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PRESS CONFERENCE

ATTORNEY GENERAL JOHN N. MITCHELL

The Great Hall
Department of Justice
December 18, 1970

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P R E S S C O N F E R E N C E

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PARTICIPANTS:

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John N. Mitchell, Attorney General

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MEMBERS OF THE PRESS

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The Great Hall,
Department of Justice Building,
10th Street and Penn. Ave. N.W.
Washington, D. C.
December 18, 1970 -- 10:30 a.m.

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ATTORNEY GENERAL MITCHELL: Good morning.

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If you are all ready. Before I answer your questions,

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I would like to call attention to an area of activity that

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we have not publicly emphasized lately, but which I feel,

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because of the changing events, deserves your attention. I

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refer to the pollution control litigation, with particular

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reference to our work with the new Environmental Protection

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Agency, now headed by William Ruckelshaus.

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As in the case of other government departments and

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agencies, EPA refers to civil and criminal suits to the Depart-

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ment of Justice, which determines whether there is a base for

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prosecution and of course, if we find it so, we proceed with

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court action.

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I wish to say at this time that I am delighted with

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the aggressive manner in which Mr. Ruckelshaus has taken hold

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of this new agency. In the two weeks that he has held office

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as administrator, he already has referred two major cases to

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1 us and has been in consultation with our legal staff on many
2 others.

3 The first case you probably recognize is the Armco
4 Steel Corporation, which we filed suit against on December 9,
5 charging the company with cyanide pollution of the Houston
6 Ship Canal. And today, I would like to announce that we are
7 filing suit this morning against the Jones and Laughlin Steel
8 Corporation for discharging substantial quantities of cyanide
9 into the Cayahuga River near Cleveland.

10 Mr. Ruckelshaus has said, when he asked the Depart-
11 ment to file this suit, that the 180-day notice filed against
12 the company had expired. We are filing a civil suit to seek
13 immediate injunctive relief under the Refuse Act of 1899 and
14 the Federal Water Pollution Act to halt the discharge of these
15 deleterious materials into the river.

16 The Armco case in the Houston area and the Jones and
17 Laughlin case in the Cleveland areas, I believe, point to the
18 new and stronger direction in antipollution litigation. I
19 can assure you that these cases foreshadow more to come. I am
20 very happy to add that this is partly due to the close working
21 relationship established between EPA under Mr. Ruckelshaus
22 and the Justice Department from the very beginning.

23 For example, EPA and our Land and Natural Resources
24 Division, under Mr. Shiro Kashiwa, have consulted with each
25 other to develop the procedures for expediting the filing of

1 this litigation. Our gears are more firmly meshed than they
2 were between us and the departments and agencies, including
3 such departments as Interior, which previously had jurisdiction
4 over the various environmental quality functions. Because of
5 this and because of the pending cases on which we are confer-
6 ring with EPA, I can say that we anticipate many more pollu-
7 tion cases being referred to us than have been heretofore.

8 Now, in anticipation of this increased volume of
9 activity, our Land and Natural Resources Division has already made
10 appropriate organizational change.

11 I am pleased to announce to you today that we have
12 established a new pollution control section within that division.
13 It is responsible for pursuing all litigation in the environ-
14 mental quality field, including criminal litigation which, as
15 I am sure you know, was formerly lodged with the Criminal
16 Division.

17 The chief of this new section is Martin Green, who
18 was previously assistant chief, Water Resources Unit, in the
19 Land and Natural Resources Division. There are presently nine
20 attorneys in the new Pollution Control Section and we recog-
21 nize that expansion may be necessary to cope with the antici-
22 pated volume of case referrals from EPA.

23 In short, we are pleased to be working with Mr.
24 Ruckelshaus, whose legal background and previous experience
25 in this field have made him aware of the key role of litigation

1 in the antipollution fight. We now have closer working re-
2 lationships with EPA than we had with previous agencies in the
3 pollution control field. We have reorganized our own shop to
4 expedite and promote such litigation, and I can safely predict
5 intensified action in the whole field of environmental quality
6 area.

7 I would also, because I feel so strongly about it,
8 like to make an announcement that covers our whole Department
9 of Justice. As you know, for many years, a principal means
10 of attracting talented law graduates to the Department has been
11 the Attorney General's program for honor law gradu-
12 ates whereby third-year law students who are in the top 20
13 percent of their class are eligible to apply for special posi-
14 tions as members of the Justice Department legal staff. The
15 number of applications from qualified applicants in the law
16 class of 1971 has just been tallied. I am very happy to report
17 that it is the largest number of applications that the Depart-
18 ment has ever received. There may be a few more to come in
19 before the close of this calendar year, but the count as of
20 yesterday stood at 1,012.

