



Department of Justice

PRESS CONFERENCE

OF

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

WITH

MEMBERS OF THE PRESS

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P R O C E E D I N G S

1
2 ATTORNEY GENERAL SAXBE: Talking about the many
3 areas where the Justice Department and the police interface,
4 and on LEAA funding, which we have some problems to work
5 out there, and I talk about that.

6 And then I go into some of the questions of re-
7 establishing the effectiveness of the legal system, because
8 I think we have been undercut to some degree.

9
10 QUESTION: What would be some of your suggestions
11 for revitalizing the legal system?

12 ATTORNEY GENERAL SAXBE: Well, about the only way
13 that we can do this is to demonstrate the fairness of
14 the system. The system itself has evolved over a lot of
15 difficult periods in history, and I think our judicial system
16 is working, and I believe it's fair, and we have to re-
17 demonstrate this fairness.

18
19 Now, there's a lot of people who think that we can't
20 operate effectively without changing our institutions, and
21 I'm not one of those who feels that we have to change
22 institutions. If we've had a breakdown, the breakdown has
23 not been in the institutions; it's been in men.

24 And one of the reasons that I speak to all of the
25 police groups and to the attorneys and the Attorneys General

1 (and that's about the extent of my speaking. I make other
2 speeches, when it works in with a trip like this) is to
3 encourage them to put out their best efforts. I believe
4 the people are behind us and I ask for their cooperation
5 also.

6 QUESTION: Mr. Saxbe, last week you made a comment
7 about -- regarding the judicial system, about how some of
8 the men involved in the Watergate breakin, who have been
9 sentenced, have been able to make deals and talk more freely
10 about the breakin itself because they have made deals;
11 and you said that the common criminal, though for the same
12 thing, would end up with a longer term in a worse prison.

13 ATTORNEY GENERAL SAXBE: Well, I think it was
14 unfortunate that everybody connected these statements that
15 I made to Watergate. They weren't aimed at Watergate,
16 because we have 94 district courts throughout this nation,
17 and we have thousands of cases in all of these. What
18 I was talking about was the wholesale application of this.

19 In other words, we must not only be fair but we
20 must give the appearance of fairness, and this is something
21 that's not understood by the layman. Therefore, what I'm
22 urging is that we build up the confidence of the layman,
23 that we give the appearance of fairness.

24 Now, there's no way that we could try all of the
25 cases that are on our docket at the present time. We don't

1 have enough courts ; we don't have enough judges.
 2 Therefore there is a certain amount of plea bargaining that
 3 we can't avoid unless we can somehow change our judicial
 4 system, and there are changes that I recommend.

5
 6 QUESTION: Isn't some of this plea bargaining in a
 7 way, maybe, though good, because of the fact that we can get
 8 information by promising a bargain on the other side?

9 ATTORNEY GENERAL SAXBE: That kind of plea bargain-
 10 ing is sometimes questionable, but, at the same time, it's a
 11 tool that all prosecutors use.

12 Now, what I'm trying to get across is the fact that
 13 this practice not be abused, because we are crowded and we
 14 are hurried, and that we deal off ourselves, is what we're
 15 dealing, because the dockets are crowded. I think that
 16 we sometimes reach this point. It's a time in our
 17 history where we can't afford to do a shabby thing. And
 18 sometimes, I'm afraid that it approaches that.

19 QUESTION: There has been much criticism recently
 20 that we do not have a criminal justice system; that is, that
 21 the police operate in their own sphere, the courts, and
 22 correction, but there's not enough of an overlap.

23 ATTORNEY GENERAL SAXBE: Well, this is not accidental.
 24 It's designed this way. Because the last thing we want is a
 25 prosecutor that's run by the court, or vice versa.

1 In other words, it must necessarily be an adversary
2 proceeding before a disinterested court. And that's the
3 concept of our justice, and that's why it's unlike anything
4 else in the world.

