



Department of Justice

ADDRESS

OF

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BEFORE

THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
LAW DAY BANQUET

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I

Since becoming Attorney General 66 days ago, I have spoken a number of times about the need to reorganize the Department of Justice to make it operate more effectively. We have the scope of that reorganization in mind.

Now the time has come to speak of the human equation in the Department. This will involve several questions and the answers to those questions:

-- What is the Department's mission and what are the aspirations of those who are guiding it? How do they view their responsibilities? Will they be able to manage the power that they have without abusing it?

-- How will the policies of the new Administration in Washington affect the work of the Justice Department?

-- What does the public expect of the Department?

-- And perhaps most important of all, how will we build and maintain public trust?

Those questions can best be understood and answered in the context of the great principles which must be applied in the activities of the Department.

II

The first great principle is that of absolute integrity.

Two steps have been taken by the Department of Justice in an effort to insure this. One is designed to make certain that Departmental employees perform their duties in accord with the professional standards expected of the Nation's principal law enforcement agency. The other covers federal offenses involving public and institutional corruption, at all levels of government.

The first operation is carried out by the Office of Professional Responsibility, which is under the direct supervision of the Attorney General. This office reviews allegations against Departmental employees involving violations of law, Departmental regulations, or Departmental standards of conduct.

The other unit, the Public Integrity Section, is charged with investigating federal violations involving official corruption. This unit, which is part of the Criminal Division, consolidates in one office the duties that were formerly scattered throughout the Division.

Each office was established before I came to the Justice Department. Each is little more than a year old. I am impressed with the caliber of their work. They have my support, and I plan to make available to each additional resources when and where they are needed.

Perhaps the most publicized work of the Office of Professional Responsibility was the recent report of a task

force regarding allegations against, and suspicions about, the Federal Bureau of Investigation in its investigation of the death of Dr. Martin Luther King., Jr. The task force's findings, after an eight-month review, are well-known -- as are my statements about the report. The task force found that the FBI's investigation was painstaking and thorough and asserted there was no FBI complicity in the murder of Dr. King.

Last year the Office of Professional Responsibility received, reviewed, and acted on 152 allegations of misconduct against Department employees. These covered a wide spectrum, from serious to frivolous, involving both prosecutorial and investigative wrongdoing. It is heartening to me to note that, while a few inquiries remain open, most of the charges were determined to be of little or no substance.

Many of the investigations stemmed from charges of misconduct and ethical lapses that fell short of criminal offense. Departmental integrity demands more than mere compliance with the law; absolute integrity also must mean strict adherence to the highest professional standards.

I know there are those who, in light of fairly recent events, quarrel with a Department policing itself. But I am convinced that the Department of Justice can effectively handle violations of law or propriety, whether they occur within the Department or elsewhere in government.

Official wrongdoing outside the Department is investigated by the Public Integrity Section of the Criminal Division. This section prosecutes public corruption that violates Federal statutes dealing with bribery, extortion, conflict of interest, election offenses, and other crimes that involve participation of a public official, whether Federal, state, or local. The Section can assist U.S. Attorneys or it can assume exclusive responsibility. It is aided in its inquiries by the Internal Revenue Service and the FBI.

Creation of the Section brought together disparate units of the Criminal Division, allowing the Section's personnel to give undivided attention to integrity matters in a uniform and coherent manner. The Section is staffed with able and experienced prosecutors.

The Section currently is developing a manual and a training seminar to keep U.S. Attorneys abreast of the Federal tools available to combat corruption and to promote coordination of a uniform national policy regarding official wrongdoing.

Both of these Justice Department units must proceed with care in their investigations so as to protect innocent people during the course of their inquiries. In commenting to reporters on one Public Integrity case recently, I pointed out that in a period of two or three days I had read about five different versions of what was going on in a certain

investigation. None was correct. I quickly assured myself that the people conducting the investigation at the top level were not the source of the "leaks," because if they had been I feel confident that the versions would have been more accurate.

These two units -- Professional Responsibility and Public Integrity -- will, I feel certain, demonstrate that investigation and prosecution of official corruption can be done fairly and without partisanship. By example we hope to encourage all law enforcement agencies to assist in our effort to strengthen public confidence in our institutions of government.

III

Another great principle that will guide the Justice Department is the requirement that the law be enforced with fairness and evenhandedness. The principle of fundamental fairness must be the concern of all. It must permeate all that we do.

The Department administers the equal protection clause of the Constitution, and we are the guarantors of due process. This is our duty, our touchstone.

But fundamental fairness must extend beyond that and govern our conduct in all our transactions with those who come to the Department of Justice or whose affairs fall within the jurisdiction of the Department, voluntarily or involuntarily.

We hope to extend equal protection and due process to new levels through the concept of fundamental fairness. It

should include ordinary decency in all instances and rudimentary due process in many areas where none now exists. Only then can we say that fundamental fairness governs our affairs.

The conduct of the Justice Department, and government in general, teaches adherence to the law. By determining to maintain standards of civility and decency, we can reinforce national trust in our system of law. We must assure the public that we have the discipline and determination to serve society and, at the same time, to protect the individual.

IV

Now a word about aspirations.

I have spoken several times in recent weeks about our intention to fashion a national system for the delivery of justice. Such a program will, when implemented, recognize the principles of federalism and the dual system of state and Federal courts.

The goal of this national system for the delivery of justice would be more access to the courts and to the timely resolution of disputes. We make a false and hollow promise when we provide access to the courts without also providing some hope of a reasonably prompt disposition of the issues. This, unfortunately, is now the situation in many of our courts.

We will do our part as leaders, but in the final analysis all our aspirations must be geared to the Bill of Rights and individual liberty. The Constitution's basic purpose was to secure and guarantee individual freedom. That

purpose was based on the Judeo-Christian ethic that human beings are important and entitled to dignity, equality, and a fair chance. This is the essence of our national existence, and the Constitution was designed to preserve it.

What can each of us, as citizens, do to preserve our basic rights and the ideals of our Republic?

First, each of us can support the law and institutions of law. We must emphasize law when we speak of law and order, keeping in mind that the framework of our government must always be such that all rights can be accommodated within the law or within our political process.

Second, each of us can recognize that ours is a multi-racial or pluralistic society; that each person, regardless of race or sex or creed or color, has every right to which any other person is entitled; and that this view should be effectuated by all public officials.

Finally, each of us can remember that equality means equality of obligation to assume the responsibilities of citizenship. Every American can participate in the government; every American must, therefore, contribute to the governmental process. This presupposes that every person be given a fair chance to contribute to his government, meaning a fair chance in obtaining an education and in the opportunity to obtain gainful employment.

In summary, if we will understand our system of government and if we will make it effective, we can sustain our Republic and preserve it as a place where individualism flourishes. As your Attorney General and the chief legal officer of the Nation, I pledge to work toward that end.

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