

ORIGINAL

REMARKS

BY

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

BEFORE

THE RICHMOND BAR ASSOCIATION

Richmond, Virginia
September 16, 1977

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FRIDAY, SEPTEMBER 16, 1977

JOHN MARSHALL HOTEL

RICHMOND, VIRGINIA

P R O C E E D I N G S

1
2 ATTORNEY GENERAL BELL: Distinguished members of
3 the Judiciary, fellow lawyers, ladies and gentlemen:

4 I want to thank Charley for the warm introduction on a
5 somewhat unusual subject, since he's not a member of the Senate.

6 [Laughter.]

7 And that he did not give out all of his information
8 to the Senate.

9 Knowing what I know about Washington now, it would
10 not have taken much to prolong the investigation before I had
11 been confirmed.

12 I've had a long association with President Carter.
13 Charley said I was a native of Americus. Americus happens to
14 be nine miles from Plains. It's in the same county, so it's
15 simply a geographical accident that I am the Attorney General.

16 [Laughter.]

17 I frequently say something in a speech about life in
18 Washington, but it's getting so bad that I don't want to talk
19 about it.

20 [Laughter.]

21 We call it "Survival City."

22 Faulkner said, when he received the Nobel Prize for
23 Literature, that the human spirit will not only survive, it
24 will prevail.

25 I'm not worrying about prevailing so much as I am

1 surviving.

2 Jody Powell once made a prophetic statement. Some
3 member of the media said to him, "It seems you're getting too
4 many people here from Georgia; who's left in Georgia?" He
5 said, "The smart ones."

6 [Laughter.]

7 I found a lot of unusual sensitive cases in the
8 Justice Department, after I got there -- had I known about
9 them, I don't think I would be there. And a lot of other things
10 happened.

11 As you know, President Truman had a sign made, it's
12 on the President's desk in the Oval Office, it says "The Buck
13 Stops Here." I went to see the President last week and asked
14 him to give me the sign. And he didn't want to give it to me.
15 And I said, "Well, you know, the truth is that the buck stops
16 at the Justice Department." And he said he would think about
17 having another one made. He won't give me the one over there,
18 but he might give me a duplicate of it. I think we're entitled
19 to it.

20 These cases are often described around the Justice
21 Department as land mines.

22 [Laughter.]

23 And I once said in Atlanta that I was afraid one
24 may go off and kill me. One of my former law partners said,
25 "I wouldn't worry about that," he said, "you may not necessarily

1 be killed, you may just lose an arm or a leg." And that's
2 about the way it is on a daily basis.

3 I thought I -- I had a speech, incidentally, that a
4 speech writer prepared for me, as they generally do. I left
5 it in the car when I got here.

6 [Laughter.]

7 I don't do well with a prepared text, particularly
8 when it's written by a stranger. So --

9 [Laughter.]

10 I think you will enjoy just a few remarks about
11 what it's like to be there in the Justice Department, with
12 53,000 people; and 25 parts, substantial parts, to it.

13 It's a place where, for probably 25 years, the
14 management has been issue oriented. You find it's much easier
15 in Washington if you just find one or two or three issues to
16 talk about, and just hang with those. Don't worry about
17 changing anything. And that's the way we've been running it
18 for a long time. We have some great issues in our nation.

19 We went through the civil rights revolution in the
20 Sixties; we went through the Vietnamese period; and then we
21 went through the Watergate period -- we're still in the
22 Watergate, I don't know just when we're going to get out of it.
23 Soon, I hope, but it's still on to some extent. At least by
24 way of atmosphere.

25 This means that the government throughout, but

1 particularly in the Justice Department because that's the
2 Department I know best, is in serious need of being refurbished.
3 And if I were to use one word to describe the major thing that
4 we are doing, it would be that we are refurbishing the Justice
5 Department, in every way. We're trying to improve morale,
6 we're trying to increase the litigating
7 capacity; we're trying to become goal oriented. Every one
8 of the 25 parts, heads of the 25 parts have filed two-year plans
9 with me on what they can do, what they can see their mission
10 to be, No. 1; and No. 2, what they expect to do during the
11 two-year period, not only to accomplish the mission, but to
12 make their operation better.

