

PRESS CONFERENCE WITH ATTORNEY GENERAL WILLIAM B. SAXBE

FBI ACADEMY, QUANTICO, VIRGINIA

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Q: Mr. Attorney General, you touched quite heavily today in your talk to the FBI graduates on the preservation of justice and the elimination of dirty tricks and you talked also about ethics. Do you consider the leaking of privileged material from the House Judiciary Committee, an example of this violation of ethics you were speaking of?

Attorney General: Well, I agree with Chairman Rodino that it's a deplorable situation because, while this isn't a judicial proceeding in the Judiciary Committee in the sense that it's a court, it certainly is a similar procedure and I think that if they can't keep the secrets that they have, they should throw it open. In other words, it should not be a race to get out and to tell everything that happened. It'd be much better if they just opened it up.

Q: What about the publication of privileged documents, Mr. Attorney General? Does this fall into the same purview?

Attorney General: In the cases that I know about, the blame is generally put on those who leak them. And unless they're a party to buying these or somehow influencing the man to be a party if there is a crime, why generally the publication is not held liable.

Q: General Saxbe, you're known to have a tart mind as well as a tart tongue on certain issues. In your remarks you spoke of those who commit violent crimes. They should go to jail as well as those who violate the public trust. On the question of plea bargaining in this era right now, Watergate. Has it been abused, is it being abused, are some people getting off too lightly?

Attorney General: I can't make that decision. Those sentences have been passed by judges. These judges are well respected, competent people. They know what they are doing, and I'm not going to question it. What I do say is that plea bargaining, the use of extra legal means, in other words the threat of disbarment, of exposure, all of these things to get people to rat on each other, you run the risk of destroying our system of justice. People must respect our system of justice and when you use immunity and then you prosecute the person because he doesn't talk, I think we have to re-examine some of these things, and we are in the Justice Department because you run the risk of destroying the protection of the Fifth Amendment.

Q: Did Mr. Kleindienst get off lightly?

Attorney General: I don't think so. That's a decision for the judge to make, he made it. I just don't second-guess judges, certainly not of the stature of Judge Hart. He knows what he's doing, he's a competent judge. Certainly, the actions in all of these have been with due regard to the overall picture and I'm just not going to criticize that.

Q: One question, you've been called upon rather bluntly to institute some sort of legal action against the Washington Post. Are you going to consider this request from a rather high-ranking Republican Senator, Senator Goldwater?

Attorney General: I haven't talked to him, he hasn't contacted me. I'd be glad to listen to him, see what he's got to say.

Q: What did you mean when you told the FBI graduates that the....let's not assume the tactics of the hunters?

Attorney General: No, the hunters must not assume the morals of the hunted. In other words, what I'm talking about, this was a class of graduating police officers, and we cannot use means that are not decent, that are not fair, to apprehend evil-doers no matter how much we abhor what they do and how far they are outside the law. Because when we do this, we destroy the fairness that our law depends upon. In other words, as I said there, basically law was just for the purpose

of keeping order. Then we said law is for the purpose of protecting liberty. Well, I think we in America go even further. We must have order, we must have liberty, we must have fairness. I think that's what distinguishes us from every other legal system in the world, and it's a real tough job.

Q: I want to get clear on one of your earlier answers, Mr. Attorney General, in speaking of ethics. You spoke clearly on that. Do you see any possibility of criminal liability in the publication of privileged documents or the deliberate leaking of privileged information from a duly constituted governmental body such as the House Judiciary Committee?

Attorney General: I'm not sure that the statutes cover the House Judiciary Committee. This is a congressional problem. The question of leaking and the court cases that go back some years, the stigma has always been placed on the leaker, the person who leaks it. Unless the publication is a party to this and actually hires them to do it or incites and encourages them, why they have not been prosecuted in the past. But I'm not really prepared to talk about this at this time. I haven't considered it and I don't intend to.

Q: General Saxbe, you told the graduating class that those who violate the public trust also had to go to jail. How does that square away with the plea bargaining that's underway now?

Attorney General: Well, I think that the evidence is that they have gone to jail. There's a lot of them that have gone to jail and I'm sure that there are more going. The degree of punishment is not the only thing you have to consider here. Certainly there are a great many things that are involved in this and that's why I'm not going to second-guess judges. Now, in general plea bargaining, not involved with Watergate or anything like it, but in general plea bargaining we're forced to do it. There's no way we could handle all the cases in court. We'd have our streets full of criminals because you can't hold them on bail. They're in jail, you have to put them out. We get criticism because there's plea bargaining by judges and prosecutors, but at the same time when we go into ask for more Federal judges so that we can speed up the process, have more people tried, we get no encouragement and we certainly don't get the additional judges. Now, when you have a backlog of cases that go as two years, you're forced to turn these people out on the streets. You can't keep a man in jail for two years. We're talking about speedy trial. The only way we can have speedy trials is to have enough courts to go ahead on it. Now, there's other

things on plea bargaining also. You arrest a guy on 25 charges, some of them are iron-clad, you can prove them, you can make a case. Some of them are fringe cases, maybe you can't make the case. So when it comes down to the nitty-gritty, the man is here you have some cases you can't make, you've got some iron-clad solid ones. He pleads on this, you take the plea and go. For instance, if you've got five cases and all of them are one to ten, and you know the judge is going to give concurrent sentences. In other words, we find him guilty on all five, he's going to jail for the same one year. Why have five jury trials, why tie the up the counts for six months, especially in this day when it takes as long as a month to even select a jury. And if we're really sincere about stopping this horsing around on jury selections, we can save a lot of time.