



Department of Justice

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PRESS CONFERENCE

of

THE HONORABLE WILLIAM B. SAXBE

ATTORNEY GENERAL OF THE UNITED STATES

with

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ATTORNEY GENERAL'S CONFERENCE ROOM

WEDNESDAY, MARCH 27, 1974

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P R O C E E D I N G S

1
2 THE ATTORNEY GENERAL: Good morning, I'm happy to be
3 with you. I thought I would be up on the hill testifying on
4 Senator Ervin's bill. But Bob Dixon, from the Office of Legal
5 Counsel, is testifying and I'm sure that he will get the Depart-
6 ment's viewpoint across.

7 QUESTION: You don't think those hearings are
8 very important, then?

9 [Laughter.]

10 THE ATTORNEY GENERAL: Well, I don't really think
11 that this bill is --I don't think the country is ready for
12 this bill that they're proposing, but --

13 QUESTION: [indistinct; noises interfering].

14 THE ATTORNEY GENERAL: Yes. And they've got
15 all kinds of talent down there; everybody's testifying.

16 The question, of course, is a serious one, whether
17 this could be done without a constitutional amendment. I
18 seriously question that, whether they can do this.

19 The Constitution is rather explicit, and also we've
20 got the situation that we've got a three-part government,
21 and if you take the Justice Department out, where are you
22 going to put it. Sooner or later you're going to have to
23 have somebody make the decision, and we have survived two
24 hundred years through pretty rocky times with this three-
25 part government.

And I seriously --

1 [Adjustments being made to microphone; volume
2 now lowered too much for clarity.]

3 THE ATTORNEY GENERAL: * * and the brief --
4 well, I say brief, it's really a statement that Bob Dixon is
5 giving this morning -- is a good one. And the thrust of it
6 of course is, and you have to read it altogether. The buck
7 has to stop some place.

8 If we believe that we can improve the quality of
9 justice by making this remote from the people, that somehow
10 by setting it up in an ivory tower we're going in the face
11 of history, not only in this country but in other countries.
12 Because the arrogance of office seems to survive and thrive
13 with the fetter and culture of independence than it does in
14 direct responsibility.

15 I know of nothing more forceful than the people's
16 ability to vote you out of office.

17 [Adjustments being made to microphone; discussion
18 while doing so.]
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1 QUESTION: In the hearings yesterday, again all but
2 one of the witnesses talked about the bill as proposed;
3 all of the witnesses recognized that there were serious
4 problems exposed by the Watergate situation; that somebody
5 ought to do something about it.

6 One of the things that they seemed to --

7 THE ATTORNEY GENERAL: And I think we are doing
8 something about it.

9 QUESTION: Well, one of the things they seemed to
10 agree on was that the U. S. Attorney and U. S. Marshal forces
11 should somehow be professionalized into a corps perhaps like
12 the Foreign Service, out of politics.

13 THE ATTORNEY GENERAL: Well, there again, are you
14 going to turn the Justice Department over to Civil Service?
15 This is the basic question that you have. Are you going to
16 turn the FBI over to Civil Service?

17 We know the union has great strength any place
18 where the Civil Service now survives -- not survives, but
19 thrives. And I think this is just basic questions of
20 individual responsibility, and the responsiveness is a
21 necessary thing. You've got to be able to easily throw the
22 rascals out. And we found no better means to do this than
23 at the polls.

24 Now, on the other hand, you get a non-responsive
25 judiciary, it seems to me that you're going to breathe the

arrogance of office in a department that just has to be responsive. They are doing a good job.

Now, they say, Well, Watergate has shown up weaknesses in the system.

But I'd like to think that Watergate has also shown up strength in the system, because all of these trials, with the exception of the congressional Judiciary Committee in the House, all of them are federal. All of the prosecutors are members of the Judiciary. The trials in New York, the trials in Washington, the grand juries are all empaneled by agencies of the Justice Department. And they are responsive.

I haven't heard anybody say that they aren't responding with the degree of action and firmness that's necessary.

And I'd just like to further say that once you go down this road, you're saying you're doing away with political patronage, but you're doing away with political patronage and turning it over to personal patronage, because the patronage is still there.

Those of you who deal with the appointive bodies know that still, you have to know somebody, you have to see somebody -- not for them to do anything wrong, but to expedite the access to the office: who gets in, who doesn't. The ease of getting day-to-day business done depends on who

1 you know.

2 And the political patronage has always led to a
3 responsibility that's attached to it. So when you are going
4 to choose, are you going to choose between political
5 patronage or personal patronage?

6 Some GS-18, who is going to determine who heads the
7 line. Now, if it's a political appointee, he's going to be
8 pretty careful that he doesn't show any favoritism, because
9 he knows he has to answer that at the polls, and the party has
10 to do that. And he's going to be voted out.

11 This is true in any responsive government in the
12 world.

13 If, on the other hand, you make it some remote
14 protective civil servant, he isn't responsive to anybody.

15 Of course, this is pretty much what isn't going to
16 be brought out at this hearing.

17 But I don't believe the country is ready for it. Now,
18 we're proud of the honors program that's here. And it will be
19 released today -- maybe some of you have it. Showing that
20 we had over 2500 candidates apply for 134 positions in the
21 Department.

22 That's 500 more than last year. Over the last
23 four years, applications have doubled, and these are from honor
24 graduates and law clerks to the federal judges.

25 And it's one of the encouraging programs going on

1 and to see these statistics might be of interest to you.

