



# Department of Justice

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MONDAY, MAY 6, 1974

ADDRESS

OF

THE HONORABLE WILLIAM B. SAXBE  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE SOUTHERN CONFERENCE OF ATTORNEYS GENERAL

8:00 P.M.  
MONDAY, MAY 6, 1974  
WILLIAMSBURG CONFERENCE CENTER  
WILLIAMSBURG, VIRGINIA

I appreciate very much the opportunity to be with you here tonight.

This is a homecoming for me, in a sense, for when I was Attorney General of Ohio I attended many regional and national meetings of the National Association of Attorneys General.

I have always felt that these meetings provided a unique opportunity to exchange views and concepts which could be put to good use by the individual members of the National Association upon their return to their home states.

During my three terms as Ohio's Attorney General, I often felt that the work pace was frantic and the legal problems were mountainous.

There have been occasions during the past four months when I have reflected back on those days and they sometimes seem very tranquil indeed.

But they were busy times, of course, as anyone who has ever served as a State Attorney General knows.

And there are ample signs that even greater responsibilities have been placed upon the offices held by you and your colleagues in these early, turbulent years of the 1970's.

If the demands upon you have grown, I believe there has also been a parallel growth in the levels of performance by State Attorneys General in every part of the nation.

No one should underestimate the importance of the posts you hold. No matter what your specific statutory responsibilities may be, your daily work has a crucial impact on the citizens of your states and -- in the aggregate -- on the nation.

A job well done can strengthen our institutions, enhance respect for our system of laws, and in very real ways improve the quality of life for all of the people.

Any thing less than maximum dedication may not violate an oath of office but it certainly impairs that process by which we seek badly-needed and long-overdue improvements.

There are so many areas of urgent concern in our national life today that it is sometimes difficult to know where to place the proper emphasis. In my four months as Attorney General, I have come to the conclusion that no single area should be ignored and none given undue attention at the expense of others.

In short, I want very much to leave this office in better condition than it was when I entered it.

The only way I know to do this is to put one foot doggedly ahead of the other for what I believe is right.

There is no way that I can tell you with any final assurance that everything that should be done by the Department of Justice will be done. Observers with varying turns of mind may say we have done too little in one area and too much in another.

But I can tell you this with absolute confidence: The Department of Justice is functioning and functioning well. It has nearly 50,000 employees, all but a handful career employees. They are dedicated men and women who feel their responsibilities keenly.

We are not concentrating on only one or two areas of our responsibilities, but rather are moving ahead on all fronts.

Our litigating divisions are deeply involved in matters ranging through enforcement of the criminal laws, the tax laws, civil rights, antitrust, and statutes relating to the environment and natural resources.

The offices of our 94 United States Attorneys are functioning well, but we believe their performance levels can be increased. New training programs for them and their staffs are beginning, and we will enhance career opportunities in each of those offices.

The Federal Bureau of Investigation is undergoing a measured, steady improvement under new leadership.

All of the enforcement efforts relating to narcotics and dangerous drugs have been better coordinated and intensified in the new Drug Enforcement Administration. Many aspects of the drug abuse problem are fairly recent developments, and we must attain a high degree of professionalism to solve them. We believe we are on the right track.

Aid to state and local governments for the control of crime and the improvement of criminal justice is reaching the level of close to one billion dollars a year, and we foresee a number of new efforts to make this cooperative program more effective. One area of emphasis will be ways to motivate citizens to participate more -- as witnesses, jurors, or responsible supporters of criminal justice.

New problems confront us and old ones remain. Terrorism poses problems of sometimes bewildering dimensions. The rate of serious reported crime rose again last year -- but crime would still be too high even if it had been reduced by five percent. Concern has grown over the security and privacy material in computerized criminal justice information systems.

We have proposed strong legislation that would erect unprecedented safeguards for the public. The FBI is the focal point of much of this concern. Under J. Edgar Hoover, the FBI operated in this area on policies established by him. Under Clarence Kelley, the FBI is now giving new and more appropriate consideration to the citizen's right to privacy as it carries out crucial enforcement and investigative work.

One of the most nagging problems we face is how to improve the nation's corrections system. At present, I'm not certain that anyone knows with any certainty how to rehabilitate offenders, but we have to find workable answers. All too often we see inmates sliding back into their old and illegal ways after being released from correctional institutions that simply don't correct.

