

ORIGINAL

ADDRESS

OF

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

AT THE

DEDICATION

OF

LEWIS AND CLARK COLLEGE LAW RESEARCH CENTER

Portland, Oregon
February 2, 1978

Pages 1 thru 18

Hoover Reporting Co., Inc.
320 Massachusetts Avenue, N.E.
Washington, D.C. 20002
546-6666

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THURSDAY, FEBRUARY 2, 1978
PORTLAND, OREGON

P R O C E E D I N G S

1
2 ATTORNEY GENERAL BELL: Professor Howard, Dean
3 Fagg, Chief Justice Dennihay, and Mr. Swindell, other
4 distinguished guests, ladies and gentlemen:

5 I want to thank Judge Roth for the generous intro-
6 duction -- I want to get a copy of it and hand it out in
7 Washington.

8 [Laughter.]

9 I'm not having too easy a time right now, and it
10 might help me.

11 It's good to be in Oregon. I came here about three
12 years ago and rode over the campus with Judge Roth. Judge
13 Roth and I were on the American Bar Commission on Standards
14 of Judicial Administration for several years together.
15 And incidentally, Judge Wade McCree, who is the Solicitor
16 General of the United States, was on the same Commission with
17 us, so I was glad that at least he and I still work together,
18 and glad to have the opportunity to come out at Judge Roth's
19 request.

20 It's also good to see Sid Lezak again. He's a
21 personification of the merit system. We had a U. S. Attorneys
22 Conference in Washington in November, and he played a joke
23 on me, that was pretty strenuous. And I announced then, were
24 it not for the merit system, he'd be gone.

25 [Laughter.]

1 His term of office will soon run out. I've not
2 heard any word from the two Senators. I talked to one of
3 them, Senator Hatfield, the day before yesterday. I think
4 there's a presumption that they want him reappointed, and I
5 intend to do everything I can to see that he is reappointed.

6 [Applause.]

7 And to show that I'm a fair man, I'm going to find
8 some Republican who's in office and pair him with Sid, so
9 that it can't be said that I favored a Democrat over a
10 Republican.

11 [Laughter.]

12 A lot of people ask me what I think about being
13 Attorney General. I think you can tell from the media that
14 it's a fairly hard job.

15 [Laughter.]

16 Somebody asked John Kennedy, when he was
17 first elected President, what he thought about being
18 President, and he said, "Well, it was probably a good job when
19 Coolidge had it."

20 [Laughter.]

21 I have about the same view. My wife has an even
22 dimmer view of the job than I do.

23 And I told her not long ago the story of the man who
24 was about to be hanged, and they said to him, "Do you have any
25 last words you'd like to utter?"

1 And he said, "Yes, I'd like to say this: This is
2 going to be a terrible lesson to me."

3 [Laughter.]

4 Washington is an unusual place. I never spent time
5 much there until I went up to be Attorney General. I went to
6 a dinner last month for Director Kelley, who is retiring as
7 head of the FBI, and he had his Congressman there from Kansas
8 City. And he was saying that he was a car dealer, that was
9 his business. And he said he was proud of it. He said there
10 were 27 lawyers involved in the Watergate and not one car
11 dealer.

12 [Laughter.]

13 That gives you some idea of how lawyers are viewed
14 in Washington.

15 I gave the President a copy of Murphy's Law. I had
16 never had seen all the verses to Murphy's Law until three or
17 four months ago. One verse is, "If things can go wrong, they
18 will." And there are several others. And it's a very good
19 set of principles for dealing in the government.

20 But I just heard last week that O'Brien's Commentary
21 on Murphy's Law, and the commentary is that Murphy was too
22 optimistic.

23 [Laughter.]