5 And I don't want the court running our prosecution.
6 Most judges very carefully stay out of this, and they
7 should.

8 In other countries, as you know, the prosecutor
9 is the agent of the court, and you're guilty until proved
10 innocent.

11 Now, we approach it from the other way around, and
12 that means that the judge should approach it from a disinterest-
13 ed point of view.

14 This makes our job much more difficult. We have
15 to prove a case, we have to put together and be able to
16 preserve evidence, we have to be able to bring in
17 witnesses, and it's sometimes difficult. So we sometimes
18 cut corners by bargaining and say, "If you will be a
19 witness against this guy, we will drop the charges on
20 something else."

?? 21 And sometimes we run the risk of the guilty going
22 free because we make these kind of immunity deals.

23 But it balances out. It works. And I just want to
24 keep it working and make it work better.

25 QUESTION: Mr. Saxbe, recently the nation's public

1 has been exposed to many instances, Statewide in various
2 States, of police corruption. What can be done to reinstate
3 the public's faith in their law enforcement?

4 ATTORNEY GENERAL SAXBE: There's only one way,
5 and that's by demonstrating that they are honest. And I
6 think if we have one good fall-out of Watergate, it's the fact
7 that the people of this country are more interested in this
8 and are going to demand more, and the fact that the media is
9 in it and watching this, is going to make it much more
10 difficult for people in law enforcement to be corrupt.

11 Ninety-nine percent of the officers in law
12 enforcement are doing a steady, solid, day-to-day job,
13 unthanked many times in law enforcement, and you just can't
14 wish it off, however, by saying that "Well, a few bad
15 apples in the barrel spoil it, and so on." I think that
16 it's a human tendency. Greed is usually the motivating
17 factor, although we've seen that power itself is a motivating
18 factor.

19 We just do our best and we encourage the ones that
20 are doing the job in this country.

21 QUESTION: Mr. Saxbe, when you took over as
22 Attorney General, you inherited a can of worms in the opinion
23 of a lot of people. Has that situation changed, or do you
24 find that the Justice Department is still a can of worms,
25 because of the Watergate problem?

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ATTORNEY GENERAL SAXBE: I think that it's working, now, and it wasn't all that bad. I have been very fortunate in the quality of the people who were there when I came and I've been fortunate in getting new people to come in. And this is what you have to deal with, is personalities.

I don't believe that the Justice Department is now neglecting any of the areas of responsibility. I believe that we can do better, however, and this is what we're trying to do. It's the question of morale. You can't measure morale; it's not something that fluctuates like a thermometer from day to day; it's a long-time thing, and I've had the attitude that I get the best people that I can and then I give them freedom to operate.

And I think this builds morale more than anything, to know that they are not going to be undercut, they're not going to be second-guessed. And if they can't do the job, get someone else, but don't try to run their department for them.

QUESTION: Mr. Petersen has all along insisted that his investigative team could have cracked the Watergate case from the outset. Do you think that with the resources of the Justice Department, as they were at that time, or as they are now, that would be true? Or, in other words, briefly, is a Special Prosecutor necessary?

1 ATTORNEY GENERAL SAXBE: I don't think I can
2 answer that, because we do have a Special Prosecutor. And
3 to say that we could have done it begs the question.

4 I do know this, that when I came there
5 was not a Special Prosecutor, and I said, well, we'd
6 undertake the whole thing if needed, but that, inasmuch as
7 it had a staff and was a going concern, then I thought it
8 should be continued.

9 QUESTION: How do you feel about gun control laws?

10 ATTORNEY GENERAL SAXBE: I've never been sold on
11 gun control laws. As I mention in this speech tonight,
12 certainly they're a danger, but the thing that disturbs me
13 about it is that we don't enforce the laws we have. We've
14 got a real tough gun law in Washington, D. C., and up until
15 a few months ago there hadn't been any prosecutions on it.