21 The applications come from students in more than 100
22 accredited law schools, including all the best-known law
23 schools across the country.

24 One of the reasons that I am happy that these results
25 have been obtained is because in recent months there has been a

1 certain amount of talk about a gap between the Department of
2 Justice and the younger generation. As you can see, through
3 the interest in the Justice Department, we recognize that the
4 younger generation has an interest in coming to work and per-
5 forming the services that this Department provides.

6 Now, if I may have your questions.

7 QUESTION: Mr. Attorney General, many Americans were
8 somewhat surprised at the outcome of the Ohio grand jury inves-
9 tigation into the Kent State incident. They felt that they
10 were somewhat wide of the mark in view of what had been dis-
11 covered by federal investigators. A sufficient time has
12 passed now that many people have concluded that this Department
13 does not intend to launch a federal grand jury inquiry into
14 that incident.

15 Would you please give us your reasons for your ap-
16 parent decision not to have such an inquiry and if, in the
17 alternative, there will be one, would you explain why you are
18 taking so long to make up your mind?

19 ATTORNEY GENERAL MITCHELL: The criminal justice
20 system in our country, of course, does not always work as
21 quickly as we might have it. There has been no decision made
22 with respect to the Kent State matter in the Department of
23 Justice. We did await the outcome of the activities of the Port-
24 age County grand jury. We are reviewing that along with the
25 many, many thousands of pages of investigative material that we

1 have.

2 Mr. Leonard and I have conferred on the subject
3 matter on numerous occasions and we will continue to do so and
4 at an appropriate time make a determination as to how we
5 should proceed in this matter.

6 QUESTION: Mr. Attorney General, are you satisfied,
7 with respect to the Jackson State College shootings, that
8 justice has been done there and that the matter is now closed,
9 now that the federal grand jury has been disbanded that was
10 looking into it?

11 ATTORNEY GENERAL MITCHELL: Well, Mr. Stern, I get
12 back again to our criminal justice system. In the case of
13 Jackson State, we again, of course, had intensive investigation
14 of the matter through the Federal Bureau of Investigation and
15 through our Department. The matter was presented to the state
16 grand jury. We were not satisfied with the results of that
17 state grand jury. We impaneled a federal grand jury and we
18 presented to that grand jury all of the available information
19 that we had from all sources.

20 The conclusion of that grand jury, of course, is not
21 for the Justice Department to approve or criticize. This is
22 part of our criminal justice system. We have done the best
23 that we could and the judicial process has taken its course.

24 QUESTION: However, in a similar case in Orangeburg,
25 in December of 1968, the then Attorney General was not satisfied

1 with the federal grand jury's conclusion and filed his own charge
2 by information.

3 Would you consider doing that in the Jackson State
4 case?

5 ATTORNEY GENERAL MITCHELL: I do not believe that
6 that is appropriate in this particular case, where we have had
7 two grand juries review all of the evidence that has been
8 presented from all sources.

9 QUESTION: Mr. Attorney General, the President
10 recently met with a small group of reporters and, among other
11 subjects, he discussed Supreme Court nominations. I believe
12 he was quoted, at least indirectly, as saying his next nominee
13 would be a Southerner and he has several in mind.

14 Could you tell me first, do you have any indications,
15 direct or indirect, that any present member on the Court will
16 retire this term or at the end of the term?

17 Second, could you tell me whether or not the Presi-
18 dent has any names in mind?

19 Third, has he made any promises to any individuals?

20 ATTORNEY GENERAL MITCHELL: First of all, I believe
21 I would probably be the last one to hear of any potential re-
22 tirement from the Court.

23 Secondly, I am not sure what the President said at
24 his meeting with the press because I was not there. To my
25 knowledge, the President has no commitments to anybody with

1 respect to the Court and I would believe, as in past instances,
2 that the President would review the situation as of the time
3 in which he had the privilege of making the appointment to
4 determine who should be appointed to the Court in view of the
5 composition of the Court at the particular time of the appoint-
6 ment.

7 QUESTION: Mr. Attorney General, there has been a
8 number of rumors about Cabinet changes, that you might be
9 leaving the Justice Department. Mrs. Mitchell has denied those
10 rumors. Would you care to deny them?

11 ATTORNEY GENERAL MITCHELL: Far be it from me to try
12 to impede the First Amendment rights of my wife.

13 I have answered this question on a number of occasions.
14 Nobody has asked me to leave, nobody has asked me to take any
15 other employment, and if I think what you are thinking, I sure
16 as hell am not going to volunteer for it.

