

ORIGINAL

REMARKS
of
THE HONORABLE GRIFFIN B. BELL
ATTORNEY GENERAL OF THE UNITED STATES
Before
HOUSE OF DELEGATES
AMERICAN BAR ASSOCIATION

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New Orleans, Louisiana
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MONDAY, FEBRUARY 13, 1978
NEW ORLEANS, LOUISIANA

P R O C E E D I N G S

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2 ATTORNEY GENERAL BELL: * * to be able
3 to sit in the Georgia Delegation and the District of Columbia
4 Delegation, for a person in my shape it helps to be able to
5 have two seats.

6 [Laughter.]

7 ATTORNEY GENERAL BELL: I want to give you a brief
8 report on some things of interest at the Department of Justice,
9 and, after that, I'll be glad to answer questions on any
10 topic.

11 First, I want to mention the Dispute Resolutions
12 package, which we've been pushing.
13 That's shorthand for improving the delivery of justice. The
14 Omnibus Judges bill, as you know, is now passed the House,
15 it's gone to a conference committee. I've seen the list of
16 those on the conference committee. I don't know how long it
17 will take the conference committee to agree, but, at any
18 rate, before too long we'll have a division for a very large
19 number of new district and circuit judges.

20 The legislation to expand the magistrate's powers
21 has been marked up now in the House Subcommittee,
22 as you know it has passed the Senate, it will soon be before
23 the full Judiciary Committee. So we have high hopes for that
24 legislation.

25 Arbitration legislation is pending in the House and

1 the Senate. We're making some progress in both places.
2 Meanwhile, we've got three districts where they are putting in
3 arbitration under local rule, so that we can gather some
4 intelligence about it. That's the Eastern District of
5 Pennsylvania, the Northern District of California, and
6 Connecticut.

7 And we hope that one other very large district will
8 put in arbitration by local rule in a very short time.

9 The diversity legislation, which you will be debating
10 here in the House, has passed the House of Representatives --
11 that is, the Judiciary Committee, 28 to 2. That's to do away
12 with substantially all diversity jurisdiction.

13 There's a diversity bill pending in the Senate in the
14 Judiciary Committee. We haven't got any feel yet for just
15 what will come out of that, whether it will be limited to
16 doing away with diversity for the plaintiff, the resident
17 plaintiff -- or the resident, altogether. But, at any rate,
18 it may be that the reduction, if not complete elimination, on
19 diversity jurisdiction is an idea whose time has come.

20 I don't wish to get into a debate with the House
21 today over that, except to say I favor it. I lost so badly
22 on the Eilberg grand jury legislation last summer, and it was
23 written up not only in this country but throughout the Free
24 World. I don't want to get in that shape again.

25 [Laughter.]

1 high hopes also in the House for this legislation.

2 It's receiving the attention of the Subcommittee
3 and the Chairman of the full Judiciary Committee right now.

4 You'll be called on to consider the Juvenile
5 Justice Standards. That fits in with the Recodification of
6 the Criminal Laws. It's something that we badly need, if
7 we're to have an efficient system of justice, particularly
8 criminal justice.

9 We have an interest in that. The Department of
10 Justice, of course, has been furnishing a large part of the
11 money through the LEAA for these standards, and we have been
12 keeping up with them from their very inception.

13 Now, on judicial selection, the ABA and the American
14 Judicature have been the moving forces behind commission
15 selection in this country. There's been a strong move on
16 for ten years, I guess now, to have selection by commissions.
17 As I said to you in the last two times I've appeared before
18 the House, that doesn't mean that you don't have merit under
19 the present system. It means that more people apply, more
20 people are let in the door to apply, because everyone is
21 free to apply to the commission.

22 Now, we have commissions in operation in every
23 circuit for circuit judges. We are now up to 18 commissions
24 for district judges, 18 States have commissions; and we're
25 up to 8 commissions for selection of U. S. Attorneys.

1 If we didn't have another commission created of
2 the 145 judges in the Omnibus bill, 60 percent would be
3 selected through the operation of commissions. But I expect
4 that we'll have a large number of additional State commissions
5 created, because there had been no need up to date
6 to create commissions in many States, because they have not
7 had any opportunity to add judges. They will now under the
8 Omnibus bill, so we'll be pressing to create more commissions
9 for district judges.

