Department of Justice

PRESS CONFERENCE

ATTORNEY GENERAL JOHN N. MITCHELL

The Great Hall
Department of Justice
December 18, 1970
PRESS CONFERENCE

PARTICIPANTS:

John N. Mitchell, Attorney General

MEMBERS OF THE PRESS

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The Great Hall,
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ATTORNEY GENERAL MITCHELL: Good morning.

If you are all ready. Before I answer your questions,
I would like to call attention to an area of activity that
we have not publicly emphasized lately, but which I feel,
because of the changing events, deserves your attention. I
refer to the pollution control litigation, with particular
reference to our work with the new Environmental Protection
Agency, now headed by William Ruckelshaus.

As in the case of other government departments and
agencies, EPA refers to civil and criminal suits to the Depart-
ment of Justice, which determines whether there is a base for
prosecution and of course, if we find it so, we proceed with
court action.

I wish to say at this time that I am delighted with
the aggressive manner in which Mr. Ruckelshaus has taken hold
of this new agency. In the two weeks that he has held office
as administrator, he already has referred two major cases to
us and has been in consultation with our legal staff on many others.

The first case you probably recognize is the Armco Steel Corporation, which we filed suit against on December 9, charging the company with cyanide pollution of the Houston Ship Canal. And today, I would like to announce that we are filing suit this morning against the Jones and Laughlin Steel Corporation for discharging substantial quantities of cyanide into the Cayahuga River near Cleveland.

Mr. Ruckelshaus has said, when he asked the Department to file this suit, that the 180-day notice filed against the company had expired. We are filing a civil suit to seek immediate injunctive relief under the Refuse Act of 1899 and the Federal Water Pollution Act to halt the discharge of these deleterious materials into the river.

The Armco case in the Houston area and the Jones and Laughlin case in the Cleveland areas, I believe, point to the new and stronger direction in antipollution litigation. I can assure you that these cases foreshadow more to come. I am very happy to add that this is partly due to the close working relationship established between EPA under Mr. Ruckelshaus and the Justice Department from the very beginning.

For example, EPA and our Land and Natural Resources Division, under Mr. Shiro Kashiwa, have consulted with each other to develop the procedures for expediting the filing of
this litigation. Our gears are more firmly meshed than they were between us and the departments and agencies, including such departments as Interior, which previously had jurisdiction over the various environmental quality functions. Because of this and because of the pending cases on which we are conferring with EPA, I can say that we anticipate many more pollution cases being referred to us than have been heretofore.

Now, in anticipation of this increased volume of activity, our Land and Natural Resources Division has already made appropriate organizational change.

I am pleased to announce to you today that we have established a new pollution control section within that division. It is responsible for pursuing all litigation in the environmental quality field, including criminal litigation which, as I am sure you know, was formerly lodged with the Criminal Division.

The chief of this new section is Martin Green, who was previously assistant chief, Water Resources Unit, in the Land and Natural Resources Division. There are presently nine attorneys in the new Pollution Control Section and we recognize that expansion may be necessary to cope with the anticipated volume of case referrals from EPA.

In short, we are pleased to be working with Mr. Ruckelshaus, whose legal background and previous experience in this field have made him aware of the key role of litigation
in the antipollution fight. We now have closer working relationships with EPA than we had with previous agencies in the pollution control field. We have reorganized our own shop to expedite and promote such litigation, and I can safely predict intensified action in the whole field of environmental quality area.

I would also, because I feel so strongly about it, like to make an announcement that covers our whole Department of Justice. As you know, for many years, a principal means of attracting talented law graduates to the Department has been the Attorney General's program for honor law graduates whereby third-year law students who are in the top 20 percent of their class are eligible to apply for special positions as members of the Justice Department legal staff. The number of applications from qualified applicants in the law class of 1971 has just been tallied. I am very happy to report that it is the largest number of applications that the Department has ever received. There may be a few more to come in before the close of this calendar year, but the count as of yesterday stood at 1,012.

The applications come from students in more than 100 accredited law schools, including all the best-known law schools across the country.

