



Department of Justice

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"THE FIRST 100 DAYS"

ADDRESS

BY

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

BEFORE

A BLACK TIE STAG DINNER

APRIL 12, 1974
COLUMBUS, OHIO

Today we harbor great doubts about our system, but it has been tested in the past and it will be tested again in the future, and I am sure we will surmount our present difficulties with our institutions intact. Each morning's newspaper seems to carry a new bombshell. The surprising thing is that, having absorbed so many shocks, we can still keep the capacity of being surprised.

I think that the American people, including many of us who continue to have faith in the President, have a pretty low opinion about some of the matters that have come to light. There is no question that the opinion of people in government has been lowered as well. However, our system, despite its faults, is the best devised and all Americans know that.

I'm no historian. I can't pretend to know where it will all come out, or whether the country will be the better or the worse for it. I do know that as Attorney General, it is my job to see that the Department of Justice really does represent justice in the eyes of the people.

That's probably more important today -- providing justice and restoring respect for the law in the ordinary citizen -- than at any time in our history.

With that thought in mind, I'd like to talk to you tonight about my first hundred days as Attorney General of the United States.

I won't brag about my accomplishments. To tell the truth, I've spent most of the time learning about the problems the Department has,

rather than solving them. But we are at the point now where we can start to try to solve these problems.

I never started out to be Attorney General. As a small town lawyer from Mechanicsburg, being a United States Senator from Ohio was a greater honor than I ever dreamed about. I didn't say it was a great job, but it certainly was a great honor.

But I have always had a great respect for the law. Serving it well and faithfully can give a man genuine satisfaction, as any lawyer or judge can tell you.

You know the reason man banded together in societies to begin with was to protect the weak from the powerful. And the law is the way we have of providing that protection.

When you walk the streets you have a right to expect the law will protect you against criminal violence, or the threat of criminal violence. No one in this country, rich or poor, should have to live in fear.

And when you go home at night, you have a right to enjoy the privacy of your home. Privacy is one of the most basic values in this country. None of us should have to worry about Big Brother, whether he's operating in the name of the law, or claiming to act in the name of national security.

You don't have to be a lawyer to know we wouldn't have much of a country without the First Amendment. Our right to choose our friends, stand up for what we believe, and speak our minds -- and I speak as one who has certainly taken advantage of that -- is something no Big Brother, and no Big Government -- ought to be allowed to tamper with. That is the most important national security interest we have, and I think it's part of my job to see we hang on to every bit of it.

For instance, I have weekly press conferences, and as some of you may know, I've created some flaps. But I happen to believe that when you're conducting the public business, the public has a right to know what you're doing. One of the functions of a free press is to dig that out, and I think we all agree that's a very important job. My press conferences are important, I think, in opening up a Department that's been closed for too long and that's one of the things I intend to do -- run an open Department.

And those press conferences are helpful to me, too. For one thing, they're teaching me that as Attorney General, I have to choose my words a lot more carefully than I did as a Senator. More important, the meetings with newsmen bring to my attention what the people are concerned about. In other words, the reporters raise questions with me I wouldn't hear about otherwise. If you believe government should be responsive to the people, not simply to the bureaucracy, press conferences are one very effective way to underscore that belief.

Perhaps you're wondering what kind of a public servant I am if I can't figure out what's important without having reporters tell me.

The answer is simple. As any Cabinet officer will tell you -- about ten times as many people want to see me as I have time for, and they all have an urgent problem. They know I'm pushed for time, and we settle the problem and they get out. And believe me, that doesn't leave much time to sit around and read the paper.

That's why meeting with reporters is essential, and no matter what anybody tells me, I'm going to keep seeing them.

The Department of Justice and I have one thing in common -- we both have had some tough sledding getting where we are. For myself, not only did I have to be approved by the Senate, but by the House as well. Then, before they let me have the job, I had to agree to do it for \$25,000 less than anyone else. At least nobody can say I didn't do my bit for economy in government.

As you know, the Department had run through Attorneys General at a fast clip, and had gone without any Attorney General at all for two long stretches.

