

ORIGINAL

ADDRESS

BY

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

BEFORE

THE NORTH CAROLINA BAR ASSOCIATION

Charlotte, North Carolina
October 28, 1977

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FRIDAY, OCTOBER 28, 1977
THE RADISSON HOTEL
CHARLOTTE, NORTH CAROLINA

P R O C E E D I N G S

1
2 ATTORNEY GENERAL BELL: Chief Justice Sharp,
3 President Miller, President LaTeague, distinguished judges,
4 distinguished guests, fellow lawyers, ladies and gentlemen:

5 I want to thank my old friend, Chief Justice Sharp,
6 for a most generous introduction. It's good to be in North
7 Carolina. There's so many of us in Georgia who are
8 descended from people in North Carolina that we refer to
9 North Carolina as the

10 [Laughter.]

11 ATTORNEY GENERAL BELL: Justice Sharp mentioned the
12 fact that I was born in Americus, 12 miles from Plains, and I'd
13 like to say that I'm the Attorney General by virtue of a
14 geographical accident.

15 [Laughter.]

16 ATTORNEY GENERAL BELL: Thinking about being appointed
17 to the court by President Kennedy reminds me of something I've
18 had to say a lot of times since I've been in Washington. They
19 frequently now discuss the merit system for selecting judges.
20 A lot of people have the view if you don't have a commission,
21 you don't have any merit.

22 And I always have to say that I'm embarrassed, because
23 I thought I had some merit when I was selected by the President
24 and the two Senators, to go on the Fifth Circuit, and we did
25 not have a commission. So I'm handicapped in that respect.

1 But I still think we're making a lot of progress with the
2 commission.

3 I want to answer a few questions that are posed to me
4 often. One of the main ones, I guess, people say to me: How
5 do you like it? How do you like being Attorney General?
6 How do you like living in Washington?

7 And I respond with John F. Kennedy's great statement,
8 when they asked him how he liked being President; he said,
9 "It was probably a pretty good job when Coolidge had it."

10 [Laughter.]

11 They criticize us because we're from Georgia, they
12 say we don't know what we're doing, and there are too many of
13 us; and somebody said to Jody Powell one day: "Is there anyone
14 left in Atlanta?"

15 He said, "Yes, the smart ones."

16 [Laughter.]

17 And I think of that often, particularly in recent
18 days. It got so bad I once started out a speech by saying that
19 the President and I had a lot in common: neither one of us
20 had served any time in a State or federal penitentiary.

21 [Laughter; applause.]

22 I was on a plane not long ago, trying to get to
23 Savannah, Georgia, and we ended up in Chattanooga, Tennessee.
24 That's sort of the kind of day I was having. And the weather
25 was bad, and we had to stop and get some fuel. And a woman

1 on the plane from Alabama, a member of the opposite Party,
2 she'd been to see one of her friends who is now in a
3 penitentiary, who used to be in Washington. And she was
4 telling me about what a sad occasion it was -- and I knew it
5 was. I mean, I feel bad about it myself.

6 And she looked at me with the greatest sincerity and
7 said, "I certainly hope you'll never have to go to prison."

8 [Laughter; applause.]

9 That was a most chilling experience, --

10 [Laughter.]

11 -- I ever had.

12 Well, another question that's frequently asked is:
13 How are you doing? How do you think you're doing in your job?

14 I frequently meet with the press, and two or three
15 weeks ago I was meeting with the people in the Washington Bureau
16 of the New York Times, and Hedrick Smith, who is Chairman of
17 the Washington Bureau, asked me that question: "How do you
18 think you're doing as Attorney General?"

19 I said, "I don't know, I'll have to let somebody else
20 decide that. I couldn't judge myself; others will have to do
21 that. But I think I'm coping and prevailing."

22 And I get that line or that thought, I guess, from
23 what Faulkner said when he was awarded the Nobel Prize for
24 Literature; he said, "the human spirit will not only survive,
25 it will prevail."

And I think that's what you do in Washington. But,

1 first, you have to learn to cope. And if you cope and you
2 can cope, then you start prevailing, you start getting ahead.
3 And I'm thinking I'm doing that.

4 I didn't know for sure there for two or three months,
5 to be honest about it.

6 Another question that I'm asked is: How is the
7 President doing?

8 Well, I think that the President is not doing too
9 bad. He came
10 to a place that was rundown, that needed refurbishing. For
11 15 or 20 years we've been engaged in three great issues in our
12 country, and nobody was paying much attention to the general
13 management of the government.

14 We went through the Civil Rights revolution. We
15 followed that by the Vietnamese War. And then we devoted about
16 three years to the Watergate -- we're still devoting some time
17 to it. We can't seem to get over it.

18 But those three great issues consumed us in this
19 country, particularly in the government, as we know the
20 federal government in Washington.

