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PRESS CONFERENCE

ATTORNEY GENERAL RAMSEY CLARK

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

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QUESTION: On the civil disturbance question, one very current issue relating to it is the demands within the ghetto when there is a disturbance that entry to the ghetto be limited to black people: black civilians and black policemen. But some white officials deem this an unwarranted restriction of their freedom of action. How do you feel about it?

ATTORNEY GENERAL CLARK: In my judgment, we cannot enforce the laws uniformly or fairly by restricting certain types of police officers to certain areas for any given period of time. The idea that we would in critical periods restrict police effort in a particular part of town to Negro officers is inconsistent with good law enforcement practice and inconsistent with the basic principles and ideals of the country. On the other hand, clearly one of the great needs of nearly every major police department is the recruitment and training of more officers from minority groups in the nation. Just as I would consider it improper to have apartheid in law enforcement, so to speak, by saying you can only have Negro officers in a particular part of town, I think it is most harmful to the nation that we have in many, many major police departments a proportion of Negro to white officers, that is a very small fraction of the proportion of Negro to white population. If we are to have good balanced law enforcement, we must recruit very substantial new numbers of minority members. The public safety will be very much enhanced when we do.

QUESTION: Putting civil rights aside, do you think it is wise, do you encourage, have you in any way consulted with respect to the McCarthy request to his people that they stay out of Chicago during the convention?

ATTORNEY GENERAL CLARK: I am not sure that I know of his real intention. I don't know what he means by his people staying out. His basic purpose, as I understand it, is to avoid anything that might tend towards violence in connection with the convention and certainly that is a laudatory purpose.

QUESTION: Do you think that lessens the chance right now that there may be less trouble if his antiwar groups may not come to Chicago?

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ATTORNEY GENERAL CLARK: The convention business is awfully important. This has to be conducted basically by the delegates. The accumulation of large crowds of people with no role in the convention, and no authority in connection with its activities, and perhaps nothing to do elsewhere in the city is probably not very desirable.

QUESTION: How concerned are you about the picture that the rest of the world will have of the United States if the convention has to be conducted in an armed camp sort of atmosphere?

ATTORNEY GENERAL CLARK: Well, I am more concerned about the truth of the situation than the picture of ourselves. I do not visualize the convention as being conducted with any atmosphere of an armed camp. I don't see that as a present probability. We know enough from our experience in every decade, particularly in these last few years which is so much more impressed upon us, that we can have trouble. If we make the preparation for any trouble and have the adequate manpower, the work of the convention will go on, and will go on in an orderly fashion and by the democratic process.

QUESTION: Does that hold true if President Johnson should come as has been rumored for his birthday? Do you think that would add to your problem?

ATTORNEY GENERAL CLARK: I do not think it would add to the probability of there being trouble.

QUESTION: Do you see any change in the pattern of disorders this summer aside from the fact we haven't had a Newark or Detroit as such? Is there any change in the pattern? What I am really thinking of is the fact that there does seem to be isolated incidents, an attempt to get the police in Cleveland, San Francisco, other cities?

ATTORNEY GENERAL CLARK: I think we have seen change each year. We are a great distance from 1964. The activity has varied and developed in different ways each year. 1967 saw the two most serious riots that we have had: more deaths, greater property damage. This year, in my judgment, law enforcement has been much more sensitive to the total problem and much more effective in prevention and control of disorders. We would deceive ourselves if we thought there is any diminution in unrest, anger or frustration. There is not. But the police have been far more effective. They have learned. I think the meetings that were held with 125 law enforcement leaders in the winter and early spring developed a pretty clear consensus on how to work to control disorders. I think it has been well followed by law enforcement and I think it has been quite effective. The morning after the shooting

in Cleveland of the three police officers, I said that I could not see that this was the beginning of a new chapter, a deliberate planned assault on law enforcement. We have a high responsibility here to read the facts. I have read the facts and in them I do not see now that this is a new chapter. I think it is a constant risk, and that we have to be constantly sensitive to it. But at this time the record does not show a conspiracy or a pattern that would imply conspiracy to commit violent assaults on police officers.

QUESTION: What are your feelings with respect to the Nixon speech? Can you characterize it? Anger? Mirth?

ATTORNEY GENERAL CLARK: How about disappointment?

QUESTION: Well, then, you need to explain that.

ATTORNEY GENERAL CLARK: I am concerned about this country and its future. I think we face some very real problems. I think there are serious issues to be addressed and I think it is imperative that those who seek leadership address themselves to the issues. The public needs to know where these men stand on the issues. You obviously are referring to references Mr. Nixon made to me. I think it is more important that the public knows where he stands on the issues, what he is for, than who he is against.