One of the reasons that I am happy that these results have been obtained is because in recent months there has been a
certain amount of talk about a gap between the Department of Justice and the younger generation. As you can see, through the interest in the Justice Department, we recognize that the younger generation has an interest in coming to work and performing the services that this Department provides.

Now, if I may have your questions.

QUESTION: Mr. Attorney General, many Americans were somewhat surprised at the outcome of the Ohio grand jury investigation into the Kent State incident. They felt that they were somewhat wide of the mark in view of what had been discovered by federal investigators. A sufficient time has passed now that many people have concluded that this Department does not intend to launch a federal grand jury inquiry into that incident.

Would you please give us your reasons for your apparent decision not to have such an inquiry and if, in the alternative, there will be one, would you explain why you are taking so long to make up your mind?

ATTORNEY GENERAL MITCHELL: The criminal justice system in our country, of course, does not always work as quickly as we might have it. There has been no decision made with respect to the Kent State matter in the Department of Justice. We did await the outcome of the activities of the Portage County grand jury. We are reviewing that along with the many, many thousands of pages of investigative material that we
have.

Mr. Leonard and I have conferred on the subject matter on numerous occasions and we will continue to do so and at an appropriate time make a determination as to how we should proceed in this matter.

QUESTION: Mr. Attorney General, are you satisfied, with respect to the Jackson State College shootings, that justice has been done there and that the matter is now closed, now that the federal grand jury has been disbanded that was looking into it?

ATTORNEY GENERAL MITCHELL: Well, Mr. Stern, I get back again to our criminal justice system. In the case of Jackson State, we again, of course, had intensive investigation of the matter through the Federal Bureau of Investigation and through our Department. The matter was presented to the state grand jury. We were not satisfied with the results of that state grand jury. We impaneled a federal grand jury and we presented to that grand jury all of the available information that we had from all sources.

The conclusion of that grand jury, of course, is not for the Justice Department to approve or criticize. This is part of our criminal justice system. We have done the best that we could and the judicial process has taken its course.

QUESTION: However, in a similar case in Orangeburg, in December of 1968, the then Attorney General was not satisfied
with the federal grand jury's conclusion and filed his own charge by information.

Would you consider doing that in the Jackson State case?

ATTORNEY GENERAL MITCHELL: I do not believe that that is appropriate in this particular case, where we have had two grand juries review all of the evidence that has been presented from all sources.

QUESTION: Mr. Attorney General, the President recently met with a small group of reporters and, among other subjects, he discussed Supreme Court nominations. I believe he was quoted, at least indirectly, as saying his next nominee would be a Southerner and he has several in mind.

Could you tell me first, do you have any indications, direct or indirect, that any present member on the Court will retire this term or at the end of the term?

Second, could you tell me whether or not the President has any names in mind?

Third, has he made any promises to any individuals?

ATTORNEY GENERAL MITCHELL: First of all, I believe I would probably be the last one to hear of any potential retirement from the Court.

Secondly, I am not sure what the President said at his meeting with the press because I was not there. To my knowledge, the President has no commitments to anybody with
respect to the Court and I would believe, as in past instances, that the President would review the situation as of the time in which he had the privilege of making the appointment to determine who should be appointed to the Court in view of the composition of the Court at the particular time of the appointment.

QUESTION: Mr. Attorney General, there has been a number of rumors about Cabinet changes, that you might be leaving the Justice Department. Mrs. Mitchell has denied those rumors. Would you care to deny them?

ATTORNEY GENERAL MITCHELL: Far be it from me to try to impede the First Amendment rights of my wife.

I have answered this question on a number of occasions. Nobody has asked me to leave, nobody has asked me to take any other employment, and if I think what you are thinking, I sure as hell am not going to volunteer for it.

QUESTION: Mr. Mitchell, at the President's news conference the other night, I asked a question about FBI Director Hoover's comments about the Berrigans. He replied that there was an investigation at the Justice Department.