2 Another thing, and this has to be embargoed, I
3 know you know about it, but I won't get to talk to you about
4 it before it's released, and that's on the crime statistics.
5 I guess it's embargoed until Friday, and my remarks should
6 be embargoed along with it.

7 It shows a substantial increase in the last quarter.
8 And this again goes back to the problem of evaluation.
9 It's easy to say, Well, there isn't any more crime, it's
10 just better reporting.

11 In other words, we know that only about half the
12 crime is actually reported. We feel this is true, as near
13 as we can determine by a rather expensive study. But I don't
14 think that's good enough.

15 I think that we have to go into this further. We're
16 contemplating recommending to the President to call in
17 responsible members of the law enforcement community, get
18 their views on it. We're going to talk about it this
19 afternoon at a meeting of all the division chiefs in the
20 Department.

21 We're also going to have to talk about whether we
22 have adequate means to determine crime statistics. This has
23 long been an issue, as you know. It's a voluntary thing to
24 do, and some cities report rather thoroughly and some of
25 them don't report at all.

1 This makes it kind of a grab-bag to say that crime
2 has risen so much in a city or decreased so much in a city,
3 where we know their reporting system is bad. Or as a matter
4 of policy, they do not report what they could.

5 It is true that as this is exposed, that is bad
6 reporting, they become more responsive, and this we think
7 is good.

8 QUESTION: Did you say that you did not think that
9 serious crime is actually up? You said that it would be
10 easy enough --

11 THE ATTORNEY GENERAL: I don't think that I could
12 accept that. I can accept the story that it's bad reporting.
13 I personally feel serious crime is up. And I'm not going to
14 try to woosh it away by saying, "Well, we're just getting
15 better reporting."

16 I think in the last three months of 1973 it
17 increased in several areas. Not generally, but in several
18 areas. And I want to know why.

19 I don't think we can throw money at a problem until
20 we at least have some idea, pretty basic idea of why it in-
21 creased.

22 Is it because of Watergate? Is it because of gas? Is
23 it because of an unemployment bracket on the age gap most
24 closely associated with crime? You know, between 15 and 24.
25 This is where they fall off when unemployment begins.

1 Is it because of this? Is it because of general
2 discouragement about the government? Or is it better
3 reporting? Or is it a little bit of all of it?

4 I call your attention to a piece that I'm going
5 to use, and have used unashamedly, by James.Q. Wilson that
6 was in the Barrister Magazine of February '74, which has got
7 some rather startling attitudes on why we have an increase in
8 crime.

9 What it boils down to, and, of course, I like it
10 because it says better than I'd say it, something I've tried to
11 say for a long time, the criminal plays the odds: crime
12 does pay. If he can get away with it, he'll do it. If the
13 penalty is light or non-existent, and the chances of getting
14 caught are slight, he'll enter into a program of crime.

15 If, on the other hand, he thinks he's going to get
16 caught and prosecuted and sent to the penitentiary, he won't
17 do it.

18 Now, he says here that we've combined factors that
19 we couldn't have put it together better if we had planned it,
20 for an increase in violent crime.

21 We increased, or there was an increase between the
22 age bracket between 14 and 24 during the Sixties. We got
23 soft on prosecution. We did a number of things that made
24 crime more attractive, we made it more difficult for them to
25 get a job, by laws preventing them from going to work or

1 requiring certain things they didn't have. And then we
2 combined all of these things, the increase in the number, the
3 inability to get employment, then the softness of prosecution,
4 and we just increased his odds -- not the government's odds,
5 not the people's odds, but we increased his odds to the point
6 where crime does pay.

7 I recommend the article to you.

8 We've got to the place where we're on a kick where
9 nobody believes in punishment. We don't -- that nobody
10 believes their rights are lost when they're convicted of a
11 crime; that prisons were wrong. All of these attitudes
12 are now with us.

13 It's rather refreshing to at least read a piece that
14 begins to question some of these things that we're generally
15 accepting.

16 QUESTION: General, I'm unclear on what it is you're
17 going to think about recommending to the President. Is that
18 talking about --

19 THE ATTORNEY GENERAL: Well, to call a national
20 meeting of law enforcement officials, of chiefs of police
21 and sheriffs, their organizations and representatives.

22 QUESTION: The meeting would deal with the increase
23 in crime?

24 THE ATTORNEY GENERAL: Merely for the purpose of
25 trying to determine why the increase.

1 QUESTION: And this meeting would be held in
2 Washington?

3 THE ATTORNEY GENERAL: We haven't reached that
4 point. The thing is not going to be released until Friday,
5 and sometime between now and then I'm going to talk to the
6 President, maybe today, I'm going over there.

7
8 Oh, I wanted to tell you about this. You probably
9 know about it, the young man that rammed the bank robbers'
10 car. He's coming up here at my request. And we've made a
11 new medal -- do we have one of those around here? I
12 think there's one in the case out there.

13 QUESTION: Are you also going to bring up the
14 subject of the crime reporting system with the meeting with
15 the chiefs of police?

16 THE ATTORNEY GENERAL: Yes.

17 But, to complete this thought, Mr. Anderson, who
18 is a TV photographer -- you remember the story, they were
19 escaping with hostages. They hit the policeman and tried
20 to hit him again, and he just said he got mad and he rammed
21 their car.

22 We're having graduation out at Quantico tomorrow,
23 for people from all over the country that make up one of the
24 regular classes, and so I invited him up to witness this,
25 and present him with this medal.

