



Department of Justice

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ADDRESS

OF

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

BEFORE THE

NATIONAL CONFERENCE ON STATE COURTS

8:00 P.M.

SUNDAY, MARCH 19, 1978

WILLIAMSBURG CONFERENCE CENTER

WILLIAMSBURG, VIRGINIA

Chief Justice Pringle, Chief Justice Burger, Chief Justices of the States, Distinguished Participants, and Guests from around the Country and the Common Law World:

It is an honor for me to have been asked to deliver the keynote address to this Conference on the State Courts. I am here this evening not only as the Attorney General of the United States but as the representative of the President of the United States. President Carter has a keen interest in the subject of this Conference and sent me a letter for this occasion, which I should like to read:

To Attorney General Griffin Bell:

I am pleased that you will be delivering the keynote address at the National Conference on State Courts at Williamsburg. I hope that you will convey to all those present the strong commitment which I and my Administration have for the strengthening of the entire system of justice in the nation, state and federal.

The maintenance of equal justice under law is a primary concern of the judiciary. Justice is being denied in many places today by congestion, delay, and steadily rising costs in both our state and federal court systems. These conditions adversely affect all of our people. I share your view that the federal government must provide national leadership in improving the delivery of justice throughout the land. While our program aims to make the federal courts more effective and accessible, the state courts are the primary judicial systems to which the American people look for justice in their everyday affairs. This Administration

will continue to support those courts in all appropriate ways in their efforts to improve and expand the delivery of justice. The National Center for State Courts is of increasing importance in the improvement of all the state justice systems. I support the efforts of the Department of Justice, under your leadership, to assist the Center in its work to strengthen the state courts and to develop new means of resolving disputes. Justice is indivisible, and all of us in the executive, legislative, and judicial branches of the state and federal governments must work together to insure the maintenance of government under law and equal justice for all.

Sincerely,

JIMMY CARTER

The Honorable Griffin B. Bell
The Attorney General
Washington, D.C. 20530

I am in full agreement with President Carter's statement and as Attorney General am the beneficiary of his real support for such improvements.

I genuinely feel the importance of this Conference in which we are met. Earlier today we witnessed the dedication of a permanent home for the National Center for State Courts. That organization did not exist seven years ago. The National Center was created as a direct result of the National Conference on the Judiciary held here seven years ago, and in its short life has filled an important and unique role. As a result of the Center's work, there has been more communication and cooperation among the nation's state court systems than ever before

in our history. The cohesion fostered by the National Center has greatly benefitted the state judiciaries and as a result all of the people who are served by them.

The participants in that 1971 meeting were not satisfied simply to have identified many of the problems in the administration of justice, but instead have continued a search for solutions. We see now -- seven years later -- a heightened awareness among the American people -- far beyond the bench and bar, of the need to address the concerns expressed there. I believe significant progress has been accomplished since that Conference. That progress, however, has made us more, not less, aware of the potential for breakdown in our country's capacity to deliver justice to all our citizens.

As many of you know, I have long been concerned about the administration of justice. I spent many years on the federal bench and I know only too well that the efficiency and the effectiveness of the courts is intimately linked to the enforcement of substantive legal rights and obligations. I am convinced, as never before, that we must work together -- across federal/state lines -- to pursue both the immediate and the long-range solutions to the difficulties which continue to afflict the American judicial systems.

There can be no equal justice under law unless all of our people have access to justice. We must find means of settling

legal disputes which are convenient, prompt, effective, and available at reasonable cost. It does not matter how fair our laws may be, if access to their enforcement is denied or unavailable.

We have long known that justice delayed is justice denied. If a person who has been illegally harmed by another must wait a year or two in order to get any kind of relief, as is the case in many places today, that person does not have effective access to justice.

Justice that is too expensive is also justice denied. Where the cost of resolving the dispute is more than the amount of money involved, there is no effective access to justice for either person. And where legal rights and obligations not involving money can be determined only at great expense, justice may be severely burdened.

It is a sad fact that today's delay and expense are in many of our courts, both state and federal, eating away at the essence of justice.

Although considerable progress has been made in recent years, the problems continue to mount. The state and federal courts share problems of rising litigation costs, delay, congestion, the continued use of outmoded and inefficient procedures, and insufficient personnel and support services.

We have come here this week to map out a "Blueprint for the Future." To do that requires a realistic assessment of our current situation and an accurate vision of the circumstances that will confront us in the decades just ahead. One thing we must recognize: the litigation explosion of the last several years that has overwhelmed our courts and judges shows no sign of abating. To recognize the situation is not to condemn it. Our courts are overburdened to a large degree because our people have found them willing -- and in some measure able -- to address and attempt to correct some of our society's most serious problems. What we must do now is vigorously pursue a course of action that will enable the system to function as it should.

One thing we know -- the courts of the nation must be strengthened, improved, and where necessary, expanded. Congress will shortly enact a bill that will increase the number of federal judges by almost thirty percent. And while that will provide the federal system with much needed additional resources, we have reached a time where we simply must recognize that more of the same will not resolve the situation we face. More judges, more courthouses, more court administrators and law clerks may indeed be required but, even so, we will not be able to keep up with the increasing needs of our people by simply expanding our traditional tools. Our population continues to grow in

size, diversity, and activity. Government continues to expand its involvement into new fields. This increasing complexity in our society makes increased disputes almost inevitable. It is fundamental to our system that these disputes be resolved under law and that they be resolved peacefully, intelligently, and fairly.