Could you give us information as to the nature of this investigation? Are you investigating the Berrigans or Hoover? What is your own view about what Mr. Hoover had to say about that situation?

ATTORNEY GENERAL MITCHELL: First of all, Dave, I
want to assure you that I subscribe to what my client said. We can start from that.

There is an investigation in the Justice Department in relation to the subject matter of Mr. Hoover's testimony to which you refer.

With respect to Mr. Hoover's statements, he has been around Washington a long time, much longer than I have, and I am sure that he can account for his own statements, as he has.

QUESTION: Do you approve of those statements, Mr. Mitchell? Is that what you are saying?

ATTORNEY GENERAL MITCHELL: I do not have to approve or disapprove of his statements.

QUESTION: Mr. Attorney General, is there a Justice Department ban on discussing criminal investigations that are under way and did not Mr. Hoover violate that ban in that testimony?

ATTORNEY GENERAL MITCHELL. The Justice Department does have, as far as its lawyers are concerned who are involved in the prosecution of cases, a prohibition against discussing "cases" when they reach a certain point. Obviously, when you become involved in the prosecution, that becomes more important and more strict in its enforcement.

I cannot say whether Mr. Hoover violated the ban that applies to the lawyers or not, because that will depend on the outcome of the investigation and the manner in which it is
QUESTION: In view of the criticism that Mr. Hoover is not always accountable to the Attorney General, I wonder if you could comment on that, also if you would go further into your remarks that it is not necessary for you to approve or disapprove of what Mr. Hoover says?

ATTORNEY GENERAL MITCHELL: Yes, I would be delighted to.

Until such times as Mr. Hoover takes such actions -- which he has not to date -- that need to be accounted to me, then that is not of my concern. At such time that he might take such actions that should be accounted to me, then it will be my concern.

I can tell you, as I have before, that I have received a thousand percent cooperation from Mr. Hoover and from where I sit, he is doing a mighty fine job.

QUESTION: Sir, Congressman Anderson from Tennessee said that the First Amendment rights of the Berrigan brothers were violated by Mr. Hoover. Do you think so?

ATTORNEY GENERAL MITCHELL: No, I do not believe their First Amendment rights were violated.

Are you referring to what Mr. Hoover said or are you referring to the matter involving the Federal Prison at Danbury?

QUESTION: I think the congressman was referring to
what Mr. Hoover said before the committee.

ATTORNEY GENERAL MITCHELL: No, I do not believe they were.

QUESTION: Mr. Mitchell, do you plan to take any action on the Blackjack case or any other cases referred to Justice by Secretary Romney, and could you comment on the stance that you and Secretary Romney take in the discussions you have had between yourselves and with the President, indicating if you can whether you will await Supreme Court action before this matter is settled completely?

ATTORNEY GENERAL MITCHELL: The total matter of the housing pattern desegregation is under review between Mr. Romney and the people in HUD and myself and the people in the Department of Justice. The areas with which we are having a concentrated discussion are those to which the President referred in his press conference the other night.

In other words, what we are trying to do is to find the congressional intent in this broad area.

As you know, there are many facets of that that affect the housing pattern and desegregation question. We have had a series of meetings, I believe three, on the subject matter. We have not come to definitive conclusions. That is why the Blackjack case has not been filed. We are hopeful that this entire matter will be determined in a detailed fashion shortly after the first of the year.
This is particularly important, as Secretary Romney has said, because the exercise of most of these powers will be carried out through regional offices and some 70-odd FISA offices, so that we want to make sure, I am sure, as Secretary Romney does -- we certainly do -- that the definitive guidelines and regulations are laid down so that they will be fully carried out.

QUESTION: General, we have had a relatively quiet fall on college campuses. Do you have any theories about why this has happened?

ATTORNEY GENERAL MITCHELL: Well, I am sure there are a number of factors involved.

First of all, the kids that go to college do not start panty raids and drinking goldfish until that boring period in the late spring. But I think the most important factor is that the greater majority of the students on the college campuses, after the experiences of the last few years, now recognize that violence is absolutely nonproductive and that as the more radical militant small groups carry on their acts of terror, they are pushing the majority of the students away from these activities into a realization that their purpose in going and attending universities is to get an education and not to carry out demonstrations.

