



Department of Justice

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, APRIL 17, 1974

10:00 a.m.

Attorney General William B. Saxbe responded to questions in the following areas:

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1 ATTORNEY GENERAL SAXBE: I've got no statement this
morning. If there's any questions.

2 QUESTION: Would you comment on what Mr. Hushen
3 had to say in his speech at Milwaukee?

4 ATTORNEY GENERAL SAXBE: Yes. This causes us
5 considerable concern, because, as you know we're trying to do
6 everything possible to increase citizen participation, and
7 it comes down to the degree of crime. I don't think anybody
8 would suggest that if a man observes a murder, no matter what
9 role he's in, that he can't just say, well, I'm a newsman, I
10 can't be a witness on this.

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17 Now, if they set a newsman up, or if a policeman
18 adopts the pose of a newsman, with a camera and with a card,
19 and whatever it takes, I think you raise a serious question.
20 There's a growing concern that the alleged crimes at
21 Wounded Knee were not crimes, they were political crimes.

22 Here we have an occupation of a town. the town was
23 destroyed, there's certainly violation of all kinds of laws
24 there, from illegal firearms to occupation of people's homes.
25 One death resulted. There was indiscriminate firing, there

1 were all kinds of circumstances that would substantiate our
2 allegation of criminality.

3 And I think Mr. Gallagher would be hard put to
4 maintain the attitude that because the man is a newsman, that
5 he has no responsibility as a citizen.

6 The fact was, the best information that I have,
7 he had not been sent in there as an informer, that when he
8 came back he was questioned only as to who was there, what
9 was said; facts that were essential to law enforcement
10 people.

11 The police and the courts cannot singlehandedly
12 control crime in this country.

13 The only place that I know where the police and the
14 courts control crime is in totalitarian countries, a police
15 state.

16 We don't want that. We must have citizen
17 participation.

18 There was a time not too many years ago--I'm talking
19 about a hundred years ago--but when the citizens performed
20 the duties of the police, the hue and the cry. They
21 apprehended the people, presented them to the authorities.

22 Now, to turn that around and say, Well, we're
23 innocent, we're just bystanders, we have no responsibility
24 either to testify or to assist.

25 You may wonder why we honored the TV man from

1 Memphis. We honored him because the man was trying to kill a
2 policeman, and he intervened. And we think that's the kind of
3 citizen participation that has to be encouraged.

4 We didn't honor him because he was a newsman and
5 did this. If it had been any other citizen that could have
6 prevented them running over this policeman, we would have
7 been happy to have honored him. And we look for those kind
8 of people.

9 But this man, being a newsman, didn't say well, I
10 just let him run over the policeman, because I'm going to
11 wash my hands of it.

12 QUESTION: On another topic, General, have you had
13 any conversation, since we met last week, with Mr. Jaworski?

14 ATTORNEY GENERAL SAXBE: No.

15 QUESTION: Have you received your report yet from
16 Mr. Petersen on COINTELPRO.

17 ATTORNEY GENERAL SAXBE: No, and he now says he's
18 not ready to present it and it will be two weeks.

19 QUESTION: Two more weeks?

20 ATTORNEY GENERAL SAXBE: Two more weeks.

21 QUESTION: May I ask you a question about --

22 ATTORNEY GENERAL SAXBE: I thought it would be
23 ready this week.

24 QUESTION: May I ask you a question about the
25 preparation of that report. I'm familiar with at least one

1 part of it, and I'm a little bit concerned to note that it
2 is not -- that Mr. Petersen is not really conducting an
3 investigation through primary sources that, in essence, various
4 persons of the Bureau are writing reports addressed to him,
5 recounting how the program operated. I don't doubt for a
6 moment that the employees of the Bureau are doing their best
7 job in trying to tell it as they see it.

8 ATTORNEY GENERAL SAXBE: Unh-hunh.

9 QUESTION: But, nonetheless, not many people,
10 certainly neither reporters nor FBI agents, like to deal
11 off from secondary sources; they like to deal with primary
12 sources.

13 Do you think that's the proper way to be assembling
14 that report?

15 ATTORNEY GENERAL SAXBE: I don't know that he is
16 assembling it that way. I haven't discussed it with him,
17 this is the first I've heard. But I think that he's a
18 competent man, he knows what I want, and I'll wait until I
19 see it.

20 QUESTION: I mean, is he instructed to go to primary
21 sources, like Director Hoover's memos, and so on, of that era?

22 ATTORNEY GENERAL SAXBE: He's instructed to
23 determine what happened under that program.

24 QUESTION: I mean, he's just not going to take the
25 Bureau's word for it, how they operated the program and so on?

1 ATTORNEY GENERAL SAXBE: I can't say the methods
2 that he's using; I'll wait until I see it.

3 QUESTION: Well, when that report comes in, in
4 addition to whatever portions, if not all of it, that you
5 furnish to us, may we know a little bit on how it was
6 prepared?

7 ATTORNEY GENERAL SAXBE: When I find out. But I
8 just don't think that Henry Petersen is preparing a whitewash.

9 QUESTION: I didn't suggest that.

10 ATTORNEY GENERAL SAXBE: Yes.

11 QUESTION: General, can I go back to Hushen and the
12 Indians?

13 ATTORNEY GENERAL SAXBE: Sure.

14 QUESTION: I suppose it would be better to wait
15 till he were here, but you probably know: did you or did he,
16 in taking that position, talk with any newsmen who had ever
17 had to cover anything like Wounded Knee --

18 ATTORNEY GENERAL SAXBE: I don't know --

19 QUESTION: -- on the first hand, acquainted with
20 the necessities, what one has to go through to get in and to
21 get out?

22 ATTORNEY GENERAL SAXBE: No. And this is something
23 that I don't know, either. And I'll admit that there is a
24 difference between a guy who makes certain arrangements to get
25 in, and one who is just an observer. And this I don't know.

1 QUESTION: Well, the other part to that question:
2 Didn't the questioning of Mone in that situation violate the
3 current Justice Department guidelines, that is, as I understand
4 it, you have to seek the Attorney General's permission to
5 even question a newsman concerning an event.

