



# Department of Justice

---

ADDRESS

OF

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

BEFORE THE

WASHINGTON PRESS CLUB

THURSDAY, JUNE 14, 1979  
12:00 NOON  
WASHINGTON, D.C.

Today I wish to thank you as representatives of the media for the help you have given the Department of Justice during the time that I have been Attorney General. You have delivered an account of the activities of the Department, good and bad, better or worse, to the American people so that under our system they may make their own assessment of our efforts in what is their Department of Justice. Only through the media may this be accomplished and it is in this way that you carry out your true role in our constitutional system.

I have been Attorney General now for almost twenty-nine months. I'm often asked what I consider our single greatest accomplishment at the Department of Justice. I often ask myself if anything has been accomplished, and if so, whether the accomplishments have been worth the effort. I once observed that my greatest accomplishment was to get a pardon for Jefferson Davis, and that at that point, my work was done.

But, to generalize from the many themes I have struck in more than 30 states and 133 prepared speeches that I have given since coming here, I would have to say that the two greatest accomplishments have been the renewed commitment to professionalism by the personnel of the Department and the commitment that has been made to ensure the independence of the Department.

But I must emphasize that these are not accomplishments that I purport to take credit for. Credit first and foremost must go to the men and women of the Department of Justice who have responded to the call. Secondly, credit must be given to the men and women in leadership positions who perform with excellence, competence,

fairness, compassion, and dedication. And third, credit must go to President Ford, Attorney General Levi and Deputy Attorney General Tyler who took the reins and set the standard of professionalism when the Department was at a low ebb.

As I look at the Department of Justice today, I am pleased at what I perceive to be the standing of the Justice Department with the American people and the high esprit of the people who work there.

As you know, I have taken many opportunities to make speeches and to participate in sessions with you to offer my own observations on Washington, the functioning of government and bureaucracy, specifically and generally, and of course the role of the media in that governmental framework.

In a speech I made to the American Society of Newspaper Editors in the spring of 1978, I said I fully understand the important role the media plays in our society. The media, together with the Congress and public opinion, make up our society's system of official accountability. You are the means by which policy is examined and explained.

In Great Britain, a principal instrument of accountability is the question hour in the House of Commons, in which the government is examined, often to its discomfort, on matters of policy or conduct. Indeed, this is the practice in most of the Commonwealth nations. Press conferences such as this fill much the same role in the United States. Since the days of the first president, press and government have been wary and sometimes hostile adversaries. No one with any understanding of our complex political process would wish that to change.

Reporters in a very real way represent the American public, and I try to answer your questions in that spirit. As a lawyer I have great respect for the adversary process as an instrument for truth. And truth, after all, is the sine qua non of our governmental process.

I have been increasingly concerned, arising perhaps out of frustration, at the role I find too many members of Congress performing in the American governmental structure. As a general matter, it seems to me that the Constitution contemplates that both the President and the Congress perform constructive leadership roles in the development of national policy, both domestic and foreign. The Constitution assumes certain functions to be performed primarily by the President and the Executive Branch and others by the Congress. Oftentimes presidents are measured in your eyes by the success of legislative initiatives of the President in the Congress. Even though the role of congressional oversight is important, that role must not subsume the role of constructive and positive leadership. Congress has to be more than a critic. The question is -- who is to lead and take the risk of leadership?

It is easy, indeed productive in a news or political sense, for an individual to be a critic. The advance question should be, how does it help our country?

From the Department of Justice's own standpoint, I came to Washington with the ambitious and I hope not naive notion of offering the leadership of the Attorney General's office to assist the federal courts in improving the administration and the delivery of justice in this country. We created an office, the Office for Improvements in the Administration of Justice, toward that end.

At the very beginning of this administration we developed substantive proposals that have fared poorly in the Congress. Additional impetus was attempted by President Carter earlier this year when he, Senator Kennedy, Chairman Rodino and other Judiciary Committee leaders in the Congress reannounced most of the features of this package as a presidential message to Congress to offer impetus to the 96th Congress to move on this package, and other important measures such as the recodification of the Criminal Code. We retain our commitment to these measures and just as I had high hopes in 1977 that Congress would move quickly, I still have hope that these measures will be acted on. They are addressed, after all, and on the bottom line, to the resolution of disputes in a fair, efficient and inexpensive manner.

There is another area in which I have had considerable dealings with the Congress, particularly the Senate, and one in which there fortunately, has been somewhat better progress. This is in the appointment of federal judges -- some by vacancy, most under the new law which created 152 new federal judgeships. You know of the President's commitment to make the federal judiciary more representative of our population. The composition of the bench necessarily reflects the composition of the bar, and historically in this country the bar has been an almost exclusive reserve of white males.

