senator Talmadge matter evolved and been present when he had conversations with others, including Gene Boyce and Brent Adams, who was especially hired from North Carolina to assist him. I never had any terribly long conversations with him about it, but I suppose if you put all these bits and pieces together I do have sort of a perception ~~as to~~ of his feelings about it. And having worked with the man for, I've known him now for three or four years, and worked directly, closely for ~~2½~~ two and a half years, I think I have a good feel for the way he looks at things. I don't ever want to get over confident about that, because one shouldn't with ~~the~~ Senators. They their views are continually evolving, and we have to grow along with them. I think I could offer some thoughts on the Talmadge matter. ~~His views regarding the Talmadge matter~~ from the beginning he was criticized by the press ~~was~~ as being a defender of Talmadge. I think that this is extremely unfair. There was a big blowup in the Georgia press when some newsman discovered that Senator Talmadge had made one little speech for Senator Morgan ~~and~~ in Senator Morgan's Senatorial campaign five years ago. And then ~~and them~~ made a big to do out of that, on the presumption, I guess, that Senator Morgan is beholden to Senator Talmadge for that campaign assistance. Well that's a lot of baloney. I think that he was maligned and that was was blown out of proportion. My perception is that Senator Morgan and Senator Talmadge are not close friends. They have no ongoing close relationship. I have never been around when I've ~~them~~, seen the two of them together. I've never heard him call or

talk to him. Senator Talmadge is not a social person. I'm sure they have brief, occasional contacts, ~~in~~ around the Capitol or on the floor or in the cloak room and so forth, as do all the Senators. But I think those are very sporadic, and I don't really sense any intimate relationship between the two. It I think Senator Morgan's interest in this matter was in insuring that Senator Talmadge got a genuinely fair shake. I think Senator Talmadge was instantly put off to a disadvantage in this matter because of the Georgia press and the readership. The readers of the press very quickly came to take what was said in the press to be charges as the evidence. The public assumed, very quickly, thought the charges were the evidence. ~~and~~ I think Senator Morgan's interest was in insuring that the material which same before the Committee was genuinely admissible, was genuinely relevant evidence and charges. To do this, he had to speak out a few times during the hearings, and this revived the press charges that he was defending Talmadge. I don't suppose it makes a hill of beans in North Carolina whether he is or is not, but in fairness I don't believe he was defending Talmadge.

Daniel: ~~Pete:~~ Do you think that the main culprit in that was really Talmadges' seeming, as he admitted, incompetence as ~~that he wasn't~~ an administrator or was it the fact that Minchew ~~kind of~~ saw that vacuum, the ~~of~~ lack of administrative policing on Talmadge's part and just went in and filled it with his own designs to further his career. Could you distinguish between where one stopped and the other Hogan? ~~(end of side one)~~ A

Sanders: ~~Don:~~ I just hope for the sake of history, that it is made clear that there was no findings by the Committee that Senator Talmadge did any of those things willfully. I think the press has completely missed the point in that respect. Now, there ~~were~~ was some conflicting evidence. There were some bits and pieces of evidence from which some people who were interested in establishing willfullness might argue. The way that see that evidence, it tends to support willfullness. But the Committee agreed to use a standard judgment, called clear and convincing, and if we are going to fair about this, there was no clear and convincing evidence that he did anything willfully. So the Committee is left with simply having found he did those things, that those things occurred as a result of his negligence. ~~and~~ Really what they're saying is that the degree of negligence was such as to require Senate discipline. In effect, they're saying gross negligence. ~~and~~ As Senator Talmadge himself has said, an office holder has an obligation to the public to a higher degree of care than would be required of the ordinary person. So he has to be castigated for failure to meet those higher standards.

Daniel: ~~Pete:~~ I talked to the Senator - he wanted to talk about it - on tape, and he was very candid about, in his case, that ~~he~~ Talmadge had an administrator that he trusted to do these things and if that administrator turned out to be hoodwinking him and then he would be victimized. ~~and~~ So I guess there has to be, in a busy Senator's life, a lot of trust placed in his staff, and Talmadge wasn't served well, ~~and~~ plus his admitted lack of policing. ~~But,~~ Do you think the Senator anguished a lot over that? When I talked to him, he seemed to be distraught by the amount of time it was taking and the wording and those kinds of things.