6 ATTORNEY GENERAL SAXBE: I don't think that -- I
7 don't think that that would be appropriate at this time.
8 We're talking about firsthand reports, on the spot. When was
9 that policy adopted?

10 QUESTION: Under Richardson.

11 ATTORNEY GENERAL SAXBE: When was Wounded Knee?

12 QUESTION: It was prior to -- it was never clear to
13 me how much further Richardson's guidelines went than what
14 Attorney General Mitchell had announced at the ABA in the
15 Summer of -- whatever that was -- '70, I guess.

16 I don't know that there was a substantial difference
17 in that.

18 ATTORNEY GENERAL SAXBE: What -- as I say, I don't
19 want to talk too much about this particular incident, because
20 I don't know those conditions on which you went in there.
21 But generally what alarms me is that if left to the police
22 and the courts, we're not going to be able to handle crime in
23 this country.

24 It has to be popularly supported by the people, or
25 else the bill is going to increase every year, and the

1 effectiveness is going to decrease. And this is one of the
2 alarming outcomes that could come from our recent survey,
3 indicating an increase in crime, and on the actual reports
4 of the last quarter, which indicate in some areas an actual
5 increase.

6 Now, if we want to control crime, any society, it
7 has to be a determined effort. I think I know how to
8 control crime. I believe that the only way that you control
9 crime and deter criminal activities is to apprehend and
10 prosecute people.

11 Now, we've gotten to be a very soft society, and
12 we don't like to put people in jail. We have -- a lot of
13 people have come to the conclusion that if you can't correct
14 people by putting them in jail, they shouldn't be put in
15 jail at all; because correction is the only reason to put
16 people in jail.

17 Now, we've gone the trip on calling the prisons
18 correctional institutions. Well, that theory just hasn't
19 worked very well. Because if you pursue it, you say, well,
20 this murder can't be corrected, he is a bad person -- and
21 there are some bad persons. And this is something that, again,
22 we seem unwilling to recognize.

23 So we say this man is a bad person, he has no
24 desire to be corrected. Therefore, we're wasting the state's
25 money by sending him to an institution, which is going to do

1 him no good.

2 Well, this is the softest kind of thing. I think
3 that punishment has a place, and if you catch people and you
4 prosecute them and you punish them, it is a deterrent to
5 crime.

6 Now, I don't want to go back to whipping or as they
7 do in some countries, they cut off their hand for stealing,
8 or put out their eye for another crime, something like this.
9 This kind of punishment we certainly are not interested in.

10 But the only humane type of punishment available to
11 us is separating them from society. And it's--over the years--
12 been effective. Give them humane treatment but separate them
13 from society, not only for society's good but for punishment
14 that perhaps they don't want to be separated again.

15 Now, if we're going to divert people, in other words,
16 some time between their apprehension and their return to
17 society they are diverted, by one means or another, the
18 punishment never comes about.

19 And being logical people, and they are, they come to
20 the conclusion that crime does pay.

21 And most crime is committed because the people think
22 it does pay.

23 Oh, you have hot-blood crimes and things like that
24 that are not -- or fanatical crimes that are not -- in the
25 long run that crime does pay; but most of the crime that we're

1 involved about, people do it because they think they can
2 get away with it. And there's no punishment.

3 And a soft society is going to have to live with
4 this, unless they want to toughen up. The police can't do it.
5 The Justice Department can't do it. It has to have the
6 support of Congress, it has to have the support of the
7 people on the street, and it has to have the support of
8 Mr. Gallagher.

9 QUESTION: General, could we get onto the
10 Jaworski business, which somebody asked about?

11 Would you expect the demand for tapes, the
12 subpoena, to lead to another confrontation similar to the
13 Cox situation, or do you think that the White House will
14 comply?

15 ATTORNEY GENERAL SAXBE: I don't know. That's a
16 matter for the court, and I can't comment further. He's an
17 agent of the Justice Department, he has seen fit to go to
18 court, and that's where it is; it's in litigation.

19 QUESTION: But, General, Mr. Jaworski is also an
20 agent of the Executive Branch. You now have a situation in
21 which two sections of the Executive Branch, the Justice
22 Department and the White House, are facing off in court.

23 What do you tell the American people who are having
24 to spend their money in taxes, to have two sections of the
25 Executive Branch fight each other in court?

1 ATTORNEY GENERAL SAXBE: Well, I don't think you
2 have to tell them anything but the truth, that this is a
3 confrontation that can only be resolved there.

4 QUESTION: Well, should the American public --

5 ATTORNEY GENERAL SAXBE: What would you suggest
6 as an alternative to this?

7 QUESTION: Some people have suggested that the
8 President have his own lawyers, which he would pay for
9 himself, represent him in court, rather than have government
10 lawyers representing him.

11 What would you --

12 ATTORNEY GENERAL SAXBE: On the presumption that
13 he's guilty.

14 QUESTION: Not necessarily.

15 ATTORNEY GENERAL SAXBE: Well, I think that the
16 President, his decision is deserving of the lawyers that he's
17 gathered about him. I think that the demands of the various
18 bodies, the Senate Committee, the House Committee, the
19 Special Committee -- or the Special Prosecutor, require
20 compliance. He could simply say, well, I have no way to
21 comply with you, I can't go down and rummage through these
22 files, I can't prepare what you ask me for. I think that would
23 be an even greater confrontation and one that could not be
24 resolved.

25 QUESTION: Let me ask you another question. The

1 President has repeatedly stated -- in his State of the Union
2 address and afterwards at news conferences -- that he has
3 given the Special Prosecutor everything he needs to wrap up
4 Watergate.

5 Well, this subpoena request from Mr. Jaworski would
6 seem to flatly dispute the President's statements.

7 ATTORNEY GENERAL SAXBE: Well, you've raised the
8 issue. That is the issue, isn't it?

9 QUESTION: What's your assessment of this conflict?
10 How do you account for it?

11 ATTORNEY GENERAL SAXBE: My assessment is that this
12 is the issue that they are now squaring off on.

13 QUESTION: Would you have hoped that somehow this
14 matter could have been negotiated short of a subpoena
15 confrontation?

