



Department of Justice

OF

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

WITH
MEMBERS OF THE PRESS

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The Attorney General answered questions on the following topics:

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P R O C E E D I N G S

MR. RUSSELL: Ladies and gentlemen, the Attorney General will take questions and answers for around ten minutes. Let's keep it brief, please.

QUESTION: What is involved in the amnesty study the Justice Department is now making?

ATTORNEY GENERAL SAXBE: Well, the question was broken down between the deserter and the no-show, the evader. The Justice Department is concerned with the evader, because the deserter is subject to the Uniform Code of Military Justice. The evader is subject to the civil law, and, of course, that's handled through the U.S. Attorneys.

Now, we're studying just how many there are, and what will be required in the repatriation of those who are interested.

QUESTION: Mr. Saxbe, is there anything to the rumor that you plan to ask for some sort of national police force, the establishment of it?

ATTORNEY GENERAL SAXBE: No. In fact, in the speech I make here today I specifically say that this country does not want nor would it tolerate a national police force, that I believe, and I think the majority of the people in this country believe, that keeping the peace is an obligation of their community and the first priority of a community.

QUESTION: Mr. Saxbe, you say that the nation could

1 be faced with the prospect of falling apart or devising a
2 national police force. How serious a danger or a possibility
3 is this, do you think?

4 ATTORNEY GENERAL SAXBE: I think that we can handle
5 the problem if we get rid of a lot of the foolishness that
6 we've thought about in law enforcement and put away the idea
7 that we're somehow going to hit on a bonanza that will make
8 it easy. It's a tough day-to-day job for police and all the
9 people. And I think that the thinking of this country is
10 coming around to realize just exactly that.

11 A few years ago we thought that if we could handle
12 the drug problem that crime would solve itself. Well, we
13 spent millions and billions on that, and that didn't work.

14 And then we thought we could divert people from the
15 penitentiary and that this would solve crime. Well, it
16 works for the first offender, but it doesn't work for the
17 hardened criminal. I think the idea that we have to get
18 across is that society isn't responsible for crime, it's
19 criminals that are responsible for crime; and some of them
20 are incorrigible and they belong in the penitentiary.

21 Just because we don't rehabilitate them doesn't
22 mean we should burn the penitentiary down. It really
23 supports the idea that they're incapable of living at peace
24 with society and should be separated from society for such
25 a period of time as it takes till they can't run so fast, or

1 we know that there is an age, usually over thirty, when they
2 are tractable and want to live in the company of society.

3 QUESTION: Are you saying we should have a new
4 way, then, in this country of treating criminals, of treating
5 suspects?

6 ATTORNEY GENERAL SAXBE: No. We should go back to
7 the old way.

8 QUESTION: Which is?

9 ATTORNEY GENERAL SAXBE: The old way is to
10 recognize that we should spend our time on the first offender
11 and the person who can be rehabilitated, but that for the
12 hardened criminal, the repeater, the person who is not going
13 to live at peace with society, that our job is to identify
14 him, to prosecute him and to lock him up.

15 QUESTION: Are you satisfied with the continuity
16 between police departments Statewide across the nation?

17 ATTORNEY GENERAL SAXBE: I think we're beginning to
18 get it. And this is one of the fruits of LEAA. When we had
19 many divergent departments and many different views it was
20 difficult to get across concepts, particularly in prosecution
21 and in judicial circles. But I believe now with the LEAA
22 bringing them into associations and assisting these
23 associations, and meetings such as this, that we can raise
24 the level of awareness of all.

25 We have a difficulty that is not discussed a great

1 deal, and that is that we've spent millions on improving the
2 quality of our police departments, and we haven't commensur-
3 ately increased the number of prosecutors and judges. So
4 you get the situation of plea bargaining and copping-out on
5 pleas, and all of this, because they're piled up.

6 One of the representatives from the New York
7 Police Department tells me that there's 25 murders for every
8 prosecutor up there.

9 Well, when you're loaded like that, you just can't
10 go to court and try the cases as you should.

11 QUESTION: Mr. Saxbe, is there room, in your judg-
12 ment, in military law to be lenient to draft evaders?

13 ATTORNEY GENERAL SAXBE: Yes, I believe there is.
14 And the President has a great deal to do in setting policy.
15 Now, we aren't talking about evaders in military law. The
16 evader is not subject to military law, because he didn't
17 step forward and raise his hand. The person who is subject to
18 military law is the man who went over the hill. And he may
19 have gone over the hill for lots of reasons, other than his
20 opposition to the Vietnam war.

21 He may have committed a crime, he may be a drug
22 addict, he may have just gone away on a weekend and didn't
23 come back. He may have married a girl in a country without
24 permission, or something like this.

25 In 1947 they had 15,000 they reviewed for possible

1 clemency, the famous Truman clemency that was an honest attempt
2 to approach this. They found that only one in ten was a
3 genuine protester against war; the rest of them had gone over
4 the hill for other reasons.

