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

WITH
THE WASHINGTON JOURNALISM CENTER

10:30 a.m.

WEDNESDAY, MAY 29, 1974

ATTORNEY GENERAL'S CONFERENCE ROOM

P R O C E E D I N G S

ATTORNEY GENERAL SAXBE: How do you do.

A VOICE: The group has been in Washington --

ATTORNEY GENERAL SAXBE: Now, where are you all from?

A VOICE: Well, let's go around the table.

ATTORNEY GENERAL SAXBE: All right.

A VOICE: They have all been here since January 15, so I am sure they've got lots of questions.

ATTORNEY GENERAL SAXBE: Yes, so I understand.

[Introductions.]

ATTORNEY GENERAL SAXBE: That's pretty well geographically distributed.

A VOICE: We believe in balance of power.

ATTORNEY GENERAL SAXBE: Who has the first question?

QUESTION: How do you function as Attorney General on a day-by-day basis?

ATTORNEY GENERAL SAXBE: Well, of course we haven't had normal times here, because the job of getting acquainted with the Department has been really terrific for someone who hadn't been here. Some of the litigating things I'm fairly familiar with, but we have so much administrative duties that it has been quite a job.

Now, when I first came here, I spent at least two days a week visiting sections and familiarizing myself, going

1 over and spending several hours and having them parade
2 through and tell what they did and how they did it; and
3 visiting facilities.

4 I visited FBI field offices in the big cities and
5 the small cities. I visited prisons. I visited some of
6 the U. S. Attorneys' offices, the courts.

7 So all of this time was a little outside the
8 normal routine of the Attorney General's office.

9 And then for the first two and a half months I
10 didn't have a Deputy. Well, that meant that I had a constant
11 parade every day of people from the litigating divisions
12 who came in to make policy decisions on whether to bring
13 cases, whether to settle cases, whether to approve certain
14 actions.

15 This took a lot of time, and I frankly just found
16 out I couldn't cut it, up until the time I got a Deputy I
17 would just go home and be so tired I couldn't sleep.
18 It was just pretty heavy.

19 However, I've got an excellent Deputy, a better
20 lawyer than I am, and with more expertise in bureaucratic
21 dealings and Washington departments, and a hard worker.
22 And he handles this, which is a great relief, and that is
23 the routine day-to-day settlements, approvals. We have to
24 have approvals, the Attorney General has to approve tax
25 cases; settlements, land case settlements.

1 The only thing that's left to me, that I have to
2 do in the routine, is on the electronic surveillance. I
3 personally review all of those applications for a warrant,
4 for this type of activity. All the petitions for clemency,
5 that's through the prison and the parole attorneys, pardon
6 attorney.

7 The civil rights actions, I have to personally
8 approve all those, they go through a routine that's been
9 established here for some period of time.

10 And personnel and organization in the office has
11 taken a terrible amount of time, because the week that
12 Richardson left, he put into effect a reorganization plan
13 that really, I don't think they understood what they were
14 doing. And it was keyed to people who left with him. It
15 no doubt would have served, with his people; but the people
16 left with him.

17 We tried to make it work. They had a high
18 Department position for a non-lawyer, who served as an
19 administrative clearing house; and an adviser. And I filled
20 that with a capable man, and after several months he
21 determined that there just wasn't any place for him.

22 The turnover in personnel, not unusual, but still
23 a difficult time getting competent people. We haven't filled
24 up yet. It's a recruiting job, and I think any Department
25 reflects the policies and personality, even, of the Attorney

1 General. And this means that it takes time.

2 QUESTION: Has your perspective changed much since
3 coming down as opposed to being on the Hill?

4 ATTORNEY GENERAL SAXBE: Yes, it has.

5 QUESTION: How?

6 ATTORNEY GENERAL SAXBE: Well, in this fashion
7 more than anything else: We're in the not popular business
8 of investigating and apprehending and trying and jailing
9 people. This is a big part of our business. Or litigating
10 them out of business.

11 In other words, we're a punitive department. We
12 can't sit back and let things come to us. We originate
13 trouble for people.

