

ORIGINAL

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4 REMARKS OF
5 HONORABLE GRIFFIN B. BELL,
6 ATTORNEY GENERAL OF THE UNITED STATES,
7 BEFORE THE
8 ANNUAL DINNER OF THE ARIZONA STATE UNIVERSITY FOUNDATION
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Wednesday, December 6, 1978

Hyatt Regency Hotel

Phoenix, Arizona
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(This transcript was prepared from a tape recording.)

1 THE ATTORNEY GENERAL: Ladies and gentlemen and
2 distinguished guests. I have known Judge Craig for many years and
3 we have served as judges for many years. I was glad to
4 accept his invitation to come to Phoenix tonight. This is
5 the third time I have been to Phoenix this year. I hope the
6 tax collector doesn't hear about it. I might have to start
7 paying some taxes of some sort.

8 (Laughter)

9 I am sorry that Senator DeConcini had to leave. I
10 did want to say something nice about him. He is on the Senate
11 Judiciary Committee. That is the committee that has a life
12 and death hold over me.

13 (Laughter)

14 I must say that if Judge Craig had not invited me,
15 I would have accepted Senator DeConcini's invitation.

16 (Laughter)

17 He is doing a fine job. You can take pride in the
18 job he does. He has a keen interest in the justice system
19 and he heads the subcommittee of the Judiciary Committee on
20 improvements in the administration of justice, so I work very
21 closely with him.

22 I was impressed to hear Mr. Wexler. I thought I was
23 hearing John Wayne.

1 (Laughter)

2 There is a remarkable similarity in their voices,
3 and he is my favorite movie star.

4 (Laughter)

5 That shows you how often I go to the movies.

6 (Laughter)

7 Mr. Rosenberg, the rule would never work in
8 Washington. The President has been cutting budgets and he
9 has cut my budget rather severely, and I had a meeting of the
10 employees in the Great Hall last week one day and asked them
11 to work harder and do better and live with budget cuts. We
12 are going to lose about 1,500 people, and I thought I was
13 doing well then some of the so-called leaders of the employees
14 in the back of the room got up and wanted to know what we were
15 going to do about the four-day work-week. I told them I
16 thought we were already on it.

17 (Laughter)

18 We have so many holidays. I don't know of any place
19 that has more holidays than the Federal Government.

20 (Laughter)

21 They weren't satisfied and they wanted to know what
22 we were going to do about installing something called flexible
23 hours, and I said I thought we already had those hours. I see

1 people coming in at ten o'clock in the morning, although I am
2 sure they work until late at night. But just the idea that
3 we were going to cut off a few people caused that, so we would
4 never be able to use your rules.

5 (Laughter)

6 I bring you greetings from Washington. I like to
7 tell the story of the territorial governor who was out here
8 in the West, in the State of Nevada, and he wrote back and
9 said this is no place for a Christian, and I did not remain one
10 long.

11 (Laughter)

12 That is not exactly the way it is in Washington, but
13 it is hitting very close.

14 (Laughter)

15 We are going through a number of fads in our country,
16 right now we are on ethics, which has caused me a lot of
17 problems. I spoke in Fort Worth not long ago and they gave
18 me a little gift, a pair of lizard-skin cowboy boots. I don't
19 know what they cost, but I have an idea that they are worth
20 more than \$35.

21 (Laughter)

22 That is the cutoff point, so I thanked them and told
23 them that it costs the government a great deal of money for me

1 to get a legal opinion on what to do with these boots.

2 (Laughter)

3 I got back to Washington -- well, the first thing I
4 did was I made the error in Dallas Airport of trying on one.
5 I had never had on cowboy boots in my life and I couldn't get
6 it off.

7 (Laughter)

8 Finally I ended up with two FBI agents pulling this
9 boot. I had my foot up in the air and I thought, wouldn't it
10 be terrible if Jack Anderson came by?