Sanders:
~~Don:~~ Yeah, I think he did have a lot of anguish over the whole matter. I think a lot of that is due to the feeling, on his part, that he knew where it ought to come out, because ~~he~~ you've got very strong-minded men in the Senate, and that's what we want. ~~then, I assume,~~ there were six different views on the Committee, I am sure, how it should come out, ~~and was~~ trying reach a compromise so that you could say the Senate ~~were~~ was unanimous or rather unanimous on this. It's of no value if the Committee reports back~~s~~ to the Senate with six different views. That's of no service to the Senate. So they try to reach some, some kind of concensus, but in doing that, you have to surrender a little bit of your position. Everybody's got to surrender a little bit, and then the question is, well, is that fair to the defendant. I was not privy to those debates, private debates, the Senators had about what words to use, but I can only shake my head when I think what must have been going on in there. Gene Boyce helped the Senator quite a bit on that matter, drafted point papers for him and so forth.

Daniel:
~~Pete:~~ There's one line of questioning I'd like to pursue if you're willing and that bears directly on your reaction to some of the things you've been involved in with Senator Morgan. For example, your whole background has been --you've been a lawyer, you've been in the Marines, you've worked with the FBI, and worked on the Hill, you've had tremendous experience with officials, and then most recently what you've been really doing is seeing how some of the things that you, I'm sure, believed in, like the FBI and ~~the~~ a high code of conduct for public officials, these things, have been brought into question and in a lot of cases shown to have failed in pretty severe ways. What were your reactions? ~~as these things~~ were you completely shocked or did you have some kind of inkling that such things had gone on? Historians would be interested, I think,

in knowing, with a background such as yours that had encompassed so much of the very things you later ended up investigating, what was your personal reaction when you confronted these things and found yourself investigating your former employer and such things as that?

Sanders: ~~Don~~: I supposed I got kind of a longer range philosophical view of that topic ~~that~~ you're talking about. I feel like each generation has to learn it all over again. I think that ~~it's~~ is really true, you know. Kids growing up, they can read about what happened, but it doesn't become their own until they've experienced it. So, I think human nature being what it is, these things recur cyclicly every ~~20~~ twenty or thirty or ~~30~~ years. Scandals in the government, a diminishment in the office holder's fidelity, exposes occur, investigations, and then there's a rededication to higher standards. I don't think we're ever change this in civilization. I think it's going to continue to occur from one generation to the next. ~~I think what is important is - and~~ so, no, it does not shock, did not shock me. ~~and did not shock me.~~ I think it will continue to happen. I just hope it doesn't ever get absolutely rampant. I think what is important, as was ~~is the~~ stressed by many responsible people during the Watergate days, ~~and that~~ is that our democratic system remain strong enough to tolerate the investigation of office holders. ~~and~~ certainly there is no stronger proof of the viability ~~liability~~ of our constitutional system than for us to be able to investigate the President and for him to be forced out of office as a result of that. We've got problems in the Senate with respect to the recurring debates and discussions with the Senators about whether they can reliably investigate themselves. There's a weakness in that respect, but it's hard to think of a way out of it. I don't know

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that there is a way out of it. The ultimate judge is the people ~~of~~ when they ~~trying~~ try to run for re-election. The difficulty could be if some violation of trust occurs in the first year of a Senator's six year term, and the people have to wait five years to get another crack at it. ¶ The Constitution places the responsibility for monitoring itself upon the Senate, upon the Congress. I don't think, I'm convinced, ~~and~~ I'm absolutely certain, they cannot delegate that responsibility; nobody else can undertake to do that constitution~~ality~~ally. During the debate on Talmadge, there were a few Senators who remarked on, including Senator Morgan, an interest in perhaps using hearing examiners in the future to save the Senator's time in sitting there day after day listening to evidence, and I think that would be a very valuable tool. They weren't ready to do that six months ago. Philosophically, politically, they were not ready to do that; they saw that as a relinquishment of their own power, and they did not want to relinquish ~~that~~ their power. But having then been required to sit through ~~28~~ twenty-eight days of hearings, not only the six members that were in there, but all of their colleagues began to see what a tremendous drain on their time was occurring and those colleagues don't want to be caught in that bind in the future. So, I think there's some thinking about at least how they could alleviate the hearing problem. ¶ The Ethics Committee already has the power to appoint the hearing examiner. It doesn't take any big change in the system to use that. So that's there. They just have to exert the will to relinquish that much of their prerogative. Interesting to see if it should happen.

~~Pete~~ Daniel: There don't seem to be any more big investigations in the offing though you're sort of over the hump now as far as the major cases?