17 QUESTION: Mr. Mitchell, at the President's news
18 conference the other night, I asked a question about FBI
19 Director Hoover's comments about the Berrigans. He replied
20 that there was an investigation at the Justice Department.

21 Could you give us information as to the nature of this
22 investigation? Are you investigating the Berrigans or Hoover?
23 What is your own view about what Mr. Hoover had to say about
24 that situation?

25 ATTORNEY GENERAL MITCHELL: First of all, Dave, I

1 want to assure you that I subscribe to what my client said.

2 We can start from that.

3 There is an investigation in the Justice Department
4 in relation to the subject matter of Mr. Hoover's testimony to
5 which you refer.

6 With respect to Mr. Hoover's statements, he has been
7 around Washington a long time, much longer than I have, and I
8 am sure that he can account for his own statements, as he has.

9 QUESTION: Do you approve of those statements, Mr.
10 Mitchell? Is that what you are saying?

11 ATTORNEY GENERAL MITCHELL: I do not have to approve
12 or disapprove of his statements.

13 QUESTION: Mr. Attorney General, is there a Justice
14 Department ban on discussing criminal investigations that are
15 under way and did not Mr. Hoover violate that ban in that
16 testimony?

17 ATTORNEY GENERAL MITCHELL. The Justice Department
18 does have, as far as its lawyers are concerned who are involved
19 in the prosecution of cases, a prohibition against discussing
20 "cases" when they reach a certain point. Obviously, when you
21 become involved in the prosecution, that becomes more important
22 and more strict in its enforcement.

23 I cannot say whether Mr. Hoover violated the ban that
24 applies to the lawyers or not, because that will depend on the
25 outcome of the investigation and the manner in which it is

1 handled.

2 QUESTION: In view of the criticism that Mr. Hoover
3 is not always accountable to the Attorney General, I wonder
4 if you could comment on that, also if you would go further into
5 your remarks that it is not necessary for you to approve or
6 disapprove of what Mr. Hoover says?

7 ATTORNEY GENERAL MITCHELL: Yes, I would be delighted
8 to.

9 Until such times as Mr. Hoover takes such actions --
10 which he has not to date -- that need to be accounted to me,
11 then that is not of my concern. At such time that he might
12 take such actions that should be accounted to me, then it will
13 be my concern.

14 I can tell you, as I have before, that I have re-
15 ceived a thousand percent cooperation from Mr. Hoover and from
16 where I sit, he is doing a mighty fine job.

17 QUESTION: Sir, Congressman Anderson from Tennessee
18 said that the First Amendment rights of the Berrigan brothers
19 were violated by Mr. Hoover. Do you think so?

20 ATTORNEY GENERAL MITCHELL: No, I do not believe
21 their First Amendment rights were violated.

22 Are you referring to what Mr. Hoover said or are you
23 referring to the matter involving the Federal Prison at Dan-
24 bury?

25 QUESTION: I think the congressman was referring to

1 what Mr. Hoover said before the committee.

2 ATTORNEY GENERAL MITCHELL: No, I do not believe they
3 were.

4 QUESTION: Mr. Mitchell, do you plan to take any
5 action on the Blackjack case or any other cases referred to
6 Justice by Secretary Romney, and could you comment on the
7 stance that you and Secretary Romney take in the discussions
8 you have had between yourselves and with the President, indi-
9 cating if you can whether you will await Supreme Court action
10 before this matter is settled completely?

11 ATTORNEY GENERAL MITCHELL: The total matter of the
12 housing pattern desegregation is under review between Mr.
13 Romney and the people in HUD and myself and the people in the
14 Department of Justice. The areas with which we are having
15 a concentrated discussion are those to which the President re-
16 ferred in his press conference the other night.

17 In other words, what we are trying to do is to find
18 the congressional intent in this broad area.

19 As you know, there are many facets of that that
20 affect the housing pattern and desegregation question. We
21 have had a series of meetings, I believe three, on the subject
22 matter. We have not come to definitive conclusions. That is
23 why the Blackjack case has not been filed. We are hopeful
24 that this entire matter will be determined in a detailed
25 fashion shortly after the first of the year.

1 This is particularly important, as Secretary Romney
2 has said, because the exercise of most of these powers will
3 be carried out through regional offices and some 70-odd FIA
4 offices, so that we want to make sure, I am sure, as Secretary
5 Romney does -- we certainly do -- that the definitive guidelines
6 and regulations are laid down so that they will be fully
7 carried out.

8 QUESTION: General, we have had a relatively quiet
9 fall on college campuses. Do you have any theories about why
10 this has happened?