Thus I believe that the great challenge ahead of us is not only to upgrade and improve our court systems, but also to devise new and more effective ways to handle some types of disputes and to provide means for resolving disputes for which there is now no adequate forum at all. Like this beautiful and functional modern building situated in historic Williamsburg, we must devise fair and functional means of resolving the disputes of modern society to go along with other historic legal processes.

In all of this, what is the role of the federal government? Where does it fit in that "Blueprint for the Future" of the state courts?

I suggest that there are two interrelated roles for the federal government: it can exercise leadership in developing a national policy on justice and it can act as a catalyst for innovation, change, and improvement in the nation's judicial systems at all levels. As Attorney General, I am committed to do all that I can to see that the federal government performs

these roles. The President shares that view, and I believe that Congress does also. Major steps to that end have already been taken, and more will be taken.

Many of you are now aware of the creation within the Department of Justice of a new Office for Improvements in the Administration of Justice. The creation of this office was one of my first acts as Attorney General. For the first time in our history, the Executive Branch of the federal government has committed its resources to the continuous, systematic support of the nation's courts. Through this Office we are devising changes, reforms, and innovations. Many of these concern primarily the federal justice system; but many of them are directly or indirectly beneficial to state justice. This office will assist the Attorney General and the President in developing national policies on justice.

In the year since its creation, this office has generated a substantial number of legislative recommendations and proposals for innovative procedures in the federal courts, has pursued a policy of closer coordination among the three branches of the federal government on judicial matters of common concern, and has sought to develop closer ties with the state judiciaries, private organizations, and individuals concerned with the administration of justice. Last August, I spoke to the National Conference of Chief Justices in Minneapolis and outlined some of

these developed goals. Since then we have seen some progress. For instance, earlier this month I was in Kansas City to help dedicate one of the three neighborhood justice centers.

Another major step by the federal government is the provision of federal funds to support state court programs and projects.

Financing the basic operating expenses of the state judiciaries is the responsibility of the state governments. The federal government should not and has not undertaken to do that. What the federal government can appropriately do -- and indeed has been doing for several years -- is to provide financing for specific projects designed to create change or improvement in the state court systems. Funding for those purposes has often not been provided by hard-pressed state legislatures. The result has too often been that the state courts, which can be ideal laboratories for process experimentation, have been left without the means of adopting new systems and procedures which are crucial to their ability to cope with mounting caseloads and new conditions. If the federal government provides the funding for a survey or pilot project, then the state court system has the information necessary to demonstrate to its legislature the need for and value of new programs and improved processes. In many instances, when such a showing has been made, state legislatures have responded by providing permanent funding for the new arrangements. The federal role is thus

in part a catalyst for improvement.

Federal funding has been flowing to the state courts in ever increasing amounts over the last seven years. At the time of the last conference here, these funds were little more than a trickle. They have grown now to many millions of dollars annually. The National Center for State Courts has from its very beginning been the recipient of substantial federal financial support. All of these funds have, of course, been provided by Congressional appropriations, and they have grown in amount as Congress has grown in awareness of the role which the federal government can properly perform in assisting the state courts. We in this Administration are committed to this role and will offer continued support for federal funding of this sort.

These congressionally appropriated funds have been and are being channelled to the state courts and the National Center through the Law Enforcement Assistance Administration. That agency has performed a valuable function in this connection. It is now widely agreed that this function and others performed by that agency can be carried out more efficiently and effectively if the agency is reorganized. The Department of Justice and the President's Reorganization Project have been working together for many months to design a new structure. While there is not yet a finally agreed upon design, I can say that one effect of the reorganization will be a major improvement in the way federal

assistance for the justice systems of the states is administered.

The proposed reorganization contemplates the creation of three major entities in place of the single Law Enforcement Assistance Administration which we now have. One, a Bureau of Justice Statistics Planning, is well advanced. It will provide a single national statistical agency to gather and analyze data on civil and criminal justice, state and federal. It will enable us, for the first time, to get a comprehensive picture of what is going on throughout the American justice systems. We will be able to know far more than we can know now about what the problems are and thus how to deal with them.

Another major new entity will be a National Institute of Justice. When fully established, this Institute will be charged with carrying out research in civil and criminal justice, state and federal, in a much more comprehensive way than has been possible in the past. It will administer all of the research funding presently administered by the Law Enforcement Assistance Administration. We contemplate that this Institute will have a relatively high degree of autonomy in its research. It should become an important means of constant improvement in the quality of justice in this country.

The third major element in the reorganized structure would be a reshaped Law Enforcement Assistance Administration, with the major function of administering the block grant funds

and certain other programs which would not involve the research and statistical functions.

Some details of this reorganization plan remain to be worked out. But whatever the final plan, the federal support for the state justice systems will not be diminished. In fact, a major purpose of the reorganization is to provide a more effective, less costly means of channelling federal funds in support of the state justice systems. The President and I are committed to this objective.

We will continue our efforts to make the federal courts more accessible and effective for the cases those courts are designed to handle. But it is primarily to the state courts that the American people look for justice in their everyday affairs. It is my belief that we all must work together to improve the system at all levels. That is because a failure to provide effective justice anywhere in the country is a matter of national concern. While the Constitution draws a line between federal and state authority, as the President said in his letter today, justice is indivisible. The federal government, as well as the state governments, has an obligation on behalf of all the people to support and improve the courts and other agencies of justice. Without impairing the legitimate independence of the state judiciaries, the federal government has a significant place in their "Blueprint for the Future."

On the side of the Justice Department building in Washington these words are carved: "Justice is the great interest of man on earth." That is the interest which brings us here together from throughout the fifty states of the Union.