In my few short months as Attorney General, I have had to learn a new job. Quite frankly, it is not the easiest job in the world. I have had to get a new management team in place in the Department. I have charted the broad outlines of a number of new directions we must take. And, to be candid, I have tried hard to repair fissures that existed in some parts of the Department's morale.

Aside from carrying out our legal responsibilities, there is another factor that is of utmost importance in developing public confidence in the Department. That is whether we decide matters on the merits or are buffeted by political pressures.

There is no political coloration to our decisions on matters of law.

At the same time, I firmly believe that the Department of Justice is properly part of the Executive Branch and should not be pried away and made an independent agency, as some have suggested.

The Attorney General, whoever he is, should remain responsible to the President, whoever he is. It is only in this way that the Attorney General and the Department can be made ultimately responsible to the people.

The worst thing in the world for the cause of justice would be to have the Department of Justice entrenched behind some sort of bureaucratic barricade where it is obscured from public view and unresponsive to the democratic processes.

As we look back upon events of great importance in our history -- and some of them are very recent -- we are drawn to the sober conclusion that the people deserve better government.

I don't mean progress in tiny increments -- on something that resembles the installment plan. I mean a quantum jump forward.

Better ways of carrying out the public's business must be created.

One of the ways I believe that greater excellence can be achieved is for government at all levels to discard their old, isolated ways of doing business, their past rivalries, and work together for our common client -- the people.

There is much that the Federal government can and should do -- and I am talking now specifically of the Department of Justice.

But it remains a fact that the cornerstone of our system of justice and rule of law rests at the state and local level.

The Department of Justice reported not long ago that its 94 offices of United States Attorneys handled more than 46,000 criminal filings in Fiscal Year 1973.

That is an impressive figure. But in a comparable period, the District Attorney's Office in Los Angeles County handled some 35,000 felony cases -- and about 120,000 misdemeanors.

The major investigative force of the Federal government is the FBI, and it now has about 8,500 Special Agents. By comparison, New York City alone has some 31,000 policemen -- including 3,000 detectives.

And when we consider where the financial burden for criminal justice resides, we see the same point made again and again. The budget for the New York City Police Department in the current fiscal year is about \$870 million -- nearly as large as the \$871 million budget of the Law Enforcement Assistance Administration for its entire criminal justice aid program.

I do not suggest for a moment that the Department of Justice does not have major responsibilities, for we do and we will carry them out. But our role is defined by Federal statutes and the bulk of criminal justice responsibilities rests with the states and the localities.

Calls are often issued for a greater Federal presence when crises develop. And we are moving now on improvements of our litigating divisions, the FBI, the Drug Enforcement Administration, and LEAA. We cannot be everywhere at once, and statutes wisely limit what would otherwise be an all-pervasive -- some might say suffocating -- Federal presence.

At the same time, there can be a problem which arises in a number of cities and states at the same time -- sometimes so rapidly that it grows into a crisis of national scope.

The recent work stoppage by truckers is one case in point.

The widespread nature of that stoppage -- existing in state after state -- made it difficult for officials of any one state or locality to deal with it effectively.

In certain aspects relating to the stoppage, there seemed to be no clear-cut basis for Federal jurisdiction.

Areas of murky jurisdiction meant it was sometimes difficult to know whether local or state or Federal authorities could and should act. There were, as a consequence, some difficulties encountered in attempting to apprehend alleged offenders.

Those difficulties have led me to the conclusion that I would support legislation to make it a Federal crime to interfere with the drivers of vehicles moving in inter-state commerce. Such legislation has been suggested to the Congress in the past, and I am certain that the recent experiences will prompt the Congress to give further consideration to acting favorably on such proposals.

Better working relationships, as well as better definitions of responsibilities, have to be devised. If a problem arises in a particular city, responsibilities fall on the local authorities. But the problem may also have a ripple effect that laps up against the jurisdiction of the county prosecutor and then to the state authorities and finally to the Federal government.

I have wanted to share with you some of my thoughts about how I view my role in the Department of Justice and some of the ways we are moving to meet our responsibilities.

At the same time, I would like to propose tonight that we jointly create a new dimension in the relationships between the Department of Justice and the states and localities to better meet our common goals.

I want to assure you that the Department will cooperate to the greatest extent possible. As long as I am Attorney General, members of the Department will always be available to sit down and have a frank exchange of views with their state and local counterparts.

And I want to reiterate with emphasis that this effort at mutual assistance applies particularly to the State Attorneys General.