16 ATTORNEY GENERAL SAXBE: Yes, but why wish for bread,
17 when you can wish for the grocery store?

18 For me to say that I would hope that this -- I would
19 hope that it would never have happened; any parts of it.

20 QUESTION: You said just a moment ago that these
21 demands from the various bodies seem to you to require
22 compliance. What do you mean by that?

23 ATTORNEY GENERAL SAXBE: Well, there are other
24 things than tape that they are asking for. There is voluminous
25 correspondence, and the responses require somebody to get this

1 put together. And also, I think that the President, through
2 his lawyers, is making the case that obviously our judicial
3 system requires of any person accused in our system.

4 Now, I think that the action of impeachment is
5 similar to an indictment. After indictment, I think it's a
6 different situation.

7 QUESTION: But did you mean that you think he has an
8 obligation to provide the materials that he's been asked for?

9 ATTORNEY GENERAL SAXBE: I think this is the issue
10 that we're talking about, isn't it?

11 QUESTION: I wanted --

12 ATTORNEY GENERAL SAXBE: For me to say that -- that
13 the subpoena isn't necessary would be to beg the whole
14 question; and I'm not going to say this.

15 QUESTION: But don't you back up Mr. Jaworski in
16 his argument for the subpoena?

17 ATTORNEY GENERAL SAXBE: I back up Mr. Jaworski
18 by supplying him all the information that he wants from the
19 Justice Department. After that, these decisions are made by
20 Mr. Jaworski.

21 QUESTION: So you're taking no position.

22 ATTORNEY GENERAL SAXBE: I'm taking no position on
23 this, because it's in litigation and they're squared off on
24 the issue that we've talked about.

25 QUESTION: Well, you already have taken a position,

1 haven't you, Mr. Attorney General, when you said just a few
2 minutes ago that the demand from various bodies, the Senate
3 Committee, the House Committee and Special Prosecutor's
4 office seem to require compliance?

5 ATTORNEY GENERAL SAXBE: What I'm talking about is
6 physical material which they asked the White House to provide.
7 They're the judge of whether they can comply or not, and right
8 now the issue is before the court.

9 QUESTION: May I ask about one word I thought I
10 heard you say. I thought I heard you say: I think that the
11 President, his decision is deserving of the lawyers that he's
12 gathered about him.

13 Was your word "decision" or "position" or what was
14 the word?

15 ATTORNEY GENERAL SAXBE: Well, I'll have to -- I said
16 "decision", but what I'm talking about is -- and don't go
17 away confused on this -- that we are now reaching a
18 confrontation, and this is in the court. Mr. Jaworski
19 has said that he must have certain information. The President
20 is making the position that he is privileged because of his
21 executive position not to deliver this.

22 Now, I am not taking the position supporting either
23 position, because this is before the court and it would be
24 presumptuous on my part to say that the President is right
25 or that Jaworski is right.

1 QUESTION: Well, wasn't this matter litigated --

2 ATTORNEY GENERAL SAXBE: What?

3 QUESTION: Is that the President's position, that
4 he does not have to turn it over, any of these materials
5 unless he wants to, because of his executive privilege?
6

7 ATTORNEY GENERAL SAXBE: I would think so.

8 QUESTION: On the latest subpoena?

9 ATTORNEY GENERAL SAXBE: What?

10 QUESTION: On the latest subpoena, the one for the
11 64 conversations?

12 ATTORNEY GENERAL SAXBE: I don't know that for a
13 fact, but I would guess that his position is that the
14 separation of powers and the privileges that lie within the
15 presidency, will be his position.

16 QUESTION: Well, General, on --

17 ATTORNEY GENERAL SAXBE: That is a presumption,
18 only because it has been raised previously. I have no way of
19 knowing that that's going to be it.

20 QUESTION: On October 13th, the Court of Appeals
21 resolved that question, at least for this Circuit, in holding
22 that claim of executive privilege was not unqualified, that if
23 the President had evidence which was material and relevant,
24 that it would have to be supplied.

25 Is it really an open question at this stage of the

1 game?

2 ATTORNEY GENERAL SAXBE: I think that's what is
3 going to be brought up in this case.

4 QUESTION: Well, wouldn't you agree, though, that
5 the law, at least at this time, is that the President must
6 hand over materials which are relevant and material?

7 Is there any doubt about that?

8 ATTORNEY GENERAL SAXBE: I think that for me to
9 say that now would be to take a position on this action.

10 I think that they're competent to bring whatever
11 their defense is to the subpoena before the court, and I'm
12 sure they will do it.

13 QUESTION: A week ago you told us that the lid was
14 off in the Hearst case. Since then there's been a bank
15 holdup, two people shot, \$10,000 stolen. What's going to
16 happen now?

17 ATTORNEY GENERAL SAXBE: We're still going to catch
18 them.

19 QUESTION: Has the FBI intensified its efforts, or
20 done anything at your direction since you said that the lid
21 was off?

22 ATTORNEY GENERAL SAXBE: They are working
23 vigorously. Whether they've intensified or not, it's pretty
24 hard to judge, because it was pretty intensive before.
25 But they -- I reiterate my position: they will be apprehended.

1 QUESTION: General, could you expand on that just
2 a little bit? The Attorney General of California has said
3 that the FBI is handling this case in a rather soft manner.
4 I would also like to know your position on Miss Hearst's
5 status at the moment; that is, if she --

6 ATTORNEY GENERAL SAXBE: She's a wanted person.

7 QUESTION: -- is still a captive, or what?

8 ATTORNEY GENERAL SAXBE: I don't know. I would --

9 QUESTION: And whether she has joined --

10 ATTORNEY GENERAL SAXBE: It would appear to me
11 that she was not a reluctant participant in this robbery.

12 QUESTION: She was not a reluctant participant.

13 QUESTION: On what basis does it appear to you,
14 General? Some information from the FBI, or just the pictures
15 that we've seen?

16 ATTORNEY GENERAL SAXBE: And the witnesses.
17 The way she behaved. There were a number of people in the
18 bank that observed her behavior.

19 You know -- and another thing, is that in putting
20 together a well-coordinated activity such as this bank robbery
21 was, the last thing you want is someone that is uncooperative
22 with your plan in the midst of it.