QUESTION: Do you think the administration's relationship to young people on campuses has improved?
ATTORNEY GENERAL MITCHELL: I think you will probably have to ask the young people on the campuses. But I do believe that through the contacts that our people in the Department have had with the 20-odd campuses that have been visited and with the groups that I have met with, I believe a lot of the myths that they have held over the past few years are beginning to dissolve and that perhaps, by a better understanding of their Federal Government, it may be a small contribution to the quiet period that we have experienced.

QUESTION: Mr. Mitchell, are you considering antitrust action, urging antitrust action in the coal industry?

ATTORNEY GENERAL MITCHELL: The question has been under consideration for some time.

As you probably know, there is a proceeding in this area before the Federal Trade Commission. We are looking into it in this Department, along with the rest of the departments of the government that have responsibility in this area, to the end that we will have an appropriate energy policy in this country and if we find that our problems arise from any anticompetitive activities on the part of any producer of any energy, I am sure we will take the appropriate action.

QUESTION: Mr. Mitchell, Vice President Agnew seems to have perhaps inadvertently succeeded in dividing the governors of his own party by his comments at the Governors Conference. I would like to ask if you agree with this comment
at the Governors Conference and whether or not, if you do, do you think this was a propitious time to make it?

ATTORNEY GENERAL MITCHELL: It is not for me to agree or disagree with what the Vice President says. He can speak for himself.

My only comment would be that the Republic Governors met at a time of some concern by governors generally, particularly with the lame ducks that were there and some who have just come into office. I think that they had a very healthy, constructive dialogue. I would hope that there would be more of this carried on to the point where you could reach a consensus, such as apparently happened at the breakfast after his speech out there.

QUESTION: Mr. Mitchell, there has been a great deal of discussion lately about the role of OEO lawyers in suing the government, as to whether or not more controls are needed over that process.

Would you give us your general thoughts as to the suing of the government, both federal and local, by OEO lawyers and as to whether you think probably more controls are needed?

ATTORNEY GENERAL MITCHELL: Well, let me say that the people over at OEO in their legal services operation have their own problems and I am not about to get into the middle of them.
I would talk for myself as an individual and point out that I highly support the concept of legal services and the funding of them by OEO, the same as the American Bar Association does.

I do believe, and as you are well aware, I can point out the cases where they have gone beyond propriety in their undertakings out of that service. It is my belief that the program can be better served by making sure that the people of the poverty class who are not sufficiently funded to have their own counsel should have available to them this service in the civil area, just like we are trying so hard to provide them with legal counsel in the criminal area.

QUESTION: Mr. Mitchell, there has been considerable speculation about the appointment of John Connally to be Treasury Secretary. Could you tell us a little bit about the political implications of that and if there is any intent at all in the administration's mind to perhaps dump Agnew?

ATTORNEY GENERAL MITCHELL: As you know, Isabel, we in the Justice Department are not involved in politics. We do not think in those terms. If I had to guess as to why the President designated John Connally as Secretary of the Treasury, it would be to the point that John Connally is a very able individual. He has been proven as a very able administrator in his capacity as Secretary of the Navy and as Governor of the State of Texas. He is a very strong advocate, who I am sure
will represent the President's programs before the Congress and before the country in a very strong and forceful way.

I would think that Mr. Connally's appointment had nothing whatsoever to do with respect to the Vice President's status, either now or in the future.
QUESTION: Mr. Mitchell, back to the Supreme Court, sir, and the President's statement to the Press about that he intended to appoint a Southerner to the next vacancy. There has been general agreement in terms of the discussion of the "Jewish seat" that no one should be selected for the Court just because he happened to belong to a particular religion. Can you explain to me then why the Administration seems to intend to appoint someone from a particular area of the country, particularly as there already is a Southerner on the Supreme Court?