QUESTION: What should be involved?

ATTORNEY GENERAL CLARK: The speech did not describe where he stands on the issues. He is talking about personalities rather than principles. If it means that he is against the principles for which I stand, then let me relate what those principles are:

--I think that it is imperative in this nation that we have strong gun control laws. We have between 50 million and 100 million firearms in private ownership. We need firm interstate control. We need registration. We need licensing. Public safety in the very difficult years ahead depends on this.

--I believe we need a vast professionalization of police. I think we need more police and better police. I think we have got to pay our police much more in dollars than we pay them today. I think we have got to train them better. And I have worked for this through the years that I have been in this area in the Department of Justice.

--I think we have to devote research and technology to law enforcement. Law enforcement basically operates under 19th century techniques and they are simply not adequate to the need today. We need money and we need imagination for these purposes.

--I think we have got to be very much concerned about such things as mental health and alcoholism.

--We have got to devote far more to combating juvenile delinquency. We can see today, if we care to look, where most of the crime tomorrow will come from, and if we work on it today, we can prevent it from happening tomorrow.

--In corrections we spend a billion dollars a year for all of our Federal, state and local activities in prisons, probation and parole, the whole works. We need to more than double this. I have been saying this consistently for three years. And if we do, we can make an immense dent in the occurrence of crime in America because four out of five of all serious crimes are committed by repeaters, but we have never cared enough to do anything about it.

--I was interested in his remarks about organized crime. It would seem that the Republicans are trying to make this their thing, but what is the record? The record is that organized crime has been known to exist to a substantial degree in America for half a century. The record is that during eight years in power the Republicans did nothing about organized crime. In the year 1960, during which they were in power, 17 indictments throughout the United States on the Federal level were returned.

QUESTION: Excuse me, sir. Would you mind repeating that figure?

ATTORNEY GENERAL CLARK: Seventeen.

QUESTION: Over how long a period?

ATTORNEY GENERAL CLARK: The 12 months of 1960. Attorney General Robert Kennedy brought national awareness to the problem of organized crime in America and vital leadership, and for four years he built an effort to eliminate organized crime from this country that I think we have carried on ably for four additional years. The 17 indictments that were returned in the whole United States by all Federal law enforcement in 1960 compares with 668 in 1967. It rose each year. J. Edgar Hoover said 1967 marked one of the most effective all-out efforts to eliminate organized crime in the history of law enforcement. In 1967, 55 out of the 183 members of the Cosa Nostra indicted or convicted over a period of 12 years, from 1955 to 1967, were indicted and convicted: Nearly one-third of all the indictments or prosecutions against the Cosa Nostra, which is a major element in organized crime, in that one year.

QUESTION: I don't think we are quite getting to the gut issue which is that part of the Republicans feel they have a pretty good thing in crime as an issue. Why is it so easy to sell the

American public on this notion that the crime situation is so bad and the Administration has done so little?

ATTORNEY GENERAL CLARK: Well, I suppose the basic reason is that these are very turbulent and unsure times. We have seen civil disorders and riots for a number of years. But we don't always look at the whole picture. During five years of rioting in this decade, we have had probably 250 people killed. Between the 11th and 14th of July, 1863, there were probably more than 2,000 deaths in a riot in New York City. But we are concerned, and many people would like to turn concern to fear.

In fact, the overwhelming majority of our people are law abiding. Our young people are probably the finest generation that this country has ever produced. We have the best educated young generation that has ever come forth in this nation. We are approaching, through turbulent waters that change always causes, great new opportunities if we have the courage to pursue our quest for equal justice, to secure equal rights for all, and to maintain order through these years as we do.

QUESTION: Generally, we talk of crime in the streets. It conjures a vision that if you go to the movies or a restaurant downtown at night you will emerge and be mugged. Is this too exaggerated? Has this been going on? Isn't that what people generally fear?

ATTORNEY GENERAL CLARK: I think there are many people who fear that, and I think it is a fear that is not without foundation in many parts of many cities. But the fact is that if you are really worried about being murdered, the much greater risk is that members of your family will murder you or that your relatives will murder you or that someone who is an acquaintance will murder you. Fifteen percent of the murders in the United States were committed by strangers. Your chances of being subjected to attack depend on where you live. A survey in Chicago showed that in 1967, one out of 77 persons in the ghetto were victims of violent crime. In middle class areas, it was one in 2,000. In the suburbs, it was one in 10,000.