14 And it's not very popular. And when you have to do
15 these things, you just can't go out and expect a lot of
16 popular approbation or support, even though most people want
17 it done, it doesn't mean that they want to do it; and,
18 frankly, they don't want to have much to do with anybody
19 that does.

20 So it's an entirely different attitude, and it's
21 one that I found difficulty in adjusting to. And I think this
22 has caused a change. I'm not turned off on it, but,
23 nevertheless, I recognize that it's a thing that you have to
24 live with when you're in the law enforcement business.
25 And I suppose every rookie cop realizes this after a period

1 -- when you're doing an unpopular thing.

2 QUESTION: Since you're apparently willing to
3 speak on the record, could you address us on the record
4 of the Justice Department's attitude toward newspaper cross-
5 ownership of broadcast facilities, and what you see is the
6 ultimate result of the suits that Justice is bringing?

7 ATTORNEY GENERAL SAXBE: I can't talk about that,
8 because this is in litigation.

9 QUESTION: Can you tell us what the philosophy is,
10 or what Justice is --

11 ATTORNEY GENERAL SAXBE: No, I can't, because we're
12 talking about matters of antitrust investigation and litiga-
13 tion, and it will be developed in the cases.

14 QUESTION: Could you tell me who in your Department
15 is supervising that area?

16 ATTORNEY GENERAL SAXBE: Mr. Kauper.

17 QUESTION: "Kopper"?

18 ATTORNEY GENERAL SAXBE: K-a-u-p-e-r.

19 QUESTION: Thank you.

20 QUESTION: Yes, sir. In the wake of Watergate,
21 there have been proposals on the Hill for the creation of an
22 independent Justice Department. Do you think such a plan is
23 desirable and feasible? How would you envision such a plan
24 working? How would it affect the day-to-day operations of
25 the Department?

1 ATTORNEY GENERAL SAXBE: It's difficult to
2 visualize it under our tripartite government, nobody knows
3 quite where to put it, how it would fit. You couldn't put
4 it under the courts. I don't think it would work under the
5 Legislative arm, and if you remove it from the Executive,
6 you'd have to perch it out some place where it would be
7 beyond political responsibility, which is the way we run our
8 government.

9 So I have trouble reconciling these views and the
10 testimony up there from previous Attorneys General.
11 Katzenbach testified; Clark, and the rest of them, they
12 couldn't reconcile it.

13 QUESTION: To follow up on that, there were,
14 out of this, proposals for a permanent Special Prosecutor
15 and proposals for separating the Bureau of Prisons from the
16 Justice Department. What do you think about the need for
17 those things?

18 ATTORNEY GENERAL SAXBE: Well, the permanent
19 Special Prosecutor brings pretty much the same problems as
20 the independent Justice Department. The buck has to stop
21 some place, and you have to have responsibility.

22 And the best way that we've found in this country
23 for responsibility is the responsibility to the electorate.
24 And we just don't like people that we can't throw out.

25 And when you set up some kind of a Super Prosecutor,

1 you run into a great many difficulties.

2 I don't just discard these ideas out of hand, but
3 the people who originate them just don't come up with plans
4 that hold water.

5 Now, what was the other part you asked?

6 QUESTION: In the course of the hearings on an
7 independent Justice Department there was testimony that the
8 Bureau of Prisons be separated from Justice and maybe put
9 it in HEW.

10 ATTORNEY GENERAL SAXBE: I think that's something
11 Congress has to work their wisdoms on. I don't know how it
12 got into the Justice Department, but it's here; and it's my
13 job to run it while it's here. If they want to take it out,
14 that's their business.

15 QUESTION: Do you concur with Mr. St. Clair's
16 assertion that the dispute between Mr. Jaworski and the
17 President over access to evidence is merely a matter of
18 dispute within the Executive Branch?

19 ATTORNEY GENERAL SAXBE: I won't get involved in
20 that. I think that Jaworski represents the Justice Department,
21 and I would hesitate to make any statement that involved
22 itself in Watergate. We're out of it. Jaworski has that
23 responsibility, and he speaks for the Justice Department.