13 We've been going over those. I've been meeting with
14 these different people in an effort to simply refurbish the
15 Justice Department.

16 And I want to say a few things about what I do with
17 my time, because I think it will give you a feel for the
18 Department of Justice, and that's all it is, it is your
19 Department of Justice, not mine, any more so than it's yours.

20 I spend a good deal of time dealing with the media.
21 That's an important thing, because in a country as large as
22 ours, as many people as we have in this country, you have to
23 have some way to project what you're doing and some way for the
24 citizens to be informed as to what's going on in the Justice
25 Department.

1 There are some -- I never can remember, but there
2 are a lot of people there in the media that are assigned full
3 time or, in some cases, half time with the Justice Department
4 and half time with the Supreme Court; probably upwards of 25
5 people. And they are there on a daily basis, so I have a
6 policy with the head of the Public Information Office that I'm
7 accessible to him at any time. I am not accessible to the
8 media at any time, but the media, representatives of the media,
9 ask him a question and he brings the question to me.

10 I have news conferences on a regular basis. I meet,
11 on occasion, with bureaus of the national news groups. I also
12 meet with columnists almost on a regular scheduled basis.
13 No one can get in out of schedule, but I do meet with them.
14 And I think that's important to do that.

15 I have never said "no comment," and I have never
16 said "I will speak off the record". I don't intend to, so long
17 as I'm Attorney General. I cancelled a news meeting not long
18 ago with a national magazine because it called and said they
19 would be glad to have a discussion off the record, and I told
20 the head of the PIO to call them and cancel this, because I
21 didn't discuss things off the record. They called back and
22 said they thought there were accommodating me, and we went on
23 with the meeting.

24 I spend a lot of time in the area of foreign
25 intelligence. This is something that I didn't know the Attorney

1 General had anything to do with when I went into the government.
2 This is something that President Ford set up with Attorney
3 General Levi. It's a graduated system, and it affords safe-
4 guards of having the nation's lawyer pass on serious matters.

5 I spend a good deal of time just on general management
6 problems. We have a department called Office of Management and
7 Finance in the Department, and I work closely with them. I
8 find that our employees are at 30 different locations in
9 Washington. We support the slum landlords. We have some
10 buildings that are not fit for human habitation. And I'm trying
11 to do something about that.

12 I find that the people that have been around the
13 Justice Department so long they have gotten used to what it
14 it looked like, they were living in hallways, on elevators,
15 the grass needed cutting in the courtyards. And, by being a
16 fresh person, it struck me that you couldn't have morale,
17 good morale, unless you had a clean and orderly place.

18 So that's part of what we do. Of course we have a
19 lot of work to do on budgets, you know, all these different 25
20 parts, where Judge Frank Johnson, the new head of the FBI, will
21 be -- he's been in the hospital and he has just gotten out,
22 and hasn't been confirmed, but he called me one day this week
23 complaining about the FBI budget. And I said, "You haven't
24 even been confirmed, and you're already complaining."

25 [Laughter.]

"Oh," he said, "you're trying to cripple me."

He said, "I'll be up there and won't have any money to work with."

Then we have these litigating divisions, tax, lands, antitrust. John Shenefield of Richmond is the new head of Antitrust, he was confirmed yesterday. A fine man. I'm very proud of him.

The Criminal Division, handling the most sensitive things you can imagine.

The Civil Division, where you're defending the government, you're suing for the government, is very important to the nation. It has really been allowed to run down. Civil Rights is the other big division.

These divisions, except Antitrust, which has gotten a substantial amount of additional resources in the last three years; the rest of them have been allowed to just drift, and we need more lawyers at Grades 16,17 and 18, because we are frequently litigating against private counsel, where it seems to me we may have one or two lawyers against eight on the other side. So we are trying to do something about that.