11 (Laughter)

12 Well, I got the boots back to Washington and I found
13 out we had another problem. The Deputy Attorney General had
14 just been in Dallas and they gave him a cowboy hat. He had
15 his hat on the fourth floor and I had my boots on the fifth
16 floor, and we have the Office of Legal Counsel deciding what
17 to do with these boots and hat. I put the boots in the press
18 office though so that the press will know I am an open person
19 and I want them to see everything and they are there now.

20 (Laughter)

21 It has been said that the Smithsonian has no use for
22 boots and hats, so I don't know what is going to happen.

23 (Laughter)

1 I have had some unusual experiences in Washington.
2 I argued the snail darter case in the Supreme Court. I told
3 the Solicitor General to find a case for me to argue that I
4 could win and he picked that case out.

5 (Laughter)

6 There are 3,800 lawyers in the department and I
7 could have sent any one of them to lose the case.

8 (Laughter)

9 I am glad to meet Manning. I have a great
10 appreciation and admiration for editorial cartoonists. That
11 is a skill of some people in journalism. The other day in
12 the mail, Redge, I received a copy, not the original but a
13 copy of a snail darter cartoon from Mr. Conrad of the Los
14 Angeles Times, I believe. And he had these two snail darters
15 meeting each other in the water and one said to the other one,
16 "Frankly, Scarlet, I don't give a damn."

17 (Laughter)

18 I have that hanging in my office. I am not going to
19 speak long because the hour is getting a little late, but I
20 want to tell you a few things about the Department of Justice.
21 It is your department and I try to run it in a way that
22 pleases the American people.

23 We didn't have a Department of Justice at the beginning

1 of the Republic. We only had an Attorney General. Edmund
2 Randolph was the first Attorney General. He was George
3 Washington's lawyer and close friend and chief of staff in the
4 army. At that time, no one complained about the President and
5 the Attorney General being friends.

6 (Laughter)

7 And he served with distinction. It was not until 1870,
8 following the Civil War, that the Department of Justice was
9 created. Edward Akerman, who was also from the State of
10 Georgia, happened to be the Attorney General when the depart-
11 ment was created. He was the last Attorney General from
12 Georgia. He had the misfortune of being appointed by President
13 Grant and, of course, in the South, where we still remember
14 the war of northern aggression, people rarely mention Attorney
15 General Akerman.

16 (Laughter)

17 Things have not changed a great deal since then. He
18 started the FBI because he hired the first investigators in
19 the Department of Justice. I think they had three, and being
20 from Georgia, I make that claim. No one believes it except
21 people from Georgia.

22 They had a man by the name of Edwards who served for
23 a short time after Mr. Akerman left, and he announced one day

1 that he was leaving and returning to his farming and lawing and said that
2 he would leave the conduct of affairs to the newspapers
3 correspondents.

4 (Laughter)

5 I often think of that.

6 (Laughter)

7 At a time when we didn't have any inflation and when
8 people worried about the cost of the government, they had a
9 very good way to capture fugitives. In those days, it was
10 the marshal's duty to find -- it was the U.S. Marshal's duty and not
11 the F.B.I.'s to find fugitives. The marshals were paid one dollar
12 a day -- one dollar for each fugitive that was captured, but
13 the fugitive had to be alive. If they were brought in dead,
14 the marshal was not paid anything at all, they just paid the
15 burial expenses.

16 (Laughter)

17 In the early days of the FBI, a man named McReynolds
18 was the Attorney General, and he later served on the Supreme
19 Court. I don't think we could get by with this kind of a
20 response today from the American citizen. Someone got in
21 touch with the Attorney General seeking help to find a kid-
22 napped daughter. He replied, "You should furnish me with the
23 names of the parties holding your daughter in bondage, the

1 particular place where she is being held, and the names of the
2 witnesses by whom the facts can be proved."