24 I was on a plane trying to get to Atlanta not long
25 ago, we had a storm, and we finally landed in Chattanooga,

1 Tennessee, to refuel. And there was a woman on the plane who
2 said she was from Alabama, and she had been to prison to see
3 a former government official who was stationed in Alabama,
4 and she was telling me how pitiful it was, and of course I was
5 agreeing with her. As she departed, she said, "I certainly
6 hope you won't have to go to the penitentiary."

7 [Laughter.]

8 That is a low point --

9 [Laughter.]

10 -- of my thirteen months in Washington.

11 [Laughter.]

12 Well, I'll get on a more serious vein -- although,
13 I must admit it's sort of a relief to be out here, to have
14 escaped what they call the Iron Ring, I-495 which circles
15 Washington. They say nothing can get in and nothing can get
16 out. And there's a lot to that.

17 I was honored to be invited by Judge Roth. We talked
18 about coming out here last November or December, Phil, and
19 we had to change the date. I had hoped to stay two or three
20 days, and then it turned out I was supposed to go to Mexico
21 tomorrow with a group to study the illegal alien problem,
22 something that I'm charged with administering. It turned out
23 yesterday that that trip was cancelled, so everything I've
24 tried to do in the last two or three weeks has gone off some
25 way or another. I would've not gotten here as late as

1 I did today had I known that. I probably could have left
2 yesterday even, and stayed two or three days in this beautiful
3 country.

4 I'm very impressed with the Law School and what
5 you've done here. I've seldom seen a law school with a 22-acre
6 campus of four buildings. I read up on the --

7 [Laughter; applause.]

8 It's almost like a college by itself. But I read
9 up on the history, and I heard the president, Mr. Swindell,
10 recite it, how just since 1965 you've gone from approximately
11 200 students to over 700. You had \$70,000 in the law school,
12 now you've got about seven million. You've got a day session
13 and a night -- division and a night division. It's really
14 a remarkable record.

15 I think a lot has to do with the Dean. Dean Fagg
16 has a wonderful reputation, and in the event you want to get
17 rid of him, I can use him in the Department of Justice, in the
18 Antitrust Division.

19 [Applause.]

20 We have a lot of trouble with antitrust cases, and
21 we're looking for good lawyers.

22 I was astonished to learn that Mr. Swindell was not
23 a lawyer. He's been a great benefactor of this law school,
24 and of Lewis and Clark. It would be remarkable, what he's done,
25 even for someone who was a member of the legal profession, but

1 it's great to find someone, a lay person, who would take such
2 an interest in a law school.

3 I want to mention the names of others who have
4 given devoted service to the law and to this law school.
5 These include Judge Roth, John Swarty, -- a friend I see
6 sitting out there -- Paul Bowlin, of course, my colleague
7 in the Justice Department, Sidney Lezak.

8 President Howard is to be commended for his untiring
9 work over nearly two decades, whose efforts have led to the
10 revitalization of this fine institution.

11 And I could not pass without saying something about
12 Chief Justice Dennihay, who, I understand, is a long-time
13 constant supporter of the law school.

14 Community support is essential to the proper
15 functioning of law schools, and in turn the law school must
16 have a deep commitment to make contributions to our society.
17 It is vital that students be fully trained in all the
18 technical skills that they will need as practicing lawyers,
19 but it is equally important that law schools foster a sense
20 of social responsibility. They must have a commitment that
21 never flags, to see that the rule of law is upheld and that
22 justice is always approached as closely as humanly possible.
23 They must always be, in the most meaningful sense, in the
24 service of the people.

25 Law must be for the benefit of all, not the private

1 domain of practitioners. The public perceptions of the legal
2 profession and the justice system are not as high as they
3 should be. If the justice system is to inspire confidence,
4 there must be solid performance, not mere promise or good
5 intentions.

6 At the Justice Department, in the slightly more than
7 a year I have spent as Attorney General, we have begun a number
8 of major reforms of the civil and criminal justice systems,
9 both at the federal and state levels. Some of these things
10 were mentioned by Judge Roth. But improvement or reform is
11 not an easy task, in part because of the incredible turbulence
12 to which the nation has been subjected over the past twenty
13 years.