And I spend a lot of time on that. And I actually participate in some of the large cases. I have not been to court since I have been there, but I probably will. And I was going to argue a case in June before the Supreme Court, and the Solicitor General's office decided that probably I shouldn't, for several reasons, and I didn't. They had asked me to argue,

1 and I almost had to go to the District Court in New York last
2 week about a matter, because the judge wanted me to be
3 present. He finally accepted a letter, instead of me coming
4 on a particular problem for hearing.

5 We have a small office, called the Office of Legal
6 Counsel. Justice Rehnquist was head of that office before he
7 was appointed to the Supreme Court. They are only 18 lawyers
8 in that office, but they rendered the opinions of the
9 President to the Attorney General, his other Cabinet members,
10 and to Congress on an advisory basis.

11 I appointed a young man acting head of that office,
12 he is now head of it. And they have rendered probably 150
13 opinions on serious matters, such as the Canal Zone problem,
14 can Congress -- can the property be transferred through a
15 treaty ratified in the Senate without the House having anything
16 to do with it. That was the question.

17 It's more of an objective group of lawyers to rule
18 against people in high places, if need be. And I told the
19 President, when I asked him about making John Harmon head of
20 this office -- you see, we are very fortunate to have a setup
21 where we are subject to the law, and we have to follow it.
22 And we do follow it, but these lawyers tell us what the law is.

23 The Solicitor General's office is something like
24 that, they only have 18 lawyers, but they pass on any appeal
25 that lawyers ask to file in the district courts in the field,

1 and they of course handle all the litigation in the Supreme
2 Court.

3 We created this office, as I mentioned this morning,
4 under Professor Dan Meador, called Office for Improvements
5 in the Administration of Justice. Now, they are doing a great
6 job in procedural court reform; and we have an office called
7 the Office of Legislative Affairs. Those are the people that
8 are sent over to the Hill on a daily basis to look after our
9 own problems, but they do a good job.

10 And I think in those two offices, and they work very
11 closely together, we have some of the greatest talent in
12 Washington. And talent pays off in Washington. You need to
13 assemble all the brains you can. And Congress is very
14 appreciative of having somebody help them. If they don't
15 understand the problem, we send up a large number of people to
16 the Hill if they need help on legislation sometimes.

17 We have a long legislative agenda. I have spent a
18 lot of time testifying. I've testified three times already this
19 week.

20 We are subject to 18 Subcommittees -- the jurisdiction
21 of 18 Subcommittees in the Congress, and 11 full Committees.
22 But mainly we do most of our business with the House and
23 Senate Judiciary Committees, the Senate Select Committee on
24 Intelligence, and the new House Committee on Intelligence.

25 What we're really trying to do, what I'm trying to do

1 as Attorney General is give leadership in the entire area of
2 justice: civil, criminal, state and federal. Having in mind
3 at all times that American people have to depend on the state
4 court systems in the main for justice; 95 percent of all cases
5 in America are in the state courts. And it seems to me it's
6 my duty to work as closely as I can with the state courts,
7 so that we work in unison in a system of federalism.

8 Each one of us carrying out our assigned jurisdictions
9 in the constitutional system of government, but each one
10 helping the other.

11 And, over-all, while we do this, we are trying to
12 create the atmosphere in the Department that we're an open
13 Department, that we will see anybody that wants to see us,
14 that we live by a rule of the highest integrity that will
15 effect this. That every lawyer in the government has to
16 abide by the same code of professional responsibility that the
17 private bar is governed by.

18 And that, over-all, in addition to everything else,
19 that we ought to go beyond new process, that we ought to be
20 civil. This is something that's missing in America, I think,
21 we are not as civil with each other as we ought to be. So
22 we want a higher level of civility; or, if you want to state it
23 another way, we want something more than just being decent.
24 We demand decency, but something a little above that. I call
25 it civility.

1
2 But if we do that, if that's the atmosphere we
3 create there, and we think that if everybody is thinking about
4 the whole system, it will make not only the Justice Department
5 better but the whole system of justice is better, I think our
6 time will not have been wasted in Washington.

7 It's a pleasure to be with you.

8 Thank you very much.

9 [Applause.]
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