11 ATTORNEY GENERAL MITCHELL: Well, I am sure there are
12 a number of factors involved.

13 First of all, the kids that go to college do not
14 start panty raids and drinking goldfish until that boring
15 period in the late spring. But I think the most important
16 factor is that the greater majority of the students on the
17 college campuses, after the experiences of the last few years,
18 now recognize that violence is absolutely nonproductive and
19 that as the more radical militant small groups carry on their
20 acts of terror, they are pushing the majority of the students
21 away from these activities into a realization that their pur-
22 pose in going and attending universities is to get an educa-
23 tion and not to carry out demonstrations.

24 QUESTION: Do you think the administration's relation-
25 ship to young people on campuses has improved?

1 ATTORNEY GENERAL MITCHELL: I think you will prob-
2 ably have to ask the young people on the campuses. But I
3 do believe that through the contacts that our people in the
4 Department have had with the 20-odd campuses that have been
5 visited and with the groups that I have met with, I believe a
6 lot of the myths that they have held over the past few years are
7 beginning to dissolve and that perhaps, by a better under-
8 standing of their Federal Government, it may be a small con-
9 tribution to the quiet period that we have experienced.

10 QUESTION: Mr. Mitchell, are you considering anti-
11 trust action, urging antitrust action in the coal industry?

12 ATTORNEY GENERAL MITCHELL: The question has been
13 under consideration for some time.

14 As you probably know, there is a proceeding in this
15 area before the Federal Trade Commission. We are looking into
16 it in this Department, along with the rest of the departments
17 of the government that have responsibility in this area, to
18 the end that we will have an appropriate energy policy in
19 this country and if we find that our problems arise from any
20 anticompetitive activities on the part of any producer of any
21 energy, I am sure we will take the appropriate action.

22 QUESTION: Mr. Mitchell, Vice President Agnew seems
23 to have perhaps inadvertently succeeded in dividing the
24 governors of his own party by his comments at the Governors
25 Conference. I would like to ask if you agree with this comment

1 at the Governors Conference and whether or not, if you do,
2 do you think this was a propitious time to make it?

3 ATTORNEY GENERAL MITCHELL: It is not for me to
4 agree or disagree with what the Vice President says. He can
5 speak for himself.

6 My only comment would be that the Republic Governors
7 met at a time of some concern by governors generally, particu-
8 larly with the lame ducks that were there and some who have
9 just come into office. I think that they had a very healthy,
10 constructive dialogue. I would hope that there would be more
11 of this carried on to the point where you could reach a con-
12 sensus, such as apparently happened at the breakfast after his
13 speech out there.

14 QUESTION: Mr. Mitchell, there has been a great deal
15 of discussion lately about the role of OEO lawyers in suing
16 the government, as to whether or not more controls are needed
17 over that process.

18 Would you give us your general thoughts as to the
19 suing of the government, both federal and local, by OEO law-
20 yers and as to whether you think probably more controls are
21 needed?

22 ATTORNEY GENERAL MITCHELL: Well, let me say that
23 the people over at OEO in their legal services operation have
24 their own problems and I am not about to get into the middle
25 of them.

1 I would talk for myself as an individual and point
2 out that I highly support the concept of legal services and
3 the funding of them by OEO, the same as the American Bar
4 Association does.

5 I do believe, and as you are well aware, I can point
6 out the cases where they have gone beyond propriety in their
7 undertakings out of that service. It is my belief that the
8 program can be better served by making sure that the people
9 of the poverty class who are not sufficiently funded to have
10 their own counsel should have available to them this service
11 in the civil area, just like we are trying so hard to provide
12 them with legal counsel in the criminal area.

13 QUESTION: Mr. Mitchell, there has been considerable
14 speculation about the appointment of John Connally to be
15 Treasury Secretary. Could you tell us a little bit about the
16 political implications of that and if there is any intent at
17 all in the administration's mind to perhaps dump Agnew?

18 ATTORNEY GENERAL MITCHELL: As you know, Isabel, we
19 in the Justice Department are not involved in politics. We do
20 not think in those terms. If I had to guess as to why the
21 President designated John Connally as Secretary of the Treasury,
22 it would be to the point that John Connally is a very able in-
23 dividual. He has been proven as a very able administrator in
24 his capacity as Secretary of the Navy and as Governor of the
25 State of Texas. He is a very strong advocate, who I am sure

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will represent the President's programs before the Congress and before the country in a very strong and forceful way.

I would think that Mr. Connally's appointment had nothing whatsoever to do with respect to the Vice President's status, either now or in the future.

