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## PRESS CONFERENCE

ATTORNEY GENERAL JOHN N. MITCHELL

INDIANAPOLIS, INDIANA

OCTOBER 16, 1970

Mr. Mitchell: I have no statement to make, other than the fact that I'm delighted to be in Indianapolis to help with the dedication of the new law school. If you have questions, I'll be glad to answer them.

Reporter: Mr. Attorney General, I am wondering your reaction to the Ohio State Grand Jury report on the Kent State incident last May 4.

Mr. Mitchell: I have not seen the official papers on the matter and since the Justice Department has an on-going investigation on the subject, it would be inappropriate for me to comment on it.

Reporter: The FBI, however, reached some conclusion sir, previously. A spokesman for your Department today has said it may be necessary to re-examine the investigation.

Mr. Mitchell: The FBI is an investigating agency, as you know, and the conclusions are reached in the Justice Department after evaluating the reports of the Federal Bureau of Investigation. I'm sure that we will have a review of the total situation and arrive at conclusions based upon a mature consideration.

Reporter: You are in a position then sir. . . you don't feel at this point to determine whether the FBI findings disagreed fundamentally with today's Grand Jury report?

Mr. Mitchell: I haven't the faintest idea because our reports, as I recall, ran some 12,000 pages on it and not knowing what the conclusions were of the Grand Jury today, I couldn't compare them.

Reporter: Sir, if I could ask a very specific question, Assistant Attorney General Jerris Leonard, the Chief of the Civil Rights division, told reporters last August 9, that the government had insufficient evidence to support the presence of sniper fire at either Kent State or Jackson State in Mississippi. The Ohio State Grand Jury reported that guardsmen were fully within their rights for shooting back. Do you find any conflict with these two statements?

Mr. Mitchell: I am not quite sure that Mr. Leonard was quoted as saying that, but whether he did or didn't, I certainly wouldn't comment on it at this time.

Reporter: Mr. Attorney General, do you plan to initiate any action regarding the National Guard's future activities on campuses?

Mr. Mitchell: The Justice Department does not control the activities of the National Guard on campuses. As you are well aware, I'm sure, the National Guard is controlled by the Governors and the executive branch of the State Government. They do, of course, have dialogues on the subject matter with the Department of Defense. It's not the place of the Justice Department to be regulating the activities of the National Guard.

Reporter: There were reports out of Washington today that say you say the FBI has heard rumors of plots to kidnap United States government officials. Can you comment on that?

Mr. Mitchell: We, of course, are aware of the intentions of some of these terrorist groups to carry out destructive activities in this country and among their other proposed plans, there is the involvement of kidnapping of some of the diplomatic corps, foreign representatives and executives in government. What I said yesterday is that there has been no formal action on the part of the executive branch of government with respect to this matter. We naturally have taken reasonable precautions. The people who are the possible subjects of such activity have been advised of it, and that is as far as it has gone.

Reporter: Do you deem it a substantial threat?

Mr. Mitchell: This cannot be fully evaluated. But you can believe that people who will go around bombing university buildings, commercial buildings, committing murder in the process where the individuals were killed within the bombing attacks within the buildings, I think that we might anticipate that they are capable of attempting to carry out most any type of illegal undertaking.

Reporter: Who are you speaking of when you say "they"?

Mr. Mitchell: The nihilist radicals and militants who are carrying these activities in this country.

Reporter: Can you identify any of them sir, specifically?

Mr. Mitchell: We've indicted enough of them to have identified them. Until we do, we don't refer to them except as individuals.

Reporter: Mr. Attorney General, recently a representative of the Fraternal Order of Police demonstration on the Capitol steps said that a revolution is in progress in this country. Do you think this is true?

Mr. Mitchell: Well, it depends on your definition of revolution. There is no question, as I have said, and many other people in the executive branch of the government have said, that there are organizations in this country that are dedicated to the destruction of our society and our governmental institutions. If that is the description of revolution then a revolution is in the process.

Reporter: Mr. Attorney General, do you think that the status of our society as we know it, is going to be in the balance the next few years, as some people have said?

Mr. Mitchell: I doubt it very much. I think our society will go on and improve. The number of these militant radical groups that are attempting to undertake the destruction of our government are so small in number that they could not possibly bring about any severe change in our custom or form of government.

Reporter: Some people in the more liberal side of the political spectrum are concerned about the growing emphasis on police powers, for instance, the new

no knock clause that has been talked about in Congress. Is there a danger of swinging too far in the direction of police action in this country?