16 I think that anyone that carries a gun, engaged
17 in an illegal act, should have the book thrown at them.
18 But we just don't see it working out that way.

19 To pass a law and to outlaw guns, and to think that
20 this is going to correct the ills of society is just a lot of
21 wishful thinking. And there are actual times when house-
22 holders need a gun, and I'm not just sold that you'd ever get
23 them away. I don't think you could put the law-abiding
24 citizens in jail for having a gun, when we have shown little
25 ability to convict the criminal on that score.

1 QUESTION: The New York Police have now adopted
2 the .35 magnum as their service revolver.

3 ATTORNEY GENERAL SAXBE: That's the New York State
4 Police, not the New York City policemen.

5 QUESTION: All right.

6 ATTORNEY GENERAL SAXBE: And it's the .357 magnum.

7 QUESTION: Oh.

8 ATTORNEY GENERAL SAXBE: Yeah.

9 QUESTION: Okay, the .357 magnum.

10 Now, that gun has the potential for breaking an
11 automobile block.

12 ATTORNEY GENERAL SAXBE: Well --

13 QUESTION: So anyone being hit by it would be
14 rather severely maimed.

15 ATTORNEY GENERAL SAXBE: Unh-hunh.

16 QUESTION: Now, is this a step towards further
17 police protection, or is it a step towards making society,
18 as a whole, more tolerant to violence?

19 ATTORNEY GENERAL SAXBE: Well, I just don't see the
20 connection there. That gun that is provided a highway
21 patrolman is for the purpose of protecting himself and of
22 apprehending criminals.

23 Now, the gun that it replaces is the .38 Special,
24 which is no minor weapon. The .38 Special can crack the
25 block on a Pinto, for instance, and I don't know what an

1 automobile block has to do with it.

2 But probably the .45, or the .44 magnum is an
3 even more lethal weapon. I think that you have to arm a
4 policeman with the best armament that you can give him for the
5 purpose. And if you're going to shoot somebody, you're
6 going to shoot to try to kill him; you're not going to
7 shoot him to cripple him. Very few instances ever occur
8 when a man does have to use this weapon.

9 Now, we had an instance last week in New York,
10 where a detective, twenty years' service, was on his way to
11 work, walking from the subway station to his office. Some
12 guy, I don't know whether he was on drugs or what, but, anyway,
13 he attempted to rob him. The man didn't resist, but he shot
14 him twice, in the head, and then took off, and the guy,
15 even though shot twice, was able to pull his service revolver
16 and hit this man, and he wound up in the hospital.

17 Now, I don't see anything wrong with that. I think
18 this is what the weapon is for. Now, if he's there for the
19 purpose of spraying him with red paint, so he can be later
20 identified, we're going to give him a gun that shoots paint.
21 But we're giving a man a gun for the purpose of defending
22 himself, and if he's going to shoot somebody he wants to
23 shoot him to kill him.

24 Because this is a --

25 QUESTION: But it seems to me like that's the means

1 of being the arresting officer, the judge, and the jury
2 all in one breath, without giving that alleged criminal
3 the process of the trial, due process.

4 ATTORNEY GENERAL SAXBE: Unh-hunh, and here's this
5 man shot twice in the head, and you want him to not use his
6 weapon against that man? Is that correct?

7 QUESTION: No, I'm not saying that, I'm saying
8 a .357 has more lethal capability than does a .45 or a .38.
9 I can understand --

10 ATTORNEY GENERAL SAXBE: Well, this is a matter
11 that I have no control over. I mean, we're arguing about
12 something that's out of my realm. If the New York Police
13 want to give them an ice-pick or a .22, that's their
14 business.

15 I'm just trying to answer a theoretical question,
16 because they give the man a gun, and when you give a man a gun
17 and authorize him to use it, you want him to have an
18 effective weapon. And a .357 magnum isn't that much difference
19 between a .38 Special. I think it's been blown all out of
20 context.