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1 QUESTION: Mr. Mitchell, back to the Supreme Court,
2 sir, and the President's statement to the Press about that he
3 intended to appoint a Southerner to the next vacancy.
4 There has been general agreement in terms of the discussion
5 of the "Jewish seat" that no one should be selected for
6 the Court just because he happened to belong to a particular
7 religion. Can you explain to me then why the Administration
8 seems to intend to appoint someone from a particular area of the
9 country, particularly as there already is a Southerner on
10 the Supreme Court?

11 ATTORNEY GENERAL MITCHELL: As I pointed out,
12 they are the prerogatives of the President. He is going
13 to make the determination.

14 In the past discussions that the President has
15 had with me concerning nominees to the Supreme Court, he has
16 looked for geographical balance as well as the ideology
17 involved in the individual.

18 QUESTION: General, was a shot fired at President
19 Nixon in that pre-election thing at San Jose?

20 ATTORNEY GENERAL MITCHELL: That matter is still under
21 investigation and I am not at liberty to provide the conclu-
22 sion yet.

23 QUESTION: Mr. Mitchell, Army General Counsel Jordan
24 says that the domestic intelligence material collected by the
25 Army has been given to the FBI. That material contains

1 the names of some prominent public figures. Could you tell
2 us what use is being made of this material and whether or
3 not, in view of the recent allegations as to the Army's
4 activities, you plan any policy review or review of the
5 material that is now on file at the FBI?

6 ATTORNEY GENERAL MITCHELL: That statement has not
7 come to my attention and I would doubt its accuracy.

8 Let me point out that in connection with our
9 Inter-Divisional Intelligence Unit, where we have had
10 different branches of the Government participating, there has
11 been information provided at these meetings which were
12 attended by the FBI, but the repository is not the FBI, it is
13 the Inter-Divisional Intelligence Unit.

14 I want to point out to you that it is a very, very
15 limited area of intelligence and it relates to specific instances
16 forthcoming in which we are interested, such as some of the
17 marches we have had here in Washington.

18 QUESTION: Are there no individuals in that file, sir?

19 ATTORNEY GENERAL MITCHELL: Are there no individuals?

20 QUESTION: Yes.

21 ATTORNEY GENERAL MITCHELL: You have to have
22 individuals if you have a file. But as I pointed out, it is
23 a very, very limited number of people in this particular file
24 and they relate to individuals that this division, that we
25 have, this Inter-Governmental Division, feels might be the

1 causes of violence at the particular demonstration or incident
2 that we are monitoring at the particular time.

3 I am sure that it is not the type of intelligence
4 material that has been referred to in the Press coming out of
5 Senator Ervin's statement the other day. It does not get in that
6 direction in any form, shape, or manner.

7 QUESTION: Mr. Mitchell, do you think that the
8 ideological majority that the President sought on the
9 Supreme Court has now been achieved?

10 ATTORNEY GENERAL MITCHELL: Well, I am not sure that
11 such a majority will ever be achieved because of individual
12 justices' opinions in different areas. I have noted that
13 some of you gentlemen of the Press have written that in one
14 or two areas of this year's determinations by the Court, the
15 balance has swung over. But I am sure if you go into many
16 other areas of law, that would not be the same balance.

17 QUESTION: Mr. Mitchell, to get back to pollution
18 for a minute, at the time the 180-day notice was filed
19 against Jones & Laughlin, similar notices were filed against
20 U. S. Steel and Republic Steel. What has happened in those
21 cases? Why was no action taken against them?

22 Two, did the Sierra Club complaint against Jones
23 & Laughlin have anything to do with the action?

24 ATTORNEY GENERAL MITCHELL: Let me point out to you
25 that before these cases are filed, there is a substantial

1 investigation, both by the operating agency, which is now
2 EPA, and the Justice Department, to make sure that we have
3 sufficient evidence to use in a case. Those other investi-
4 gations are on-going.

5 As far as the Sierra Club or any other such
6 organization is concerned, of course, we are always interested
7 to have their intelligence from them. But our decisions,
8 both with respect to our discussions with EPA and certainly
9 the determinations made in the Justice Department, are not
10 influenced by outside forces of any form, shape, or manner.

11 QUESTION: Mr. Attorney General, sir. A three-
12 part question on school desegregation.

13 Last summer, the Justice Department issued
14 a report that estimated approximately 95 percent of the
15 formerly dual system in the South would be eliminated this
16 fall.

17 One, has this been accomplished?

18 Two, to what extent has the Justice Department
19 moved against so-called in-school desegregation?

20 Three, what action, if any, does the Justice
21 Department plan to take against systems that have discharged
22 black teachers?