23 Now, she was armed, and whether it was an empty gun,
24 we don't know.

25 QUESTION: But, wasn't --

1 ATTORNEY GENERAL SAXBE: But based on the activities
2 of the other people involved, and the observation of witnesses
3 in the bank, the photographs -- my personal conclusion is
4 that she was not a reluctant participant. Now, --

5 QUESTION: All right now, what's her status --

6 ATTORNEY GENERAL SAXBE: -- there's room for others
7 to say that she was coerced into it.

8 QUESTION: How's that, sir?

9 ATTORNEY GENERAL SAXBE: There are others who say
10 that she was coerced into it, or suggest that; that there
11 were two guns that were pointing at her, and so on.

12 QUESTION: You don't think they were?

13 QUESTION: Well, General, what's the status of the
14 case now, and how do you discern what are the options open
15 to the FBI?

16 ATTORNEY GENERAL SAXBE: The only options open to
17 the FBI is to apprehend the entire group.

18 QUESTION: Well, are they planning to do that?

19 ATTORNEY GENERAL SAXBE: This is what they've been
20 planning to do ever since the kidnapping.

21 QUESTION: Well, I still have some more on the
22 question. Younger said that the FBI had handled this in a
23 soft way, which implied that they had not in fact been
24 pursuing apprehension of Miss Hearst as a kidnapped person.

25 ATTORNEY GENERAL SAXBE: The policy of --

1 QUESTION: Since -- if she's not now a kidnapped
2 person, do you think the apprehension will take a more
3 forceful approach?

4 ATTORNEY GENERAL SAXBE: Well, it's a policy of the
5 FBI to cooperate with the family in any way possible, and not
6 to interfere unnecessarily with the family.

7 As you know, Mr. Hearst took violent reaction when
8 I made the statement that he shouldn't deal with the kidnapers
9 and that we should apprehend them. He said that my statements
10 were ridiculous and approached the irresponsible.

11 My attitude hasn't changed. I think in any
12 kidnapping that cooperation is extremely important; but, at
13 the same time the law enforcement agencies should be in
14 charge of any ransom activity or whatever contact is made
15 with them.

16 He chose to do it otherwise, and I can understand
17 his concern for his daughter, and I know that he firmly
18 believed that the things that he did was going to get her
19 returned. And you can't find fault with this personal
20 feeling.

21 But if there's one thing that this kidnapping should
22 prove is that the policies that have been adopted by this
23 group, the so-called Robin Hood approach, that is, give massive
24 handouts to the poor, or something of that kind, is no less
25 criminal than the straight ransom type of kidnapping.

1 QUESTION: Well, should it be treated as something
2 other than a kidnapping now?

3 QUESTION: If you please, there are two questions
4 that have not been answered: No. 1, is--

5 ATTORNEY GENERAL SAXBE: We've got two separate
6 crimes now. We've got the kidnapping -- if it was a kidnapping
7 -- and we have a bank robbery.

8 QUESTION: General, do you think --

9 QUESTION: So that in your view, now she's a
10 fugitive from justice --

11 ATTORNEY GENERAL SAXBE: She's a fugitive.

12 QUESTION: You say you think she was a willing
13 participant in the robbery, do you think she was a willing
14 kidnap victim? From the beginning.

15 ATTORNEY GENERAL SAXBE: I have no
16 way of knowing on that. That's only going to be determined
17 after they're apprehended.

18 QUESTION: General, I'm sorry to interrupt, but
19 you still haven't answered. What is her status now? Is
20 she still considered a kidnapped person or is she considered
21 a bank robber? And what happens next?

22 ATTORNEY GENERAL SAXBE: The answer is: both.

23 QUESTION: Both a bank robber and a kidnapped person.

24 ATTORNEY GENERAL SAXBE: There is a crime of
25 kidnapping which survives from the original action. The

1 bank robbery arises from the participation this week.

2 QUESTION: But, General, you said she --

3 ATTORNEY GENERAL SAXBE: But one doesn't wash out
4 the other.

5 QUESTION: Did I hear you say she was a fugitive?

6 QUESTION: You say she had two guns pointed at her,
7 yet --

8 ATTORNEY GENERAL SAXBE: I said there were some who
9 felt that she was reluctant, because it appeared that two
10 guns were pointing at her.

11 QUESTION: But you don't feel that way, sir?

12 ATTORNEY GENERAL SAXBE: I don't feel that way.

13 QUESTION: Could you tell us why?

14 ATTORNEY GENERAL SAXBE: The testimony of the
15 witnesses, and the actions within the bank.

16 But, whatever the case, as stated by the FBI in
17 San Francisco that she is a material witness, which would
18 require the same degree of effort in her apprehension as if
19 she were not a participant.

20 QUESTION: But you did say that in your own view
21 she's more than that, is in fact a fugitive from justice.

22 ATTORNEY GENERAL SAXBE: My personal feeling.

23 QUESTION: Does the FBI in San Francisco agree with
24 that? Have they told you?

25 ATTORNEY GENERAL SAXBE: No, I believe the FBI in

1 San Francisco says that she's wanted as a material witness.
2 But the -- she's still wanted. And whether she's wanted as a
3 participant, there's been no charges filed, and there won't
4 be until she's apprehended, except that she's wanted as a
5 material witness. There will be just as much interest in
6 her apprehension as before.

7 QUESTION: But isn't there a substantial difference,
8 General, in the technique of apprehension? If she's a
9 fugitive and a participant, the FBI then theoretically would
10 be justified in shooting her if they come upon her; but if
11 she's wanted as a material witness.

12 ATTORNEY GENERAL SAXBE: You're not justified in
13 shooting anyone, unless -- I mean, on sight, if that's what
14 you're talking about.

15 QUESTION: No, I'm talking about --

16 ATTORNEY GENERAL SAXBE: But if -- if there is a
17 fire fight, or something like that, an officer is entitled
18 to protect himself. If a fleeing criminal, there is certainly
19 no desire that she'd be shot.