14 During that period our national life has been
15 dominated by three great issues: the Civil Rights Revolution
16 of the Sixties; the Vietnamese War; and Watergate. Each of
17 these great issues left its mark on our nation, some good,
18 some bad. Because Watergate was the most recent and in some
19 ways the most traumatic for the federal government, I have
20 been particularly aware of its effects during my time in
21 Washington.

22 Some of these effects were unquestionably good.
23 The American people recognize that the tragedy occurred in
24 part because of the secrecy in which important government
25 decisions were made. The veil has been stripped from

1 government, and this is good. I think the government now is
2 more open than it has ever been.

3 We at the Justice Department strive to be as open
4 with the public and with the media as we possibly can. In
5 fact, I spend about 25 percent of my time dealing with the
6 media and making an occasional speech. Sometimes I wonder
7 if it's good to spend that much time, but we're trying to
8 project an image that the Justice Department is an open place,
9 and it's a department that belongs to the people, and I don't
10 know any other way to do it.

11 By being open, sometimes you create more publicity
12 about something than would otherwise be true, but I think the
13 best policy is to let all the facts come out on anything.
14 I think in this way the American people will be much better
15 informed about our activities and, in turn, they will be in a
16 much better position to work their will on the government,
17 rather than having the government work its will on the people.
18 And that's what the Founding Fathers had in mind when our
19 country began.

20 Another good effect of Watergate is that the
21 American people now demand higher standards of behavior from
22 all government officials. This is evident everywhere in
23 Washington. Many departments and agencies have recently
24 set up offices of internal inspection to investigate any
25 allegations of wrongdoing by their employees. We have such an

1 office at the Department of Justice. It was established by
2 Attorney General Levi during the Ford Administration. It's
3 called the Office of Professional Responsibility. In 1976
4 there were about 150 people investigated on charges of wrong-
5 doing, either discovered in the Justice Department or based
6 on what someone may have written in. That would include the
7 U. S. Attorney's office anywhere in the country. FBI has
8 their own Office of Professional Responsibility. In 1977, the
9 number of investigations rose to about 200. I have been
10 investigated by the Office of Professional Responsibility,
11 for example.

12 The New York Times carried a story about a month
13 ago that I and the Associate Attorney General had obstructed
14 justice in Pittsburgh. We were trying to appoint a person
15 who shouldn't have been appointed there. In fact, we were
16 having the person investigated. And the investigation, to
17 this day, has not been completed.

18 But with a charge like that outstanding, someone
19 needs to investigate it, so the Office of Professional
20 Responsibility set in, went to Pittsburgh, interviewed every-
21 body that had anything to do with it; took a statement from
22 me and from the Associate Attorney General. That put the
23 matter at rest. Sometimes they find
24 that it's true, what somebody says, and we have disciplinary
25 proceedings.

1 This is sort of mirrored in the whole government now,
2 and this is a good thing. I think that we are aware that
3 we've got to be on good behavior.

4 We also have a department now called -- a section
5 called the Public Integrity Section. These are lawyers
6 who are skilled in prosecuting people who are public officials,
7 federal, state or local, who violate the law. This is an out-
8 growth of Watergate.

9 I think that the American people will never again
10 permit their government servants -- and that's what we all are,
11 servants of the people -- to abuse the powers with which they
12 have been entrusted.

13 Now, these are good things from Watergate. I want
14 to mention one or two things that I think are not good, that
15 are unhealthy for our nation. One unhealthy effect was, and I
16 think still is true, that some parts of the media and some
17 persons are unduly suspicious of government officials. I
18 observed this when I first got to Washington, and I was two
19 weeks in the Senate, being asked about everything I had ever
20 done in my life, and I call it the Watergate syndrome. I don't
21 think it's all bad to go into -- I think you ought to go into
22 a nominee thoroughly, carefully, but it can be overdone.