Nevertheless and although the affirmative action process is fraught with tension, we are making a good deal of progress. Our record to date, under any objective standard, will stand up well to reasonable scrutiny, both by those whose primary interest is increased female and minority representation, and those whose primary interest is the maintenance of judicial standards, and those of us who believe the two interests need not be mutually exclusive.

Another critical front that faces the Department of Justice is improving the ability of the Immigration and Naturalization Service to fulfill its dual mission: service and law enforcement. There is much promise in this area. I have been personally involved along with Commissioner Leonel Castillo

in this effort since the first of this year. As the Commissioner and I dedicated a new INS computer system last Wednesday, June 6, I discussed the fact that the Immigration Service has been under the Treasury Department, the State Department, the Labor Department, and since World War II in the Justice Department, and the fact that the Immigration Service never really had a home. I emphasized that it now has a home in the Justice Department and we are proud to have it. There will be much going on in this area in the coming year as we bring the INS into the latter half of the twentieth century, and I invite your attention to it.

In a lecture I delivered at the Central Intelligence Agency last month I noted that some of the most difficult and important problems I have encountered in government has been in the intelligence field.

The Attorney General is both the legal advisor to the President and the administrator of a large department containing one of the world's premier intelligence agencies -- the Federal Bureau of Investigation.

Last month, the Chief Justice established the two new courts required by the Foreign Intelligence Surveillance Act. The courts are now functioning, and they are a reassertion of our faith that all government activities which have the potential to intrude upon the liberties of our citizens can be brought within our constitutional framework. They are as well a recognition of the trust of the American people in their courts which are for the first time being brought into the intelligence process.

I think the American people are still distinguished by the heritage of the banners of the American Revolution. For example, Lieutenant John Marshall, later to become Chief Justice of the United States, served as drill master for the Culpeper Minutemen, a celebrated Virginia batallion with the famous flag which bore a coiled rattlesnake with the motto "Don't Tread on Me -- Liberty or Death." America must continue to carry that spirit for it to survive and prosper. This prevalent spirit assures me that the American people want a strong intelligence system, a strong CIA, and a strong FBI. In the intelligence and law enforcement fields, our path for strengthening the CIA and FBI lies in making certain that all its activities are channeled in law. In that sense, the law is our support.

As we look to the law there are problems in some areas. One example is the so-called "graymail" phenomenon.

"Graymail" has become shorthand for the ability of a defense lawyer to use legal procedures to gain leverage by seeking a court ruling compelling government disclosure of national security information. The government is then forced into the position of sustaining the damage of the disclosure or dropping the case. I am convinced that many of the problems with respect to trying these cases can be resolved through prudent changes in existing law. I am joined in this view by others in the Executive Branch including the Director of Central Intelligence. Senator Joseph Biden's subcommittee of the Senate Select Committee on Intelligence, and Congressman Morgan Murphy's subcommittee of House Intelligence have held hearings examining the "graymail" question. They are working with us to develop legislative solutions to the "graymail" problem.



Another major area where there is a need for good lawyering in the intelligence and law enforcement field is in the development of charter legislation. We have worked for over two years on constructing a legal framework for the intelligence agencies for systems ensuring accountability, control, and oversight for intelligence activities. This has involved drafting executive orders, Attorney General guidelines, and now charters. This experience teaches two truths. First, if charters prevent intelligence and law enforcement agencies from performing their mission effectively, they are not worth the price. Second, if well-balanced charter legislation could be enacted, it would be a truly valuable and historic achievement. As James Madison put it in the Federalist Papers: "In framing a government which is to be administered by men over men, the great difficulty lies in this: he must first enable the government to control the governed; and in the next place oblige it to control itself."

If the charter process fails, our intelligence and law enforcement activities will continue and our regulatory system will remain intact, but there will be a loss. Without charters, the climate of suspicion will continue -- breeding unfounded conspiracy theories and congressional interference in operational management decisions. Second, this atmosphere will be compounded by continued uncertainty about the law, tending to chill and deter decisionmaking and action by field operatives as well as those at headquarters who must decide

what information to disseminate or what operations to authorize.

Specifically as to the FBI charter, the charter will represent a contract between the FBI and the people. It will represent a mutual agreement on what the FBI will do, what it will not do, and how it will go about its important business.

In the past two and one-half years, strengthening federal anti-crime programs has been one of the Department's chief priorities. I would like to mention three areas today. One is the work of the Public Integrity Section of the Criminal Division. It prosecutes corruption by public officials -- federal, state, and local. Since 1977, we have doubled the number of its attorneys and sharply focused its priorities.