21 QUESTION: Mr. Saxbe, you're talking about a very
22 interesting case that I was reading about. This New York City
23 patrolman that died, when he put that bullet in the man's
24 chest apparently it didn't do enough damage for surgery.
25 They can't get the bullet out now, because he will not give

1 his consent to go into surgery, therefore they cannot prove
2 that he is the man who was shot by the policeman, therefore
3 he would be the murderer, because he came in saying he had
4 shot himself accidentally.

5 ATTORNEY GENERAL SAXBE: Oh, they don't say they
6 can't prove that. They just say that they can't use that
7 bullet as evidence. There's other evidence.

8 QUESTION: Well, I'm getting at the legal aspect of
9 making the man give up the bullet. Is there one? Because
10 this was on the wires yesterday about --

11 ATTORNEY GENERAL SAXBE: Oh, I doubt it, because
12 it would endanger his life to remove this bullet. You can't
13 go probing around in a man for a bullet because you want it
14 for evidence. The only reason to go after that bullet
15 would be to save the man's life. They have other evidence.

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17 QUESTION: Well, it wasn't entirely explained on
18 the wire in that case.

19 ATTORNEY GENERAL SAXBE: Yeah.

20 QUESTION: I just have one last question: Is there
21 anything new on the Patricia Hearst case that you know of?

22 ATTORNEY GENERAL SAXBE: I haven't heard
23 anything.

24 QUESTION: Mr. Saxbe, local police, local government
25 are under investigation by their own offices as well as the

1 Department of Justice, and lately some local journalists have
2 gone to the trouble to try and prove that corruption in
3 local police departments and in city government can never
4 truly be cleaned up because of the high political motivation
5 in most police departments.

6 I wonder if you could comment on those remarks?

7 ATTORNEY GENERAL SAXBE: Well, I don't think that
8 most police departments are politically motivated.

9 Certainly not in my experience in the State of Ohio, and the
10 ones that I've come in contact with.

11 If there's corruption in police departments, it
12 is something you'd have to blame on something other than
13 that. It's greed, it's avarice, it's thirst for power.
14 And I think you will find it less in police departments than
15 in almost any other walk of life. Most policemen are
16 dedicated and competent.

17 And I think if you expect to find complete purity
18 in police departments, you can expect to find it in the
19 media, in business, in anything else. You just don't
20 find perfection.

21 But I think, by and large, they're above average.

22 A VOICE: Can we cut this off, the General has a
23 speech to make.

24 QUESTION: I have one more question.

25 There is a philosophical argument about the use of

1 computers in the invasion of private rights. I wonder your
2 opinion in that area, whether or not indeed the police
3 computer is going to endanger the private rights of citizens.

4 ATTORNEY GENERAL SAXBE: Well, I think there's a
5 great misconception here, because practically all that the
6 police computer has is a public record. There's nothing on
7 there that you can't go to the docket and get. A criminal
8 history is a public record.

9 You will find that any large news bureau has a
10 computerized history of this. I think that the media runs
11 a distinct danger here if we keep all information on anybody's
12 background - public information, I'm not talking about
13 private information, I'm talking about public information --
14 if you keep it away from police departments, how can you
15 help but keep it away from everybody else?

16 And I think there's a question on a right to know.

17 So it's not as simple as a lot of people think.
18 We're talking about facts that the average person, if he had
19 a good enough memory, wouldn't need a computer for.
20 It's a public record that we're dealing with.

21 A VOICE: Thank you very much, sir.

22 A VOICE: We appreciate your time.

23 ATTORNEY GENERAL SAXBE: Okay.

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2 (Press Conference following the speech:)

3 QUESTION: General, terrorism seems to be on the
4 upsweep in the country, what can the justice system, the police
5 system nationwide do to combat this problem?