24 QUESTION: One of the problems arising in your
25 nomination, or one of the things that you've had to confront

1 after being nominated has been to reinstate faith in the
2 Justice Department as a Justice Department.

3 How are you going about the business of restoring
4 faith in the Justice Department?

5 ATTORNEY GENERAL SAXBE: I think it's even bigger
6 than that. I think it's in the legal system, and in lawyers;
7 I don't think it's just the Justice Department.

8 This is nationwide. Half a dozen State's Attorneys
9 General have gone to the penitentiary, or have been indicted.
10 And we've got at least two federal judges, one was convicted,
11 another one indicted. It isn't limited just to the Justice
12 Department.

13 And we've got seventeen lawyers, I think somebody
14 came up with, in the Watergate affair.

15 I don't think there's any way to do it, except to
16 proceed in a day-by-day basis of demonstrating competency,
17 respect for our institutions, and fairness in their
18 activities.

19 I don't know any other way to do it. We can't go
20 out and say to people, "Look at me, I'm honest; the Justice
21 Department is honest." Those are hollow words.

22 You just have to demonstrate them. That's going to
23 take time.

24 QUESTION: Mr. Saxbe, to follow that up, in your
25 years as a lawyer and in public life, has something changed,

1 or is this just an aberration we're going through, or --?

2 ATTORNEY GENERAL SAXBE: I think the change has
3 been -- if there is one, and I feel there is; is a losing of
4 the personal relationship to lawyers, as lawyers get into
5 corporate work, as they get into big activities, those lose
6 personal responsibility of the lawyer-client ethical
7 standards.

8 And I don't question that 99 percent of the lawyers
9 are honest and doing their best to represent their clients.

10 But, at the same time, we've seen some ridiculous
11 courtroom behavior on the part of lawyers, which have
12 embarrassed all lawyers. We've seen the twisting of some
13 prosecutorial activities. All of these things reflect
14 adversely.

15 QUESTION: In line with the image of the Justice
16 Department, do you think it was proper, or perhaps these
17 remarks were misconstrued, some of the pronouncements you
18 made on the Hearst case, and there were also some rather
19 provocative quotes made about so-called Jewish intellectuals
20 being soft on Communism.

21 Were these simply sensationalized by the press, or
22 what effect have these comments had? Have you had any
23 feedback on them?

24 ATTORNEY GENERAL SAXBE: Oh, I've had a lot of
25 feedback.

1 I suppose it arose all from my naivete and not
2 comprehending the type of business that I was in. And I --
3 on the Hearst thing, though, I can't help but think that if
4 this had been some obscure black girl who had taken off,
5 no one would have given one damn, because her parents felt
6 bad or because they were hurt that she was called a common
7 criminal, or these things.

8 This is a decision every policeman has got to make
9 before he makes an arrest, or before he swears out a warrant.
10 He says, "I arrest you for" -- blank, whatever it is.

11 But, it was an unpopular thing to say. Nobody
12 wanted Patty Hearst to be involved in this thing, and it's a
13 heartbreaking thing.

14 Now, as to the Jewish intellectual part of it, it
15 was an observation I made, tied in to statements at that
16 time that never became part of it. It had to do with why
17 we were recommending that the subversive list be junked,
18 which we have recommended to the White House. Because it
19 was outdated.

20 And I projected an idea that -- they asked me why
21 were these outfits no longer considered subversive. And I
22 got into a projected discussion as to the conditions after a
23 war, the witch-hunting of the McCarthy committee, and so on,
24 that there was some anti-Semitism, and there were a number
25 of Jewish intellectuals who were fascinated with Communism

1 at the time. And after the development of the Russian-
2 Israel conflict, that they lost that interest.

3 And the organizations died. And the anti-Communism
4 of McCarthy might have been camouflaged as anti-Semitism.

5 But when you draw out -- and I learned from it --
6 when you draw out long, involved personal thoughts like
7 that, the only thing that develops is the fact that you said
8 that there were Jewish intellectuals that were enamored with
9 Communism.