1 Today the President expressed a desire to bring
2 him over to the White House, to meet him, and Chief Kelley
3 and I are going to take him over there at 12:30, I believe.

4 QUESTION: General, does this meeting that you're
5 thinking about, does it tie in in any way with the
6 Administration's campaign to get the death penalty
7 restored, and the penalties increased on certain types of
8 crime?

9 THE ATTORNEY GENERAL: It hasn't yet. In fact, I
10 haven't talked with anybody at the White House about it,
11 it's just an idea.

12 QUESTION: Why do you need the President's okay?

13 THE ATTORNEY GENERAL: We don't. But I thought it
14 would be better to have him take a part in it if he could.

15 QUESTION: To have him call it.

16 THE ATTORNEY GENERAL: If he would call it, there
17 would be more clout than if I would call it.

18 QUESTION: Would this be in the sense of a meeting
19 called to deal with what appears to be an emergency?

20 THE ATTORNEY GENERAL: No. It's a meeting -- I'm
21 just not satisfied that, first, we're getting good figures,
22 and second, if we can isolate what the cause is by getting
23 these people together, then we can respond to it. I don't
24 think there's been enough study of what happens on this.

25 Somebody figures out a grandiose idea that this is

what's causing the crime increase, then everybody gallops off in that direction. I'm not at all sure that we have isolated it.

Maybe we can't this time, but I think if we get this chief or this sheriff to say, I believe this is what's causing it here. Then he can say an increase in the youth group, that this age of leniency, unemployment --

QUESTION: Well, are you going to limit your conference to the law enforcement people, or are you going to bring in people from other fields, or what?

THE ATTORNEY GENERAL: No, we're not trying to respond to it, all we're trying to do is to identify it.

QUESTION: Well, I know, but I mean in finding causes, are you just going to have law enforcement people?

THE ATTORNEY GENERAL: Well, right now I'm going to ask them what they think.

QUESTION: General, the LEAA has spent a lot of money --

THE ATTORNEY GENERAL: I know.

QUESTION: -- and with the National Commission which was composed of a great deal of law enforcement people, police officers and sheriffs. Do you disagree with what they found, or that they were not thorough enough?

THE ATTORNEY GENERAL: Well, what they found was that there was a lot of unreported crime.

1 QUESTION: But haven't they come up with a
2 victimization survey that's likely to replace the uniform
3 crime report?

4 THE ATTORNEY GENERAL: That's not it -- yes, we
5 have that in our presentation case, though.

6 Pass it around.

7 QUESTION: General, on the crime reporting problem,
8 hasn't LEAA come up with a new tool, this crime victima-
9 tion study, that was first made in the impact cities that
10 may replace the Uniform Crime Report?

11 THE ATTORNEY GENERAL: Yes, they have. And we're
12 just going to have to wait and see.

13 QUESTION: Does the fact that crime, serious
14 crime, has gone up indicate that on the money that supported
15 LEAA has been useless.

16 THE ATTORNEY GENERAL: Well, the only way we could
17 guess that would be to say, "what would it have been if we
18 hadn't done anything."

19 QUESTION: Well, when you were mentioning the
20 things from that article, were you just citing these various
21 factors as possible causes, or were you endorsing -- when
22 you said there was a softness --

23 THE ATTORNEY GENERAL: Oh, I think it goes beyond
24 possible causes. Here, I'll just give you an idea of what he
25 says. Suppose we increase a portion of the country's

1 population between 15 and 24; in fact we doubled it. Suppose
2 we decrease the number of jobs available for these people.
3 And at the same time we decrease the cost of engaging in
4 criminal activities, you know, we don't send them to jail and
5 we don't punish them.

6 And at the same time we go on a kick of saying, Well,
7 boys will be boys; this youthful exuberance is a great and
8 healthy thing. The virtues of youthful liberation are
9 celebrated. The number of young persons in the population
10 increase, we would naturally expect crime to rise.

11 In fact, we performed exactly that experiment in
12 this country the early part of the last decade. We did not
13 realize we were doing it. But having performed this experiment
14 none of us should be surprised by the fact that the crime went
15 up.

16 The number of young people increased dramatically.
17 Between '60 and '70 there were 13 million more people between
18 the ages of 14 and 24.

19 And he says that Norman Rider, a demographer at
20 Princeton, says that society is divided between two armies:
21 a defending camp, all those between 25 and 64; and an invading
22 army, all those between 14 and 24.

23 And the issue these armies are fighting over is
24 whether or not the young can be socialized in the existing
25 mores, habits, occupations and professions.

1 Up until '60 the size of the defending army was
2 three times the size of the invading army.

3 And as any person whose parent will testify, it
4 was nonetheless manageable. But by 1970 the size of the
5 defending army was only twice the size of the invading army.

6 QUESTION: But most of the people who were in the
7 invading army during the Democratic administration are now
8 part of the defending army, and the Nixon Administration
9 has had five years of law and order to deal with this.

10 What happened?

11 THE ATTORNEY GENERAL: And it has decreased
12 substantially. That is, violent crime has shown a decline.
13 In fact, even in the last three months of 1973, it decreased
14 in the District of Columbia.

15 But it went up in Montgomery County.

16 Now, of course, a lot of these things you
17 have to weigh the more violent crimes -- and this is what you
18 were going to say -- such as murder and aggravated assault
19 did not go up. But robbery did.