5 Now, this is subject to the Defense Department's
6 policy, and they're working on that. We're working on the
7 evaders, the no-shows.

8 QUESTION: Do you agree with the ABA's approach
9 to the thing that you really can't prosecute anybody for a
10 war that technically was illegal to begin with, because
11 Congress never declared it?

12 ATTORNEY GENERAL SAXBE: No, I don't agree with that.

13 QUESTION: Why?

14 ATTORNEY GENERAL SAXBE: Because the jail is now
15 filled with a lot of people who have been prosecuted and sent
16 to jail because they didn't show. I think this is another
17 one of the problems. We've got to provide a pardon for
18 them, because we can't have them serve their time -- if you
19 recall, many of them who were genuine protesters came in and
20 said, "I don't want to go, but I'll take my medicine." And
21 they did. And they went to the penitentiary and served a
22 term, or some of them were paroled out into State hospitals,
23 like the conscientious objectors.

24 Now, that person who has taken his medicine certainly
25 should concern us just as much as anybody else, because a

1 convicted felon in this country loses certain rights. And
2 they should be restored. If we're going to restore them to
3 the guy who never showed up, we shouldn't forget about the guy
4 who took his medicine.

5 QUESTION: Do you think that there's a
6 problem of people perceiving a dual system of justice in this
7 country, if they see political criminals treated in different
8 ways from more traditional types of criminals?

9 ATTORNEY GENERAL SAXBE: No, I don't think so. I
10 think that we have this problem every day when we have plea
11 bargaining and such things like that. And, frankly, this --
12 if you're referring to Watergate, it hasn't run its course
13 yet.

14 I think a substantial number have gone to the
15 penitentiary and we'll see what happens to the others. But
16 this is all pending at the present time.

17 QUESTION: Has there been any decision on President
18 Nixon?

19 ATTORNEY GENERAL SAXBE: No, not to my knowledge.
20 But --.

21 QUESTION: Is President Nixon being prosecuted,
22 General Saxbe?

23 ATTORNEY GENERAL SAXBE: This is a problem that's
24 still pending, and I'm just not going to comment on that
25 until it's resolved.

1 QUESTION: Mr. Saxbe, you say in your speech that
2 we're indeed troubled because the country's not coping with
3 crime. You've been meeting with police chiefs all morning,
4 what do you and the big city police chiefs see specifically
5 that can be done or want to be done to change this trend?
6 Specific things.

7 ATTORNEY GENERAL SAXBE: Well, I think, No. 1, is
8 citizen support; No. 2 is to get the judiciary and the
9 prosecution stepped up equal to the efforts of the police
10 departments. It doesn't do us much good to catch them if
11 the machinery won't handle them. And I think, too, a
12 realization that we're not going to solve crime by any
13 gimmicks, that it's going to be hard dogged work. I
14 think that we're going to have to realize that people who
15 violate the law are going to be punished for violating the
16 law. And this has not been a philosophy very acceptable.
17 Everybody has been trying to blame society for these things,
18 instead of the criminal.

19 Now, when you realize what a very small percentage
20 of one percent of criminals terrorize our communities and
21 change our whole lifestyle, I think you will come to the
22 conclusion, as most of us have, that the best effort we can
23 make is to have a major crime section to identify them, and
24 to see that they are speedily tried and taken off the streets.
25

1 These people who are put into a chronological
2 calendar for trial generally commit another crime or two
3 while it's pending. They're the guardhouse or the jailhouse
4 lawyers who know how to avoid trial, who take advantage of
5 delay, who know how to intimidate witnesses.

6 I'm suggesting in a program for LEAA that we have
7 a major violators section in every major police department
8 to identify these people, to put it on the front burner, to
9 see that they don't slip out the holes in the system of
10 justice; because it creaks and clanks, and sometimes there
11 are holes.

12 Now, this isn't going to solve crime, but it's going
13 to help. And if there's any message that I have here today,
14 is that there's no easy answer. There's no more rabbits in
15 the hat.

16 We're going to have to buckle down and the people
17 of this country are going to have to realize that this man
18 is not a criminal because his daddy didn't take him to see
19 the Bears play. He's a criminal because of the thrill,
20 adventure, and the profit in being a criminal. And there are
21 people who would rather be criminals than honest citizens.
22 And if society is going to cope with them, they're going to
23 have to meet it head-on.

24 Thank you very much.

25 QUESTION: Could I get one more question, please?

1 ATTORNEY GENERAL SAXBE: All right.

2 QUESTION: Without asking you to comment directly
3 on the pending case involving the former President, would you
4 comment on the statement some have made, that he has suffered
5 enough, leave him alone?

6 ATTORNEY GENERAL SAXBE: No.

7 [Laughter.]

8 MR. RUSSELL: Thank you.

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