

ORIGINAL

UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

AN ADDRESS BY

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

BEFORE THE

PRESS AT THE
MISSOURI BAR ASSOCIATION

St. Louis, Missouri
September 22, 1978

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FRIDAY, SEPTEMBER 22, 1978
11:00 AM
ST. LOUIS SHERATON HOTEL
ST. LOUIS, MISSOURI

The Attorney General discussed the following topics:

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P R O C E E D I N G S

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2 ATTORNEY GENERAL BELL: Everybody in? All ready?

3 I don't have a prepared statement; I'm here to speak
4 at the Missouri Bar Association, as you know. I left Atlanta
5 yesterday -- I mean, Washington, at 12:00 o'clock, and spoke
6 last night at the Michigan Bar annual meeting in Detroit, and
7 then flew down here this morning.

8 I don't know of any fast-breaking news, so I'll be
9 glad to answer questions.

10 QUESTION: One of the things that's going to be dis-
11 cussed at the Missouri Bar Association Meeting is allowing
12 television cameras and microphones in courtrooms.

13 Your feelings on that, sir?

14 ATTORNEY GENERAL BELL: Well, I've said a number of
15 times that I don't object to have television cameras in appellate
16 courts. I have not made a final decision in my own mind about
17 trial courts. I know there are some experiments taking place
18 now in the trial courts, and it may well be that we'll end up
19 finding that we can have cameras in the trial courts.

20 It may be that it would help the courts to have
21 cameras, but we don't know that until we try it out. But it's
22 no problem at all in the appellate courts. As a matter of fact,
23 the Georgia Supreme Court was the first one to let the cameras
24 in, and they say it's working well. They've been doing it for
25 about a year.

1 Yes, sir?

2 QUESTION: Do you intend to resign before Mr. Carter
3 finishes his first term, and if so, do you have any idea when?

4 ATTORNEY GENERAL BELL: Sir, I'm going to stand on
5 the statement I've made, which is that I'll not be in
6 Washington in 1980. That's the election year, and I have said
7 consistently that I don't think it would be good for the
8 President, or the Justice Department, for me to be the Attorney
9 General during the election year.

10 Washington has not yet recovered from the Watergate
11 episode, and there's a great feeling of suspicion and distrust
12 of all public officials. There seems -- that seems to be on
13 the wane, but it's still there, and because I'm from Georgia,
14 people would think that whatever I ruled -- and you have to
15 make a lot of close rulings, or controversial rulings -- that
16 I might be doing something because of politics.

17 I think so much of the Justice Department, I've
18 dedicated so many hard and long days to the Justice Department,
19 trying to restore the confidence of the public image in the
20 Department of Justice, that I don't want to be a party to see-
21 ing any retrogression in how people feel about the Department,
22 so I think it would be better for me not to be there during
23 the election year.

24 QUESTION: Have you made any decision or tentative
25 decision about when?

1 ATTORNEY GENERAL BELL: No, I have not. I have not,
2 and I hasten to say that the President does not agree with my
3 position. He takes a rather dim view of my logic.

4 QUESTION: Mr. Bell, FBI Head Webster wants records
5 of investigation -- certain records -- to be kept under wraps
6 for a period of time -- maybe even years.

7 Would you go along with that?

8 ATTORNEY GENERAL BELL: I think it would be a very
9 good thing. We're having a great problem living with the
10 Freedom of Information Act; I don't think anyone perceived
11 the problem we would have by putting in a Freedom of Information
12 Act and making it retroactive. We did not have a data retrieval
13 system in the Government to complement the Freedom of
14 Information Act.

15 We have hundreds of people digging around in ware-
16 houses and old records, trying to find things, and sometimes
17 we say we don't have something, and three months later somebody
18 comes up on a box of records somewhere.

19 We just weren't equipped to have a retroactive
20 Freedom of Information Act.

21 I have been -- I have talked lately to the officials
22 in Australia, New Zealand, Canada and England, and they are
23 all thinking about a Freedom of Information Act, but there's
24 no one that would think of making it retroactive. Prospective,
25 fine: we would put in a data retrieval system, and would have

1 been able to get the records out in a hurry.

2 Now, what Judge Webster is talking about is some-
3 thing a little different than that, and that is that we have
4 to be very careful about giving out the names of people who
5 are, say, informers.

6 If you waited 30 years, as you do now with war
7 secrets, like we're now just giving out the -- some records
8 from World War II, there'd be no danger in someone being
9 harmed or compromised, and that's the sort of thing he had in
10 mind. That's just a narrow part of the Freedom of Information
11 Act; it's not a wide-ranging thing at all.

