



Department of Justice

ADDRESS

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

AT THE

CEREMONY HONORING CHIEF JUDGE JOHN SAMMONS BELL

MONDAY, APRIL 2, 1979

10:00 A.M.

STATE JUDICIAL BUILDING
ATLANTA, GEORGIA

We are met today to honor a great jurist. He is that rare combination of intelligence, bravery, executive ability, common sense and good manners that one seeks in placing men and women on the Bench.

Judge Bell exemplifies the British tradition of noblesse oblige; war hero, judge, lawyer, and teacher.

But in honoring him, it is important to note that we also honor this Court: indeed, all courts. We also honor our most precious heritage -- our system of justice.

As Sir Edmund Burke noted in the Parliament, prior to the American Revolution: Beware of the Americans. More copies of Blackstone's Commentaries on the Law have been sold in the American Colonies than in the whole of England. The Americans are a litigious lot.

Tocqueville noted in his Democracy in America, after traveling in America in the eighteen thirties, that most problems in America, including problems of government, end up in court.

This insatiable desire to litigate is not all bad. It enables us to resolve our disputes in law -- we take it to law -- and we have avoided any concept of vi et armis. It also enables us to check our government -- local, state and federal -- when we feel aggrieved by the government.

It is no luxury item; it is a sine qua non of being an American citizen. It goes with the flag.

But there is a problem. The sharp growth in population since World War II, the technological revolution, and our process of converting all cases into large cases, as well as our overkill in appeals, has brought the capacity of our justice system into question.

It is only through good management techniques that the system has been able to stay above water. Without able chief judges exercising great leadership, our system of justice would not long endure.

It is worth noting today that there has been no change in the number of judges during the tenure of Chief Judge Bell. There were nine members of the court when he became Chief Judge and there are nine now. In the period of almost ten years of his service as Chief Judge, the number of cases increased from 826 to 2,056 -- nearly 150 percent.

There was never a delay in the disposition of these cases. The quality of its opinions was not diminished, and throughout it all, the Georgia Court of Appeals has remained a model appellate court.

I salute this Court and all its members. I thank you as a citizen of Georgia for your efforts, for your devotion to duty, and for your service to the people of Georgia.

Our goal must be to continue the quest of finding good men and women to serve as judges. It is a calling equal to the ministry; it is a ministry, the Ministry of Justice.

One of the great repositories of public power is in our courts. One of the great potentials for the abuse of power is in the judge. Yet we rarely hear of an abuse of power, even of an excessive use of power.

We can attribute this to the fact that judges are very careful in their use of power. It is an axiom that the best use of power is not to use it at all. But when necessary, then to use it as sparingly as possible.

As a people, we are comforted in the thought that our judges do take care in their use of power.

I close on a note of caution. Judges, just as private citizens, are entitled to their constitutional right of privacy. We are living in a period where public officials are more and more being denied the right of privacy. There is good public policy in the thought that some modicum of disclosure is necessary on the part of public officials, but there are limits beyond which laws and regulations should not go. We are besieged in some

jurisdictions with requirements that all assets be disclosed to public view, and now there are even requirements that the spouse of public servants disclose. We must guard against overzealousness which reaches the level of intruding into the personal and family lives of judges and other public officials beyond any public interest necessity.

It is a great honor for me to be permitted to appear before this Court and your Honors; it is an honor and privilege for me to salute my friend, Honorable John Sammons Bell and his family; to thank him for his service to our State and our Nation; and to say that President Carter joins in these salutations and in wishing Judge Bell and Mrs. Bell the best now and in the future.