Mr. Mitchell: Not in my opinion. There will not be the danger of swinging too far in governmental action because we have a Constitutional and courts to control those activities. If there be any danger, it might be that society itself might take it upon itself to defend itself against some of these attacks. That would be an area of danger that I do not see at the present time, but could possibly come about.

Reporter: What would cause that to come about, just continuation of the bombings and hijackings and things like this?

Mr. Mitchell: Yes, to the point where the citizens outside of government might feel they would have to resort to the vigilante tactics that have been in this country years and years ago. It is not recommended. We hope it will never come to that. But this is the only possible danger that I can see from the ongoing activities of these groups.

Reporter: Mr. Mitchell, in reaction to Senator Saxbe's statement of the other day, have there been specific members of the legislative, Supreme Court or executive branches that have been threatened that you know about and can you name them?

Mr. Mitchell: I know about them because I get them about three times a week. But there have been others in the newspapers. You go back and check the old copies, you will find that there were three senators, United States Senators, who were threatened by the right

wing group through a telephone recording and there have been others that have been in the press. It isn't very productive to me to suggest the ones that haven't been disclosed.

Reporter: Have there been specific members of the highest level of the executive branch, sir, that have received what you consider to be meaningful and dangerous threats as to kidnapping?

Mr. Mitchell: Yes, they have been received. Of course, the evaluation as to whether they are meaningful or dangerous is a difficult chore to undertake, but they are threats, and they do come from sources that have the desire and, hopefully, not the ability to carry them out.

Reporter: Mr. Attorney General, the ACLU has charged that Congress has approved a crime bill designed for use against Black Panthers and student radicals, rather than against organized crime. Do you have any answer to that charge?

Mr. Mitchell: I saw the gentleman's comment on that and of course, it may be bad reporting, or it may be that it was a bad presentation. The organized crime bill, as it has been referred to, was approved on Monday of this week by the Congress and signed by the President yesterday. It has twelve titles in it. The first ten titles have to do with organized crime, and it has nothing whatsoever to do with Panthers or any other group in this country, unless they engage in organized criminal activities which are defined in the bill and are not customarily within the area of

the organizations that you are talking about. One of the additional titles of the bill had to do with explosive devices and incendiaries. This is the section that provides that the federal establishment, to the extent that it has jurisdiction in the area under that bill, has the powers to investigate and prosecute crimes that are committed by way of transportation with explosives and incendiaries across state lines, and of course their use or threatened use on federal properties, federally-leased property or in institutions that receive federal assistance. Now I don't see how he could equate that with any particular organization, unless they intended to carry on bombing activities. I think his statement was either misquoted or it is completely spurious.

Reporter: Mr. Attorney General, in the case of Canada today, Premier Trudeau has enforced a law that exists on the books that was generally intended for wartime use, suspending nearly all civil rights. Number One, is there such a law on the books of the United States Government and number two, can you envision if the extremists go much further that there is a possibility of this being invoked?

Mr. Mitchell: Let me say that I have enough problems down here without interpreting the laws of Canada. But I would also point out that we have Constitutional guarantees that protect us against such activities and there is no format that I can understand whereby

the President or anybody else could legally suspend the Bill of Rights that we have to protect us. In times of war the President necessarily has certain powers, but they don't apply to situations like the one that we have in this country today.

Reporter: Mr. Attorney General, William Kunstler recently spoke at I.U.

Mr. Mitchell: I didn't hear you, who did?

Reporter: William Kunstler

Mr. Mitchell: Who is he?

Reporter: The Chicago Seven's Attorney.

Reporter: Several times he mentioned that the FBI has recently added 1,000 agents, which he says will be used on college campuses. To your knowledge, is this true, and if so, what functions do they perform?

Mr. Mitchell: The President has requested of Congress a supplemental appropriation for the training and putting to work of 1,000 FBI agents. The primary purposes of those agents are to help in the supplementation of the sky marshals in connection with airplane hijackings and to add between 5 and 600 agents that we will need in connection with the implementation of the organized crime bill that was signed by the President yesterday. The only campus area in which the agents that are being brought aboard would function would be in connection with the part of the organized crime legislation that I just referred to that has to do with the bombings and incendiary explosives on the



campus, where if those acts take place, the FBI will have jurisdiction and will be directed to go to investigate such bombings and burnings.

Reporter: Mr. Mitchell, would you comment on the Senate race in Indiana.