12 But we're learning a lot about the Freedom of
13 Information Act, and I don't know if we're making any progress,
14 but we're doing the best we can.

15 And you always have the possible conflict with the
16 right of privacy, and you might give out somebody's name acci-
17 dentally, or information that would lead to someone's name,
18 and would utterly destroy their privacy. And this country was
19 founded on the idea that the privacy of the individual means
20 a lot.

21 The Bill of Rights is directed to the individual;
22 it's not directed to any groups, or any corporations, or such,
23 and so you have to be very careful about people's privacy.
24 That's one of the great rights, and I appreciate that probably
25 more than anyone, because I lost all of my privacy when I went

1 to Washington.

2 QUESTION: Could you spell out for us just to what
3 extent the Federal Government should have the power to con-
4 duct surveillance, wiretapping individuals, speaking of indivi-
5 dual privacy?

6 What sort of limits? To what extent should the
7 Government be limited?

8 ATTORNEY GENERAL BELL: Well, the Government is
9 limited by law. In the -- in criminal law, we have to go by
10 what we call Title III of the Crime Control Act of 1968, I
11 believe it is, and a Supreme Court decision called Keith.

12 So we're limited by the statute and by what the
13 Supreme Court said in law enforcement surveillance -- electron-
14 ic surveillance.

15 In foreign intelligence, we're limited by the Presi-
16 dent's power under the Constitution. Just in recent days
17 we've been able to get a law passed by the Congress called the
18 "Foreign Intelligence Surveillance Act," which gives us a statu-
19 tory base for foreign intelligence surveillance. That's a
20 matter now pending in the Conference Committee between the
21 Senate and the House, and when that's finally adopted -- as I
22 expect it to be before Congress adjourns, we will have a statu-
23 tory system, and statutory limits so all electronic surveillance
24 then will be done within the statutory bounds.

25 QUESTION: In the case of David Truong, you feel that

1 all of the evidence that was gathered against him was conducted
2 legally?

3 ATTORNEY GENERAL BELL: Do I feel that way?

4 Well, I actually feel that way; I'm the person that
5 authorized the wiretaps on David Truong, and I'm also the per-
6 son who prosecuted him. And the Courts upheld my -- everything
7 I've contended, so far.

8 The case is on appeal, and I don't like to get into
9 the merits of the case -- I can't do that.

10 QUESTION: Sir, since Judge Webster became Director
11 of the FBI, have relationships between the Bureau and the rest
12 of the Department changed?

13 ATTORNEY GENERAL BELL: Has it changed?

14 QUESTION: Yes, sir.

15 ATTORNEY GENERAL BELL: Not that I know of. I hope
16 it hasn't changed.

17 The FBI is in the Department of Justice, and as far
18 as I know it's just -- there's been no question since I've
19 been Attorney General.

20 I hear about those things, but -- the FBI is a part
21 of the Department of Justice, and Judge Webster is doing a
22 good job -- he's doing a fine job, and I feel very fortunate
23 as an American citizen, as well as the Attorney General, that
24 we were able to convince him that he should leave the bench
25 and take the job as Director of the FBI, a job that I consider

1 one of the most important in the nation.

2 QUESTION: Has the role of the Bureau changed at
3 all?

4 ATTORNEY GENERAL BELL: What was that?

5 QUESTION: Has the role of the Bureau changed?

6 ATTORNEY GENERAL BELL: It hasn't changed at all;
7 no. It's doing what it's supposed to do, and doing a good
8 job at it, and I don't know what you're driving at, but if
9 you've got something more specific you want to ask me, you can
10 do that.

11 The FBI is in good shape. They have over 20,000
12 people, 8,000 agents, and I would daresay that if you picked
13 out some group in St. Louis with 20,000 people, that they
14 would have a problem every now and then, even in as fine a
15 place as St. Louis.

16 I don't think that we have any more than our normal
17 share of problems in the FBI. And, as I say, I think Judge
18 Webster is doing a fine job, and I think the morale of the
19 FBI is picking up.

20 QUESTION: What is the status of extradition proceed-
21 ings against Robert Vesco?

22 ATTORNEY GENERAL BELL: Well, you're just sort of
23 like Jack Anderson; you want me to tell you everything that's
24 in my files!

25 (General laughter)

1 I'd say that it's a matter that's being handled by
2 the Department of Justice, that has my personal attention,
3 and that's all I care to say about it.

