

ORIGINAL

REMARKS

OF

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

AT THE

SWEARING-IN CEREMONY OF  
THE HONORABLE FRANK M. JOHNSON

THURSDAY, JULY 12, 1979

MONTGOMERY, ALABAMA

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P R O C E E D I N G S

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2 ATTORNEY GENERAL BELL: Thank you. I do have one or  
3 two remarks I want to make. I want to thank Judge and Mrs.  
4 Johnson for inviting us here on this -- to attend this inves-  
5 titure ceremony, and to be in Montgomery on such a warm  
6 occasion.

7 One of the most important -- and I don't mean the  
8 temperature of the building -- one of the most important  
9 responsibilities that President Carter has, came about by a  
10 peculiar circumstance. There are 500 Federal Judges in  
11 America. Congress increased the number by 150, the last  
12 Congress, the 95th Congress. That means that he has the  
13 responsibility for appointing 152 new Judges, plus he must  
14 fill all the vacancies caused by death and retirement. So in  
15 one four-year term, he will appoint more Federal Judges than  
16 anyone ever has in the history of the Nation. In fact, he  
17 will appoint about 40 percent of all of the Federal Judges  
18 who will be serving in America. That is an awesome responsi-  
19 bility for a President to have, and I am doing my best to  
20 assist him in carrying out that responsibility.

21 In the last Congress, '77-'78, President Carter  
22 filled 66 vacancies on the Federal Courts. Now, just since  
23 January 1, he has sent to the Senate 86 -- 86 nominations  
24 to the Senate, just this year, since January 1. 59 of those  
25 are still pending in the Senate. There are 55 others in

1 process; that means the President has approved them, and we  
2 are having them checked out by the F.B.I. That leaves 45  
3 Judges out of this vast number, that the Judgeship is yet to  
4 be filled, and we are working on those.

5 This has been something that has occupied a good  
6 deal of my time, and I have given considerable thought to the  
7 qualities that one should possess to be a Federal Judge. Mr.  
8 (inaudible) alluded to the young French writer who came here  
9 in the 1830s; he was sent here by the French government to  
10 study the American prison system. That was when we first  
11 started building prisons, in the world, in the Western world.  
12 He stayed here about three years, and he wrote a book called  
13 "Democracy in America". It is a very perceptive treatise  
14 on our Government.

15 And he said -- and his name was Alexis de Tocqueville  
16 -- and Mr. (inaudible) said, he said most everything, as near  
17 as he could tell, most every question of major importance  
18 would end up in the courts, under our system of Government.  
19 But he said something else, that is even more important: he  
20 said if our country was to survive, and if we could maintain  
21 the form of government that the founding fathers had given us,  
22 we would need wise Judges. So I would say the first qualifi-  
23 cation for one to be a Judge, is that he is a wise person.

24 He did not say anything about the next quality, but  
25 I suppose it could be that it was a given, that you have to

1 be brave. If you aren't brave, you have no business being on  
2 a court, State or Federal. So I would take that as a given.

3 Then there are three other qualities that I think  
4 are important, and I require these of the lawyers in the  
5 Department of Justice: You must possess a high degree of  
6 professionalism; that means not only ability, but ethics, you  
7 have to be ethical. You have to possess absolute integrity,  
8 if you are going to be a Judge; and I require this of my  
9 lawyers. And then you must be civil, civil to other people;  
10 we have lost some element of civility in our society. We are  
11 not civil to each other, oftentimes, but certainly a lawyer  
12 for the Government, or a Judge, can be civil to the American  
13 people as they appear -- as they have dealings with the  
14 American people.

15 And then the next qualities I came across in a very  
16 peculiar way: I was reading the last volume of Sandburg's  
17 "Life of Lincoln", Christmas of 1977; I had to be in Atlanta,  
18 and I took it off the shelf, and I read the chapter called,  
19 "A Tree Is Best Measured When It Is Down". These were the  
20 eulogies to Lincoln, after he was assassinated. Tolstoy was a  
21 great Russian writer, and he was a contemporary of Lincoln, and  
22 some Russian tribesmen asked Tolstoy to tell them about Lincoln.  
23 He said Lincoln was the greatest American President; he said  
24 he was one of the great men of all times; he was greater than  
25 Washington, he was greater than Napoleon, he was greater than

1 Alexander the Great. And he said, he was great because every-  
2 thing he did was rooted in four principles: Truth, and  
3 certainly that has everything to do with our system of justice;  
4 justice, and that has everything -- that is the reason for the  
5 being of the courts, the judicial system, the legal system, and  
6 also the reason to have an organized government, because that  
7 is the main aim of an organized government, an organized  
8 society, is to have a system of justice; humanity -- that's  
9 what he said about Lincoln, that he believed in humanity, and  
10 you couldn't be a Judge, and you shouldn't be a lawyer, if  
11 you don't have a high sense of humanity; and the last one was  
12 pity. Pity. We would be better off to have a -- we would be  
13 in the same shape, if we had a Judge who had no sense of pity,  
14 as we would be if we had a Judge who had no sense of shame.  
15 That would be terrible.

16 So if you take these things, these elements that I  
17 have named: a wise person, and a brave person, and a person  
18 of high degree of professional skill, including ethical con-  
19 cepts, and integrity, absolute integrity, civility, truth,  
20 justice, humanity, and pity. If a person meets all of those  
21 standards, we will have a good Judge. And I hope that we will  
22 not have anything except good Judges.

23 But as to Judge Johnson, he meets all of these  
24 standards, and he is a role model for us to follow in filling  
25 vacancies on the Federal Courts. I congratulate Judge Johnson,

1 and I want him to know that everything is legal. I wouldn't  
2 want him to do anything that was not legal after all these  
3 years, so I now hand to Chief Judge Brown, the Commission.

4 Thank you very much, and I am honored to be here.

5 (Applause.)

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