QUESTION: To carry the question beyond the semicolon, what about the feeling that the fellow will get away with it because the police and courts are too lenient. Believing the first, isn't it easy for people to be made to believe the second? Isn't that the underlying complaint, Mr. Clark, that we tend to treat people, criminals, with kid gloves these days?

ATTORNEY GENERAL CLARK: Well, there are unquestionably many who have tried to tell the country that it is the courts that have caused crime. In my judgment, this is not so. People cause

crime. Crime really measures the quality of the people and their character. It is just unthinkable to me that serious people would believe that courts or police or prosecutors would knowingly let people guilty of a crime go free.

QUESTION: Nevertheless, don't you feel that that is what people feel, that the criminal is coddled?

ATTORNEY GENERAL CLARK: We -- you know, we have exaggerated in our own minds individual cases. One of the major cases is U. S. v. Mallory. U. S. v. Mallory was handed down in 1957. To date, there have been about 132 cases in which U. S. v. Mallory had been raised at the appellate level, and there have been fewer than 23 in which convictions have been reversed and subsequent convictions not obtained. The number may actually be nine if you exclude pending cases.

QUESTION: Do you have any estimate of the number of prosecutions in the District of Columbia that have either been dropped or reduced from a guilty plea or otherwise not pushed forward because of Mallory problems in the investigation?

ATTORNEY GENERAL CLARK: Well, I guess one way that you could get at it pretty quickly is that Mallory, as far as I know, has never been raised on behalf of the defendant in the General Sessions Court.

QUESTION: I can't agree with that.

ATTORNEY GENERAL CLARK: Well, we just have to check the facts. That is my understanding. Certainly, if it has, it has been very rare. I have been told a number of times through the Department here it has never been raised in General Sessions.

QUESTION: I wonder if you would comment about the issue of law and order as raised by the Republicans?

ATTORNEY GENERAL CLARK: The phrase "law and order" is only the beginning. The question is what do we do to bring about order under the law. Now, I think for the people to just repeat the phrase "law and order" is not to educate anyone on the issues or on what needs to be done. And in fact, I think it is frequently a way of avoiding what is the major part of this total problem and that is whether we as a people are determined to continue to pursue the great progress that has been made in the field of equal justice in the last few years.

I think we have made major breakthroughs. In four years-- I am talking about social justice as well as legal justice--in four years the Federal expenditure for education has risen from four to

\$12 billion, for health from four to \$12 billion, the same range. The number of people given employment training under manpower development programs has risen from 75,000 to 1,300,000. 5.7 million people have crossed the poverty line since 1964.

We have had historic and very meaningful civil rights laws that were enacted in 1964, 1965 and 1968, which have opened up places of public accommodations that had been closed for a century to Negro citizens, which have doubled voting registration of Negroes in whole states, which have brought the opportunity to own a house, or will when the full thrust of the law is effective, to own a house in any part of the United States, which affect your right to equal employment.

Now, it is imperative, in my judgment, that we continue this. I think we have to show all of our people that we do intend equal justice for them, and I think to revert to repressiveness will cause disorder and violence and will show that we are not a people of the purpose that we professed to be in 1776.

QUESTION: How do you handle the complaint that is sometimes made that despite this progress crime thrives and disorders are increasing; that, therefore, there is no point in continuing it because it doesn't make things any better, that worse disorders may arise?

ATTORNEY GENERAL CLARK: One of the difficulties with history is that we never know what would have happened except for what did happen. Would there be less today in terms of disorders and violence had we not made this progress than if we had? I would answer it in the negative. The disorders, the violence, the propensities that we seem to see developing for crime are from dynamics that are much more complex and infused in our national composition than just Federal legislation or new Federal programs, however promising they may be and however effective they may be. We have to work with these dynamics and we are working with them, and as the problems worsen, our efforts have to increase. We cannot ignore the plight of central city America. The conditions in many parts of central city are tragic and if we fail to address ourselves to them courageously and with an all-out effort, we will pay a terrible price in terms not only of our character but in terms of our order.

QUESTION: By characterizing the law and order issue in such a complex way it seems very difficult to exclude the Supreme Court issue as really a part of it. How can the Fortas issue not come up as a partisan issue this fall?

ATTORNEY GENERAL CLARK: If people would really believe in our institutions, I think it would not be a political issue. It seems so clear to me that a President of the United States, of whatever party, has not only the power but also the duty to fill judicial vacancies, that the argument that we ought to wait for another party or administration just has no place in terms of merit. I have said before that, in my judgment, one of the major threads of opposition to Justice Fortas is the role the Supreme Court has played, not so much the role he has played but the role the Supreme Court has played, in bringing equal justice to all Americans. If we could separate all of the cases and all of the factors in that issue, perhaps the dominant one from which this type of opposition springs would be *Brown v. Board of Education*.

