



Department of Justice

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ADDRESS

BY

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BEFORE

THE OGLETHORPE UNIVERSITY LAW DAY CONVOCATION

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I

Since becoming Attorney General three months ago, I have spoken a number of times about the need to reorganize the Department of Justice to make it operate more effectively. The scope of that reorganization is in mind and reorganization is under way.

Law Day is an appropriate time to speak of the human equation in the Department. This will involve several questions and the answers to those questions:

--What is the Department's mission and what are the aspirations of those who are guiding it? How do they view their responsibilities? Will they be able to manage the power that they have without abusing it?

--How will the policies of the new Administration in Washington affect the work of the Justice Department?

--And perhaps most important of all, how will we build and maintain public trust?

Those questions can best be understood and answered in the context of the great principles which must be applied in the activities of the Department.

II

The first great principle is that of absolute integrity.

Two steps have been taken to ensure integrity within the Department.

The first operation is carried out by the Office of Professional Responsibility, which is under my direct supervision. This office reviews allegations against Departmental employees involving violations of law, Departmental regulations, or Departmental standards of conduct.

The other unit, the Public Integrity Section, is charged with investigating federal violations involving official corruption. This unit, which is part of the Criminal Division, consolidates in one office the duties that were formerly scattered throughout the Division.

Each office was established before I came to the Justice Department. Each is little more than a year old. I am impressed with the caliber of their work. They have my support, and I plan to make additional resources available to both when and where they are needed.

Last year, the Office of Professional Responsibility received, reviewed, and acted on 152 allegations of misconduct against Department employees. These covered a wide spectrum, from serious to frivolous, involving both prosecutorial and investigative wrongdoing. It is heartening to me to note that, while a few inquiries remain open, most of the charges were determined to be of little or no substance.

The Public Integrity Section prosecutes public corruption that violates Federal statutes dealing with bribery, extortion, conflict of interest, election offenses, and other crimes that involve participation of a public official, whether Federal, state, or local. The Section can assist U. S. Attorneys or it can assume exclusive responsibility. It is aided in its inquiries by the Internal Revenue Service and the FBI.

These two units will, I feel certain, demonstrate that investigation and prosecution of official corruption can be done fairly and without partisanship. By example, we hope to encourage all law enforcement agencies to assist in our effort to strengthen public confidence in our institutions of government.

III

Another great principle that will guide the Justice Department is the requirement that the law be enforced with fairness and evenhandedness. The principle of fundamental fairness must be the concern of all. It must permeate all that we do.

The Department administers the equal protection clause of the Constitution, and we are the guarantors of due process. This is our duty, our touchstone.

But fundamental fairness must extend beyond that and govern our conduct in all our transactions with those who come

to the Department of Justice or whose affairs fall within the jurisdiction of the Department, voluntarily or involuntarily.

We hope to extend equal protection and due process to new levels through the concept of fundamental fairness. It should include ordinary decency in all instances and rudimentary due process in many areas where none now exists. Only then can we say that fundamental fairness governs our affairs.

The conduct of the Justice Department, and government in general, teaches adherence to the law. By determining to maintain standards of civility and decency, we can reinforce national trust in our system of law. We must assure the public that we have the discipline and determination to serve society and, at the same time, to protect the individual.

IV

A third great principle requires that the Department of Justice be as open as possible.

We all know that some matters, including those relating to the national security, have to be confidential. We can all agree that the rights of defendants and persons under investigation must be scrupulously protected.

At the same time, government agencies should not withhold material by whim or outmoded policy. Government should be more open than it has in the past.

There are special reasons for the Justice Department to be candid. Some concern Watergate, whose scars are still

vivid. Others relate to the Department's varied work, which has some sort of impact on every citizen. The public must know more of what we are doing and why.

The President believes this. So do I. That is why the first action we took on the day I became Attorney General was to open a long-closed door in the Department. It was more than symbolism.

The Department belongs to the people. They have a right to know what is happening, so they can fulfill their responsibility to tell us what they want us to do. I have taken a number of steps to enhance the public's right to know.

Much of the frustration and hostility toward government occurs when people cannot get answers to their questions. Many feel no one in government will talk to them, that letters go unanswered, and that phone calls are passed from office to office.

The public also wants the answers to larger questions. In the past, they have read or heard far too many legitimate media complaints that answers or information were not made available.

We are gearing the Justice Department to be more responsive to public inquiries on a wide range of matters. In the three months I have been Attorney General, I have held some 16 press conferences. I will continue to meet often with reporters. The press raises questions of public interest.

We must give the press and the public the most complete and accurate responses possible.

In my first three months as Attorney General, I have met with groups of governors, state attorneys general, local prosecutors, civil rights organizations, policemen, bar groups, police executives, sheriffs, congressional committees, and others. Other Department officials are also accessible. They will speak often throughout the country to explain positions on important matters.

We are considering another new policy to require Justice employees to keep a log of contacts with persons outside the Department if any Department-related matters are discussed -- and then make them public. Contacts with the White House and Congress would be included. I already keep a log of all of my contacts, and it is made public daily.

The Department must be fair in all of its operations. It must be honest and adhere to strict professional standards. But none of the things we do will be very effective in the long run unless the people know everything possible about how we are dealing with their business, their funds, and their rights.

V

Now a word about aspirations.

I have spoken several times recently about our intention to fashion a national system for the delivery of

justice. Such a program will, when implemented, recognize the principles of federalism and the dual system of state and Federal courts.

The goal of this national system for the delivery of justice would be more access to the courts and to the timely resolution of disputes. We make a hollow promise when we provide access to the courts without also providing some hope of a reasonably prompt disposition of the issues. This, unfortunately, is now the situation in many of our courts.

In the final analysis, all our aspirations must be geared to the Bill of Rights and individual liberty. The Constitution's basic purpose was to secure and guarantee individual freedom. That purpose was based on the Judeo-Christian ethic that human beings are important and entitled to dignity, equality, and a fair chance. This is the essence of our national existence, and the Constitution was designed to preserve it.

What can each of us, as citizens, do to preserve our basic rights and the ideals of our Republic?

First, each of us can support the law and institutions of law. As the theme of Law Day suggests, we can become "Partners in Justice." We must emphasize law when we speak of law and order, keeping in mind that the framework of our government must always be such that all rights can be accommodated within the law or within our political process.

Second, each of us can recognize that ours is a multi-racial or pluralistic society; that each person, regardless of race or sex or creed or color, has every right to which any other person is entitled; and that this view should be effectuated by all public officials.

Finally, each of us can remember that equality means equality of obligation to assume the responsibilities of citizenship. Every American can participate in the government; every American must, therefore, contribute to the governmental process. This presupposes that every person be given a fair chance to contribute to his government, meaning a fair chance in obtaining an education and in the opportunity to obtain gainful employment.

In summary, if we will understand our system of government and if we will make it effective, we can sustain our Republic and preserve it as a place where individualism flourishes. As your Attorney General and the chief legal officer of the nation, I pledge to work toward that end.