23 ATTORNEY GENERAL MITCHELL: In your three-part
24 question, there are some 2700, I believe it is, school
25 districts in what you refer to as the South. The last count

1 that I saw on it was that all but 50 of those systems had
2 been changed from a dual school system to a unitary system.
3 Of those 50 cases, 16 of them are under litigation by the
4 Department of Justice -- I believe that is the right
5 number -- some 22 by private plaintiffs, and the balance are
6 under negotiation or have undertaken voluntary plans at the
7 instigation of HEW.

8 With respect to the so-called in-house segregation,
9 we have, of course, started actions or proceedings against
10 a number of districts. HEW is continuing to investigate.
11 We have roughly 100 investigations going on.

12 In most of the instances, when these matters are
13 brought to the attention of the School Boards, they correct them
14 and ratify the situations.

15 Needless to say, there may be some recalcitrant ones
16 that may have to be brought back into court under their court
17 order in order to make sure that that in-house segregation
18 does not continue.

19 With respect to the third part of your question,
20 we do have cases going against school districts where there
21 has been discrimination against black teachers. This is
22 almost in the same area as the in-house segregation. When
23 these matters are called to the attention of the School Boards,
24 frequently, they are negotiated out, bringing them into
25 compliance. But to the extent that this is not done, we will

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1 continue to bring legal action to make sure that there is
2 no discrimination among the teachers.

3 QUESTION: Mr. Mitchell, Mrs. Mitchell is still
4 very much in the news, but it seems that the Press is creating
5 her image as a celebrity now more than she is. Is there
6 a new Mrs. Mitchell? Have you noticed that she is any more
7 reluctant to speak out, or have you banned any comments on
8 her part?

9 ATTORNEY GENERAL MITCHELL: I can assure you there is
10 not a new Mrs. Mitchell. But I would hasten to add that she
11 is not an old one. I have no comments about what you fellows
12 do with respect to the press.

13 QUESTION: Mr. Attorney General, in stating that FBI
14 Director Hoover has not made any comments that you feel he
15 has to account to you for, I am wondering about his comments
16 about Mexicans and Puerto Ricans in Time Magazine last
17 week? He said they posed no assassination threat because
18 they could not shoot straight, but if they came at you with
19 a knife, he said you'd better beware. A California Representative
20 hs called upon him to resign, a California Congressman who
21 represents Chicanos. This has caused quite a stir out there.

22 I wonder, what is your reaction?

23 ATTORNEY GENERAL MITCHELL: What is my reaction to it?

24 QUESTION: Yes, sir.

25 ATTORNEY GENERAL MITCHELL: I think you have to read it

1 in the context in which it was said and I think you have
2 to recognize that he was not castigating or defaming any
3 particular race or creed or anybody else.

4 QUESTION: General, he has made similar statements,
5 though, with respect to people as distinguished as the former
6 Attorney General, whom he described as a jellyfish, if I
7 recall correctly.

8 I think what we are talking about is a question of
9 taste and I am sure you expect high officers of your
10 Department to exercise good taste and to temper their statements.
11 By saying nothing about it, you leave the impression that
12 those statements are perfectly all right with you.

13 ATTORNEY GENERAL MITCHELL: That is not the case at all.

14 I would not try to impede Mr. Hoover's freedom
15 of comment any more than I would expect that anybody else
16 would attempt to impede mine. Until he gets to the point,
17 which he has not arrived at and I do not expect him to get
18 to, with respect to doing something that is improper within
19 the confines of this Department, he has a right to talk just
20 like anybody else does.

21 QUESTION: You do not consider that type of rhetoric
22 offensive?

23 ATTORNEY GENERAL MITCHELL: Do I consider it offensive?

24 QUESTION: Yes, sir.

25 ATTORNEY GENERAL MITCHELL: That is not the point.

1 The point is whether or not it impairs or impinges upon any
2 of the rules or regulations or the ability of this Department
3 to function.

4 QUESTION: Have you communicated with him about
5 these statements at all?

6 ATTORNEY GENERAL MITCHELL: I have talked to
7 the Director since some of these statements were made and it
8 was a very friendly and happy conversation.

9 QUESTION: Can you tell us what was the content of that
10 conversation?

11 ATTORNEY GENERAL MITCHELL: Certainly I won't divulge
12 it to you.

13 QUESTION: Mr. Mitchell, the Celler Committee has
14 suggested that the Department of Justice has not cooperated
15 fully in the investigation of the charges against
16 Justice Douglas. Can you reply to that and what is your reaction
17 to the report?

18 ATTORNEY GENERAL MITCHELL: I do not have any reaction
19 to the report because I have not read it. I have more important
20 things to read.

21 With respect to the first part of your question,
22 I was not aware that Chairman Celler had so stated. But
23 I will, if he did so state, I would, for the record, state
24 that we have cooperated pursuant to a Presidential directive
25 with the Chairman in every possible way. We have provided the

1 Chairman with every bit of information that is in this
2 Department which that committee felt was at all related to the
3 matter of their inquiry.