Though your responsibilities may vary from state to state, we are generally concerned with vital areas of the government and society.

This is true whether we are speaking of criminal cases or antitrust or civil matters or civil rights or land and environmental cases.

In the general area of civil cases, no formal and continuing vehicle now exists for the exchange of ideas between the Department and the states.

Earlier this year, two states asked us for information on civil cases they were involved in and we were happy to comply to the best of our ability.

But I believe that such exchanges should be more frequent and more helpful. They also should exist on more than an ad-hoc basis.

One of the growing concerns throughout the nation is in the area of environmental protection.

Here again, we have major responsibilities -- and so do State Attorneys General.

Rather than proceeding toward common goals in relative isolation, we should be talking together more -- and working together whenever possible.

There is no way to hazard a guess whether we need you more than you need us, or whether it's the other way around. The thing we can all agree on, however, is that we must join together in all of these efforts.

In that regard, let me also mention that we are interested in closer cooperation with the State Attorneys General in the area of antitrust enforcement, and I know the Attorneys General are, too.

For several years, the Antitrust Division has conducted seminars in Washington, D. C., for State Attorneys General.

In addition, the Department is assisting you in regional programs to help uncover cases of alleged bid rigging and other suspected violations for state antitrust prosecution.

We believe these efforts can help open up long-standing lines of communication. But we feel that more also could be accomplished. I would welcome detailed suggestions from you and the other Attorneys General on how we might proceed.

You know, of course, that the Department of Justice has prohibitions on the sharing of information on antitrust matters under investigation. But even with those constraints in mind, we can and must establish new coordination measures that are mutually beneficial.

I am pleased also to be able to tell you tonight that the creation of a far more efficient -- and productive -- system of cooperation between the Department of Justice and the states and localities in the criminal justice area is among my major new areas of special emphasis.

The nets which we cast must be side-by-side, so there are no gaps through which major problems may elude us.

Two and one-half years ago, the Department asked its 94 United States Attorneys to contact their state counterparts and establish informal agreements for discussions on handling cargo thefts and auto thefts.

The response to this proposal was so overwhelming that the Department urged the Federal prosecutors 18 months ago to take an additional step and explore the possibility of converting the informal procedures into some sort of permanent program.

By early this year, Federal-State Law Enforcement Committees were functioning to some degree in about fifteen states, and in twenty-one others, liaison arrangements of varying scope had been established.

This approach, we believe, holds great promise for progress in crime reduction and in other areas of mutual concern.

As a result, I sent to each United States Attorney a few days ago what is in effect a detailed blueprint that will serve as a guide in establishing a permanent vehicle for coordinating Federal enforcement activities with those of state and local agencies.

My memorandum made it clear that existing committees would be adequate -- whether on a city, regional, or state-wide basis -- if they met the test of frequent and meaningful communication.

But I also stressed that informal and unstructured arrangements would be unlikely to produce the desired results. I therefore asked each United States Attorney to meet with his state and local counterparts by July 1 at the latest if no meetings had been held earlier this year.

Each United States Attorney will send me a briefing memorandum following those meetings, and it will include not only what took place but will also contain suggestions for future discussion topics and courses of action.

The guide for these Federal-State Law Enforcement Committees was prepared by the Department's Criminal Division. But I stressed in my memorandum that we were interested in better coordination of all cases with strong state or local interest.

What began two and one-half years ago as a discussion of two areas of crime -- cargo and auto thefts -- has now been broadened substantially.

Suggested topics for discussion in the planning guide include such areas as firearms and explosives, aircraft hijacking, public corruption, bank robbery, kidnapping, narcotics and dangerous drugs, organized crime, immigration, and community-based corrections programs.

All of us, I am certain, are realistic enough to know that problems may be encountered in attempting to form these new patterns for progress.

Rivalries may exist in some areas, jealousies in others. In my memorandum to the United States Attorneys, I not only asked for a report on the nature of the new committees and the effectiveness of the dialogue, I also requested a frank appraisal of the political conflicts that may have hindered past efforts to establish these types of programs.

In our desire to develop more fruitful ways of meeting our responsibilities to the public, we can neither wear blinders nor be hobbled by consideration of narrow interests.

There may, at the same time, be criticism from state and local officials that we may talk a good game while failing to cooperate fully ourselves. That point could be raised, for instance, in a discussion of organized crime cases, among others.