10 QUESTION: Can you give us your reaction to the
11 President's taped transcripts? Is this the same President
12 Nixon that you have known in private? And do you think it
13 was a wise move on his part to police those transcripts?

14 ATTORNEY GENERAL SAXBE: I refuse to comment on
15 it, on the transcripts or on the Watergate proceedings, I
16 just don't think it's my position, in the position I have,
17 to do this. It's being prosecuted by Jaworski, and I've
18 found that I can't have personal views on such things.

19 And that's what you're asking for, really.

20 QUESTION: I know, but just to follow that up,
21 would you then stand by your comment before you were
22 Attorney General, along the "bawdy house piano player"
23 comment, would you stand by that, that one would still have
24 to know what was going on?

25 ATTORNEY GENERAL SAXBE: Not at all. Again, I just

1 can't have personal convictions on that now. I'm in a
2 different ballgame.

3 QUESTION: Why is it you can have personal
4 convictions on the Patty Hearst case, but you can't have
5 personal convictions on the Watergate case?

6 ATTORNEY GENERAL SAXBE: Because it's my job to
7 catch criminals and put them in jail.

8 QUESTION: A second question, then you still stand
9 by your comment that you think Patty Hearst is a common
10 criminal?

11 ATTORNEY GENERAL SAXBE: Right.

12 QUESTION: What is your relationship with Mr.
13 Jaworski? And do you meet at all?

14 ATTORNEY GENERAL SAXBE: No.

15 QUESTION: Do you oversee his records? Does
16 your accounting office or --

17 ATTORNEY GENERAL SAXBE: We handle his housekeeping.
18 We pay his people. We provide him with space. I don't see
19 him; don't talk to him.

20 QUESTION: What is your reaction to the idea of
21 establishing an appeals court that would take some of the
22 load off the Supreme Court? Would that -- do you see that
23 as an effective means of alleviating the Supreme Court's
24 workload?

25 ATTORNEY GENERAL SAXBE: Unless we can limit the

1 number of cases going to the Supreme Court, we're going to
2 have to have some safety valve.

3 The proliferation of cases before the Supreme Court
4 is going to have somehow be controlled.

5 QUESTION: But are there other ways that you can
6 see of limiting the number of cases going to the Supreme
7 Court?

8 ATTORNEY GENERAL SAXBE: Yes, and some of them
9 may not be to everyone's liking.

10 For instance, one of them, they gave a decision
11 yesterday on this, these class suits -- boy, that's going to
12 knock a whole lot of cases out. Because class litigation has
13 become a very popular form.

14 But I'm not so sure that they should eliminate
15 business by knocking out certain types of cases. But that's
16 their area.

17 QUESTION: Sir, could you just briefly describe
18 the degree of independence that the Director of the FBI has,
19 and the Solicitor General?

20 I was surprised, as I think a lot of people were,
21 -- quite a civics lesson -- in the ITT thing. We find that
22 the Solicitor General, at least at that time, was kind of a
23 free agent, and the General treated with him almost equally.

24 ATTORNEY GENERAL SAXBE: Well, I think that again
25 depends upon the relationship between the Attorney General and

1 the Solicitor General.

2 Now, with my Solicitor General, we work together.
3 There's no feeling of difference. I respect his views.
4 He has to make the decisions on the cases to appeal, how to
5 do this. And when he says that he can't take the case up,
6 we make other arrangements.

7 But we don't necessarily drop the case.

8 Now, as to the FBI, that's another thing. You've
9 got to remember that for 35 years the FBI ran almost completely
10 independent from the Justice Department, and only just
11 recently -- in fact, since I have become Attorney General --
12 have we brought them into the Justice Department.

13 And it's a long, slow process. But I'm determined
14 to do it. They are either going to be part of the Justice
15 Department, or Congress is going to set them up independently.

16 I think they should be part of the Justice
17 Department, and Director Kelley feels that way. He's got
18 a lot of old hard cases that, you know, that come along with
19 Mr. Hoover, and they prize their independence very highly.
20 It takes time. But it's going to work out.