~~Don~~ Sanders: We have none pending. Those have occurred, you're probably

~~probably~~ aware, roughly once each ten years. Ten years ago we had the Dodd investigation; ten years before that the McCarthy.

Daniel ~~Pete~~: That's ~~It's~~ amazing. I hadn't thought of it in decade cycles. Were you in any way involved in any of those?

Sandler: ~~Don~~: No. I came to the Hill in '69; the Dodd thing was in '67-68 I guess.

Daniel: ~~Pete:~~ It's amazing how all those dates blur. I was living in College Park and read all of the Dodd thing, and I couldn't come within five years of the date.

Do you have any other insights that might interest historians on any of this? I know its a broad question but, just sort of maybe a summarizing statement. I'll give you time to think about it.

Sandler: Don: I might just offer a few comments about Senator Morgan's method of operation with respect to me. I know virtually nothing about how he works with regard to other staff. I guess my relationship with him is peculiar and unusual because I'm not really on his payroll but I do have periodic need to see him and discuss Committee problems with him. I have been intrigued by his method of operation. I have to explain, first, where I come from and that is a very bureaucratic, highly structured existence in the FBI. For example, for ten years ~~where one does~~ I did things by the numbers; you write a memo and its approved by your immediate supervisor, and he sends it up to his supervisor, and he sends it up to his supervisor, and he sends it up to his supervisor, and things are done on paper, very few decisions are made orally. When I first started working for Senator Morgan, I was not aware that he didn't work that way. ~~and~~ I would write these papers, organize them

beginning with the purpose of the paper and the background and the current problem and end up with some kind of an analysis and recommendation and so forth and then suddenly realized that these things would lay around on his desk and that he wouldn't get to them. I thought he was just terribly busy and had other priorities. But, I gradually learned that he much prefers to have a quick oral briefing on the matter. He might be interested in a succinct page or two statement on the problem if he's going to use it someplace in a meeting. I think he expects that if he has staff working on a specific problem for him, they'd better know about all there is to know about that problem and perhaps, far more than he's expected to know about it, and understand it so well that they ought to be able to explain it to him in a few minutes. And what staff has to really keep in mind is that this man has tons of problems, far more with such huge spectrum of problems, that any one of us staffers have a very narrow segment of his senatorial function. And we forget about what all the other staffers are dumping or trying to dump on him. He's just beseiged with staff people with problems, constituents coming in, people calling from the home state, and that's very important for us, for the staff to be considerate of his time by well organizing our material and not giving him ten or twenty page papers to have to digest. If we all did that, there's no way that he could keep up with it. So, we've got to know our problem well enough to be able say it to him in two or three minutes or in a walk down corridor to where he gets on the elevator. It was a complete change in my experience and I have able, fortunately, to adapt to it and he's very intuitive. He grasps a problem, he is able to grasp a problem if you would give him the essential facts. He can quickly chart out where he

want to go.

Daniel: ~~Pete~~: That's been a recurring observation of everybody I've talked to, ~~with~~ how intuitive he is. he has the ability to quickly, not only digest it, but ~~to~~ ask for alternatives that perhaps you haven't thought of. He really is good at that.

Sander: ~~Don~~: ~~(He agrees with Pete)~~ I feel like sometimes - I know where I want to go in a problem. ~~and~~ One thing, I think a staffer has to be cautious about his trying to just accomplish what the staffer wants to accomplish. or you must keep in mind what is the Senator's interest, and I guess you kind of work out a compromise between those two in a practical manner. But you really have to be sure that the Senator's interest predominates and that you're not trying to force your own views if they differ from his. There's a fine line between those two, because you might tend to think, well, maybe he doesn't ~~quite~~ understand quite all the facts, and if he did, if he really understood it, he'd agree with the way ~~what~~ I'm thinking about it. And maybe sometimes you don't have the time or can't get him away from other problems to explain in the depth you think, explain the problem in the depth you think, he ought to have it. ~~and~~ That's where a lot of intuitiveness comes in. - He's got that.

Daniel: ~~Pete~~: So you found that you could adapt to that after you found out the way that he operated?

Sander: ~~Don~~: Yes, I started getting a little bit of that with Dick ~~Eickerd(???)~~ Ichord, Congressman ~~Eickerd~~ Ichord. We still did a lot paper on the Internal Security Committee, but at the same time because ~~Eickerd~~ Ichord was also a chairman and a busy man, I had to start learning how to just give him the top few aspects of the problems and if he wanted more, be prepared to give ~~it.~~ him that.

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DON SANDERS

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