3 (Laughter)

4 We couldn't get by with that today. Well, the Justice
5 Department now is a very large place. There are 95 U.S.
6 Attorneys offices over the country. There are 59 FBI offices.
7 I don't know how many Drug Enforcement Administration offices,
8 but a large number in this country and in foreign countries.
9 There are a total of 55,000 employees in the department. As
10 I said, that number will be reduced by 1,500 under the budget
11 cut. 20,000 of the 55,000 are in the FBI, 4,000 in the Drug
12 Enforcement Administration, 10,000 in the Immigration Service.
13 The Immigration Service, incidentally, doesn't exactly fit in
14 the Department of Justice, but it was moved to the Department
15 of Justice during World War II from the Labor Department. It
16 probably had something to do with the security of the borders
17 during World War II.

18 It has to be somewhere and it had been in the
19 Treasury Department. It then was put in the State Department
20 and then in the Labor Department, and it is now in the Justice
21 Department.

22 Everything else, other than the Immigration Service,
23 has something to do with lawsuits, prosecutions, investigating

1 crime, running the prisons, the U.S. Marshal Service, and
2 that sort of thing. We have 95 U.S. Attorneys and half of the
3 lawyers are in the U.S. Attorneys offices, 3,800 lawyers and
4 about half are in those offices. The other half are in the
5 department itself, in what we call the litigating divisions
6 Antitrust, Criminal, Civil, and Lands Division, the Tax
7 Division, Civil Rights, and a few in the Solicitor General's
8 Office and a few in the Office of Legal Counsel. Justice
9 Rehnquist was head of the Office of Legal Counsel before he
10 was appointed to the Supreme court. Judge McCree, a former
11 federal judge, is now the Solicitor General.

12 Those are the smallest operations I have, with about
13 twenty lawyers in each one, and very, very fine operations. I
14 would like to say that we have the largest law firm in the
15 nation. We have 3,800 lawyers, and we have the best clients.
16 We represent the people of the United States.

17 We are doing a very great deal in the area of crime
18 prosecution. We have put in what we call a quality over
19 quantity program. We are prosecuting, making a serious,
20 strenuous effort against white collar crime, public corruption,
21 that is, by public officials, and organized crime and drug
22 trafficking, and we are making a lot of progress. We are
23 making so much progress that one of the leading defense lawyers

1 in Washington came by to see me the other day and asked me if
2 we couldn't slow down. He said we have got so many inves-
3 tigations going and prosecutions going that we are going to
4 bring a wave of other lawyers into the Washington area to help
5 out if we don't slow down.

6 (Laughter)

7 We are still suffering some from the Watergate atmos-
8 phere, I call it the Watergate syndrome. Everyone in
9 Washington is suspicious of everyone else and you suffer under
10 that a great deal. We are and have made the Department of
11 Justice into a neutral zone.

12 I had the idea when I went up there that the Justice
13 Department ought to be nonpolitical, it ought to be a neutral
14 zone in our government, where every citizen would know that
15 they were going to be treated the same. To do that, we have
16 to establish a modicum at least of independence, and the
17 President asked me, when he asked me to be Attorney General,
18 to make the department as independent as possible.

19 It can't be absolutely independent because the
20 President is really -- he is charged under the Constitution
21 with the duty of faithfully executing the laws. No Attorney
22 General is mentioned in the Constitution, so in a sense I am
23 the President's agent. But you do have independence because

1 the President appoints the Attorney General and then delegates
2 the discretion to run the department to the Attorney General.
3 It is my discretion, but the President can remove me simply
4 by calling me on the phone or have someone else even call me.
5 But so long as I am there, it is my discretion to be exercised
6 and we have that understanding, and that is of help a great
7 deal in making the department neutral.

8 The second thing I have done is I leave to the U.S.
9 Attorneys and to the litigating divisions the final decisions.
10 And if someone from the White House or Congress were to call
11 them about a case, a pending matter, they would tell whoever
12 calls that they have to see the Attorney General or the
13 Deputy Attorney General or the Associate Attorney General.
14 They can't talk with them. Then we decide what to do about
15 it, the three of us or one of us. That is working well. That
16 is a very good thing.