21 QUESTION: Mr. Saxbe, in an interview which is
22 several months old now, I guess, you listed four goals that
23 you would like to see done during your tenure in the Justice
24 Department. They were: to crack down on white-collar crime;
25 assault against drug pushers, suppliers; efficient use of

1 federal funds under DLEAA; and improving federal prisons
2 and correctionals.

3 I wonder if you could tell us how you've set about
4 to start accomplishing these goals.

5 ATTORNEY GENERAL SAXBE: Well, on the white-collar
6 crime, we are making headway, we're running, at the present
7 time, schools here for the U. S. Attorneys, who handle 95
8 percent of the cases in the Department, on how to detect,
9 how to investigate, how to preserve evidence, how to present
10 a case.

11 We are also increasing the number of accountants.
12 White-collar crimes generally require a high degree of skill
13 in accountancy. We are -- we are doing this.

14 As to the prisons, we're making headway there.
15 It's a matter of trying to get facilities adequate so we
16 can exercise some of the humane things that can only be
17 offered to prisoners under the best of facilities. Some of
18 our facilities are not good. We're going to have to abandon
19 some prisons.

20 But we are opening new facilities, we're buying
21 facilities. I just went up last week to inspect a new
22 prison in Wisconsin that's going on line this week.

23 But there again I met with the wardens, I talked
24 with them, I told them what I wanted from them. All the
25 wardens, at a meeting. I'm encouraged on that score.

1 Now, as to the drugs, the whole drug picture is
2 changing. We're trying to change with it. And we think
3 that we've got an adequate setup. That's the only one that
4 I'm not sure we're on top of, completely.

5 QUESTION: The Turkish question, where they are
6 starting to grow the poppies again, is that a setback, do you
7 think? Are you disappointed that the President didn't come
8 out and --

9 ATTORNEY GENERAL SAXBE: Yes.

10 QUESTION: -- speak to the Turkish Government?

11 ATTORNEY GENERAL SAXBE: Well, it isn't something
12 that can be accomplished by the President speaking to them.
13 Now, we've put \$31 million into Turkey, to buy poppies,
14 poppy fields. Only a couple million of that trickles down
15 to the peasants.

16 Now, for the President to come out and denounce
17 Turkey, because it didn't turn out the way we wanted, isn't
18 the smartest kind of international diplomacy. And I have
19 considerable trouble with my drug people, they couldn't
20 understand why we just didn't lambast Turkey, and say, Well,
21 they stole the money; they didn't distribute it properly.

22 We can't go into the internal affairs of other
23 countries to that degree.

24 The most that we can hope for is to get cooperation.
25 We're getting this. For instance, with Mexico now we're

1 getting excellent cooperation. They're working to the full
2 extent of their capacity.

3 Their capacity isn't what we would like to see it,
4 but it's encouraging.

5 And -- what was the fourth one?

6 QUESTION: The better use of LEAA funds.

7 ATTORNEY GENERAL SAXBE: This is, I'm afraid,
8 going to have to go back to Congress for better legislation.
9 This concept of new federalism just doesn't leave any room
10 for too much discretion. In other words, we can't go to a
11 State and say, We're not going to give you any money unless
12 you do this and this and this.

13 As a result, a lot of money is not spent in what
14 we think are the best ways. This is true. The GAO comes
15 along and rips us up because the courts have not spent their
16 money wisely.

17 Well, under the federalism concept, what we're
18 doing is revenue sharing. And the very concept of revenue
19 sharing is that you give it to them and they will then,
20 in their wisdom, under the concept of the republic form of
21 government, spend it wisely.

22 So we can't have it both ways.

23 If Congress wants us to get the biggest bang for
24 the buck, they're going to have to give us the power. Right
25 now we're just over there shoveling out money with scoop

1 shovels. And this is the concept of revenue sharing.