4 QUESTION: Mr. Attorney General, how far apart are
5 you and Secretary Romney now in implementing or on affirmative
6 actions to implement the 1968 Housing Act?

7 Second, do you have any indication that Mr. Romney may
8 soon be leaving the Cabinet?

9 ATTORNEY GENERAL MITCHELL: Well, you will have to
10 ask Mr. Romney for the second part of that question.

11 For the first part of the question, we are not apart
12 at all. What we are trying to do is to establish a policy
13 that will be consistent in HUD and in the Justice Department
14 so that we are working together to make sure that that
15 policy, as I said before, is reflective of the legislation,
16 not only the Act of '68 but all of the other Housing and
17 Civil Rights legislation, and carry out the intent of the
18 Congress as expressed in that legislation and of course, the
19 legislative proceedings.

20 QUESTION: Mr. Attorney General, the Judge Advocate's
21 Office during the last year has detailed a report detailing
22 the various ways in which men who were at My Lai could be
23 prosecuted, the ones that have already gotten out of the Army,
24 the civilian and military processes. The report was
25 referred to the Justice Department for comment and for

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1 joint decision. Can you tell us when a decision will be
2 made about these men who are now out of uniform and whether
3 you think a commander at Fort Benning has the power to grant
4 immunity to men who were called on to testify?

5 ATTORNEY GENERAL MITCHELL: All of those matters,
6 or both those matters that you discuss, are on-going matters
7 of consideration between the Department and the Army and,
8 of course, we are acting as their lawyer in the matter.
9 Whatever the conclusions that are arrived at, it will be
10 for the appropriate people in the Army to announce if they
11 care to do so.

12 QUESTION: Mr. Mitchell, could you explain, sir, why it
13 was that the FBI was given the authority rather than the
14 states to operate Project Search and a national data bank
15 on criminal histories?

16 ATTORNEY GENERAL MITCHELL: Yes, very simply and very
17 readily. It fits in with their NCIC operation. It was reviewed by
18 the Bureau of the Budget to make sure this would be the better
19 place. I do not have great knowledge of computer capacities
20 and functions but the Bureau of the Budget does. They
21 reviewed it with me and we came to the conclusion there was
22 no sense in setting up a duplicate system and that it
23 would function better in the Bureau and it would save the
24 Government a substantial amount of money.

25 QUESTION: Earlier this week, you announced the

indictment of Congressman Martin McKneally for failing to file tax returns for several years. I believe the Internal Revenue Service many months ago acknowledged that he had failed to file those returns. Why does it take so long to prosecute a clear violation of this sort?

ATTORNEY GENERAL MITCHELL: Well, you are talking about apples and pears, there. There was an inquiry made to the Internal Revenue Service which is appropriate under the statute. The Internal Revenue Service is required to respond as to whether or not the Congressmen filed returns. But from that point on, of course, there is still an investigation to be undertaken by the IRS in the matter which was referred to the Justice Department, where considerations of the legal questions involved take place, and of course, the taxpayer always has the right to bring his counsel in and confer with the people in the Tax Division.

This case took its normal process and I think was probably under, if I understand it correctly, the normal time that it takes a case to come from the IRS to the Tax Division for a determination to be made.

QUESTION: Can you tell us of any plans you have for the Internal Security Division and specifically whether you want to broaden the authority of the Subversive Activities Control Board?

ATTORNEY GENERAL MITCHELL: Those matters are under

1 consideration, have been for some time. We now have Mr.
2 Mardian in as the Assistant Attorney General in charge of
3 that Division. We have been working with him and he has been
4 reviewing the areas that we had under consideration when he
5 came in and has suggested some possible other avenues.

6 I hope that early next year, we will have some conclu-
7 sions as to how we would recommend that the matter be
8 handled.

9 There are possibilities that Executive orders may be
10 involved and there is also the possibility that we may ask Cong-
11 ress for legislation.

12 QUESTION: General, do you expect to run the President's
13 next campaign and what do you think his chances are?

14 ATTORNEY GENERAL MITCHELL: I have already answered
15 that question to the point that I haven't been asked and I am
16 not volunteering. With respect to his chances, I think they are
17 excellent.

18 QUESTION: Mr. Mitchell, at this sort of halfway
19 mark in the Administration, do you see any realistic hope
20 that crime, that the rate, that the crime rate will actually
21 stop going up before his term is ended?