17 The other thing that would demonstrate independence
18 to the American people is that if I overrule the head of a
19 litigating division or a U.S. Attorney, I am pledged to make
20 it public, the fact that I did overrule the litigating division.

21 I did that in an antitrust case not so long ago,
22 called the LTV-Lykes merger. I did overrule the Antitrust
23 Division, but I gave the reasons why I did and made those

1 reasons public. That is working well. That is a very good
2 system.

3 We are doing well in foreign counter-intelligence.
4 You may not know it, but the FBI handles all of the foreign
5 counter-intelligence and the CIA and the Defense Department
6 handle the intelligence collection. We handle the counter-
7 intelligence at the FBI. That is the number one priority in
8 the FBI. These are the prime programs I mentioned earlier,
9 the second priority. Number one is foreign counter-
10 intelligence.

11 We are doing well in the prosecutions of people who
12 we find are committing espionage, just plain spies. We re-
13 cently prosecuted two people who were stealing documents from
14 the State Department. We prosecuted one who stole satellite
15 plans from the CIA and sold to the Soviets, the KBG agents.
16 We prosecuted two KBG agents in New Jersey recently for
17 espionage.

18 This type of case has not been prosecuted in a long
19 time, and it took some doing for us to figure out how to
20 resume these prosecutions. They have something in Washington
21 called gray mail, not blackmail but gray mail, and you defend
22 all of these cases by trying to make us disclose some secrets.
23 It gets to the point where we can't disclose a secret in

1 foreign intelligence, and we have to dismiss or we don't
2 raise the case to begin with. Now, we have worked out some
3 new ways of trying those cases or that type of case, and we
4 are having a great deal of success. I think this is a very
5 good thing. It certainly has improved the morale of the FBI
6 and it has improved my morale. It is hard to think that you
7 find somebody doing something like that and would let them go,
8 just let them go.

9 We have worked out most of the problems at the
10 Department of Justice that we found there. The KCIA investi-
11 gation, the Koreans paying the Congress, that is over with
12 now. The FBI break-in case was in New York, and that is virtually over
13 with after Director Webster's announcement yesterday.

14 The contempt case -- I am charged with contempt, I
15 am still in contempt of court in New York for not giving the
16 names of informers, but the case is on appeal and it has been
17 argued and the Court of Appeals hasn't voided the contempt
18 citation, but the case has been argued and we don't yet have
19 a decision.

20 There is a case called the Snepp case where I
21 sued a former CIA agent for breach of contract. He had signed
22 a written contract that he wouldn't print anything without
23 letting the CIA see it before it was printed and then he

1 printed a book and we sued him for breach of contract and we
2 have won so far, but that is on appeal and it has been argued
3 in the appellate court. We won it in the lower court.

4 Anyone who works in Washington can
5 understand three things, and I fortunately had a little lead
6 time, all of us in the Carter administration did. You didn't
7 hold us to too strict accountability for four or five months
8 to get our feet on the ground. You have to learn to deal
9 with Congress, you have to deal with the bureaucracy. If you
10 haven't tried that, that is a revelation.

11 (Laughter)

12 It might be well if every American businessman to
13 be sentenced to duty in Washington. And you have to learn to
14 deal with the media. If you could do those three things, you
15 can make progress in Washington, at least you can survive.

16 I want to mention now briefly the challenges that we
17 have on hand and in the next few months. We have 152 new
18 judges to appoint, plus filling vacancies. We have the
19 Foreign Intelligence Special Court that Congress just created
20 which would be used to get wiretap orders in foreign intelli-
21 gence. Heretofore that has always been done by the President
22 or the Attorney General under the President's power under the
23 Constitution, and there was a lot of unrest about that in the

1 country, so we decided we would get a special court set up and
2 just get court orders just as we do in domestic criminal
3 matters. The Chief Justice of the Supreme Court will be ap-
4 pointing the judges to that court in a few days and we will
5 get started on that.