20 And some of them are relatively small numerically,
21 and therefore a small increase makes a big percentage increase.

22 Now, rape is small numerically, but a dramatic
23 increase -- but a dramatic increase, although small, has a
24 great percentage increase.

25 Now, you can go into that. Every time you see a gal

hitch-hiking, that's her privilege, it's part of women's lib. But at the same time the opportunity is increased also to violent crime.

QUESTION: General, there have been other studies, Pat Moynihan particularly has written a lot, saying that in the future, that same population curve shows that this troublesome age group is going down dramatically.

THE ATTORNEY GENERAL: Right.

QUESTION: That by -- in the 1980's, particularly, you know, there will be less of a problem. Are you going to take something like that into account in planning for the future? I mean, you know, I think what Moynihan and some others are saying is that the problem may well take care of itself.

THE ATTORNEY GENERAL: Well, I think that this is what we have to weigh. As LEAA and the billions of dollars have been spread out, has it really affected the percentage of crime in the country. I think this is the time we determine this.

QUESTION: This report which is attached -- sorry.

THE ATTORNEY GENERAL: I was just going to say on the drug thing, too. That right now we have a decline in the hard drugs, which is pretty widely recognized. Did DEA do this? Or is it a revulsion against the hallucigenics and the heroin? Would it have happened had we done nothing?

1 Would the turn-away from heroin have happened if we
2 didn't buy up all the heroin in the Golden Triangle or
3 Turkey?

4 These are things that we guess at. I don't know,
5 maybe we can never pin it down any more than that. And
6 that's what you're saying.

7 Perhaps we ought to -- or I have a feeling that we
8 can't just sit here and do nothing about this thing. I am
9 determined to raise the odds against the criminal.

10 QUESTION: What do you mean by soft on prosecution?

11 THE ATTORNEY GENERAL: Leniency in diversion,
12 probation, a reluctance to send anybody to the penitentiary.
13 And, frankly, discarding the idea that a sentence is a
14 deterrent.

15 In other words, the idea that punishment has no
16 place in law enforcement, that the only reason you send a
17 man to the penitentiary is to rehabilitate him.

18 Well, if you know anything about prisons, that
19 rehabilitation is something you dream about, but in fact it is
20 very seldom accomplished.

21 QUESTION: Then why send more people there?

22 THE ATTORNEY GENERAL: Sir?

23 QUESTION: I say, then why send more people there?
24 If the prisons are a failure.

25 THE ATTORNEY GENERAL: You send them there because

1 to deprive them of their freedom. There's two things, it
2 protects society from them; and second it acts as a
3 deterrent.

4 I think going to the penitentiary, not only the guy
5 can't commit any crimes while he's there, but it does act as
6 a deterrent, it's punishment.

7 QUESTION: So what you mean is not the prosecution,
8 you mean the courts, the judges.

9 THE ATTORNEY GENERAL: The courts, judges, juries.

10 And copping a plea.

11 QUESTION: Well, haven't some studies shown, though,
12 that the problem is more in capturing and prosecuting the
13 people than what you do with them afterwards? That if they
14 think that they can get away with it -- there was an LEAA
15 study on burglary, which showed this.

16 THE ATTORNEY GENERAL: And only one in five
17 actually goes up there.

18 QUESTION: One in five only gets caught. I mean,
19 that's --

20 THE ATTORNEY GENERAL: Yes, that's what I mean.
21 Two out of a hundred actually go to the penitentiary.

22 QUESTION: But the problem would seem to be in the
23 capture and the prosecution rather than in locking them up
24 after you've done that.

25 THE ATTORNEY GENERAL: Well, the law enforcement is

1 becoming more sophisticated. They're getting more people.
2 They're becoming better capable to cope with some of the
3 limitations put on them by the court, most of them good,
4 some not good.

5 I don't think the exclusionary rule helps in
6 society's part of the convictions. If a policeman makes
7 a mistake, society carries the burden not the policemen.
8 That's why we encourage a tort claims act which will allow
9 people to recover from the government when a policeman makes
10 a mistake.

11 Right now in the Collinsville cases, this man that
12 was shot here by a Treasury agent, there's no way that they
13 can recover from the government. They can sue the individual,
14 but that's usually not very rewarding.

15 If we had it in the tort claims act that they could
16 sue the government, then I think we could more easily
17 dispose of the exclusionary rule.

18 Well, this is going to come up on Friday.

19 QUESTION: All your comments today on the crime
20 rate, they are all embargoed until the crime figures are
21 released?

22 THE ATTORNEY GENERAL: I think it would be best,
23 because -- we've had a lot of leaks on them, but we haven't
24 even talked to the President about this meeting. We're going
25 to talk to him, try to talk to him today about it.

1 QUESTION: Can we arrange to get some additional
2 information then --

3 THE ATTORNEY GENERAL: Why, sure.

4 QUESTION: -- after you've had this meeting of
5 your own people and talked to the President and so forth?

6 THE ATTORNEY GENERAL: Yes, we're going to meet
7 this afternoon.

8 QUESTION: Could I just ask you about the report
9 which is attached to your statement. It says that
10 violent crime increased, it says: During calendar year '73
11 the violent crime increased at least 4 percent, rape was
12 up, aggravated assault was up, robbery was up.

13 I'm not sure, maybe I misheard you, I thought you
14 said something about violent crime being down.

15 THE ATTORNEY GENERAL: I can't hear you.

16 QUESTION: I thought that you had said something
17 about violent crime declining.

18 THE ATTORNEY GENERAL: In D. C.?

19 QUESTION: Oh, is that what you meant, just in the
20 District of Columbia?

21 THE ATTORNEY GENERAL: In D. C. I'm using this
22 example here, it's increased in Montgomery County, it's
23 increased in Fairfax -- correct?