And when I came in I had no Deputy Attorney General to turn to -- the whole job just sort of fell on me. I tried to burn the midnight oil. I tried to get on top of the flood of paperwork. I soon found it was getting out of control -- and that trying to do everything myself without taking time to think about it was a good way to make bad decisions.

So one of my first problems was reorganizing the Department.

Lawyers are notoriously poor administrators, and the Department of Justice for as long as anyone can remember was run like one big law office. As any lawyer can tell you, it's pretty inefficient, and expensive -- the clients quickly learn that.

Well, Elliot Richardson saw that as soon as he got here, and he drew up his own reorganization plan, but it was only started when I came in.

Well, they brought the whole reorganization plan in for my approval, and I was supposed to sign it right away so they could get on with it, but I didn't understand why it was necessary, in fact, I didn't understand it.

There's one thing you learn, even as a small town lawyer -- if you don't understand it, don't sign it.

Elliot Richardson, in my opinion, is one of the finest public servants we have. Even in his short time at the Justice Department, he conducted himself in a way that reflected credit on both himself and the Department.

But he was primarily a manager, an administrator. He'd come from the Department of Health, Education, and Welfare, and also from the Defense Department. Those are two of the biggest bureaucracies in the world.

And the plans he'd set up would, I am sure, have worked fine for him, but not for me, and not for the way I want the Department to run. For one thing, he and Bill Ruckelshaus, his Deputy, planned to operate as a two-man team at the top, and the reorganization took a lot of the Deputy's power away.

I have a different idea -- maybe not better, but different. I want my deputy to be my executive officer; I want to be able to call him in anytime and get the straight facts on exactly what we're doing. I don't want every single problem brought to me. I want to save my time for the problems that really require my time, so I can give those problems the time and thought they deserve.

I had to learn one lesson in my first hundred days as Attorney General -- that it's a lot tougher to put your ideas in practice than you thought it would be. I learned that my first day on the job. On my way to work as the Nation's top law enforcement officer, a policeman stopped me and gave me a ticket because the tags on my car were out of date.

I finally got to work, and since then I've not only learned a lot about the problems of law enforcement, but I know what I want to do about them.

Before I give you a few examples, I should say something about the major topic of the day -- the question of impeachment.

To begin with, whatever my personal feelings may be, the Attorney General is part of the Executive Branch, and has certain responsibilities to the Presidency. I intend to meet them.

But it's important to understand that the matter of impeachment is not a legal process -- it's a Constitutional process. The Constitution provides a certain role for the House, and one for the Senate. There is no role for the Department of Justice.

Our duty during this time is two-fold. We must provide all the support the Special Prosecutor needs to carry out the responsibilities spelled out in his charter, and we must carry on the work of enforcing the laws. That includes responsibilities to the Office of the President, to assure there is no breakdown in the orderly process of government.

But Watergate is only one of the issues facing the Department. Another big problem is that crime is on the rise. Some people say it could be just that more crime is being reported. Our studies do show that almost as much crime goes unreported as is reported, so that explanation does have credibility. But I'm not saying that's the reason.

The simple fact is that we don't know the reason -- no one does, and your opinion is just about as good as anyone else's. And that in itself is a major problem. If you don't know what causes crime, how are you going to reduce it?

We're thinking of having a number of principal law enforcement officers come down to Washington and discuss it. I'm not talking about some scholastic seminar. I mean getting some men in here who deal with it first hand. I'm thinking of men such as Chief Jerry Wilson in the District of Columbia, who has had unusual success in reducing it. If they can't tell us how to reduce it, maybe they can get us on the road to finding some answers.

Take the Law Enforcement Assistance Administration, for instance. That's the "crime in the streets" agency, part of the Department of Justice. That agency started out in 1969 with a budget of about \$63 million and now

has a budget approaching a billion dollars a year.

It's not politic to say this, and I'll be criticized for it, but I think more of that money ought to go into pilot programs. We have a pilot cities project underway, but most of the money still goes to states to be parcelled out by them to cities and towns. If we don't know how to spend that money to reduce crime, how do they know?