21 And when he got there, he found things about like I
22 find them at the Justice Department. I find there's a lot of
23 things that needed doing, and I started out to try to do them.

24 He naturally finds many, many more at the White
25 House than I find at the Justice Department.

1 So he's now criticized by people
2 who say he's tried to do too much. Well, I don't know how you
3 go about this: if you find something wrong, should you face
4 it? Try to remedy it? Or should you say, "Well, I'm going
5 to get to that next year"? "I'm only going to take two or
6 three this year and I'll get to some next year and I'll get
7 to some more the year after that."

8 I don't think that's the way to do it. I think he's
9 gone about it right.

10 But it does seem, I'm sure, to the public that we
11 have a lot of activity going on.

12 The only Cabinet-wide matter that I'm working on at
13 all is where he's called the whole Cabinet in and asked us to
14 put our shoulders to the wheel is on energy. He is trying to
15 get an energy policy. We have needed an energy policy in this
16 country for a long time. I don't ever get into the details
17 of the energy policy. The Justice Department, particularly
18 the Antitrust Division, and the Lands Division has a good
19 deal to do with the energy generally; but the most I say is
20 that we do need an energy policy and we need to get it this
21 year, and we need to go forward from the point of this year on.

22 I think that he's doing a lot of other things and
23 doing them well. There are some things almost that are almost
24 insoluble; for example, I'm the point person
25 on the illegal alien problem, and I know that's a big problem.

1 We just are getting that legislation introduced. Yesterday
2 Senator Eastland, Senator Kennedy, Senator DeConcini, Senator
3 Bentsen agreed to co-sponsor the legislation in the Senate,
4 and we'll be having hearings in January.

5 Chairman Rodino of the House Judiciary Committee
6 has introduced the same bill, which is a package -- three or
7 four things in one bill -- in the House, and hearings have
8 not been set there yet; but that's a problem that's been
9 around a long time, and when you have a situation where you
10 don't know if you have six million aliens, illegal
11 aliens, in the country, or twelve million, you've got a hard
12 problem to deal with right there.

13 Nobody knows how many people are involved.

14 People ask me sometimes: What do you do with your
15 time?

16 They read in the paper that I've worked these long
17 hours, except occasionally the paper will write that I've been
18 to the golf course. I keep a log, so
19 everyone can see what I do, who I talk to. One day they wrote
20 that I had been to the gym at the FBI, it was last winter, it
21 was cold, and I went over there one day to the gym, that was
22 true. They put that in the paper.

23 [Laughter.]

24 One day there was a story that I had gone to the
25 barber shop -- which I thought was unusual.

1 [Laughter.]

2 But on the things I do that count, I spend 25 percent
3 of my time working on foreign intelligence -- that's something
4 I didn't know that the Attorney General did. I don't know
5 that I would have agreed to have gone up there if I had known
6 that. But --

7 [Laughter.]

8 -- that's intricate; something that I had to really
9 study to get on top of, and it takes a good deal of time.

10 I spend 25 percent of my time working with the
11 Congress. As you know, there are 100 Senators, 435 Members of
12 the House. The Justice Department is subject to the jurisdic-
13 tion of 18 Subcommittees and 11 full Committees in the Congress.
14 So just the fact of dealing with that many Committees and
15 Subcommittees would take a lot of time; but mainly we deal
16 with the two Judiciary Committees and the two Intelligence
17 Committees, and sometimes, on occasion, with the leadership
18 of the Senator or the House or both.

19 I spend 25 percent of my time making speeches and
20 dealing with the media. I find that it's very important to
21 the American people to want to know something about their
22 Department of Justice, and mainly to have confidence in their
23 Department of Justice.

24 I represent the President and I represent the
25 Cabinet, I represent the Congress, I represent the American

1 people, but I suppose, most of all, I represent the American
2 people. So I think it is important for me to spend time
3 speaking and meeting with the media, answering all questions
4 -- the press office, Public Information Office, head of it,
5 can come in my office at any time to get a question answered
6 for anyone in the media who is inquiring. And I am accessible
7 because I want whatever is printed to be true, to be correct,
8 and a lot of times, if I was not available, maybe something
9 wouldn't come out just like it really was. So I do that.

10 I spend 25 percent, the other 25 percent, on the
11 general management of the Department. There are 53,000 people
12 in the Department of Justice. It's scattered all over the
13 country. And included in that 25 percent would be the time
14 that I spend seeing the President, which is not a great deal
15 of time, because I respect his time. I find I have so
16 little time that I don't want to impose on anyone else.

17 I see him when I think I have something I ought to
18 tell him about. Occasionally, when I need to get him to sign
19 off on something -- "sign off" is a big word in Washington, if
20 you don't know about it; I've got where I'm picking up all
21 these bureaucratic terms.