20 QUESTION: Are you directing the agents now to
21 change tactics on the assumption that they know where
22 this group is, and trying to -- will they now --

23 ATTORNEY GENERAL SAXBE: I am not directing agents,
24 and I have not directed agents. I have confidence in their
25 good sense and their ability to operate. I don't think the

1 Attorney General should ever interject himself to make
2 decisions as to their on-the-spot actions.

3 QUESTION: Well, will they be justified in a
4 break-in?

5 ATTORNEY GENERAL SAXBE: In what?

6 QUESTION: Going in after the group if they were
7 barricaded, that they were apparently loathe to do previously
8 because of Miss Hearst's safety?

9 ATTORNEY GENERAL SAXBE: Oh, I think so, yes.

10 QUESTION: You're saying they would be justified
11 in breaking in?

12 ATTORNEY GENERAL SAXBE: Yes.

13 QUESTION: Why do you say that General?

14 ATTORNEY GENERAL SAXBE: Well, these -- the
15 entire group that we're talking about are common criminals,
16 and we're anxious to apprehend them. We take the minimum
17 amount of force necessary to apprehend them.

18 QUESTION: The entire group, including Miss Hearst?

19 ATTORNEY GENERAL SAXBE: And Miss Hearst is a part
20 of it.

21 QUESTION: Do you think this matter would have been
22 treated more effectively had the Hearst family given the
23 FBI a freer hand at the outset?

24 ATTORNEY GENERAL SAXBE: We don't know that.
25 Certainly this is our recommendation in all kidnappings.

1 QUESTION: I didn't understand your answer to
2 the previous question. The FBI had been following a policy
3 of laying back a little bit because of their concern with
4 the --

5 ATTORNEY GENERAL SAXBE: I'm not -- I'm not --

6 QUESTION: -- girl's safety. Now, has that concern
7 lessened now?

8 ATTORNEY GENERAL SAXBE: I don't know that. I
9 don't know what you said. I don't know that with certainty.

10 QUESTION: Well, it would be my premise --

11 ATTORNEY GENERAL SAXBE: This is what the Attorney
12 General out there has said.

13 QUESTION: That's what you implied last week when
14 you said the lid is now off, as though there had been something
15 of a lid previously.

16 ATTORNEY GENERAL SAXBE: Well, what I meant by
17 that was that there was no lid that I had removed. It was just the
18 attitude that it had moved into a different situation, that
19 she was not a bound-and-gagged hostage, held in a vulnerable
20 place. And we don't even know that.

21 So what I'm doing here with you now is just expressing
22 my personal views, and one that I am not relaying to the
23 FBI, because I have confidence in what they're doing.

24 QUESTION: But in expressing those views, aren't you
25 prejudging the guilt of this girl? Before she's had a chance

1 for a trial.

2 ATTORNEY GENERAL SAXBE: You mean whether or not
3 she was an active participant?

4 QUESTION: Yes.

5 ATTORNEY GENERAL SAXBE: I don't think so.

6 She has -- if she was a reluctant participant in
7 the bank robbery, she'll have every opportunity to make that
8 case.

9 QUESTION: Do you know more about the SLA than you
10 knew a month or so ago when we were talking about it around
11 this table? Where they get their sources from, their member-
12 ship total, foreign influence, or whatnot.

13
14 ATTORNEY GENERAL SAXBE: I have no information that
15 I could tell you.

16 QUESTION: Do you have any idea where they're holding
17 up now?

18 ATTORNEY GENERAL SAXBE: San Francisco.

19 QUESTION: Could you be precise about that?

20 ATTORNEY GENERAL SAXBE: No. But I --

21 [Laughter.]

22 ATTORNEY GENERAL SAXBE: Obviously the bank
23 robbery did demonstrate that they are in San Francisco.

24 QUESTION: Again, General, as far as --

25 ATTORNEY GENERAL SAXBE: And now we have some

1 evidence, which you probably heard on the news today, that
2 neighborhood merchants say that they have seen certain of
3 these people on the streets and in their shops.

4 QUESTION: Do you recall where that was?

5 ATTORNEY GENERAL SAXBE: That was news on the
6 wire this morning.

7 QUESTION: What part of San Francisco?

8 ATTORNEY GENERAL SAXBE: No, I don't.

9 QUESTION: But it is San Francisco as opposed to
10 the East Bay or anything like that?

11 ATTORNEY GENERAL SAXBE: Or another country, another
12 part of the United States.

13
14 QUESTION: Do you have any evidence that they're
15 moving around or have been moving around from place to place?

16 ATTORNEY GENERAL SAXBE: No.

17 QUESTION: So far as you know, they may well have
18 been in the same place ever since they took the girl?

19 ATTORNEY GENERAL SAXBE: I have no knowledge.

20 QUESTION: Former Deputy Attorney General Ruckels-
21 haus was working on a study of reorganization of the FBI, and
22 since his departure we don't -- at least I don't know what
23 happened to that whole project. Where does that stand
24 today?

25 ATTORNEY GENERAL SAXBE: Mr. Silberman has that in

1 his Deputy's office at the present time, and is making a
2 study of it, whether to proceed or whether to change the
3 questions; and we have nothing on it.

4 QUESTION: Well, if at some -- he has not changed
5 the questions, then, that Ruckelshaus had articulated?
6 Those questions are --

7 ATTORNEY GENERAL SAXBE: He hasn't decided, to my
8 knowledge.

9 Do you have anything to say on that?

10 MR. SILBERMAN: No.

11 QUESTION: Well, at such point as that project
12 moves forward, could we so informed? Some of us have an
13 interest in it.

14 MR. SILBERMAN: Perhaps.

15 QUESTION: Thank you.

16 QUESTION: You ended your question, sir -- you
17 ended your answer, sir, to a question with "another country,
18 another part of the United States"; I'm not sure what --

19 ATTORNEY GENERAL SAXBE: I could have said another
20 part of the world. As distinguished from San Francisco.

21 QUESTION: Oh, as distinguished from.

22 ATTORNEY GENERAL SAXBE: Right.

23 QUESTION: Could I ask you about -- on another
24 subject. I read a story in the paper the other day about
25 the Acting U. S. Attorney for the Eastern District of New

1 York, a young man who has been prosecuting some Republicans
2 and now thinks that he will not become the real U. S. Attorney
3 because of this prosecution.