6 ATTORNEY GENERAL SAXBE: It's difficult because
7 we are limited on certain types of surveillance.

8 However, it's a police problem, just like any
9 other police problem, and it's going to be a job of local
10 police, not just the Federal Bureau of Investigation or the
11 Justice Department, but primarily one of local law enforcement.
12 And I think they are capable of handling it, in most places.

13 QUESTION: General, is it legal for the President
14 to ignore the subpoenas?

15 ATTORNEY GENERAL SAXBE: That's a question that I'm
16 not going to get involved in here tonight.

17 QUESTION: General, in regard to terrorism as a
18 problem, do you think the local police departments, per se,
19 are equipped to handle this problem?

20 ATTORNEY GENERAL SAXBE: Most police departments
21 are rather well equipped. We had a period of hardware buying
22 here just a few years ago, when the LEAA first came along,
23 and the police departments are rather well equipped as a
24 result of this.

25 However, we see no indication now at the present
time of any nationwide organization, a domestic terrorism

1 organization with any great influence throughout the country.
2 If there were, I would say so.

3 But it's, at the present time, well handled by
4 local police. And, of course, we keep information that we
5 gather, and we distribute this for the benefit of all police.

6 QUESTION: Would the federal authorities be able to
7 handle this if it did become widespread?

8 ATTORNEY GENERAL SAXBE: Oh, I don't think that
9 there's any question, we would have to handle it. It's just
10 a matter that would be of prime importance, and if the
11 Weathermen or any other organization would reach the level
12 of participation where it would become of top-drawer federal
13 importance, I'm sure we would respond.

14 QUESTION: General, it seems like the FBI is taking
15 quite some time on the Patty Hearst case, can you explain
16 the length of time it's taken for them to capture them?

17 ATTORNEY GENERAL SAXBE: Well, the explanation is
18 that they haven't been able to catch her.

19 QUESTION: I have a couple of other things.
20 You mentioned that it's difficult to prosecute
21 people. Do you favor the death penalty?

22 ATTORNEY GENERAL SAXBE: Yes.

23 QUESTION: Why?

24 ATTORNEY GENERAL SAXBE: I think it's a deterrent
25 to violent crime. And I certainly think it's a deterrent to

1 the killing of policemen in the performance of their duty.

2 QUESTION: Do you look for this to come back
3 nationwide?

4 ATTORNEY GENERAL SAXBE: It's back now. Under the
5 Supreme Court decisions, the States can pass laws which
6 make it possible, and the very existence of it has been a
7 deterrent. The prosecutor of the Yablonski murder cases in
8 Pennsylvania said that the reason that the people testified
9 and he was able to make a case against Tony Boyle and others
10 was because, though not used, the death penalty was available
11 and was in the background at all times in Pennsylvania.

12 And he declared that it was the most effective
13 weapon that he had.

14 QUESTION: Do you think it will be used? It hasn't
15 been since the Supreme Court decision, or --

16 ATTORNEY GENERAL SAXBE: That's a matter for the
17 States to decide.

18 A VOICE: Thank you very much.

19 A VOICE: Thank you. We appreciate seeing you again.

20 QUESTION: I have one other question.

21 In your speech you talked about illegality carried
22 out by those who swear to uphold the Constitution, et cetera,
23 who specifically are you referring to in that?

24 ATTORNEY GENERAL SAXBE: I'm referring to various
25 methods of entrapment that have been known to be used, various

1 illegal methods of collecting evidence. These things just,
2 I think, undermine the effectiveness of law enforcement
3 generally, because the hunter is using the methods of the
4 hunted, when we do unfair things in attempting to improve
5 on our law enforcement.

6 QUESTION: Could you be talking about the Ellsberg
7 break-in case?

8 ATTORNEY GENERAL SAXBE: No, I wasn't specifically
9 talking about that. And I wouldn't mention that, because
10 that's a matter now at trial, and I wouldn't attempt to
11 comment on a matter before the courts.

12 A VOICE: Thank you very much.

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