QUESTION: General, in regard to what you said earlier-- that if we ignore the plight of the central cities we will pay a tremendous price in terms of national character, as well as order-- isn't a statement like that liable to produce on the part of your adversaries the argument that since expectations inevitably exceed promises, with not even somewhat a willingness to pay the price, that, therefore, statements like that encourage disorder?

ATTORNEY GENERAL CLARK: I don't believe that the truth encourages disorder. I believe that is the truth. I also believe that the highest obligation of government is to protect the lives and property of citizens and one of the great tragedies of our times is the way we have neglected law enforcement. We have underpaid them. We have undertrained them. We have understaffed them. And now we wonder why we have been unable to prevent crime to a greater degree and to control crime to a greater degree and to apprehend criminals to a greater degree.

We need to make an immense new effort if we are really serious, and we won't deal in such simplistic thoughts as "there must be law and order." We will go to the issues and we will say it is our purpose to professionalize law enforcement; to bring men with college quality training to law enforcement; to pay a patrolman, on whose conduct our liberty and our safety is so dependent, \$10,000 if that is what is needed to attract the people whom we must have in this business and to have an adequate number of law enforcement people. The need for that, and the stake that this country has in it, is just immense. You can't control great crowds of people with inadequate numbers of officers. You run a much higher risk of a general escalation if you try to.

QUESTION: Do you really think Nixon, though, feels any differently about this than you do?

ATTORNEY GENERAL CLARK: I don't know because I haven't heard him address himself to the issue.

QUESTION: You mean he is addressing himself to you rather than to the issue?

ATTORNEY GENERAL CLARK: Basically, that is right. I don't know what he stands for on these issues. I haven't heard his position on gun control that is responsible for -- you know, it is guns that have killed 95 percent of all the law enforcement officers who have been murdered in the line of duty in this decade. It is guns that were used to murder 7700 people last year. The gun was the instrument of the criminal in the execution of 55,000 aggravated assaults and 71,200 armed robberies.

I don't know where he stands on that. I don't know whether he is prepared to come out and say, yes, we do have to control firearms or we are going to suffer an immense price.

I don't know where he stands on building local law enforcement. I think it is imperative that we build local law enforcement. I think it is imperative that we support them financially from the Federal level and imperative that we support them throughout communities because our safety and our liberty depend on it. I think it is imperative that we pay them more money. I think the Omnibus Crime Control bill proposed by President Johnson on the basis of his Crime Commission's findings is a major breakthrough.

This week, yesterday, for the first time in the history of the United States we were able to tell local law enforcement through the states that they would have available to them \$4,350,000 by August 31st to use in the civil disorders areas.

QUESTION: On Fortas, do you think there is any realistic possibility that Chief Justice Warren would withdraw his resignation if Nixon would be elected President in November and assuming nothing further has transpired on the Fortas nomination?

ATTORNEY GENERAL CLARK: Whether a withdrawal would be offered is just a matter that is entirely up to the Chief Justice.

QUESTION: What is your forecast at this stage on the Fortas nomination?

ATTORNEY GENERAL CLARK: I think Justice Fortas and Judge Thornberry will be confirmed. I think they will be confirmed because they are eminently qualified for the positions to which they were nominated. It was the duty of the President to fill the vacancies that were there, and the Senate realizes this, the public realizes this, and they will be confirmed. It would be a tragedy to make judicial appointments a political partisan issue. If we have any place in public service that should be free of any taint of partianship it is the Judiciary, and I suppose we could start with the Chief Justice of the United States.

QUESTION: On another subject, the Life Magazine article on Congressman Gallagher has gotten replies on the Hill that suggested the source of Life's article, or part of it, were bugged conversations, obviously taken by the Justice Department or the FBI, and leaked. At least that is what the Senator from New Jersey has charged. Have you checked into that?

ATTORNEY GENERAL CLARK: It must be perfectly clear to anyone who has followed the position of the Department of Justice in recent years that, if we speak the truth, we would not authorize the divulgence of any information ever obtained by any wiretap or electronic surveillance except where necessary in the prosecution of some criminal proceeding, and then under the strictest safeguards. We have taken great pain here to prevent improper disclosures. I think the record is very clear that we have gone into court where we have presented information and on each case sought to obtain restrictive orders to avoid any damage to people.

