



Department of Justice

FOR RELEASE AT 9:00 P.M., E.D.T.
WEDNESDAY, MAY 4, 1977

ADDRESS

BY

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

BEFORE

THE PULASKI COUNTY BAR ASSOCIATION

8:00 P.M.
WEDNESDAY, MAY 4, 1977
THE GREAT HALL
CAMELOT INN
LITTLE ROCK, ARKANSAS

I appreciate the opportunity to be with you tonight to discuss our concerns over the shortcomings of the Nation's justice system. The shortcomings have long been evident.

More than 70 years ago, Roscoe Pound said: "Our administration of justice is not decadent. It is simply behind the times."

In 1930, a Presidential commission reported in disturbing detail the Nation's inept response to crime in America. Another Presidential commission reported the same in more dramatic dimensions a decade ago.

Last year, a National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice was held. The conference's title came from Pound's lecture of 70 years earlier.

As the old French saying goes, the more things change the more they seem the same. Seven decades after the Pound lecture, we are still struggling to devise a justice system capable of meeting the demands of the times.

Nevertheless, we should not be discouraged. We do not have to flounder helplessly with the status quo.

One of the most articulate, determined, and effective advocates of the proposition that meaningful improvements can be fashioned is your Senator John L. McClellan. He has worked tirelessly over the years to develop some of the most important criminal justice legislation in the Nation's history.

In 1968, Senator McClellan was the leading floor spokesman for the Omnibus Crime Control and Safe Streets Act. Two years later, he was the moving force in enactment of the Organized Crime Control Act.

Both of these statutes have unusual qualities. They enable much more effective efforts against crime while, at the same time, erecting better safeguards for individual liberties.

In recent years, Senator McClellan has been deeply involved in an even more ambitious project. It involves the first complete revision of the Federal criminal code.

The criminal code has grown in a jumbled fashion for 200 years. Many observers feel that the current effort to revise the code is the most significant and comprehensive legislative undertaking in the history of our criminal law.

The project has not been without controversy. An earlier code proposal, known as Senate Bill 1, prompted a lively debate over several issues.

Senator McClellan subsequently took the lead in redrafting the proposed new code. The few controversial items were severed from it, to be considered individually later if Congress so desires.

As a result, a landmark piece of legislation was introduced earlier this week by Senator McClellan. It has received widespread support, including that of Senator Kennedy and Chairman Rodino of the House Judiciary Committee, both of whom joined in introducing it.

After I became Attorney General, I set up a Justice Department task force to study the entire matter. I decided to support code revision, minus the few controversial items. We were able to make what I hope were helpful contributions to Senator McClellan's efforts.

But major credit for the legislation belongs to Senator McClellan. He steadfastly supported the effort when, at times, it seemed certain to be abandoned. He deserves the Nation's gratitude.

Senator McClellan's determination to improve the criminal justice system sets a standard for us all.

We must match his dedication. For to fashion other needed improvements, there must be far more resolve by the general public, by civic groups, by the organized bar, by state and local government, and by agencies of the criminal justice system. The Federal government also must do more.

Most law enforcement responsibilities and resources, we must remember, are at the state and local level. The Federal Bureau of Investigation has 8,500 agents. But New York City alone has 25,500 policemen.

There are 1,700 lawyers in the 94 offices of the U.S. Attorneys. By comparison, there are 2,100 local and state prosecutors in California alone.

But if the Federal role is limited, it is vital. I would like to describe some of the steps being taken or considered at the Department of Justice to reduce crime and improve the justice system.

We must develop a program for the national delivery of justice, both civil and criminal, at all levels. To do this, we have begun an extensive reorganization of the Justice Department and have instituted new programs.

Management systems have been unwieldy in the past. To streamline operations, we now have, in effect, two Deputy Attorneys General instead of one. This will result in much closer supervision of the Department's work.

The Deputy Attorney General will supervise crime-related activities, the Department's Criminal Division, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Prisons, and the Law Enforcement Assistance Administration as well as the 94 U. S. Attorneys.

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.

We expect that the Associate Attorney General's post ultimately 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, will report directly to me.

The catalyst for many new programs will be the Office for Improvements in the Administration of Justice, which was created last January.

We have already developed a long-needed new program for commission selection of Federal circuit judges. Similar procedures for district judges have been agreed to by senators in about 10 states, and I hope we will establish similar procedures for commission selection in many more states during the next two years.

I recently testified in support of increasing the number of Federal judges. New cases filed in district courts increased from 92,000 in 1950 to nearly 172,000 last year. Circuit court filings have more than doubled in the past decade.

Appropriate ways also 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.

We are developing a proposal to expand duties of U. S. Magistrates. The Magistrates would assume a heavier criminal jurisdiction, as well as a broader civil role. Caseloads for U. S. District judges would drop substantially.

Costs and delays prevent reliance upon 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 at the local level is the Neighborhood Justice Center. These centers would employ such techniques as mediation and conciliation. We plan to develop these centers in several localities on a pilot basis, under local court administration.

We are working to improve procedures for class actions and complex litigation. We are also fashioning proposals to simplify the discovery process, which is now so often an ordeal. I hope legislation and rule changes will eventually be adopted in these areas.

In criminal enforcement, the problems are enormous. Serious reported crime grew 232 per cent 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, crime is still far too prevalent. The Federal government must do everything it can to help.

The Justice Department needs to cooperate more closely with states and localities in investigating and prosecuting crimes. All can benefit from such cooperation. As previously mentioned, resources are far greater at the local level.

At the same time, some enforcement responsibilities must clearly rest with the Federal government. This is true of interstate offenses and large-scale conspiracies that reach beyond local jurisdictions.

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. To develop a more effective approach, we are making 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.

Organized crime obtains vast amounts of money from gambling, loansharking, thefts, and similar activities. It is up to state and local government to deal with most types of crime. But when those crimes become organized and reach across state lines, it is time for the Federal government to step in vigorously.

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

New tools will be fashioned to combat white-collar crimes. 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.

There is not one crime problem standing alone in the Nation today. There is a host of problems. Nevertheless, I believe that progress is possible. We are going to attack problems instead of studying them to death. To succeed, we need the help of responsible citizens everywhere.

I had the great honor earlier this week to take part in a news conference with Senator McClellan in Washington when the criminal code revision legislation was introduced. Along with other Congressional leaders, Senator McClellan explained some of the bill's key provisions and gave a much-needed insight into the need for it.

The Nation cannot begin to make meaningful progress against crime if its basic tools -- the laws -- are antiquated. And progress is undermined if those statutes do not fully protect basic rights.

The criminal code revision designed by Senator McClellan fills both needs. It is the premier achievement of a remarkable career of public service and a historic moment in this Nation's continuing effort to bring order to its system of criminal justice.