24 Or not Fairfax, but Prince George's.

25 QUESTION: But nationally it's increased, is that it?

1 THE ATTORNEY GENERAL: Nationally, it's increased.
2 And, as I say, there's some confusion because percentage
3 increases are not necessarily in murder and aggravated
4 assault. There is an increase in rape and armed robbery, I
5 believe.

6 QUESTION: And murder --

7 A VOICE: Robbery is up one percent for the year.

8 By the way, the FBI crime statistics report is down in
9 the press room mail slots.

10 QUESTION: Have you talked to Mr. Kelley about this?

11 THE ATTORNEY GENERAL: Not since this came out.
12 He's been out of town. We're going to talk today.

13 QUESTION: Well, have you had some foreknowledge
14 that this was coming out?

15 THE ATTORNEY GENERAL: Oh, since last week is all.

16 QUESTION: I see, and you haven't had a chance to
17 talk to him or any employees of the Bureau?

18 THE ATTORNEY GENERAL: No. I've talked to some
19 of his people and some of my people have talked over there,
20 but --

21 QUESTION: Do they have any ideas on the problem?

22 THE ATTORNEY GENERAL: Well, their ideas are like
23 mine. They go clear across the field, all the things I have
24 mentioned go into it. There's a substantial number of people
25 here that think the reporting is getting better. That crime

1 is not genuinely up, but I have no proof of that.

2 QUESTION: Is that what you think?

3 THE ATTORNEY GENERAL: No, I don't.

4 QUESTION: You think it's what?

5 THE ATTORNEY GENERAL: I think it's a combination.

6 I do think we're getting better reporting. I think that it's
7 getting back to the chief of police and so on that make these
8 voluntary reports, and that they're kidding themselves if
9 they turn in a lesser figure.

10 And I think some of them are trending and projecting
11 and trying to really ascertain what unreported crime goes on
12 in their city.

13 Now, if there's only one-half of the crime that's
14 actually reported, that's kind of rough to tell people about
15 it.

16 Now, we know that in the case of rape there's less
17 than a half, probably a fifth.

18 In the black areas of the city, we know that there's
19 a lot of muscle and welfare checks, this kind of extortion
20 and robbery that goes on that is not reported.

21 QUESTION: General, on the acceptance of guilty pleas,
22 do you believe that the federal prosecutors have been too
23 inclined to accept guilty pleas and should be less inclined
24 in the future?

25 THE ATTORNEY GENERAL: Well, I just don't think

1 you can make a hard-and-fast rule on this. I just don't
2 believe that you can make an across-the-board rule.
3 Every case is an individual problem. You've got
4 the element of who the judge is. If you know that the judge
5 is inclined to make concurrent sentences on everything, and
6 suspended sentences, probations, why go through beaucoup
7 cases to wind up with ten concurrent sentences.

8 So you accept a guilty plea and the guy gets
9 three years. If you had tried ten cases, he'd still have got
10 three years.

11 On the other hand, if you've got a pattern of crime
12 involving a dozen people, you may accept a guilty plea because
13 you want the man as a witness.

14 You just can't say that it's not a tool. And this
15 has been going on as long as there were advocates and there
16 were judges, whether it's a church court, whether it's a tribal
17 chief or whoever it is.

18 QUESTION: I'm just trying to understand you
19 better. You mentioned guilty pleas when you were talking
20 about softness.

21 THE ATTORNEY GENERAL: Well, this does come into it,
22 because if you have a certain attitude in court. I read
23 this morning about, I think it was in the Post, about the
24 couple that had been beaten up, the guy was in for a seven-
25 year term, he beat up this couple, he was found guilty on

1 terms that amount to 32 years, he's put in jail, he's served
2 a year and they want to turn him loose.

3 He's got a history of crime. But because he's been
4 such a good prisoner, he's 27 years old -- and the couple
5 are terrified. They're 75 years old. They're terrified
6 they're going to turn him loose.

7 Now, you can't put yourself in that position,
8 because they've obviously got all kinds of studies on the
9 guy and so on. But it gives you an attitude. Here's a
10 judge, obviously, that has great confidence in the rehabilita-
11 tion of this institution.

12 Now, if you're going up before that kind of-a judge,
13 you can plead guilty, if you're only going to get a year for
14 aggravated assault.

15 I don't like to know that attorneys shop around
16 for courts, but I know it goes on.

17 QUESTION: May I change the subject?

18 THE ATTORNEY GENERAL: All right.

19 QUESTION: I'm interested in knowing what
20 presidential tapes or White House tapes, first, have been
21 sent to New York, to Judge Gagliardi, in the Mitchell-Stans
22 case, how this is being handled, that is, was the request
23 funneled through your department or just Jaworski's office?

24 And then who from the Justice Department is
25 listening to these tapes as well as the defense?

1 THE ATTORNEY GENERAL: You probably know more
2 about this than I do, because it goes through Jaworski's
3 office.

4 QUESTION: Well, the attorneys for the Justice
5 Department prosecuting this case of necessity must listen
6 to the same tapes that the defense wants for discovery purposes
7 Who, just the attorneys on that case, or who is listening
8 to them?