6 We have got a judicial package we call it which I
7 think will bring great improvements in the court system. That
8 is something that Senator DeConcini was mentioning. We will
9 in February expand our Trail Advocate institute of the de-
10 partment into a three-week course which will be the equivalent
11 of one quarter of law school, and we will begin to train 600
12 lawyers a year.

13 Now, this is a good investment of tax money I think,
14 because many of these lawyers will stay with the department as
15 career lawyers, but many of them will leave and they will have
16 the finest training in trial advocacy we think that can be
17 provided in the country.

18 When I got to the department, there were very few
19 para legals and I am trying to bring a ratio of one para legal
20 to each four lawyers. This will save a great deal of money.
21 The department resisted this, most of the people there, because
22 they said they could get a lawyer, they don't want -- the
23 government doesn't worry a great deal about the money, they

1 worry more about the numbers of people. And of course, a para-
2 legal doesn't have a law firm, and, of course, their charge is
3 lower than that of a lawyer so we are moving to that.

4 We have reorganized the LEAA. We already have the
5 plans for reorganization. It is just a matter of getting it
6 approved, getting it enacted by the Congress.

7 You know, we have a lot of illegal alien problems.
8 I won't go into that, but that is one of the great problems,
9 and it doesn't seem to me that the American people are ready
10 to face it.

11 The refugee problem, bringing refugees out of South
12 -- Indochina, Lebanon and other places is a big problem.

13 There is a constant fight in Washington between the
14 government agencies and the Justice Department over who is
15 going to have the litigating authority, who is in charge of
16 litigation. That is almost at a head right now.

17 We are beginning to lose some people in the depart-
18 ment, we will this year, some of the top people, so we are
19 recruiting and setting up another talent pool to replace those.
20 If we get good lawyers, we ask them to stay for two years or
21 not more than three, and so I have been operating on that
22 theory.

23 We will soon announce minimum prison and jail

1 standards. I observed when I was a federal judge that the
2 federal government enjoyed suing the states and the local
3 governments about jails and prisons but they never sued them-
4 selves. So I vowed when I got to Washington that we were
5 going to have standards where everyone was going to be treated
6 the same, that the federal jails and prisons would have to
7 meet the same standards as the states. So we are trying to
8 set up some reasonable standards and to improve the habitation
9 of the prisons and jails.

10 The Antitrust Commission is in progress right now
11 and will be reporting in about a month. I look for a good
12 report there.

13 One new thing I have just started on is what to do
14 about medical, the hospital malpractice suits. The premiums
15 have gone up to \$200 million in 1974, the insurance premiums
16 alone, to \$1.2 billion last year. Now it costs five dollars
17 a day for each person in the hospital to pay malpractice
18 premiums just for the hospital insurance and surely there is
19 some better way to handle that and we are looking into that.

20 One overall thing that I have tried to do since I
21 have been Attorney General is to restore our dependence on
22 our system of federalism, to divide the programs and needs of
23 the people between the federal government and state government

1 and local government, and not have overlapping. I have had
2 a lot of success in dealing with the state attorneys general
3 and with local prosecutors in doing that. We have made great
4 progress there and I am proud of that effort. But there is
5 much more to be done and we will continue to do it.

6 It has been a great pleasure being with you tonight,
7 being in Arizona. As a southerner, I never thought I would
8 have much chance to serve in the national government. I have
9 enjoyed the opportunity of doing it.

10 When I was a young boy, I was taught to be a
11 southerner, and I guess I had it in my mind that I was a
12 southerner first and an American second. As I got older, I
13 change it and I am an American first and a southerner second,
14 but I don't find any conflict between the status of being a
15 southerner and an American. It is great being an American and
16 it is great being a southerner.

17 Thank you.

18 (Applause.)
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