I think we ought to take a big chunk of it and make some hard choices as to what kind of pilot programs we want to try out and then get them into operation -- and fast. I also think we ought to have some hard-nosed practical men watching those programs every minute. And I want reports, not every five years, but every six months, on whether this or that approach is effective or not, and why.

If it takes more money, we'll ask the Congress for it, but we'd better be prepared to show them -- not simply tell them, but show them -- that more money will mean less crime. Money won't solve the problem, and speeches won't do it. We'd better develop some practical know-how, and I'm going to do my best to see that we do just that.

Another problem we have -- and I'm afraid it's going to get worse -- is terrorism. That's an area we don't know nearly enough about. Just for a starter, how do you deal with a terrorist?

Well, you might say, just use your common sense. Be rational. But the people you're dealing with may not be rational. These aren't your ordinary criminal types. They can be highly irrational fanatics. What makes good sense to you may be just the wrong thing to do, and trigger the response you're trying to avoid.

The FBI has a major role to play in preventing terrorist activities. FBI Director Clarence Kelley and I have had long talks about this problem. But there is really no standard operating procedure for this kind of criminal activity. And I think it is only because of the excellent work that the FBI has done that we haven't had more of it in this country.

The Bureau is very sophisticated and highly professional, but no law enforcement agency is equipped to cope with irrational fanatics. However, we may have to learn to cope with this challenge and we are starting to take some of the necessary steps.

And while I'm talking about the FBI and its new director, let me take a moment to tell you about him. We share a certain kinship because we are both new to our respective jobs, and I think this has helped to improve the cooperation between the Bureau and the Department. There have been times in the past when the Director and the Attorney General didn't speak to one another, and that hurt the Department. But Mr. Kelley is aware of the problems facing the agency and he's the first to say that

changes need to be made. With my support, those changes will be made and the FBI will continue to be the greatest investigative agency in the world.

We have other problems, less dramatic, less urgent, but still important.

For instance, there is the problem of illegal aliens. The Immigration and Naturalization Service is part of the Department of Justice. It's overwhelmed with the influx of illegal aliens across our borders, particularly in the Southwest.

We can't seal off our borders, and we can't begin to round up all the aliens and bus them back across the border. Even if we did, they'd be back, as they are now, sometimes on the same day.

The only answer I can see to controlling this problem -- if we don't want to spend billions of dollars on a massive border patrol -- is to pass a law making it illegal to employ illegal aliens. We might as well put the responsibility on those who profit from the cheap labor. If an illegal alien can't get work, there's no reason for him to sneak across the border in the first place. There's a bill in Congress right now that would do just that, and we are pushing for its passage.

Another matter I intend to deal with is the question of the relationship between the United States Attorneys and the Department of Justice. The office of United States Attorney predates the Department by some 70-odd years. There are 94 United States Attorneys around the country.

That means that not only do we have more than half a dozen litigating divisions in the Department in Washington -- each several time larger than the biggest law firms -- but we have 94 separate law firms around the country. Some of those, by the way, are also larger than many law firms.

And those 94 offices are the front line of our federal law enforcement effort -- those are the lawyers who appear for the Department of Justice in court, day in and day out.

As far as I am concerned, each of those 94 U.S. Attorneys are senior partners in the Department of Justice, and I intend to see that they are treated that way. They deserve a greater say in policymaking, and I intend to see they get it.

And I also intend to see that their assistants -- the junior partners who try most of the cases -- get the best training we can provide. I want to see the Department of Justice stand for excellence in the law, not only in Washington, but in courtrooms across the country.

These men and women already get the best training a lawyer can find -- on-the-job training, on their feet in court. That's why we had a record 2,500 applicants, all law school honor graduates, for the 134 positions for young lawyers we had open last year.

I'm going to see that they get something more. We will soon be starting a program to improve advocacy skills for all Department of Justice lawyers who appear in court. It will include as visiting lecturers the most skillful and experienced attorneys and judges in the United States. It will be a school for experts -- taught by better experts.