9 THE ATTORNEY GENERAL: That's my understanding.

10 QUESTION: That would be what? Just the two
11 principal attorneys prosecuting or are there others?

12 THE ATTORNEY GENERAL: Yes.

13 QUESTION: And do you know which tapes have actually
14 gone up there?

15 THE ATTORNEY GENERAL: Once they have gone to Mr.
16 Jaworski, he has full control. I think this is the way it
17 was planned, and the way it's working.

18 QUESTION: Do you think that the President is legally
19 entitled to refuse to answer the Judiciary Committee's
20 request for tapes and other documents?

21 THE ATTORNEY GENERAL: This is a point at issue now
22 in the appeal to the District Court. And in regard to the
23 Watergate Committee there is some litigation right now. They're
24 arguing the case.

25 QUESTION: Well, that's different from the impeachment

1 process.

2 THE ATTORNEY GENERAL: It is, but it has a bearing
3 on it. And we've got this situation, that the President is
4 well represented and the committee is well represented, and
5 I have no input and I'm not going to comment.

6 QUESTION: General, what would be precedent,
7 would a ruling in this case involving the Senate Judiciary
8 Committee --

9 THE ATTORNEY GENERAL: It will certainly have some
10 input on it.

11 QUESTION: Or is the White House waiting to see
12 the results of that?

13 THE ATTORNEY GENERAL: I don't know. I don't know.

14 QUESTION: General, last week the question was
15 raised about the President's tax returns, you said you'd have
16 an answer for us this week. Carl Stern asked whether or not
17 you believed that a person who signs his tax return is
18 legally accountable for that return. What's your answer
19 this week?

20 THE ATTORNEY GENERAL: We checked the statute on
21 that, and the statute says that a man who signs his return
22 is presumed to know what is in it. The person who signs as
23 the preparer of the return is liable for that information
24 that was supplied him.

25 QUESTION: I'm sorry, I missed the last part of

1 that, that sentence. The person who signs it is --?

2 THE ATTORNEY GENERAL: As a preparer. Mr. Block.

3 [Laughter.]

4 QUESTION: He is liable?

5 THE ATTORNEY GENERAL: If he makes a misstatement,
6 and -- or fails to put into the return. For instance, on the
7 amount of income, if he fails to put that in, he's liable,
8 along with the taxpayer.

9 QUESTION: But is he responsible for the quality
10 of the information he was furnished --

11 THE ATTORNEY GENERAL: No, but if he is supplied
12 the information and then conspires with the taxpayer, he's
13 just as guilty as the taxpayer.

14 QUESTION: What is the penalty?

15 QUESTION: But the taxpayer is the primary person,
16 if he signs the return it is he who is responsible, initially.

17 THE ATTORNEY GENERAL: That's correct.

18 QUESTION: What are the penalties?

19 THE ATTORNEY GENERAL: Oh, the penalties are in
20 the statute. I can get you a copy. I couldn't tell you.
21 It's fine and imprisonment.

22 QUESTION: Criminal fine.

23 QUESTION: Is there any defense if I sign my
24 return and I get in trouble with the IRS, can I say, "well, gee,
25 I didn't read the thing, or this guy just put some numbers

1 together? "

2 THE ATTORNEY GENERAL: We do get defenses that way.

3 QUESTION: Do they succeed?

4 THE ATTORNEY GENERAL: And sometimes they succeed.
5 If an auditor supplies a man with faulty information, or he
6 can plead mistake. Many Internal Revenue problems are
7 settled outside court on mistake, misunderstanding. We have
8 to prove intent, like in any other criminal case.

9 QUESTION: Aren't lawyers held to a somewhat
10 higher standard? I mean, isn't it less likely for a lawyer
11 to be able to successfully argue that he didn't really
12 understand or he didn't know?

13 THE ATTORNEY GENERAL: That's all part of it.
14 But, at the same time, intent is an important element in any
15 criminal case. And again every case stands on its own bottom.

16 QUESTION: Well, what would you say is the
17 significance of this determination by your Department, in
18 terms of the President's tax return?

19 THE ATTORNEY GENERAL: We've made no determination.
20 This is a matter for Internal Revenue.

21 QUESTION: I mean, you said last week you were
22 going to have your people study it.

23 THE ATTORNEY GENERAL: No, I was going to study
24 the question. The question was an abstract question on who
25 is responsible on the return. That had nothing to do with

1 the President's return. We don't have any concern with that
2 in the Department of Justice at the present time.
3 It's a matter for Internal Revenue.

4 QUESTION: But if IRS should find fraud in the
5 President's return, then what would be your next step?

6 THE ATTORNEY GENERAL: It would go through the
7 regular channels that they work with here. But there's been
8 no indication of fraud, as I understand it, and I don't
9 know more about that than you do.

10 QUESTION: That would not be sent over to the
11 Special Prosecutor, then? From the IRS.

12 THE ATTORNEY GENERAL: I doubt it. But the
13 question is, as I understand, that it's not on total income,
14 the question is on deductions. It's on an entirely
15 different thing than we were talking about.

16 QUESTION: But there have been reports, General,
17 that there is fraud investigation under way, whether it's
18 pointed at the President or not, I'm not clear; but a
19 fraud investigation involving his tax return.

20 THE ATTORNEY GENERAL: You'll have to talk to
21 Treasury about that.

22 QUESTION: General, there's a controversy now about
23 where Mr. St. Clair ought to be in on the Judiciary hearings
24 as they consider the President's impeachment case. Have you
25 had any views on that, some of the problems?