10 The President has written a longhand letter to every
11 Democratic Senator, asking that they
12 give attention to creating commissions. And we've been working
13 also with Republican Senators. So I feel certain that we'll
14 have a substantial additional number of commissions for
15 district judges.

16 Turning now to the grand jury
17 reform that we debated last summer: As I recall, there were
18 25 recommendations in the report on Grand Jury Reform. We
19 lost on one -- there were 26; you've eliminated one, and we
20 lost on one.

21 When I got back to Washington, we went over the
22 whole package, and we have put as many as we could put into
23 effect, and the best count I have would be 15 or 16 of those
24 25, we have put into the District Attorney manuals, so we have
25 already put those into effect, even though the legislation is

1 still in the Subcommittee in the House.

2 We will put every one into effect that we can
3 so the American people are getting the benefit of the reform,
4 even though it has not passed in the House.

5 There are many other things I could mention, but I
6 think these are the things that are most germane to what

7 members of the House of Delegates are
8 really interested in, that is the delivery of justice, to make the
9 justice more available on a more efficient basis and a more
10 economical basis, to improve our criminal justice system as
11 much as we can, and to make certain that the people chosen
12 for the judgeships are available.

13 Any time any of you have anything that you think that
14 we ought to be considering, that you think that we're not, I
15 wish you'd call me or write me. We're there to serve the
16 American people, and the best way we can serve, generally
17 speaking, is through the lawyers of America, because you are
18 on the cutting edge of the justice system, and if we don't
19 hear from you, it's very unlikely that we'll hear from anyone.

20 So, we're available, we're trying to run an open
21 Department, and we want to do a good job. We can do a better
22 job with your assistance.

23 And, Mr. Chairman, that's about all I have to report
24 today, and I will now be glad to answer questions.

25 [Applause.]

1 QUESTION: Judge -- it's inappropriate, but I'm
2 going to do it anyway, I'm going to ask the first question.

3 Now, you managed to move from Georgia to D.C.
4 between morning and afternoon, and I notice that the Chief
5 Justice is sitting with the ladies at the rear of the hall;
6 do you think it would be appropriate for him to move over to
7 the Minnesota Delegation in the middle?

8 [Laughter; applause.]

9 ATTORNEY GENERAL BELL: Yes, I'm sure that the
10 Minnesota Delegation would be glad to have him, but I can
11 guarantee him safe passage in Georgia or the District of
12 Columbia.

13 [Laughter.]

14 [Applause.] [Chief Justice stood up to move.]

15 QUESTION: Well, you come on over here, we'll find
16 somebody to take you over there.

17 ATTORNEY GENERAL BELL: They got him.

18 QUESTION: -- in Minnesota, in the back row.

19 [Laughter.]

20 CHIEF JUSTICE BURGER: Mr. Chairman, I'd like to
21 stop at the Illinois Delegation, too.

22 [Laughter; applause.]

23 THE CHAIRMAN: Does any delegate have any question
24 they'd like to address to the Attorney General? It's very
25 seldom you get a fellow in his position who says, "If you've

1 got any questions, you go ahead and ask them, I'll try to
2 answer them." That's what he said he would do.

3 Any takers?

4 ATTORNEY GENERAL BELL: It's not often you get a
5 chance to cross-examine the Attorney General.

6 [Laughter.]

7 QUESTION: I've got a question.

8 THE CHAIRMAN: Oscar Fendler --

9 ATTORNEY GENERAL BELL: Arkansas.

10 QUESTION: I'm Oscar Fendler from Arkansas, and I'm
11 waiting to find out when you're going to get a new U. S.
12 District Attorney there in Little Rock, the Western District?
13 That's Lennie Billheim, and I'd like to know when you're going
14 to change him?

15 ATTORNEY GENERAL BELL: I don't know. We may have a
16 moratorium on U. S. Attorneys.

17 [Laughter; applause.]

18 ATTORNEY GENERAL BELL: The first thing I'll do is
19 find out if he's handling any sensitive cases.

20 [Laughter.]

21 THE CHAIRMAN: Are there any other questions?

22 That's it, then.

23 ATTORNEY GENERAL BELL: I thank you. I thank you
24 for letting me off so light.

25 [Applause.]

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