There has been talk of making the United States Attorneys, and even federal judges, non-political appointments. I'm not one who believes that removal from politics is a guarantee of excellence. I'm also too much of a politician to think the Senate would ever approve such a plan. But I do think we can extend this principle to cover many of the assistant U. S. Attorneys. I see no reason why we have to lose their ability and experience because the Administration in Washington changes hands. And I would also open to them opportunity for advancement in the Department, if they want to come to Washington.

While we're talking about federal judgeships, I intend to move aggressively to fill existing vacancies.

I will use my close ties to Capitol Hill to bring together the opposing factions that contribute to long-standing judicial vacancies. I think it is shameful -- in these days of overcrowded dockets and overworked courts -- to leave a seat on the bench vacant because of a political squabble.

Another issue I am interested in is the question of prisons. I'm not one of these people who believes that criminals shouldn't be punished -- quite the opposite. It's not my job as Attorney General to attack the social evils that breed crime.. It's my job to enforce the law.

The whole issue of prison reform is highly controversial. Some sociologists maintain that prisons can be utilized as agencies of social reform. I disagree with that view. Prisons are like the police and the courts; they cannot succeed where our social institutions, such as the home, the church, and the school, fail. I do believe, however, that we can train the majority of the inmates in our federal penal institutions in a vocation; and they should be trained in a vocation which has relevancy in today's society. It does no good to train a man to make license plates if there are no jobs available for that craft when the prisoner returns to society.

I also believe that we should, and we are, taking greater advantage of minimum security institutions. There are two advantages to this: (1) the minimum security institution facilitates the transition of a convict back into a free society; (2) it is far less expensive to maintain inmates in minimum security institutions than in maximum security lockups.

In the final analysis, prisons, as unpopular as they may be, are a necessity. Punishment does have a place in our system of jurisprudence. The idea that the criminal is a poor, misunderstood individual who is driven

into a life of crime because of his social background, has no validity.

The average individual who commits a crime is no different than you or I. He commits a crime based on a calculated risk that he won't be caught. If we increase the odds that he will be caught, then the likelihood that he will commit a crime will be reduced; and we will consequently reduce the number of people who are convicted of crimes and subsequently sent to prison.

Our federal prisons have made progress, and we're going to make more. We announced just yesterday the results of a study on recidivism in federal prisons -- the first one in ten years. And it has some encouraging signs. Despite the fact that the federal prison population is tougher today than it was 10 years ago, the percentage of those who are put back behind bars within two years is decreasing. Only one of three persons released was returned within two years after his release.

Another area of concern is narcotics enforcement. If you know much about the problem, then you understand that the solution requires infiltration of the delivery system at the street level. Then you try to reach back up the line to the top. It sounds simple, but it's the most dangerous job you can find. The federal narcotics agent depends on informers, and often the agents have to operate among the dregs of our society to pick up the tentacles of a delivery network. The pay is low, the risk is high, and you can't operate if you look like the average FBI agent. What we are

working toward, however, is a level of professionalism that is equal to the FBI, and we're improving daily. It's not easy to pay full and proper attention to a suspect's constitutional rights when you're expecting a bullet in the head or a knife in the back, but that's a necessary part of the job, and we can't afford to settle for less. The best agents know that, and we're going to see that they get the word to any who may have doubts.

There are important matters I haven't touched, but I think you get some idea of what I'll be trying to accomplish as Attorney General.

I've got a bunch of professionals who demand high performance from themselves -- political and career officials alike -- and they'll deliver whatever I ask them to deliver.

Elliot Richardson promised a non-political administration of the Department, and while I don't go along with taking the Department out of politics, I agree with him that politics has no place in the Department. It's one thing to have political appointees running the Department. I favor that. I think they are more responsive to the public than non-political appointees. However, I certainly believe that political influence has no place in law enforcement, and no place in the administration of justice, and it won't have as long as I'm Attorney General.

Don't worry about anybody in the Administration -- in the White House or anywhere else -- trying to change that. I have no political ambitions, and the President who nominated me made it clear I would have an absolutely free hand.

You'll hear about my mistakes, because I'll be operating in the open. And I'll make some too; I don't have any illusions about that.

But one thing you can be sure about -- they'll be honest mistakes. I'm going to move out and tackle problems, because I think that's what the taxpayers pay me for.