ATTORNEY GENERAL MITCHELL: As I pointed out, they are the prerogatives of the President. He is going to make the determination.

In the past discussions that the President has had with me concerning nominees to the Supreme Court, he has looked for geographical balance as well as the ideology involved in the individual.

QUESTION: General, was a shot fired at President Nixon in that pre-election thing at San Jose?

ATTORNEY GENERAL MITCHELL: That matter is still under investigation and I am not at liberty to provide the conclusion yet.

QUESTION: Mr. Mitchell, Army General Counsel Jordan says that the domestic intelligence material collected by the Army has been given to the FBI. That material contains
the names of some prominent public figures. Could you tell us what use is being made of this material and whether or not, in view of the recent allegations as to the Army's activities, you plan any policy review or review of the material that is now on file at the FBI?

ATTORNEY GENERAL MITCHELL: That statement has not come to my attention and I would doubt its accuracy.

Let me point out that in connection with our Inter-Divisional Intelligence Unit, where we have had different branches of the Government participating, there has been information provided at these meetings which were attended by the FBI, but the repository is not the FBI, it is the Inter-Divisional Intelligence Unit.

I want to point out to you that it is a very, very limited area of intelligence and it relates to specific instances forthcoming in which we are interested, such as some of the marches we have had here in Washington.

QUESTION: Are there no individuals in that file, sir?

ATTORNEY GENERAL MITCHELL: Are there no individuals?

QUESTION: Yes.

ATTORNEY GENERAL MITCHELL: You have to have individuals if you have a file. But as I pointed out, it is a very, very limited number of people in this particular file and they relate to individuals that this division, that we have, this Inter-Governmental Division, feels might be the
causes of violence at the particular demonstration or incident that we are monitoring at the particular time.

I am sure that it is not the type of intelligence material that has been referred to in the Press coming out of Senator Ervin's statement the other day. It does not get in that direction in any form, shape, or manner.

QUESTION: Mr. Mitchell, do you think that the ideological majority that the President sought on the Supreme Court has now been achieved?

ATTORNEY GENERAL MITCHELL: Well, I am not sure that such a majority will ever be achieved because of individual justices' opinions in different areas. I have noted that some of you gentlemen of the Press have written that in one or two areas of this year's determinations by the Court, the balance has swung over. But I am sure if you go into many other areas of law, that would not be the same balance.

QUESTION: Mr. Mitchell, to get back to pollution for a minute, at the time the 180-day notice was filed against Jones & Laughlin, similar notices were filed against U. S. Steel and Republic Steel. What has happened in those cases? Why was no action taken against them?

Two, did the Sierra Club complaint against Jones & Laughlin have anything to do with the action?

ATTORNEY GENERAL MITCHELL: Let me point out to you that before these cases are filed, there is a substantial
investigation, both by the operating agency, which is now EPA, and the Justice Department, to make sure that we have sufficient evidence to use in a case. Those other investigations are on-going.

As far as the Sierra Club or any other such organization is concerned, of course, we are always interested to have their intelligence from them. But our decisions, both with respect to our discussions with EPA and certainly the determinations made in the Justice Department, are not influenced by outside forces of any form, shape, or manner.

QUESTION: Mr. Attorney General, sir. A three-part question on school desegregation.

Last summer, the Justice Department issued a report that estimated approximately 95 percent of the formerly dual system in the South would be eliminated this fall.

One, has this been accomplished?

Two, to what extent has the Justice Department moved against so-called in-school desegregation?

Three, what action, if any, does the Justice Department plan to take against systems that have discharged black teachers?

ATTORNEY GENERAL MITCHELL: In your three-part question, there are some 2700, I believe it is, school districts in what you refer to as the South. The last count
that I saw on it was that all but 50 of those systems had
been changed from a dual school system to a unitary system.
Of those 50 cases, 16 of them are under litigation by the
Department of Justice -- I believe that is the right
number -- some 22 by private plaintiffs, and the balance are
under negotiation or have undertaken voluntary plans at the
instigation of HEW.