Mr. Mitchell: If I did, I would be most foolish, particularly with you, a political writer with all your knowledge. The only comment that I can make with respect to that is that the President in this Administration has had a very difficult time in getting his legislation through the Congress. If I can take just a minute to point out the time sequences, the President on January 31, 1969, sent to the Congress a special message relating to crime in the District of Columbia. It wasn't until July 29, 1970, that that bill was passed. He sent the organized crime bill that he signed yesterday to Congress in April of 1969. He sent a comprehensive narcotics and dangerous drugs control bill to the Congress in July of 1969, and that passed Congress on Wednesday of this week. So I would say I would hope that for the benefit of the American people we can get senators and congressmen back to the Congress who will work with the Administration and give us the tools so that the Administration can go on with problems that exist in this country.

Reporter: Mr. Attorney General, Senator Hartke has been campaigning on one issue, that the federal government has offered a carrot but hasn't had a stick in the area of pollution. This would come under your department as far as enforcement. What is being done? Is this charge by the Senator valid?

Mr. Mitchell: The Senator's charge, like all the rest of this rhetoric that you get, is completely invalid because it lies with the Congress to give us the proper tools which they have not done in the area of pollution enforcement. But I would hasten to add that we in the Justice Department, working with the Interior Department, have dug out a 1899 statute that had not been used, certainly not extensively before, and we have literally brought hundreds of lawsuits against polluters in this country. This was the statute that we found and applied to the situation in the Gulf of Mexico where one of the oil companies the other day was fined a million dollars. We have acted most promptly in these areas to the extent that we do have the legislative authority. We are looking for better legislation which is resting up there.

Reporter: Isn't this million dollars just a drop in the bucket?

Mr. Mitchell: I would hardly think so. I don't believe a million dollars, certainly not in a conservative Republican Administration. We still look upon a million dollars as a million dollars. Maybe some of the other people consider it a drop in the bucket, but we don't.

Reporter: Mr. Mitchell, there was speculation last week that you will submit your resignation in early 1971 to begin the preparation for President Nixon's re-election bid in 1972.

Mr. Mitchell: I assure you that it must have been speculation because it hasn't crossed my mind. Whether anybody else is divining such a course, I haven't heard.

Reporter: A moment ago you spoke of the danger of citizens taking vigilante action. As part of your fear, would you be talking about the supposedly large number of weapons that private individuals have in and at what time, to eliminate the danger?

Mr. Mitchell: Obviously, one thing they can do, it's being done on the federal level, is to remove those guns when they are illegally held. The second thing they can do on the governmental level, of course--state and local particularly--is to review their laws and ordinances to see if they are adequate to remove those dangers from the scene.

Reporter: If it is as large of danger as you seem to indicate, why is it not now during this election time an issue?

Mr. Mitchell: Well, I'm sure I don't know. I'm not running for office. I wouldn't have any idea what the issues are in an election campaign.

Reporter: Mr. Attorney General, we've been speaking about the American radicals and revolutionaries. This week, there is a series of articles that alleges that the radicals and revolutionaries have received material assistance and training from the Cuban government and Cuban mission in New York City. Do you have any comment on that?

Mr. Mitchell: No, I can't comment on it specifically because I only have general knowledge about it. The specifics that I might have, I wouldn't want to divulge. One of

our problems that we find in the federal government is that these people can, under current laws, go to Cuba very readily, of course, through Canada, which they do. We have no legal basis upon which we can keep them from coming back into this country and no legal basis to prosecute them after they get back. The proposed legislation to correct that situation has been before Congress for some time, but it hasn't been acted upon.

Reporter: Mr. Attorney General, we were speaking of organized crime. I think we in Indiana tend to think that means other people, other places. Is that true? How involved is organized crime in this state?

Mr. Mitchell: Well, in a state that has metropolitan areas like you do, particularly in the northern tier of the state, you have considerable organized crime. This is being addressed by the Justice Department and other law enforcement agencies. The State Attorney General out here has quite a program on the subject matter.

Reporter: What about Indianapolis, sir?

Mr. Mitchell: We never talk about the places where we are guests at home. I'll let the State Attorney General speak to that.

Reporter: There has been much talk about the pros and cons of two federal judges for Indiana. What is your position?

Mr. Mitchell: Our position all along was that we agreed with the American Bar Association in their report that two federal judges were required out here. It was the recommendation of the Justice Department that the omnibus judgeship bill contain those two judgeships. Some how along the way, apparently some of the people who sat in high spots in the Congress were able to work it out and remove them, but it's contrary to our position and the American Bar Association's position, and if I remember distinctly, it was also contrary to the position of the federal judges who had been sitting in this district here.