22 [Laughter.]

23 And that's generally the two things that I do.
24 There's a lot of things that come up that I don't tell him
25 about that -- of course he doesn't need to know everything, but

1 there are some things I feel I must tell him about.

2 A lot of times I meet with the President -- not a
3 lot of times, but sometimes, and then I go and meet with the
4 House and Senate leadership and brief them on the same thing.

5 Being Attorney General now is a little different,
6 probably, than it ever was before. President Ford and
7 Attorney General Levi started remodeling the intelligence
8 agencies in setting up systems where everyone, before they are
9 called on to do something, will understand the system and
10 they will be certain they're within the law. And
11 the Attorney General has to know about a lot of things that
12 was not formerly true. But I think it's a good system; we're
13 building on it. Although it does take some time, as I said.

14 Then people ask me: What have you learned since
15 you've been Attorney General?

16 I have consumed the greatest collection of miscellane-
17 ous information, for which I'll never have any more use --

18 [Laughter.]

19 -- that you can imagine. If I could, when I leave
20 Washington, get my brain swept out some way or another and
21 start over, I'd probably be better off. But it's the business
22 of the government.

23 I told my wife last night, it's something you do
24 because you're in the government, you need to know all of
25 these miscellaneous things, and it's.

1 just set aside for government service. There's nothing I
2 learned much that will ever help me be a better lawyer -- it
3 might help me have better judgment, but that's about as far
4 as I could go.

5 I've learned a great deal about the bureaucracy.
6 I've never dealt with the bureaucracy before. I was a judge,
7 and we didn't have a bureaucracy in the court. But it's an
8 unusual phenomenon in our country. They look on people like
9 me as just being transients.

10 [Laughter.]

11 Just passing through. And they'll soon be gone.

12 And I think probably they look on even a President
13 that way, because we'll get another President, and they will
14 still be there.

15 And I had to learn their techniques, and it was not
16 easy. Looking back on them, some of them are humorous now,
17 almost ludicrous. But I've gotten to the point now where
18 they're going to have to get some real sophisticated techniques
19 to do me in.

20 [Laughter.]

21 Because I've learned all the old ones.

22 I'm just going to give you two or three of them,
23 because you'd be interested in how the bureaucracy operates.
24 When I first got to the Department, I'd just
25 get these long memoranda, I was just flooded with papers. And

1 I could read some of them -- not all of them -- and I could
2 see that they just really weren't worthwhile. I couldn't
3 figure out why I was getting them.

4 So I said, "I'm being flooded with papers" -- we
5 now call that the flooding principle.

6 [Laughter.]

7 A variation of the flooding principle is to put
8 some course of action in the middle of that long paper, that
9 you're going to do unless you're stopped.

10 [Laughter.]

11 And most of the time you won't notice it, and it
12 will be done.

13 So I solved that by putting a limit on the length
14 of things that could be sent in, and also on the numbers of
15 things that could be sent in.

16 That second thing, of burying something in there,
17 we call the burying principle; you bury it right in the middle
18 of it.

19 Then, something I've never been exposed to is the
20 leaking principle, and it is really a vicious thing. You can
21 leak something out, somebody in the Department, and it goes on
22 to other places than the Justice Department, I might add,
23 more so other places than in the Justice Department, but they
24 keep you in a state of confusion. You're reading in the
25 paper every morning something that you are getting ready to

1
2 do, or that you've done.

3 [Laughter.]

4 And then the worse part of it is when they leak
5 something to control your conduct.

6 I had a case where I indicted somebody and there
7 was probably going to be some other indictments, but I hadn't
8 made my mind up, so I got up and read in The New York Times
9 that I was indicting seven other people, and named them.
10 That was to control me. I've never indicted them yet. But
11 that's what the people that did that -- and I found out who
12 did it -- did it to try to control my conduct.

13 And then sometimes leaking is a
14 defensive mechanism; somebody will leak something to put
15 something over on another person when there's two people being
16 investigated.

17 It's a way of life in Washington, though, that you
18 can't believe; I've never seen anything like it in Atlanta,
19 for example.

20 [Laughter.]

21 But -- then we've got an unusual one that's sort of
22 like a form of tenure, it's a de facto tenure. If there's a
23 U. S. Attorney somewhere who is investigating some wrongdoer,
24 and there's a particularly bad person or a group, he assumes
25 that you can't ever replace him because he's investigating these

1 bad people and if you replace him, you're bad. You are
2 equated with the other people.