With respect to the so-called in-house segregation,
we have, of course, started actions or proceedings against
a number of districts. HEW is continuing to investigate.
We have roughly 100 investigations going on.

In most of the instances, when these matters are
brought to the attention of the School Boards, they correct them
and ratify the situations.

Needless to say, there may be some recalcitrant ones
that may have to be brought back into court under their court
order in order to make sure that that in-house segregation
does not continue.

With respect to the third part of your question,
we do have cases going against school districts where there
has been discrimination against black teachers. This is
almost in the same area as the in-house segregation. When
these matters are called to the attention of the School Boards,
frequently, they are negotiated out, bringing them into
compliance. But to the extent that this is not done, we will
continue to bring legal action to make sure that there is no discrimination among the teachers.

QUESTION: Mr. Mitchell, Mrs. Mitchell is still very much in the news, but it seems that the Press is creating her image as a celebrity now more than she is. Is there a new Mrs. Mitchell? Have you noticed that she is any more reluctant to speak out, or have you banned any comments on her part?

ATTORNEY GENERAL MITCHELL: I can assure you there is not a new Mrs. Mitchell. But I would hasten to add that she is not an old one. I have no comments about what you fellows do with respect to the press.

QUESTION: Mr. Attorney General, in stating that FBI Director Hoover has not made any comments that you feel he has to account to you for, I am wondering about his comments about Mexicans and Puerto Ricans in Time Magazine last week? He said they posed no assassination threat because they could not shoot straight, but if they came at you with a knife, he said you'd better beware. A California Representative has called upon him to resign, a California Congressman who represents Chicanos. This has caused quite a stir out there.

I wonder, what is your reaction?

ATTORNEY GENERAL MITCHELL: What is my reaction to it?

QUESTION: Yes, sir.

ATTORNEY GENERAL MITCHELL: I think you have to read it
in the context in which it was said and I think you have
to recognize that he was not castigating or defaming any
particular race or creed or anybody else.

QUESTION: General, he has made similar statements,
though, with respect to people as distinguished as the former
Attorney General, whom he described as a jellyfish, if I
recall correctly.

I think what we are talking about is a question of
taste and I am sure you expect high officers of your
Department to exercise good taste and to temper their statements.
By saying nothing about it, you leave the impression that
those statements are perfectly all right with you.

ATTORNEY GENERAL MITCHELL: That is not the case at all.

I would not try to impede Mr. Hoover's freedom
of comment any more than I would expect that anybody else
would attempt to impede mine. Until he gets to the point,
which he has not arrived at and I do not expect him to get
to, with respect to doing something that is improper within
the confines of this Department, he has a right to talk just
like anybody else does.

QUESTION: You do not consider that type of rhetoric
offensive?

ATTORNEY GENERAL MITCHELL: Do I consider it offensive?

QUESTION: Yes, sir.

ATTORNEY GENERAL MITCHELL: That is not the point.
The point is whether or not it impairs or impinges upon any of the rules or regulations or the ability of this Department to function.

QUESTION: Have you communicated with him about these statements at all?

ATTORNEY GENERAL MITCHELL: I have talked to the Director since some of these statements were made and it was a very friendly and happy conversation.

QUESTION: Can you tell us what was the content of that conversation?

ATTORNEY GENERAL MITCHELL: Certainly I won't divulge it to you.

QUESTION: Mr. Mitchell, the Celler Committee has suggested that the Department of Justice has not cooperated fully in the investigation of the charges against Justice Douglas. Can you reply to that and what is your reaction to the report?

ATTORNEY GENERAL MITCHELL: I do not have any reaction to the report because I have not read it. I have more important things to read.

With respect to the first part of your question, I was not aware that Chairman Celler had so stated. But I will, if he did so state, I would, for the record, state that we have cooperated pursuant to a Presidential directive with the Chairman in every possible way. We have provided the
Chairman with every bit of information that is in this Department which that committee felt was at all related to the matter of their inquiry.