1 THE ATTORNEY GENERAL: No, I've had a report of
2 their brief that they filed, and it's reasonable and has
3 been done in the past.

4 It's a decision entirely for the Judiciary Committee
5 to make.

6 But I think the American people, in their sense
7 of fair play, would be pleased if this did happen.

8 QUESTION: A couple of questions on that:

9 One, doesn't that lead us into almost three trials,
10 if it happens in the Judiciary Committee it's almost certain
11 to repeat itself in the House, and then the Senate would
12 almost become an appeals court. Wouldn't that -- and should
13 it work that way?

14 And secondly, what happens if this thing delays --
15 delays would certainly cause examination in those two
16 steps, the committee and the full House, and tend to slow
17 things down. What would happen if it goes on into next
18 January, and a new Congress comes in and, say, the old
19 Congress would impeach the President; does that carry over or
20 not? Or would they have to start over again?

21 One, how should it work in terms of the grand jury,
22 and how --

23 THE ATTORNEY GENERAL: I don't think so. I mean,
24 you can put all the if-comes into it, it still boils down to
25 a rather simple procedure.

1 The House of Representatives votes to impeach or
2 not impeach; the Senate votes to support the impeachment,
3 the removal. And they are in control, and if there's any
4 endless delay, it's their delay and presumably for their
5 convenience.

6 QUESTION: Well, if you were still in the Senate,
7 how would you think it should work? What should happen in
8 the full House? Should there be witnesses, should there
9 be questioning, or a simple presentation of evidence?

10 THE ATTORNEY GENERAL: This again is a matter for
11 them to determine.

12 QUESTION: Well, I'm asking you how you would do it.

13 THE ATTORNEY GENERAL: Well, I'm not in position
14 to do it.

15 Personally, in the committee on this -- the
16 President's brief to the committee indicates that they
17 think that fair play would allow them to come in. The
18 amount of interjection, of cross-examination, will be
19 entirely up to the committee chairman, just as whether they
20 come in or not.

21 If it's for the purpose only of delay, it would
22 become obvious very quickly, and they could assert this.

23 QUESTION: If the committee --

24 QUESTION: Finally, just the last part of that --

25 THE ATTORNEY GENERAL: Yes.

1 QUESTION: -- what do you think about carryover?
2 That is, if the House moves to impeach, but there's no
3 Senate trial until January, what happens, does it carry over
4 or not? Or just start over again?

5 THE ATTORNEY GENERAL: I don't know. If it's
6 something we can find out, we will; but I just never thought
7 of it.

8 QUESTION: I would like to know it.

9 QUESTION: If the House or the committee were to
10 say no, Mr. St. Clair may not come in to cross-examine
11 people, would this be subject to appeal to the courts, in
12 your opinion?

13 THE ATTORNEY GENERAL: I don't think so.

14 QUESTION: That they would have the last word,
15 then.

16 QUESTION: Are the Kent State indictments coming
17 out today? The Kent State indictments, there's been some
18 talk they might be out today.

19 THE ATTORNEY GENERAL: I don't know.

20 I expected them out, according to their initial
21 schedule, a couple of weeks ago.

22 QUESTION: There are going to be indictments?

23 THE ATTORNEY GENERAL: I don't know that.

24 QUESTION: When did you expect it out?

25 THE ATTORNEY GENERAL: When they said, two months

1 ago, that they thought they'd wind it up by the first of
2 March.

3 QUESTION: You mean you expected the grand jury
4 investigation to be wound up a couple of weeks ago?

5 THE ATTORNEY GENERAL: But I don't know what they're
6 going to do, and I don't know when.

7 QUESTION: If not this week, why was John Wilson
8 sent out there?

9

10

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12 THE ATTORNEY GENERAL: Well, I have no idea.

13 QUESTION: What are your reflections on the Kent State
14 case? Almost four years ago now that the fatal shootings oc-
15 curred. There has been an on-again/off-again grand jury
16 investigation; one Attorney General concluding that there was
17 not sufficient evidence to proceed with the full grand jury
18 probe. Now we have a grand jury investigation, indictments
19 possibly imminent. What are your reflections on it?

20 THE ATTORNEY GENERAL: Well, the only thing I can
21 say is we'll wait and see.

22 I told the Senate committee that I'd not get
23 involved in it, which I was very happy to do that, because
24 we've got enough other things to worry about. And I haven't
25 followed it, I haven't talked to anybody directly involved

1 in it, and I don't even know whether Mr. Silberman has.
2 All I know is it's going on, in due time they'll come back
3 and make a report. They will either return indictments, or
4 they won't.

5 QUESTION: You mean you haven't discussed with
6 Mr. Pottinger the status of the case?

7 THE ATTORNEY GENERAL: No, I have not.

8 QUESTION: Have you disqualified yourself from it?

9 THE ATTORNEY GENERAL: I disqualified myself before
10 the Senate committee. As I say, I'm very happy to do it.
11 And we'll just have to wait and see.

12 QUESTION: General, do you expect the White House
13 to respond to the Jaworski subpoena on Friday?

14 THE ATTORNEY GENERAL: I have no way of knowing.

15 QUESTION: Do you have any way of guessing?

16 THE ATTORNEY GENERAL: Oh, I've got a lot of ways
17 of guessing, but I'm not going to.

18 QUESTION: Have you talked to Mr. Jaworski this
19 week?

20 THE ATTORNEY GENERAL: No. No.

21 QUESTION: Is there some estrangement there?

22 THE ATTORNEY GENERAL: I'm going to talk to him
23 next week, though.

24 QUESTION: On what?

25 THE ATTORNEY GENERAL: I'm going to a party.

1 [Laughter.]