4 Now, you can go and print that I didn't tell you
5 everything.

6 QUESTION: Judge, when President Carter spoke to
7 the Bar in Los Angeles, he came down pretty hard on lawyers,
8 and reports were that you had a lot of input into that speech.

9 One of the comments that he made was that -- blaming
10 lawyers for a lot of the delays in the justice system.

11 Do you agree with that position?

12 ATTORNEY GENERAL BELL: Well, you've asked me two
13 or three -- you made some comments I'll have to address first.

14 I did see the speech before the President delivered
15 it. He wrote the speech himself, most of it. I made two or
16 three changes, just to correct some things in it, and that's
17 all really that I had to do with the speech .

18 He invited me to go with him, and I was not able to
19 go, because I had another engagement. But he was having a
20 good deal to say about the delays, and lawyers have to take
21 some responsibilities for that. It was not laymen who wrote
22 the Federal Rules of Civil Procedure; it was lawyers and law
23 professors -- a little heavy on the side of the professors, I
24 think. Sometimes I think they were written by people who had
25 not been to court.

1 I think lawyers have to take a lot of the blame,
2 and I think what the President was saying -- his message was:
3 do better. Things are not good; it's too expensive to go to
4 court. It takes too long.

5 And I think lawyers ought to address themselves to
6 that. That's what he was saying, among other things. And
7 the lawyers are addressing themselves to it. There's more
8 work going on now, in the last two or three years, to do some-
9 thing about that, than there ever has been in my memory. And
10 we're doing a lot at the Justice Department.

11 And it's been said that the President was critical
12 of me, critical of the Department of Justice, in what he said.
13 Well, he had to be. He was talking to all lawyers

14 We're doing a lot now, and I'm going to have some-
15 thing to say this morning, when I speak on some of the things
16 we are doing, some of the things we have not yet been able to
17 get done, but which we will get done in the next year or so.

18 So I don't think -- that's like Chief Justice Burger's
19 remarks; I think all this has helped the legal profession; in
20 the end it will help. You know, it all wasn't too pleasant
21 at first, but things don't hurt forever.

22 QUESTION: Was Chief Justice Burger's assessment
23 accurate of the legal profession?

24 ATTORNEY GENERAL BELL: I thought his figures were
25 a little high. But you know, the lowest figure I've heard

1 from any Bar association is over 7 percent. He had 50 percent.
2 And some of the others have said it was 20 percent.

3 I never have used the figures; my idea is that if
4 there is one incompetent trial lawyer, there's one too many,
5 and we ought to see that that situation does not continue.

6 QUESTION: What about on plea-bargaining, which the
7 President also was very critical of, saying that lawyers and
8 prosecutors often used it to save themselves time.

9 You're a prosecutor --

10 ATTORNEY GENERAL BELL: Well, plea-bargaining is a
11 very necessary part of the criminal justice process, for
12 several reasons.

13 One is that in the urban areas the system would
14 break down if you didn't have plea-bargaining, probably. I
15 think it would break down.

16 But the real reason for plea-bargaining is the fact
17 that a lot of people are guilty, and they want to plead
18 guilty -- most people who do something wrong will eventually
19 want to admit it, and so they have a lawyer and the lawyer
20 goes to the prosecutor and says:

21 "My client wants to plead guilty. What sent-
22 ence do you have in mind?"

23 and naturally the lawyer, he'd like to find out what the prose-
24 cutor intends to do, and in some jurisdictions you can even
25 go see the Judge and find out.

1 Now, there's a lot of misunderstanding about plea-
2 bargaining. There are many judges that I know of that would
3 not think of talking to lawyers about what sentence was going
4 to be imposed, so when you use the term "plea-bargain," you
5 have to sort of define what type plea-bargain you have in
6 mind. This is sort of a complex matter, actually, to discuss
7 in a general way.

8 But there's nothing wrong with plea bargaining of
9 the kind I envision; that is, the kind where the judge does
10 not get into it. I can't see how anybody can complain about
11 that, where you just go into the courtroom and recommend to
12 the -- the prosecutor says:

13 "I've talked with Mr. Gates, and the client
14 wants to plead guilty, and we've talked about it and we
15 think he ought to receive a sentence of three years."

16 The Judge says:

17 "I don't know about that; I'll have to look at
18 the probation report."

19 and he gives three years. There couldn't be anything wrong
20 with that.

21 Now, there are some other ways where you're letting
22 people plea-bargain for misdemeanor when they ought to receive
23 a felony sentence and that sort of thing, just to clear the
24 dockets of the court. Then we're getting into deep water and
25 really dangerous situations.

1

Anything else?

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Thank you.

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