QUESTION: Mr. Attorney General, how far apart are you and Secretary Romney now in implementing or on affirmative actions to implement the 1968 Housing Act?

Second, do you have any indication that Mr. Romney may soon be leaving the Cabinet?

ATTORNEY GENERAL MITCHELL: Well, you will have to ask Mr. Romney for the second part of that question.

For the first part of the question, we are not apart at all. What we are trying to do is to establish a policy that will be consistent in HUD and in the Justice Department so that we are working together to make sure that that policy, as I said before, is reflective of the legislation, not only the Act of '68 but all of the other Housing and Civil Rights legislation, and carry out the intent of the Congress as expressed in that legislation and of course, the legislative proceedings.

QUESTION: Mr. Attorney General, the Judge Advocate's Office during the last year has detailed a report detailing the various ways in which men who were at My Lai could be prosecuted, the ones that have already gotten out of the Army, the civilian and military processes. The report was referred to the Justice Department for comment and for
joint decision. Can you tell us when a decision will be made about these men who are now out of uniform and whether you think a commander at Fort Benning has the power to grant immunity to men who were called on to testify?

ATTORNEY GENERAL MITCHELL: All of those matters, or both those matters that you discuss, are on-going matters of consideration between the Department and the Army and, of course, we are acting as their lawyer in the matter. Whatever the conclusions that are arrived at, it will be for the appropriate people in the Army to announce if they care to do so.

QUESTION: Mr. Mitchell, could you explain, sir, why it was that the FBI was given the authority rather than the states to operate Project Search and a national data bank on criminal histories?

ATTORNEY GENERAL MITCHELL: Yes, very simply and very readily. It fits in with their NCIC operation. It was reviewed by the Bureau of the Budget to make sure this would be the better place. I do not have great knowledge of computer capacities and functions but the Bureau of the Budget does. They reviewed it with me and we came to the conclusion there was no sense in setting up a duplicate system and that it would function better in the Bureau and it would save the Government a substantial amount of money.

QUESTION: Earlier this week, you announced the
indictment of Congressman Martin McKneally for failing to file tax returns for several years. I believe the Internal Revenue Service many months ago acknowledged that he had failed to file those returns. Why does it take so long to prosecute a clear violation of this sort?

ATTORNEY GENERAL MITCHELL: Well, you are talking about apples and pears, there. There was an inquiry made to the Internal Revenue Service which is appropriate under the statute. The Internal Revenue Service is required to respond as to whether or not the Congressmen filed returns. But from that point on, of course, there is still an investigation to be undertaken by the IRS in the matter which was referred to the Justice Department, where considerations of the legal questions involved take place, and of course, the taxpayer always has the right to bring his counsel in and confer with the people in the Tax Division.

This case took its normal process and I think was probably under, if I understand it correctly, the normal time that it takes a case to come from the IRS to the Tax Division for a determination to be made.

QUESTION: Can you tell us of any plans you have for the Internal Security Division and specifically whether you want to broaden the authority of the Subversive Activities Control Board?

ATTORNEY GENERAL MITCHELL: Those matters are under
consideration, have been for some time. We now have Mr.
Mardian in as the Assistant Attorney General in charge of
that Division. We have been working with him and he has been
reviewing the areas that we had under consideration when he
came in and has suggested some possible other avenues.

I hope that early next year, we will have some conclu-
sions as to how we would recommend that the matter be
handled.

There are possibilities that Executive orders may be
involved and there is also the possibility that we may ask Cong-
ress for legislation.

QUESTION: General, do you expect to run the President's
next campaign and what do you think his chances are?

ATTORNEY GENERAL MITCHELL: I have already answered
that question to the point that I haven't been asked and I am
not volunteering. With respect to his chances, I think they are
excellent.

QUESTION: Mr. Mitchell, at this sort of halfway
mark in the Administration, do you see any realistic hope
that crime, that the rate, that the crime rate will actually
stop going up before his term is ended?

I don't mean just the rate of increase, but that
the rise in crime will be halted?