2 They're having it for him next Monday some place.

3 QUESTION: Well, have you talked to the President
4 this past week?

5 THE ATTORNEY GENERAL: No. I will today.

6 QUESTION: What's the occasion that the party's
7 being held?

8 QUESTION: It's not a farewell party, is it?

9 [Laughter.]

10 THE ATTORNEY GENERAL: For Mr. Jaworski?

11

12 THE ATTORNEY GENERAL: They're having a reception
13 for him. Mr. Huddleston, or something like that, not the
14 Congressman, is having a reception.

15 QUESTION: When is it, which day, do you know?

16 You said Monday. Where is that going to be?

17 THE ATTORNEY GENERAL: I don't know. Someone's
18 home, I believe.

19 QUESTION: In the evening?

20 THE ATTORNEY GENERAL: I might add that I was
21 supposed to go to Mexico this weekend, to discuss with the
22 Attorney General down there, or the similar position, on the
23 drug enforcement problem. However, there's been a kidnapping
24 down there of a consular official, an American. And it's
25 been thought that maybe my visit there at this time would be

1 misconstrued by the people involved.

2 QUESTION: You mean the kidnappers?

3 THE ATTORNEY GENERAL: The kidnappers. So, I hope
4 that's settled. And I'm under considerable pressure from my
5 DEA section to go down there, and I do want to go. The
6 border problems are improving day by day, but the season,
7 the new season is coming on.

8 QUESTION: Do you have any word on the Hearst
9 kidnapping?

10 THE ATTORNEY GENERAL: No, I haven't. Nothing.

11 QUESTION: Well, what --

12 THE ATTORNEY GENERAL: Oh, I keep getting daily
13 reports, but there's nothing of significance.

14 QUESTION: Well, how long can this go on?

15 THE ATTORNEY GENERAL: Well, if Mr. Hearst cuts
16 off the food, as he says he's thinking about, I would guess
17 that would bring it to a head pretty quick. That is, they'll
18 either come back and make new demands or --.

19 QUESTION: Is the FBI planning on doing anything?
20 Or just --

21 THE ATTORNEY GENERAL: The FBI still maintains their
22 attitude that they will do nothing to interfere with the
23 Hearst efforts to get the girl back.

24 QUESTION: Do they have any idea where she is
25 being held at this point?

1 THE ATTORNEY GENERAL: Nothing cold. The only
2 thing I can say on that is that we do not know at the
3 present time where she's being held.

4 QUESTION: Did you know at some time?

5 QUESTION: Are you satisfied with the FBI's
6 performance in this --

7 THE ATTORNEY GENERAL: No, she said, "do you have
8 any idea".

9 QUESTION: Yes. Sorry. That's precisely it.

10 Are you satisfied with the FBI's work to date in
11 this, if they still do not know where she is being held?

12 THE ATTORNEY GENERAL: I'm satisfied.

13 QUESTION: Whether or not they know where she is.

14 You said you do not know at the present time, does
15 that indicate that she may have been moved from one place
16 to another?

17 THE ATTORNEY GENERAL: I don't know. No, no
18 implication there.

19 QUESTION: Would you say if you knew?

20 THE ATTORNEY GENERAL: Probably not, but I'd
21 tell you.

22 QUESTION: That you knew.

23 THE ATTORNEY GENERAL: Yes.

24 QUESTION: Like identification of the area.

25 THE ATTORNEY GENERAL: Please, no curves.

1 I think things will move, or I hope they'll move
2 rapidly, I'd like to think that they would return her on
3 the basis of promises made. We're getting lots of questions
4 about whether or not they think the girl is involved with
5 the kidnapping. We have no evidence to indicate that.

6 QUESTION: General, have you made any decisions
7 about the future of the long-range study of the FBI that was
8 in the works some months back?

9 THE ATTORNEY GENERAL: Yes. We're continuing in
10 these efforts, and frankly we're taking a study of not only
11 this but the other departments of the Department of Justice:
12 How effective are we? Have we changed things substantially?
13 Are we getting results?

14 QUESTION: Are you pursuing all of the issues that
15 Ruckelshaus defined?

16 THE ATTORNEY GENERAL: We haven't discarded any
17 of them, but some of them are not very realistic.

18 QUESTION: For example?

19 THE ATTORNEY GENERAL: Well, I don't have the list
20 here, but some of them, I mean we could dispose of here,
21 but we haven't disposed of. I mean they don't require a
22 million dollars' worth of study. I mean it's a policy
23 decision that -- [flip tape over] --
24 fine modern buildings, floors full of paper, the files, the
25 rap sheets here, the fingerprint reports; all of them.

1 Somehow we have to be able to handle this more
2 easily, to get the recovery faster; an inquiry on a finger-
3 print takes seven days. But in reality it's more like ten
4 or fourteen. It's handled by mail. And sometimes this is
5 for the purposes of identifying a body or something like
6 that, and it's just too long a time.

7 QUESTION: Is the Deputy still going to have the
8 general responsibility for the study?

9 A VOICE: The Deputy.

10 QUESTION: Of the FBI study.

11 THE ATTORNEY GENERAL: We haven't discussed this.
12 I don't think there is to be any big change on it. We
13 just haven't discussed it.

14 A VOICE: Thank you, Mr. Saxbe.

15 THE ATTORNEY GENERAL: Okay.

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