22 I don't mean just the rate of increase, but that
23 the rise in crime will be halted?

24 ATTORNEY GENERAL MITCHELL: Are you talking about the
25 type of crime that we have jurisdiction over or are you

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1 talking about the crime, so-called street crime, that
2 the states and localities have?

3 QUESTION: Both.

4 ATTORNEY GENERAL MITCHELL: I believe that in both
5 areas, the matter is dramatically changing. I believe that
6 is substantiated by the statistics here in the District
7 of Columbia. I believe that the new awareness of the problems
8 of our criminal justice system that have now gone across
9 the land are going to make a big impact upon this, along
10 with the expertise and the funding that is being provided
11 by the Law Enforcement Assistance Administration.

12 QUESTION: General, do you see any possibility--

13 QUESTION: Excuse me. Are you finished? I don't
14 know if you answered my question.

15 Do you think that the rise in crime will be halted?

16 ATTORNEY GENERAL MITCHELL: Yes, very much so.

17 As I say, it is already here in the District of
18 Columbia, where we have installed and are continuing to make
19 function a new criminal justice system. The rise in crime
20 has not only been reduced but the indices of crime have actually
21 turned around.

22 QUESTION: Do you see any possibility, ever, of
23 amnesty for draft resisters who have established residence now
24 in Canada?

25 ATTORNEY GENERAL MITCHELL: Well, that, of course, will

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1 probably not come within my prerogatives. But my own
2 personal point of view is that at this particular time and
3 place in our history, I see no reason for it.

4 QUESTION: Going back to Project Search for a
5 moment, how did you answer the fears of the states for matters
6 of individual privacy in the nature of the NCIC operation as
7 opposed to the one they had wanted to operate and go ahead
8 with?

9 ATTORNEY GENERAL MITCHELL: I think that is absolute
10 nonsense. There is no more reason why the installation of
11 Project Search in the FBI as distinguished from the LEAA
12 format should have any bearing upon that.

13 In addition to that, if you will look into it, I
14 am sure that you will find out that the FBI has had good
15 relations with the states, particularly in this area, in the
16 operation of their NCIC.

17 QUESTION: Wasn't there a recommendation, though,
18 from the committee that formed the original project that
19 the degree of safeguard against invasion of privacy in the
20 closed FBI system was substantially lower than that in their
21 own?

22 ATTORNEY GENERAL MITCHELL: The subject matter was
23 discussed by members of that committee with me on a
24 number of occasions. They have come to that conclusion.
25 But as I say, not only can the FBI maintain the same security

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1 in the same relationship as LEAA, but they have a record of it
2 in the past.

3 Now, the germane information that is required in connection
4 with the information that goes into Project Search undoubtedly
5 will be a higher degree in that area. But there is no
6 reason why the Bureau cannot undertake that and I am sure will.

7 QUESTION: Mr. Attorney General, Mr. Flannery opposed
8 the bail for some people that have been convicted down there
9 and the Judge admitted the bail.

10 ATTORNEY GENERAL MITCHELL: I cannot hear.

11 I cannot hear you, Clark.

12 QUESTION: Flannery opposed the bail for a group of
13 people convicted on narcotics charges down here at the Federal Court

14 ATTORNEY GENERAL MITCHELL: You mean the trial that
15 ended yesterday?

16 QUESTION: That is right.

17 ATTORNEY GENERAL MITCHELL: I am sure he has done that
18 with a full understanding of the nature of the defendants
19 that were convicted.

20 All you have to do is to look at their records and see
21 that they are of danger to the community because of
22 the traffic in drugs that they have undertaken in the
23 past and the charges they have been convicted upon.

24 So that if we are going to get these traffickers
25 of narcotics off the street, certainly after conviction,

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1 there is no reason why the Judge should not keep them incarcerated.

2 QUESTION: Mr. Mitchell, should the Supreme Court
3 ruling in the Charlotte Case and others decree that
4 de facto segregation is just as illegal as de jure segregation,
5 how quickly could the Justice Department move to enforce the
6 law, particularly if it came , say, in mid-semester
7 of this year?

8 ATTORNEY GENERAL MITCHELL: Well, it would, of course,
9 depend entirely on the nature of the decision and it would
10 probably depend upon what action Congress would take with
11 respect to it. But I would point out again that it is not
12 the Justice Department that has the problems with respect
13 to personnel, it is HEW that makes the investigations in this
14 area. They are the ones that make the investigations and
15 upon those investigations and determination, the Justice
16 Department handles the legal proceedings.

17 QUESTION: Thank you, Mr. Mitchell.

18 Merry Christmas.

19 ATTORNEY GENERAL MITCHELL: Merry Christmas to you
20 all, too.

21 (Whereupon, at 11:22 a.m., the Press Conference
22 was concluded.)

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