ATTORNEY GENERAL MITCHELL: Are you talking about the
type of crime that we have jurisdiction over or are you
talking about the crime, so-called street crime, that
the states and localities have?

QUESTION: Both.

ATTORNEY GENERAL MITCHELL: I believe that in both
areas, the matter is dramatically changing. I believe that
is substantiated by the statistics here in the District
of Columbia. I believe that the new awareness of the problems
of our criminal justice system that have now gone across
the land are going to make a big impact upon this, along
with the expertise and the funding that is being provided
by the Law Enforcement Assistance Administration.

QUESTION: General, do you see any possibility--

QUESTION: Excuse me. Are you finished? I don't
know if you answered my question.

Do you think that the rise in crime will be halted?

ATTORNEY GENERAL MITCHELL: Yes, very much so.

As I say, it is already here in the District of
Columbia, where we have installed and are continuing to make
function a new criminal justice system. The rise in crime
has not only been reduced but the indices of crime have actually
turned around.

QUESTION: Do you see any possibility, ever, of
amnesty for draft resisters who have established residence now
in Canada?

ATTORNEY GENERAL MITCHELL: Well, that, of course, will
probably not come within my prerogatives. But my own personal point of view is that at this particular time and place in our history, I see no reason for it.

QUESTION: Going back to Project Search for a moment, how did you answer the fears of the states for matters of individual privacy in the nature of the NCIC operation as opposed to the one they had wanted to operate and go ahead with?

ATTORNEY GENERAL MITCHELL: I think that is absolute nonsense. There is no more reason why the installation of Project Search in the FBI as distinguished from the LEAA format should have any bearing upon that.

In addition to that, if you will look into it, I am sure that you will find out that the FBI has had good relations with the states, particularly in this area, in the operation of their NCIC.

QUESTION: Wasn't there a recommendation, though, from the committee that formed the original project that the degree of safeguard against invasion of privacy in the closed FBI system was substantially lower than that in their own?

ATTORNEY GENERAL MITCHELL: The subject matter was discussed by members of that committee with me on a number of occasions. They have come to that conclusion. But as I say, not only can the FBI maintain the same security.
in the same relationship as LEAA, but they have a record of it in the past.

Now, the germane information that is required in connection with the information that goes into Project Search undoubtedly will be a higher degree in that area. But there is no reason why the Bureau cannot undertake that and I am sure will.

QUESTION: Mr. Attorney General, Mr. Flannery opposed the bail for some people that have been convicted down there and the Judge admitted the bail.

ATTORNEY GENERAL MITCHELL: I cannot hear.

I cannot hear you, Clark.

QUESTION: Flannery opposed the bail for a group of people convicted on narcotics charges down here at the Federal Court.

ATTORNEY GENERAL MITCHELL: You mean the trial that ended yesterday?

QUESTION: That is right.

ATTORNEY GENERAL MITCHELL: I am sure he has done that with a full understanding of the nature of the defendants that were convicted.

All you have to do is to look at their records and see that they are of danger to the community because of the traffic in drugs that they have undertaken in the past and the charges they have been convicted upon.

So that if we are going to get these traffickers of narcotics off the street, certainly after conviction,
there is no reason why the Judge should not keep them incarcerated.

QUESTION: Mr. Mitchell, should the Supreme Court ruling in the Charlotte Case and others decree that de facto segregation is just as illegal as de jure segregation, how quickly could the Justice Department move to enforce the law, particularly if it came, say, in mid-semester of this year?

ATTORNEY GENERAL MITCHELL: Well, it would, of course, depend entirely on the nature of the decision and it would probably depend upon what action Congress would take with respect to it. But I would point out again that it is not the Justice Department that has the problems with respect to personnel, it is HEW that makes the investigations in this area. They are the ones that make the investigations and upon those investigations and determination, the Justice Department handles the legal proceedings.

QUESTION: Thank you, Mr. Mitchell.

Merry Christmas.

ATTORNEY GENERAL MITCHELL: Merry Christmas to you all, too.

(Whereupon, at 11:22 a.m., the Press Conference was concluded.)