4 Are you familiar with that situation, and how does
5 this relate to your position on the political nature of U. S.
6 Attorneys?

7 ATTORNEY GENERAL SAXBE: You're talking about Mr.
8 Boyd?

9 QUESTION: Yes.

10 ATTORNEY GENERAL SAXBE: I don't think that this
11 has any relation to the political. He's proceeding in his
12 capacity as Acting U. S. Attorney.

13 QUESTION: But the thrust of this report was that
14 some people, apparently he among them, think that the fact
15 that he's prosecuted some prominent Republicans has killed
16 his chances for being named permanently to the job.
17 In other words, a kind of a lesson to take it easy if you
18 want to be a U. S. Attorney.

19 ATTORNEY GENERAL SAXBE: Well, I can't comment on
20 that, because the appointment hasn't been made.

21 QUESTION: On the other side of the coin, sir, in
22 Chicago, Mayor Daley said that Mr. Thompson has been carrying
23 on a vendetta against the Democrats, constituting Democrats
24 by and large, although Mr. Thompson has taken action against
25 two relatively minor Republicans, office holders. Do you have

1 any comment on that, that Mr. Thompson is carrying on --

2 ATTORNEY GENERAL SAXBE: The only comment would be
3 that, I believe the predominance of the office holders are
4 Democrats. That is, he -- I have no reason to believe that
5 he's overlooking people because they're Republicans.

6 QUESTION: General, Mr. Jaworski is quoted as
7 looking into the circumstances surrounding paroles of three
8 people, pardoned criminals -- Jimmy Hoffa, David Carlow and
9 Al Colt. I wondered if you had qualified -- corroborated
10 with that investigation and/or are you looking into the
11 circumstances yourself?

12 ATTORNEY GENERAL SAXBE: No, anything relating to
13 that you'd have to get from Mr. Jaworski.

14 QUESTION: Wouldn't it be an internal matter in
15 your own Department, since the criminal nature of --

16 ATTORNEY GENERAL SAXBE: Yes, but we have --

17 QUESTION: -- paroled criminals?

18 ATTORNEY GENERAL SAXBE: If he's proceeding on this,
19 he'll have to talk to you about it.

20 I've got nothing to say on it.

21 QUESTION: General, going back to an earlier dis-
22 cussion, what would be your policy now if the FBI wants to
23 question a reporter about a crime? What would they have to do
24 before they -- before they talk to you; anything?

25 ATTORNEY GENERAL SAXBE: As you know, there is a

1 policy that there be no subpoenas issued except by approval
2 of the Attorney General.

3 Now --

4 QUESTION: What about questioning?

5 ATTORNEY GENERAL SAXBE: -- most of the questioning,
6 I think the person should be free to answer. If they refuse
7 to answer, then the question of subpoena comes up.

8 QUESTION: So that if it's just a question in the
9 first instance the FBI would not have to come to you?

10 ATTORNEY GENERAL SAXBE: No. Now, we have, as you
11 know, many reporters who volunteer, but then ask to be
12 subpoenaed, to protect them from their boss or for their
13 best reason.

14 QUESTION: Do you have many reporters who have?

15 ATTORNEY GENERAL SAXBE: Yes. Not a great number,
16 but I mean every subpoena that I have signed has been with
17 the acquiescence of the person subpoenaed.

18 QUESTION: General, have you had any conversations
19 or communication with Mr. St. Clair at the White House?

20 ATTORNEY GENERAL SAXBE: No. Not since last week.

21 QUESTION: On a different subject, there was an
22 office set up here, I believe within this building, consisting
23 of five or six staff people who were working on the Freedom
24 of Information Act revisions, and it's not clear to me what's
25 happened to those people. I think they were -- that was set

1 up during Attorney General Richardson's reign. I imagine
2 they are still functioning, but we haven't heard any more
3 about them. What's their status?

4 ATTORNEY GENERAL SAXBE: Well, as I recall on that,
5 the chairman of this committee, the post of chairman became
6 vacant -- isn't that correct?

7 A VOICE: I didn't hear the question.

8 ATTORNEY GENERAL SAXBE: The question was on the
9 in-house committee we had on the Freedom of Information.

10 QUESTION: On revisions. I think that the top guy
11 -- I can't remember his name -- went back to HEW, --

12 ATTORNEY GENERAL SAXBE: That's right.

13 QUESTION: -- because he couldn't get tenure here,
14 and so on and so forth.

15 ATTORNEY GENERAL SAXBE: We have picked a new man,
16 I believe, and he's just now --

17 A VOICE: I'm not familiar with that, other than
18 the responsibility which OLC, Office of Legal Counsel, has
19 with respect to the Freedom of Information Act, if that's
20 what you're referring to.

21 QUESTION: No, it's not. No.

22 A VOICE: The responsibility is primarily in the --

23 ATTORNEY GENERAL SAXBE: There was a separate --
24 what's the story on that, Jack? Do you recall?

25 A VOICE: That's been pulled back into the Office

1 of Legal Counsel, and I'm not certain that that group ever
2 established the functioning operation other than the fact
3 that it was proposed.

4 QUESTION: Well, there was a staff of guys hired,
5 they were working here in the building on it. I've had
6 several of them come to see me, who were working on revisions,
7 and they seem to all have dropped out of sight. What happened
8 to them?

9 A VOICE: When was the last time you saw them?

10 [Laughter.]

11 QUESTION: I had a phone call from one last week.

12 A VOICE: As an operating group?

13 QUESTION: I don't know --

14 A VOICE: That will take care of him!

15 [Laughter.]

16 A VOICE: Was it operating out of HEW --

17 QUESTION: I don't know. I tried to return his
18 call, but he wasn't at that number. I have some fear for
19 his safety.

20 [Laughter.]

21
22 QUESTION: Well, if you can supply me with the
23 name of the new chairman that replaced the one that went back
24 to HEW, I can just go to him and ask him, and that will solve
25 all the mysteries.