23 I don't know that I'd want to go through what I went
24 through again, I mean, I don't need the job and --

25 [Laughter.]

1 -- once I got there and got into what was almost
2 like being in a trap, I just stayed in it because I didn't
3 want to embarrass the President by quitting, and being defeated;
4 nor did I want to walk away from a fight. Once you get in a
5 fight, not everybody wants to leave. So, people said that I
6 shouldn't be Attorney General because I was a friend of the
7 President. Can you imagine that?

8 George Washington's Attorney General was Edmund
9 Randolph, who was his own lawyer, friend, and chief of staff.
10 He couldn't serve today, because they'd say, "Well, he's a
11 friend." You have to have a stranger!

12 [Laughter.]

13 The President is not entitled to have a friend.

14 That was the sort of a thing that I faced.

15 Then I was a Southerner, and they said, "Well, he's
16 not liberal enough, he's a Southerner, he's only moderate."

17 [Laughter.]

18 Well, I had never claimed to be a liberal. I always
19 claimed to be a moderate. And I think my record made that out.

20 But that's the sort of a thing you have to put up
21 with when you go into Washington now, and I don't know how many
22 people will continue to want to do that.

23 Another bad effect of Watergate is, I think it
24 caused a certain disaffection with government service on the
25 part of young people. I know you all remember the young man

1 during the Watergate hearings in the Senate, who had been
2 telling about working in the White House and how he finally
3 compromised and wound up doing wrong, and I thought it was
4 probably the most poignant thing that happened in the whole
5 Watergate.

6 And one Senator hoped to end the testimony on a
7 positive note, and he asked this young man what advice he had
8 to offer young people who might be interested in entering
9 government service. He said, "Yes, I've got some advice. My
10 advice is to stay away. Stay away." I thought that was really
11 a terrible thing. I strongly disagreed with what he said at
12 the time.

13 I'll have to say I'm rethinking my position.

14 [Laughter.]

15 The young people around the Justice Department tell
16 me, though, that that is a sort of prevailing view now on the
17 campuses, that there is a feeling of people having turned
18 inward, that they are thinking more about their own lives,
19 and their own security, their own future. And they have very
20 little interest in going in the government or confronting the
21 great issues of the nation.

22 I hope this is not out of hand. I think certainly
23 that law students have to be prepared to serve the country
24 sometimes, and when you are needed, despite the droll remarks
25 I've made, I would serve again if I was asked to serve. I always

1 have. Judge Webster is a good example. I just
2 got him to agree to be head of the FBI. He gave up his pension
3 as a federal judge, he would be paid for life. And if he
4 serves as head of the FBI for ten years, he will get up to,
5 by that time, 30 percent of the pension he already has. That's
6 the sort of a sacrifice that some lawyers, judges will make;
7 and I hope that that sort of a feeling is something that all
8 law students understand. That you have to tithe your
9 talent, your time, as well as your money. I think that we
10 owe that to our nation.

11 I know we live in the greatest
12 country on earth. We have more liberty, and more opportunity
13 than any people anywhere. And these great things are not free.

14 We've never had a system, as they have in England,
15 of hereditary class of government officials, noblesse oblige,
16 we have something that's a little different; we have education.
17 We have educated people, and everybody in our country can
18 serve their country; and everyone, I think, is obligated to
19 serve the country.

20 The task of government is difficult. Personal
21 sacrifices and pressures are great. Family life can suffer.
22 Financial rewards are usually not as great for lawyers as they
23 are outside the government. But you know that you're doing
24 something for your country, and that's the satisfaction
25 you get out of it.

1 I want to mention, in closing, some principles that
2 I have been emphasizing in the Justice Department since I got
3 there. I think these are very important.