This matter is being thoroughly studied. At this time, I am advised that the FBI does not have and has not had any transcripts or logs that could be the basis for the quotations in the Life Magazine story. Whether they are real or imaginary, at this time we do not find them.

QUESTION: Why would it be so long to find out if the FBI does have any transcripts or logs?

ATTORNEY GENERAL CLARK: There were no transcripts or logs here. None had ever been seen by anyone in the Criminal Division or in the Department of Justice.

QUESTION: I thought you said --

ATTORNEY GENERAL CLARK: We asked the FBI to review--we asked them to send the materials. This has all been done. We haven't found --

QUESTION: If they had been found, wouldn't you have had to authorize them?

ATTORNEY GENERAL CLARK: We are talking about 1960. This is a very important point. We don't find, you know, anything here that indicates any study or any investigations leading toward prosecution. We have never had any logs or transcripts here that could be the basis of conversations. I don't know whether the conversations were held or not. The most important thing for me to do, something this Department always tries to do, is to avoid by anything we say making any implication about the guilt or innocence of anybody.

QUESTION: Have you checked IRS and the other agencies or just within the Justice Department?

ATTORNEY GENERAL CLARK: We are looking throughout, within the range of reason, Federal agencies. As you know, it has been quite difficult to determine from most of the agencies, not that there were so many, what was done because so frequently there was no record made and there was no preservation of transcripts or logs or tapes or whatever there may have been.

QUESTION: Your statement that -- you said you are advised that the FBI does not have and has not had any transcript?

ATTORNEY GENERAL CLARK: The FBI advises me that they have no transcript.

QUESTION: Would it be within the power or the duty of the Justice Department to investigate further if it did discover that a Federal agency was illegally bugging anyone?

ATTORNEY GENERAL CLARK: Yes. There could be a violation of 605. This alleged matter is quite ancient. We are talking about more than eight years ago. Still, you have two questions: whether there is a violation of Federal law, and whether there is something on the basis of which disciplinary action should be taken. This much is clear. I would consider it a breach of integrity that calls for stern disciplinary action if we found anyone that released any information obtained from any wiretap or electronic surveillance.

QUESTION: In those days, is my recollection correct--this would be 1960--there was no need for individual authorizations for wiretaps in the Justice Department?

ATTORNEY GENERAL CLARK: No, that is not correct. Since at least 1942, perhaps 1940, the Attorney General of the United States has approved every wiretap.

QUESTION: Every single one?

ATTORNEY GENERAL CLARK: Every single individual wiretap by any Federal investigative authority within the geographic limits of the United States.

QUESTION: Even IRS, for example?

ATTORNEY GENERAL CLARK: That has been the rule since the authority was granted by President Franklin Roosevelt.

QUESTION: Does the article specifically say Federal activity? Private? State? Local?

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ATTORNEY GENERAL CLARK: My reading of it was that they have implied Federal but did not express it.

QUESTION: Because there are also other people that could engage in this?

ATTORNEY GENERAL CLARK: That is right.

QUESTION: Well, can you say that it is false, the statement made in that article, that when Fred Vinson was sitting there testifying and Representative Gallagher came in, that Fred Vinson had knowledge about alleged contacts between Representative Gallagher and this man Zicarelli? Did you know that statement was made in the article?

ATTORNEY GENERAL CLARK: I am not sure just what the article said. But I can say that the FBI advised us that quotes used in the magazine do not appear in any FBI surveillance logs, and that therefore they could not have emanated from the FBI.

QUESTION: But inferentially, you are taking that straight across to include IRS, and so on?

ATTORNEY GENERAL CLARK: No, I didn't say that, Carl. I said we are still looking and we don't have anything at this time.

QUESTION: Back to Fortas for a moment. Are you predicting it will require a cloture of a filibuster?

ATTORNEY GENERAL CLARK: I do not see at this time that there will be a filibuster. There may be a filibuster. I would hope there wouldn't be. I would hope that in a matter of this nature, confirmation of judicial appointments, the matter would go straight on the merits and be voted on the merits. If there is a filibuster, it would be my judgment that there would be a successful vote on cloture that would end the filibuster.

QUESTION: Do you think there is a greater chance for a violent outburst in Chicago at the Democratic Convention than there was at the Republican Convention?

ATTORNEY GENERAL CLARK: I do not believe that there will be a violent outburst. I know that very extensive action has been taken to prevent it. I look upon the risks in the south side of Chicago as being greater than those in Miami. This is just an observation about the difference between the two cities.