1 ATTORNEY GENERAL SAXBE: Do you recall on that,
2 J.D.?

3 QUESTION: Tangential to that is apparently --

4 A VOICE: Mr. Stern, is it conceivable that this
5 group dissipated before the Attorney General came into
6 office?

7 QUESTION: Sir?

8 A VOICE: Is it conceivable that this group dissipated
9 before the Attorney General came into office? If not, --

10
11 QUESTION: I don't know the answer to that question,
12 but it's not my impression that they were that fragile a
13 body, I thought they were going to be --

14 A VOICE: Well, if I can find it -- I will check
15 on it.

16 J. D. SAWYER: Oh, there was a proposal to have that
17 group chaired by a man who was at HEW, and that group, that
18 man was never transferred to Justice, and the proposal at that
19 time was to work out a participating agreement among all the
20 other agencies and form a group to represent the various de-
partments of government.

21 To my knowledge, it never was convened.
22 but it was discussed under Mr. Richardson.

23 QUESTION: Well, the principal proposal this non-
24 existent group was working on was for an index that
25

1 each department, each agency, would be required to compile
2 of decisions that had been reached by the agency, so that those
3 who had an interest in acquiring them would at least know
4 that they existed.

5 I believe that's part of some of the legislative
6 packages that are on the Hill, and the Justice Department is
7 opposing that, I understand -- I may be wrong. I just was
8 curious as to what the problem is -- and there may be
9 considerable problems. But what are the problems proposed
10 by having an index of decisions of the departments, so that
11 those who want to pursue the matters under FOI can?

12 Are you not opposing that proposal? I thought that --

13 ATTORNEY GENERAL SAXBE: I'm not familiar with
14 the index proposal.

15 QUESTION: Well, the original Act requires the
16 indexing, agency by agency, of decisions reached by the
17 agency. No agency has complied with that part of the Act,
18 and this group -- that was the main thing I understood that
19 they were pointing to, and we never heard more about it.

20 I understood some of the amendments on the Hill
21 wanted to review life under that provision, and I understood
22 the Department was opposing it, and I was really asking why
23 you're opposing it. And if all my preparatory remarks are
24 incorrect, then I withdraw the question.

25 ATTORNEY GENERAL SAXBE: Well, the Justice Department

1 is not opposing the revisions in the whole deal. The
2 Justice Department, in their position, is just trying to make
3 more realistic some of the things that we don't think would
4 work in there. The ten-day time period, and things like
5 this.

6 We just don't see how you could caught up to do
7 some of these things. They would be perpetually in violation.

8 QUESTION: Mr. Attorney General, the report that
9 you have in front of you, the Crime in the Major Ten Largest
10 Cities, states, on either page one or two, that -- a quotation,
11 I believe, from Mr. Santarelli -- that the Uniform Crime
12 Reports can no longer be used as a -- I may be wrong in my
13 wording, but I'm right in my sense, I believe -- can no
14 longer be used as an accurate measure of crime in this country;
15 that this report of unreported crime, telling about
16 unreported crime, is a more accurate measure of it.

17 That the Uniform Crime Reports are useful to the
18 police in a tactical sense, but that the real picture of
19 crime is in this report.

20 No. 1, would you comment on it generally; and, two,
21 would you tell us what the reaction of the Bureau is to this
22 kind of conclusion?

23 ATTORNEY GENERAL SAXBE: Well, I was naturally
24 interested in this survey. This survey was conducted just a
25 year ago, the first quarter of '73 based on the year of '72.

1 So it's a year old now.

2 It is not an answer to the crime reported. The
3 study of this, the study of the questionnaire which is
4 conducted by the Census Division, brings to mind that a lot
5 of the unreported crime is not going to be reported no matter
6 what kind of police system we have.

7 For instance, only one crime in ten was based on the
8 fact that the police would not want to be bothered. The
9 rest of them are based on other reasons, which were important
10 to the householders.

11 I think that the value of this study is that for
12 the first time it brings in the people's attitudes. If we're
13 going to combat crime, we have to work with people. And we
14 get reasons why people didn't report it, or what they think a
15 crime is.

16 Now, there's a lot of difference in what people
17 think crime is. And it also is going to be useful to see
18 what age bracket, what economic bracket, sex, race, are
19 more susceptible to crime.

20 These things are all good. But I don't think that
21 we can just chuck out the conventional crime reporting and
22 say that this is the answer, because it is not the answer.
23 It's going to be a worthwhile tool for future development in
24 law enforcement, but it's not going to be the complete
25 answer.

1 I just might point out here that a lot of crime
2 isn't reported because they don't want to prosecute. The
3 brother-in-law stole the watch. They don't want the brother-
4 in-law to go to jail. The husband beat her up; she doesn't
5 want the husband to go to jail.

6 The jewelry disappeared, but they don't know whether
7 they lost it or whether it was stolen. The door was open,
8 therefore they can presume somebody tried to get in.

9 QUESTION: Then you don't agree with the statement
10 in there that the Uniform Crime Reports are no longer an
11 accurate measure of crime in this country.

12 ATTORNEY GENERAL SAXBE: They never were an
13 accurate measure. But what I'm saying is that we can't chuck
14 them out, because they're the best accurate measure of
15 police activity, of what comes to the police. The police
16 cannot talk about the crime that isn't reported, and that's
17 what we've got here in this study.

18 The police can only report on that crime which comes
19 through them and is reported in the regular channels, and
20 that's what the uniform crime report does; but to say that
21 it is accurate and encompassed all crime would never be true.

22 QUESTION: Mr. Santarelli was in this room this
23 morning when we convened. I imagine he had come from an
24 appointment with you. Has he submitted his resignation?

25 ATTORNEY GENERAL SAXBE: No.

1 QUESTION: Has he informed you that --

2 ATTORNEY GENERAL SAXBE: No, I asked him to come
3 over to explain exactly what we could expect as a result of
4 this. In other words, I'm afraid that it's going to be
5 extremely difficult to get more money in the police depart-
6 ments, the cities and the federal government and the States
7 are just reluctant to put more money in. How can we, then,
8 respond to this unreported crime?

9 Well, as he pointed out, some of it, there's no
10 response we can make. If a person does not desire to put
11 their brother-in-law in jail for stealing a watch, there's not
12 a whole lot we can do about it.

13 And if the person recognizes that there is nothing
14 they can do about some missing article, because they don't
15 have any information or evidence or suspect, they're not
16 going to report it.