Half of the Section's cases involve federal officials, the rest, state and local. Before Attorney General Levi created the Public Integrity Section, there was no single place where such complaints of public corruption could be taken. Coordination often was poor and, I suspect, some promising cases were not pursued properly. This new program can benefit the country for years to come. Most public officials are honest, but those who are not will be found and prosecuted. We are dedicated to this battle against public corruption. In 1978, 557 public officials were indicted. By comparison, the total in 1970 was just 63.

The second program I wanted to mention is the Organized Crime and Racketeering Section of the Criminal Division, which in the last two and one-half years has been substantially

expanded.

Attorneys have been added to bring the Strike Forces to full strength. We have created one new Strike Force and opened six new field offices. But the most significant step taken has been the creation of new investigative priorities.

There is less emphasis now on the old campaign of pursuing individual illegalities. Instead, the Department is developing sophisticated investigations into large-scale organized crime operations that affect entire segments of our national life.

If individuals are pursued singly, you may put many in prison -- but the organized crime enterprise goes on. Our new approach seeks to put even more persons in prisons while crippling the illegal enterprises. Our targets are organized crime penetration of legitimate business, labor racketeering, and political corruption. We plan a significant increase in investigations of labor racketeering -- particularly the ways that gangster influence in unions harms vast parts of our economy and adversely affects our national life.

Let me give you examples of our new approach. A short time ago there were allegations of kickbacks and extortions among labor and business officials on the waterfront in an East Coast city.

Traditional investigative methods would have focused on that single city. But, under our new approach, the Criminal Division and the FBI decided to see if the same patterns

existed in other cities.

More allegations were uncovered. As a result, one of the most intensive cases in the Justice Department's history resulted -- the investigation of the entire East Coast waterfront.

Another case stemmed from the discovery that dozens of organized crime leaders were making a lot of money from what appeared to be a legitimate business. Prosecutions followed. Under traditional practices, the matter would have stopped there. The Department decided to see if organized crime had similar arrangements with similar firms in the same area, and that investigation is now under way.

Another significant feature of our program is the joint FBI-DEA operations aimed at narcotics trafficking.

No one should doubt the awesome cost the country pays because of organized crime activities -- corruption of business and labor, hidden costs for consumers, the debilitating effects on government.

It may not be possible to eliminate organized crime but we can dramatically reduce its hold on major portions of the country's daily life.

The third area I want to discuss is an unprecedented effort by the Department, approved in February of this year, to combat fraud and white-collar crime.

The Fraud Section of the Criminal Division is setting up economic crime units in 27 to 30 U.S. Attorneys' Offices throughout the country.

They will be staffed by 150 Criminal Division attorneys to be paired with an equal number of Assistant U.S. Attorneys. Their full range of priorities are still being developed, but we already have determined that one key objective is fraud in government programs. This effort is greatly augmented by the President's Task Force on Fraud and Abuse in Government, chaired by Deputy Attorney General Civiletti.

These economic crime units also will focus on the most prevalent local crimes. In one region it could be arson for profit, in another bankruptcy fraud or frauds bilking large numbers of persons.

There are two unprecedented aspects to the units: as it is now with public corruption, there is one federal office to receive all allegations of fraud in government programs; and, we now have in effect an early warning system to discover patterns of fraud before they grow to national scandals.

We will seek to concentrate on cases that have the greatest social and economic significance. We want to uncover not only corruption and theft, but to find weaknesses in programs and procedures. And, by therapeutic changes in laws and administratives, to prevent new thefts of public funds.

In closing let me say that our system is one of "ordered liberty." Our country was founded for a purpose -- to enhance the individual and his or her rights. Our legal system is structured to guarantee and protect those individual rights. We have always treasured the freedom to act, to think, to

Speak, and to write.

In the end, the essence of our country is the indomitable will of our people. It is their spirit. As William Faulkner said in receiving the Nobel Prize for Literature, "The human spirit will not only endure; it will prevail."

In my experience, I have seen over 30 years of clear evidence that our laws are providing a more just and free society, vindicating individual rights but capable of responding to national challenges. I have faith in our country, and I hope we will all put a greater emphasis on the human spirit and civility. On the outer wall of the Kennedy Center facing the Potomac River, are these words:

" . . . I am certain after the dust of centuries has passed over our cities, we . . . will be remembered not for victories or defeats in battle or in politics but for our contributions to the human spirit."

These are exciting times in the law and in the Department of Justice. It is a privilege to serve as your Attorney General, as well as an exhilarating experience.