To be blunt about it, there are often fears -- and valid ones -- in the Department of Justice that information concerning informants or other highly sensitive investigative material runs a greater risk of being compromised if made known beyond the Federal Government.

But at the least, we can fully explain our concerns in one area so that they do not become obstacles in all of the other fields of mutual effort. And at the most, we can hope for development of such notable and successful efforts as the joint strike force against organized crime in the Southern District of New York.

This joint strike force, which began in the summer of 1969, is composed of ten attorneys from the Department of Justice as well as representatives from other Federal agencies. It has developed an excellent working relationship with the Manhattan prosecutor's office and the New York Police Department.

Its officials believe that one key to its success has been the fact that Federal and local personnel went beyond the talking stage. They got to know each other and then they worked with each other.

In Fiscal 1973 alone, the strike force obtained 45 indictments against 127 defendants. Another indication of the extent of the cooperation is that some \$475,000 in LEAA funds have been awarded to help support the strike force's work.

Other excellent yardsticks also exist to show that cooperation can reach levels undreamed of a few years ago.

Just last week, I announced the creation of special cargo-security teams in fifteen major cities -- an effort by local, state, and Federal agencies as well as private industry to reduce cargo thefts that cost the consumer an estimated \$1.5 billion a year.

Cargo thefts not only have a damaging effect on the economy but also help to fuel the inflationary trend which the Federal government is working hard to control.

This program is being carried out jointly by the Department of Transportation and the Department of Justice. I have instructed the United States Attorneys in each of the target cities to establish working groups that include state and local officials as well as industry and labor groups.

This is a program that we will be watching closely from Washington, and the United States Attorneys have been instructed to give me monthly reports on the progress of these new efforts.

On a state-wide level, the efforts of Texas have been particularly impressive in the cargo theft area. Last August, the principle state, local, and Federal law enforcement officials in that state met with executives of the transportation industry on the problems of cargo theft. As an outgrowth of that meeting, these officials have gone on to establish a 21-member state-Federal Law Enforcement Coordinating Committee which is now meeting each quarter.

The Committee in Texas has a broad base that I feel should be repeated in other parts of the nation. Representatives come from a variety of sources -- including local prosecutors and officials of the FBI, the Drug Enforcement Administration, the Department of the Treasury, and the Immigration Service.

The National District Attorneys' Association has pledged its support to the new law enforcement committees, and many police chiefs also are anxious to take part. State criminal justice planning agencies, set up under LEAA's Federal aid program, also have

expressed strong interest, and LEAA itself is supporting coordination efforts and has expressed an interest in helping to fund certain activities of the committees.

Let me assure you concerning another important aspect of these joint efforts: The last thing I want the Department of Justice to do is to jump into state arenas and try to dominate them.

We seek cooperation, not domination. We want to do everything we can to help you. And we need your help in return.

I recently sent a letter to 60 key law enforcement officials -- attorneys general, district attorneys, police chiefs, and sheriffs -- asking for their views on why crime increased last year. I also asked them to suggest measures that might be taken to reduce crime.

My letter raised the possibility that I might convene a national meeting to discuss the problems and practical solutions. And I added, in these words: ". . . it will take a united effort by all law enforcement agencies to effectively combat increased crime in this country."

In conclusion, let me say that when I was a State Attorney General, my most common view of the Department of Justice was when I faced the Department in civil matters.

I am certain we will always have to contend with each other in civil litigation but I think the time has come to stop fragmenting our efforts in other areas where we can be of maximum public service.

During the past several years, your national Association received several Department of Justice grants for a study of how to improve the office of State Attorney General. And more recently, the Association received a large grant to conduct a series of seminars on how to combat organized crime.

I hope that indicates to you that the Department's heart is in the right place, as well as its pocketbook.

And as the final item on the agenda, let me mention that I hope to be able to meet with Attorney General Robert Warren of Wisconsin, the President of the National Association, and its Executive Committee, sometime prior to your national conference in June. I am confident this meeting could be the first of many that would help institutionalize the joint efforts I have discussed this evening.

Whether we consider the tasks facing us individually or in total, it is really not a matter of whether we have a vague impulse to do a better job. We have no choice.

We simply have to do a better job, for the public as well as our conscience demands nothing less.

The only way I know to do this is to continue to put one foot ahead of the other for what we believe -- and know -- is right.

The people want their business carried out in a better fashion. They may not always be able to do much about it, but we certainly can.

Thank you.