3 And then in the Department it's even worse. If some
4 Senator or Congressman happens to call me about a case --
5 you know, we do have a representative form of government in
6 this country, still -- and asks me just about a case, and I
7 call a lawyer somewhere in the Department and ask him about
8 this case, and that Senator so-and-so called me, or Congressman
9 so-and-so; they immediately say, "Well, the case is politicized"
10 and they act like I ought never to say anything else about the
11 case. I lose completely control of the case, if I would pay
12 any attention to that.

13 But everybody is looking for something to
14 be politicized, and that's no where more true than in cases.

15 Then there's another procedure I call
16 it the punishment principle. I was trying to reorganize the
17 LEAA and they were spending money, giving grants on some
18 bizarre things that I thought they ought to stop, and I sort
19 of put the clamps on them, and I had two projects that I was
20 interested in that I thought were meritorious -- naturally.

21 They fixed me pretty easy: they turned down my
22 projects.

23 [Laughter.]

24 So you've got to be very careful about telling
25 somebody not to do something; they may turn it around on you.

1 And then the last one I'll mention is -- there's
2 plenty of others, but -- is how to avoid making a decision.
3 This is something you have to be very careful about, because
4 nothing ever happens. You tell somebody to do something, and
5 if you tell somebody to do something and they don't
6 want to run the risk or they're not prepared or they're in
7 doubt, they will study it, but they won't study it themselves.
8 This is where they get you. They will either send it up to
9 be studied or send it down. But they will get it out of their
10 office. And everything just breaks down. A month will go
11 by, and you say "What's happened to that?" "Oh, we've got
12 some people studying that, studying it."

13 [Laughter.]

14 We are doing a lot of things to try to improve the
15 administration of justice, to create more
16 access to the courts, to have a better delivery system of
17 justice -- I won't go into all the details of the things that
18 we're doing, but we're doing a lot of things.

19 I expect the most important I have done and am doing
20 as the Attorney General is to try to create an attitude in
21 the Department of Justice that is -- that we operate in a
22 spirit of openness.

23 The Department of Justice does belong to the people,
24 and we'll meet with any group that wants to meet, about any
25 complaint they may have.

1 I met with 25 lawyers this morning at 9 o'clock,
2 representing Farm Bureaus, the State Farm Bureaus over the
3 country, just for an example.

4 Now, we do that nearly every day. I met yesterday
5 afternoon with 25 or 30 people representing the Mexican-
6 American, the Hispanic groups over the country.

7 But we want people to know that the Justice Depart-
8 ment is an open place -- open not only with the media, but
9 it's open to the people to come there.

10 I'm insisting on lawyers in the government being
11 professional. I'm insisting that they adhere to the same
12 standards of professional conduct as a private bar. I know,
13 over the years I've heard a lot of complaints from private
14 lawyers about the Justice Department lawyers trying the cases
15 in the newspaper, and having press conferences when they
16 return indictments, and that sort of thing.

17 So we are insisting on a high standard of profession-
18 alism.

19 We are also insisting on that in the Bureaus, like
20 the FBI and the other agencies there. They also are
21 professional people. And I think the Bureau last week, you
22 saw them in a hi-jacking case in Atlanta, and I think you
23 would know that they were professionals from the way they
24 handled that case. They did a good job.

25 It would go without saying that we insist on a

1 high standard of integrity, absolute integrity. We would
2 not suffer anything less.

3 And then the last one that I insist on is something
4 that I call a new dimension to due process: high level of
5 decency; high level of civility.

6 We're not very civil to each other in this country.
7 There are many of us who are ill-mannered. The government
8 sometimes is ill-mannered in its dealings with its own
9 citizens. And I don't want that to happen in the Justice
10 Department. I want to have a civil society, and everybody to
11 act civilly toward each other; and, as we deal with the
12 American people, I want us to be civil.

13 I think that the best story, the best description
14 I've heard of what the government ought to be like is something
15 I just happened to overhear once, and I've told this story --
16 I like to tell it.

17 I was out in Aspen, Colorado, two summers ago at a
18 seminar, and Justice Blackmun was a member of the seminar --
19 who, as you know, is on the Supreme Court; he's a very nice
20 man -- and we went over to a reception late one afternoon
21 that some people were having, and they had some young children.
22 And I saw Justice Blackmun sitting down on a stool talking to
23 a five-year-old boy whose name was Matthew.

24 And that night when Matthew went to bed he said to
25 his mother, "I met the nicest man tonight." She said, "Who

1 was he?"

2 He said, "I don't know, I don't know who it was, but
3 I think he was the government."

4 [Laughter.]

5 And if we could conduct ourselves as representatives
6 of the people, as government workers, in a way where people
7 would think that, then I would think that such time as I spend
8 in Washington would be time well spent.

9 Glad to be here.

10 I want to thank Chief Justice Sharp again for the
11 fine introduction.

12 [Applause.]

13 CHIEF JUSTICE SHARP: Thank you, sir.

14 [Applause.]

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