4 The first one is restraint in the use of power.
5 I have long realized that the wisest use of power, more often
6 than not, is not to use it at all. Sid Lezak has something
7 he wrote me about not so long ago, which I think is great. He
8 has in his office a quotation from Shakespeare's Measure for
9 Measure. It bears right on the point of not abusing power.
10 And this is the quote: "Oh, it is excellent to have the
11 strength of a giant, but tyrannous to use it like a giant."
12 Close quote.

13 That's what I'm trying to say, and that's what I'm
14 trying to tell people at the Justice Department. And it would
15 be a good thing if everyone in the government would follow
16 this approach.

17 The second principle that I've been teaching is
18 fundamental fairness. One adheres to this principle if he or
19 she remembers that everyone is entitled to respect as a human
20 being, and should be approached in a spirit of decency with a
21 high degree of civility. We are not a very civil people,
22 certainly compared, we'll say, with the people in England; we
23 are not as civil. We ought to be more civil.

24 Certainly someone with the government, in dealing
25 with the people, ought to be civil. This goes beyond due process.

1 That's what we are obligated to do, to give due process. But
2 we ought to go beyond that, we ought to be a little more
3 generous in spirit.

4 The third principle is integrity. This principle is
5 uncommonly hard to explain. But I find its essence may be
6 best captured by the simple phrase, "doing what's right."
7 We are each given by our Creator a still, quiet voice inside
8 that says, from time to time, "you ought to do so-and-so".

9 President Lincoln knew the importance of listening
10 to this voice. At one point in his Administration, some
11 powerful political friends urged a particular course upon
12 him, that he considered to be against his conscience. In
13 refusing that course, he made the point this way: "I desire
14 so to conduct the affairs of this Administration that if,
15 at the end when I come to lay down the reins of power, I have
16 lost every friend on earth, I shall at least have one friend
17 left, and that friend shall be deep down inside me."

18 In closing, let me again turn to Lincoln, because I
19 think some of the things said about Lincoln and by Lincoln
20 represent qualities that everyone, and especially public
21 servants, should strive to cultivate. If you look in the last
22 volume of Sandburg's Life of Lincoln, and under the chapter,
23 "A Tree is Best Measured when it's Down," you'll find a lot of
24 tributes to Lincoln, after he was assassinated.

25 And one that particularly struck me was by the great

1 Russian philosopher, Tolstoy. It had never occurred to me that
2 Tolstoy was a contemporary of Lincoln, but he was. He was
3 traveling in the mountains of Russia shortly after Lincoln's
4 death, and he was guest of a chief of a remote Russian tribe.
5 The chief and his tribesmen requested that Tolstoy tell them
6 of great statesmen and great generals. Tolstoy first told
7 them of the Russian Czars, and about Napoleon.

8 Then the chief rose and begged Tolstoy to tell them
9 about Lincoln. And he said, "We'll give you the best horse
10 in our stock, if you can explain the greatness of Lincoln."

11 Tolstoy then told them about President Lincoln,
12 said he was a great man, that he was greater than Frederick
13 the Great, Napoleon or Washington. He explained that this
14 was because Lincoln always operated on one motive, the benefit
15 of mankind. He emphasized that Lincoln had wanted to be
16 great through his very smallness -- and this is important --
17 and he explained that all of Lincoln's actions were rooted
18 in four principles: humanity, truth, justice, and pity.

19 According to Tolstoy, No man could be great except
20 for these principles.

21 I have mentioned several rules of personal conduct
22 that I prize in government servants and that I believe a legal
23 education can cultivate: restraint, fairness, civility, and
24 integrity.

25 For government lawyers, I would add: "and a high

1 degree of professionalism."

2 I would also add that no man and no country can be
3 great except by following the principles which Lincoln
4 embodied: humanity, truth, justice, and pity.

5 It's a great pleasure to be in Portland, to be in
6 the State of Oregon, I thank you for asking me. And hope it
7 won't be too long before I can come back again.

8 [Applause.]

9 [Whereupon, the address was concluded.]

10 - - -