2 QUESTION: How do you feel about Senator Bentsen's
3 proposal to depoliticize the Justice Department, in effect
4 putting more employees in the Justice Department under the
5 Hatch Act, making many employees career prosecutors, and
6 forbidding the Attorney General to participate in any way
7 in presidential campaigns?

8 ATTORNEY GENERAL SAXBE: I can live with any bill
9 that Senator Bentsen can get through Congress. But --

10 [Laughter.]

11 ATTORNEY GENERAL SAXBE: -- there's no use
12 arguing about this. This is a congressional problem. And
13 they like to appoint the U. S. Attorneys. They like to
14 appoint the federal judges. And I think it's a fact we've
15 got to live with.

16 I would like to see the marshal service right now
17 made a career service. There's no reason that marshals
18 should be political appointees. We can develop much more
19 expertise in a career service.

20 But -- and I'm going to suggest this -- but I have
21 little hope that the Senators are going to give up their
22 right to appoint marshals.

23 So, while the concept sounds good, I just don't
24 see it, right now.

25 QUESTION: One of the parts of the Bentsen proposal

1 is to make a larger contingent of the attorneys under the
2 Attorney General career service personnel.

3 ATTORNEY GENERAL SAXBE: Most of them are now.
4 Most of them are now. Except for the heads of sections,
5 and a few exemptions.

6 I would like to see it out in the U. S. Attorney's
7 office. Now, they -- this is where the work is done. I
8 would like to see a career service built up in the U. S.
9 Attorney's offices.

10 Right now, even with the political pull and haul,
11 we've got 26 or 7 percent that are holdovers from 1969.
12 And I'd like to see that built up.

13 If we had a career service there, we could rotate
14 them in and out of Washington, bring them into the Antitrust,
15 and then they could go back and they would be the antitrust
16 expert in the Atlanta office; and we'd bring them into the
17 Criminal Division; bring them into the Lands and Civil.

18 But, again, this has always been a political thing,
19 and I'm just not too optimistic about getting it done.

20 QUESTION: But you would support the Bentsen
21 proposal?

22 ATTORNEY GENERAL SAXBE: I would support most of
23 it. Now, I think the U. S. attorneys should be appointed,
24 I don't think we can get as good a people through a career
25 system. And I can only judge by the fact that the ones that

1 are set up by statute to be above politics, and I'm talking
2 about the regulatory boards that are the notoriously worse
3 bureaucracies in Washington. And there's no responsiveness
4 to the people. They're dominated by the people that are
5 supposed to control them. The ICC is dominated by the people
6 they are supposed to control. And if you've observed
7 nothing else here, I'm sure you've observed that.

8 And I just don't have a great deal of confidence
9 that you could do it that way.

10 But I would like to see the people under the U. S.
11 Attorneys. And the same way on the appointment of federal
12 judges. My goodness, I hate to leave it up to the American
13 Bar Association!

14 And unless you find some way to elect them, I
15 don't know how else.

16 QUESTION: Do you have any views on the focus that
17 is placed on so-called victimless crimes, such as homosexuality,
18 prostitution, --

19 ATTORNEY GENERAL SAXBE: Pornography.

20 QUESTION: -- pornography. Do you think the police
21 could perhaps better spend their time on some of the interests
22 that you were talking about, drug traffic, white-collar crime,
23 and so forth? Do you think there should be a de-emphasis on
24 these so-called victimless crimes?

25 ATTORNEY GENERAL SAXBE: Yes, but it isn't that

1 easy. Because society has established certain mores over
2 the centuries that they want to enforce. And to throw those
3 in the ashcan -- you may talk it, but you never do it.

4 And if pornography is offensive to a substantial
5 majority of the people in the community, they are going to
6 outlaw pornography.

7 And it's true of traffic. Traffic is generally
8 victimless, isn't it? Somebody gets run over occasionally,
9 but the stop signs, the parking, all of this, that's
10 victimless. If you just look at it in a narrow way.

11 But the fact is that if you didn't control traffic,
12 we couldn't move.

13 Now, this is true of a lot of other things.

14 We also know that if a guy makes moonshine whiskey
15 and he sells it to somebody, and the guy likes it; so where
16 is the victim?

