



Department of Justice

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ADDRESS

BY

THE HONORABLE GRIFFIN B. BELL
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE FIFTH CIRCUIT JUDICIAL CONFERENCE

10:15 A.M.
WEDNESDAY, MAY 4, 1977
FOUR SEAS BALLROOM
BIRMINGHAM HYATT HOUSE
BIRMINGHAM, ALABAMA

Federal Bureau of Investigation, the Drug Enforcement Administration, the Law Enforcement Assistance Administration, the 94 U. S. Attorneys and their operations, as well as the prisons.

The Associate Attorney General, occupying a parallel position, will supervise most civil work. This will include the other five litigating divisions -- Civil, Antitrust, Civil Rights, Tax, and Lands -- plus the Immigration and Naturalization Service and the Community Relations Service.

It is my hope that the Associate Attorney General's post will be converted into a second Deputy Attorney General under the President's reorganization plan.

The final responsibility for all policy and program matters will, of course, still rest with me. In addition, several key offices, including the Solicitor General, the Office of Management and Finance, and the Office of Professional Responsibility, will continue to report directly to me.

The catalyst for many new programs will be the Office for Improvements in the Administration of Justice. We created this office and selected Professor Dan Meador to head it shortly after January 20.

One major new effort is development of a program for merit selection of judges for the United States Courts of Appeals. I am certain you are familiar with this effort, but I would like to outline it briefly.

There will be one panel in each Circuit, and 11 persons on each panel. When there is a vacancy, the relevant panel will carefully screen possible candidates to find those it feels are most qualified. The panel will submit a list of not more than five names to the President. He is expected to nominate from the list the person he believes the most outstanding.

We view this process as a contribution to uniform excellence in the courts.

We also support efforts by the American Bar Association and Senate members for merit selection on a cooperative basis of Federal District Judges and U. S. Attorneys. Such programs now exist in 10 states and more are in process.

The Justice Department has prepared a draft bill to expand the jurisdiction of magistrates. This could relieve the immense caseloads now burdening many District Judges.

At present, in the main, magistrates have criminal jurisdiction over only petty offenses and civil authority over only motions. We are proposing that magistrates be able to decide misdemeanors and impose a sentence of up to one year and fines of any allowable amount. In addition, they would be given some jurisdiction to decide civil cases, with the right to appeal to the District Judge and then by certiorari only to the Courts of Appeals.

The key to this proposal is flexibility. The bill is not mandatory. A District Court would not have to use this new resource. But magistrates could perform those broader duties if the District Court wished.

We also are working on other Federal court matters that I hope to be able to discuss in detail soon. They include ways to improve class actions, pretrial and discovery procedures.

In addition, we have made what I believe are significant contributions to the proposed revision of the Federal criminal code. We now expect that it will be enacted within the foreseeable future.

Another new effort relates to state and local courts and the problems of access to them. Appropriate ways must be found to improve procedures and reduce caseloads -- while, at the same time, preserving access to the courts for those matters that only the courts can properly handle.

Costs and delays prevent recourse to the courts for many Americans. These problems must be remedied; lack of access to meaningful court action can deny justice as surely as bad court decisions. We are now developing alternatives to the courts for settlement of many disputes.

One promising concept on a local level is the Neighborhood Justice Center. These centers would employ such techniques as mediation and conciliation. We plan these centers in three cities on a pilot basis, under local court

administration. The centers would once again place mechanisms of justice close to the people, at a greatly reduced cost.

We hope to begin development of the centers in a few months, with financial support from the Department of Justice.

These are, of course, matters which are addressed to the state courts, and our efforts are limited to offering leadership.

A system of arbitration, on a local Federal district court option, patterned after the Ohio system is imperative. You will recall that Chief Justice O'Neil of the Ohio Supreme Court addressed you on that subject last year. Arbitration of this type is a recourse which the Federal district courts and the public cannot afford to be without.

We have begun a number of efforts in the criminal enforcement area. The problems we face are enormous.

Serious reported crime more than doubled between 1960 and 1975. Though most anti-crime responsibilities rest with state and local governments, local crime in the aggregate has become a national problem.

Preliminary figures released recently show that serious reported crime did not increase in 1976 compared to 1975. Nevertheless, the levels of crime are still much too high.

The Department has four major priorities in the criminal enforcement field -- so-called white-collar crime, public corruption, organized crime, and narcotics -- and all are related.

Narcotics and dangerous drugs are associated with a variety of serious crimes, and it is essential that we devote more resources to reducing the flow of narcotics and such drugs.

To develop a more effective approach, I have ordered a detailed study of the possibility of converting the Drug Enforcement Administration into a division of the FBI. We will assess what the FBI could accomplish if its expertise and resources were thrown into the Federal campaign against drugs.

Recently, President Carter pledged his support to a comprehensive effort against organized crime. He pointed out that the so-called victimless crimes -- prostitution, gambling, and the like -- often involve organized crime and frequently lead to a variety of more serious offenses.

It is, of course, up to state and local government to deal with most types of crime. But when the crime becomes organized, reaches major levels, and crosses state and national boundaries, the Federal government must step in.

Most public officials at all levels are honest, but some are not. Those who are not must be found and prosecuted. Nothing so debases our system of law as the corruption of those sworn to uphold it. Our Public Integrity Section of

the Criminal Division is in charge of such matters.

New tools will be fashioned to combat white-collar crime. One serious aspect of white-collar crime is fraud against the government, including the Medicare and Medicaid programs. But fraud is really too nice a term. It is theft of government funds, and that really means stealing from the public.

I have directed the FBI to continue to refine its investigative priorities so that far more attention is given to white-collar crime. More accountants, computer experts, and other specialists will be recruited and trained. They are needed to unravel the complex schemes carried out through use of computers, modern technology, and elaborate financial structures.

The array of efforts I have outlined carry no guarantee of quick success, but I believe progress is possible. The Justice Department is going to attack problems instead of studying them to death.

At the same time, I want to stress that a number of firm principles must guide the Department.

The first is that there must be absolute integrity in everything the Department does. The second is that we must enforce the law with total fairness and evenhandedness. And the third is that the Department must be as open as possible.

Without those principles being constantly held before us, no achievement will mean very much for very long.

Let me thank you again for the opportunity to be with you here today. I hope this is but the first of many reports I have the opportunity to give the Federal judiciary on what we are planning and thinking.

In turn, I hope you and your colleagues across the country will give us the benefit of your suggestions on how we can guarantee all Americans an ever-improving system of justice.