17 QUESTION: Did he suggest anything else, feeling
18 that the police wouldn't handle it, fear of reprisal?

19 ATTORNEY GENERAL SAXBE: Well, fear of reprisal is
20 a reason for a small percentage. And we're not talking just
21 about the police here, we're talking about the courts. A
22 lot of people say, well, I turned this guy in, and he's back
23 on the block next week, and he's going to break my window.

24 There is fear of reprisal.

25 Now, if the court has a policy in the community to

1 turn everybody back on the streets, there's a helplessness
2 that develops there, too. That they say, well, what the hell,
3 I'm not going to go down there and appear in court twice and
4 get horsed around, only to find that the man's back before
5 I am.

6 And we get letters all the time. I talked to Chief
7 Kelley about the mail that we get, about the injustice that
8 people suffer, and some of it's unreported, some of it is
9 reported; but there's a lot more of this mail goes to what
10 they feel the failure of the courts to punish, as they think
11 they should, than there is a failure of the police to appre-
12 hend.

13 We get more complaints as to what they think that
14 the person that committed the crime didn't get what he
15 deserved. Whether he's right or not, I don't know. But there
16 is more of this mail than there is about complaints of the
17 police.

18 QUESTION: Can we go back for a minute to what
19 you said previously on diversion -- are you totally
20 against the trend towards diverting a mass of people from
21 the criminal institutions away from the system, or do you
22 think it's just been over-abused?

23 ATTORNEY GENERAL SAXBE: No, I think diversion
24 works, where you can get the community to take the responsibility
25 I don't think diversion works where you send the man right

1 back to the same climate that produced him.

2 I think I quoted here once before, in some of the
3 totalitarian countries they have gone almost entirely to
4 community action on minor crimes. A man is sent back to
5 his own block, his own area, a group of the neighbors get
6 together and censure him, and also get his promise to comply
7 with the norms of the community.

8 This kind of diversion is good, but a diversion
9 just to keep a man from becoming a statistic and to send him
10 back where he's not going to be taken away from that
11 atmosphere that produced him is not much good. And some of
12 the ones who talk about diversion don't think there's anybody
13 who is a bad person. They're just misunderstood people.

14 There are certain people that all the community
15 action, everything else, is not going to help. The person
16 who is chronically in opposition to the community and to the
17 people generally.

18 QUESTION: Well, General, have you pretty well given
19 up on the prison system itself as a way of being able to
20 rehabilitate people at all? Do you think it's just totally --

21 ATTORNEY GENERAL SAXBE: No.

22 QUESTION: -- failed there?

23 ATTORNEY GENERAL SAXBE: No, certainly not the
24 federal system. The federal system has got an extremely
25 low rate of recidivism, it's down to less than 30 percent, and

1 I think that's encouraging.

2 I think the real test in the prison system is
3 being able to separate those people who you can rehabilitate
4 from those who you can't. And I think we're moving into this
5 area of being more capable of doing this.

6 We have at our major prisons training facilities,
7 TV repair, automotive repair, libraries to improve their
8 education, there's extension courses from universities.
9 All of these things are offered for those who are willing to
10 take them.

11 The other prisons in the country are not as well
12 qualified, but I think we're coming around to that.

13 But my real concern is that we don't realize that
14 there is also an element that must be made apparent to the
15 criminal, that if he does certain antisocial things that he's
16 going to be locked up.

17 QUESTION: General, on the crime study of Mr.
18 Santarelli's, you said that -- you cited the difficulties
19 perhaps of getting money into police departments. Now, have
20 you had complaints from any police chiefs or any communications
21 with police chiefs regarding this study?

22 ATTORNEY GENERAL SAXBE: No, I have not as yet.
23 Of course it's just been out for two days, but most of them
24 are aware of it. I'm sure that there are chiefs who will be
25 heard from, but I think they're going to raise it: All right,

1 what can we do?

2 If there's twice as much crime than is being
3 reported, are we going to have twice as many policemen,
4 if so, where's the money coming from?

5 Now, it isn't that simple, because some of this
6 crime, no matter what you do, is never going to be reported.

7 If you understand what I'm talking about, they're
8 not going to turn in a brother-in-law, they're not going to
9 turn in their husband, they are not going to report it if
10 they are involved in illegal activities themselves, you know,
11 if it's a gang type internecine type of assault. So you
12 just can't say that if the conditions were exactly right,
13 all of this unreported crime would suddenly be reported.

14 And most of the crime that is not reported -- we
15 don't think there's any murders that aren't reported, or
16 very few, we don't think there's many aggravated assaults,
17 automobile thefts that aren't reported--but we do know that
18 there are frauds that aren't reported, people are embarrassed
19 to report that. We know that there is petty thievery
20 that isn't reported, because it might be somebody in the
21 family, or they just were too busy.

22 We know that there are domestic affairs that are
23 crimes that are not reported. And we don't think that any
24 change is going to make all of these reportable.

25 Now, what we are anxious to do is that those

1 attitudes that we've discovered in this poll, in segments of
2 the community that can be identified, can be attacked; that
3 these groups can be somehow won over to cooperate with our
4 system of jurisprudence, because our system of jurisprudence
5 depends upon cooperation of the public.

6 QUESTION: Well, General, could I go back to that
7 Wounded Knee thing for one more question?

8 Gallagher put out a statement last night, I think
9 acknowledging that there could be some cases where a reporter
10 has a responsibility to report crimes, but expressing the
11 concern that newsmen would be compromised with their sources
12 if they were questioned and cooperate with the FBI.

13 Particularly with radical groups, where you have a
14 problem getting --

15 ATTORNEY GENERAL SAXBE: This is the old story about
16 the guy in the factory that sees somebody stealing, he's going
17 to be compromised with his job -- if he reports it. This isn't
2 18 just to newsmen -- this isn't something that's a problem with
19 newsmen this is a problem, it's a problem with everybody that
20 says I just don't want to get involved because I have to live
21 in this neighborhood, I don't want to get involved because
22 this guy is a friend of mine. It's something that everybody
23 is troubled with, I don't think you can just say it's newsmen
24 problem.

25 VOICE: Thank you.