17 We go at it and say, Well, he didn't pay any tax
18 on it. So the government's the victim.

19 So every one has got a kink in it. It just isn't
20 that easy to say that this is victimless crime. And pretty
21 soon the courts have stretched to the point where you've got
22 a victim on every crime.

23 QUESTION: Speaking of victims and crimes, the
24 Justice Department has called for more study on bills that
25 have been proposed to have federal compensation for crime

1 victims. Do you have any new views on this, do you think
2 the legislation is worthwhile?

3 ATTORNEY GENERAL SAXBE: I do. I think that it's
4 embarrassing to us right now that we cannot compensate some
5 people, that they suffer because of activities of a
6 government agency. There's no way they can recover.

7 For instance, in the Collinsville, Illinois, case,
8 where they beat up those people, wrecked their house, and
9 so on. There's no way they can be compensated for that.

10 Now, they've got personal suits against the
11 individuals, civil suits, but I don't think they -- even if
12 they got a judgment, whether it would be collectible or not.

13 But I would certainly like to see those people
14 compensated.

15 QUESTION: What kind of commitment are you willing
16 to make in terms of pushing for this kind of legislation?

17 ATTORNEY GENERAL SAXBE: I don't make commitments
18 on pushing with Congress, because I've spent so much time
19 up there I realize how empty they are. We've got dozens
20 of bills up there, that I could make all the commitments to
21 hell and gone; but it's just meaningless.

22 I'll give you one bill, that if we could pass that
23 bill today we could do away with one of the most serious
24 problems in the country. And that's the infiltration of the
25 aliens.

1 We're catching and sending back about 70,000 a
2 month, and they tell us that this is maybe a third of the
3 people coming in. If you got them all out of Washington,
4 you couldn't find a waiter in any restaurant.

5 The illegal alien is with us.

6 Now, if we make it a felony to employ an illegal
7 alien, that solves the problem. Because these people come
8 here because they're desperate and need work.

9 Congress won't pass it.

10 QUESTION: What are the forces against that
11 particular bill?

12 ATTORNEY GENERAL SAXBE: Mainly agriculture.
13 They want cheap work, they want cheap employees, and they
14 can't get them any other way.

15 QUESTION: Mr. Attorney General, you say you meet
16 frequently with the FBI Director, and you work much more
17 closely with the FBI than --

18 ATTORNEY GENERAL SAXBE: Yes, sir.

19 QUESTION: -- was done previously. I wonder if you,
20 personally, are concerned about the way FBI files were used
21 and the way names appear in the files without -- with just
22 charges and not dispositions; if you're doing anything
23 about cleaning that up.

24 ATTORNEY GENERAL SAXBE: Those files are not
25 available to anybody; an investigatory file is not available.

1 They aren't available to the police. The only distribution
2 that is made are of rap sheets, criminal histories; these
3 all come from public records.

4 Now, in the privacy laws, which I support, we are
5 going to make a requirement on all police, not just the
6 FBI, that nothing can be distributed unless there is a
7 conclusive determination on that case. The arrest cannot
8 be -- now, that doesn't mean -- that means that if there
9 has been no positive decision within a year, that will be
10 taken off.

11 Now, why put it on at all? Simply because a guy
12 is arrested for bank robbery in Norfolk and he's turned
13 loose, and he's arrested here the next day on a bank robbery
14 and he's turned loose, and he robs a bank in Gaithersburg
15 tomorrow. We know that criminal histories are violent and
16 move fast.

17 Now, criminal career usually lasts from five to
18 seven years. If a guy can make it past 32, we know that he's
19 not going to get involved in crime. And that's why we even
20 talk about not making these histories available, if there's
21 been no entry for five or seven years.

22 This is meeting quite a bit of opposition.

23 And, frankly, there's so many holes in it --
24 there's so many holes in it. Well, what's one of the holes?
25 Any newspaper could invade my privacy at any time they want

1 to. You can keep more record on every criminal action that
2 I've ever done or been convicted of. What the hell good
3 is it to deny to the police department to do the same thing?
4 When any credit service, any newspaper that wants to, and
5 with a computer will have this available and can spread it
6 over the front page any time they want to?

