

~~CONFIDENTIAL~~

REMARKS  
OF  
  
HONORABLE GRIFFIN B. BELL  
  
ATTORNEY GENERAL OF THE UNITED STATES  
  
BEFORE  
  
THE AMERICAN BAR ASSOCIATION  
  
MID-YEAR MEETING  
  
HOUSE OF DELEGATES

Seattle, Washington  
February 14, 1977

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320 Massachusetts Avenue, N.E.  
Washington, D.C. 20002  
546-6666

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**9:00 A.M.  
MONDAY, FEBRUARY 14, 1977  
OLYMPIC HOTEL  
GRAND BALLROOM  
SEATTLE, WASHINGTON**

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THE ATTORNEY GENERAL: Mr. Chairman, members of the House, and friends, I want to thank the Chairman for providing the escort for me. A person in my shape needs an escort committee. I would like to have the committee go back to Washington with me.

[Laughter]

The Carter administration has been accused of engaging in symbolism, and one thing we did was open the door on Pennsylvania Avenue, at the Justice Department, which is symbolic of an open Justice Department. The President wanted me to say to you that it was also symbolic of the great effort that I had in becoming Attorney General.

[Laughter]

But things are not as bad in Washington as you might think. They tell a story there about a child moving from South Georgia to Washington with her parents, going to the government. She was saying her prayers and she ended up by saying, "Well, God, that's it for now. I don't guess we'll be talking any more for a while."

[Laughter]

But it is really not that bad. I won't say how bad it is, but it is not that bad.

You will be interested to know that we are organizing

the Justice Department as fast as we can. We had some delay, but we are making some progress. I am being very careful about who I select. I am trying to get good lawyers, people who can do the various jobs there. I haven't selected a Deputy yet, and LEAA, and two or three others, important offices, but we are making some progress in that direction. I hope that within a month or six weeks we will have everyone in place and at that time we will start giving some real thought to what we want to do -- one, whether the Justice Department is possible of being managed; second, what direction we would take. And we will be trying to establish some national policies on criminal justice and the delivery of justice generally, and we will be trying to establish some federal policies. National policies are to be distinguished from federal policies because national means -- in the system of federalism that we have, we must work out a way to where we are coordinating with the states and local government.

I am getting ready to meet with fifteen state attorneys general. I am making an effort now to meet with a committee from the National Governors Conference. I expect to be meeting with some prosecutors from the large cities. I met with Justin Stanley recently. I hope to meet with the Board of Governors of the bar, this association. And if the Chairman

would, if he would form a small committee that I could work with from the House, I would be glad to do that.

I want to work with groups. I find that I am being rapidly educated by just simply meeting with people and talking with them about the problems in the justice system of our country.

A lot of the things that the Chief Justice said yesterday, things that we can assist in at the Justice Department -- he has never been able to get Congress to provide an impact statement, that is the impact that legislation might have on the federal court system -- we can do that at the Justice Department. I told him yesterday that I would have the Legislative Affairs Office of the Justice Department to provide that service. We have the people to do it and we will do it.

I think one thing that you would be interested in, some of you fought for for a long time, and that is the merit selection of judges. I want to give you a report on that. Within a few days we will by executive order create merit selection commissions for circuit judges, that is judges that serve on Courts of Appeals. There will be 13 such commissions. There will be one from each circuit except the fifth and the ninth, where we will have two. The geographical areas are so

large that we didn't think that one would suffice. Those will be created by executive order, but particular circuits will not be activated except in the case of a vacancy. There are now five vacancies in the Nation. Those five will be activated and when they perform their function they will sit until we have another vacancy. So we won't have any continuing commissions, just as the need arises.

They will have a chairman, selected by the President, and not more than ten additional members. There will be some representation based on states and some based on groups. There will be representatives generally of the population. There will have lawyers and laymen on the commissions. These will all be named by the President.

As to district judges, we left that to the Senators but we are encouraging the Senators to set up their own commissions. In one state we are going to -- after we announce the circuit judge commissions, we will announce a model plan for one state. There are five or six other states that have put in plans of their own. I think it is good that they will have variances from state to state, until we hit upon the best system. It is sort of like the idea that each state is a laboratory. We will get better government because we will be able to borrow from the fifty states. So we will be doing that

on the district judge basis.

I hope that within two years most every state in the Union will have a merit selection commission for district judges.

There is one state -- two states that are going to select U.S. Attorneys on the basis of -- on the same basis, using a commission, to select U.S. Attorneys. The way this works on the circuit court level, there will be five names given to the President and he will agree to take one of the five. We hope that no one will be presented who is not well qualified, at least well qualified. Under your rating system, you have unqualified, qualified and well qualified and exceptionally well qualified. I have drawn the order in a way that the language is used to include well qualified. They are supposed to present the names of the five well qualified persons. We hope that will work out, and I think it will.

Professor Meador, of the University of Virginia, whom many of you know, an expert on law reform, merit selection, an expert on the English court system, is coming into the Justice Department, under a new office I have created called the Office for Improving the Administration of Justice. He will be an Assistant Attorney General, and that will be the name of his office. He actually did most of the work in drawing this

executive order for these commissions. It was carefully done and I hope it will work out well.

One last thing I would like to say to you is that I have just gotten into the office -- it has been a harried if not a harassed life -- I know you have a lot of important things you are going to consider here, and I am told you are going to consider some grand jury reform. I hope that, as a courtesy to me, something I would deeply appreciate, is that you would put off any decisions where you are going to change any of our fundamental institutions, where you are going to do anything that might affect the rights of individuals, until I could have a chance to study it. I won't delay you. Certainly by the next meeting of the House, I would be able to take some position on these things. I don't know what issues may be voted on. I have got my book, as a member of the House of Delegates, and about that time I was designated as Attorney General, I became a media event and I have never had a chance to look at the book.

[Laughter]

But if you will, if you will give me that much, I will appreciate it and I will guarantee you I will be ready by the next meeting of the House.

Thank you for inviting me. I want to work with you