7 So if we're talking about privacy, it's got to be
8 complete privacy.

9 QUESTION: I wonder if you feel that if someone's
10 name is in one of the investigative files, say, my name as
11 Joe Citizen, do you think I should be able to at least find
12 out if there's such a file?

13 ATTORNEY GENERAL SAXBE: No. The -- how does it
14 get in there? It gets in there, usually, by a complaint, of
15 a neighbor, a friend, an enemy; and to say that it has to
16 be properly filed and an affidavit filed and you be given
17 notice that your neighbor has said that you're making home
18 brew in your basement and selling it out the back door, or
19 some other heinous crime, would serve no purpose.

20 It would -- and certainly if that is going to be
21 used in any manner, then you should be notified.

22 But if it is a ridiculous complaint, worthless
23 complaint -- say, we have a warranted wiretap on somebody,
24 and you call them about a lost dog. Your name would show on
25 that file. And there would be no end to the notifications.

1 You're not involved in any way in this guy's
2 counterfeiting operation or whatever it might be. But,
3 because there was a tap on that telephone, properly put on
4 there by a warrant, your name would show.

5 Now, I'm not -- if there's a better way to do it,
6 we want to know about it. But, frankly, there hasn't been
7 a better way to do it. And the security of investigative
8 files must be kept secure. Because they can't be distributed
9 to local police departments, or local politicians, officials,
10 or anybody else; and to my knowledge they are not.

11 I can't even see those files. Oh, I suppose I
12 could, but I don't want to.

13 No one has access to those files except on a need-
14 to-know basis, and they have to prove it. And they have to
15 have a real need, not just some phony thing.

16 I'm going to have to go, I've got an 11:30 appoint-
17 ment.

18 QUESTION: Okay. I just wanted to ask, you
19 mentioned earlier in the discussion that the flap created by
20 your statements in the Patty Hearst case may have arisen out
21 of your naivete and your not comprehending the kind of
22 business you're in. I'm not clear what you meant by "the
23 kind of business" you're in.

24 ATTORNEY GENERAL SAXBE: The law enforcement business.
25 The fact that nobody wants to believe the bad news, and the

1 fact that nobody loves a cop, and that the friendly treatment
2 that I had received as a Senator, which I came down here,
3 fat and happy and blithely presumed I would receive, went
4 out the window when I lost my irresponsibility -- because
5 up there you can say anything. You can be an expert on
6 everything!

7 [Laughter.]

8 ATTORNEY GENERAL SAXBE: Most of them are!

9 [Laughter.]

10 QUESTION: And what is your relationship now with
11 the Randolph Hearsts? Has it --

12 ATTORNEY GENERAL SAXBE: What?

13 QUESTION: What is your relationship with the
14 Randolph Hearsts now? I mean, is it amiable, or is it
15 strained, or what?

16 ATTORNEY GENERAL SAXBE: It's the same, the same
17 that it always has been. To me he's just a name, I don't
18 know him. But I feel for him. I wish that his daughter
19 wasn't involved in this. My goodness, there's a hell of a
20 lot of people in this country that have got the same trouble
21 that he has, whose daughter has gone into a life of crime,
22 or drugs.

23 It's all a matter of degree. They ran off with
24 some boy they didn't approve of, or -- the trouble isn't
25 limited to the rich, and the well-known.

1 If you want to know real tragedy, go up here in
2 some of the black areas here in Washington, and you find a
3 hell of a lot more tragedy than Randolph Hearst has.
4 And we have to think about those people, too.

5 And I wish this had never happened to her, but it
6 has. And she, I suppose, would be classed as an enemy of
7 society. But, as I say, it's a damn shame.

8 A VOICE: Well, thank you.

9 A VOICE: Yes, thank you.

10 A VOICE: It was very interesting.

11 [Whereupon, at approximately 11:15 o'clock, a.m.,
12 the press briefing was concluded.]

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