

ORIGINAL

ADDRESS

BY

THE HONORABLE GRIFFIN B. BELL

ATTORNEY GENERAL OF THE UNITED STATES

Y-GROUP MEMBERSHIP

- - -

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Arlington Room
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P R O C E E D I N G S

ATTORNEY GENERAL BELL: I want to introduce Mike Kelly, my counselor. Counselor is about the same as chief of staff; he runs all my personal staff. He was Dave's partner in Atlanta.

And Walter Fiederowicz, another staff member, back there. Stand up, Walter. Walter came to us as a White House fellow. He was a lawyer in a firm called Cummins, Lockwood and Poplar. And we talked him into staying on with us a little longer. His White House fellowship just ran out, so he won't get to travel to Indonesia and Alaska, all these faraway places anymore, now that he's on our payroll. He's a fine lawyer.

Frequently people ask me how I like my new job. And I'd like to respond in the words of John Kennedy, when they asked him how he liked being President. He said it was probably a pretty good job when Coolidge had it. That's about the way I find the Justice Department.

I told the President it'll take about 90 days for me to decide if it could be managed. There are 54,000 people there. Most of the parts have some relation to each other, but there are some completely unrelated to anything. They just, over the years, have been attached, like the Immigration and Naturalization Service; it has 10,000 people. They're part of the Justice Department. They

started out in the Treasury, then State, then Labor, and historically, about every 25 years they've moved, attached to some other Cabinet Department.

We had, and still have, an organization called the LEAA, Law Enforcement Assistance Administration. It has nothing to do with Federal law enforcement whatsoever, but we give money to state and local governments: \$800 million a year. That's been going since '69. And we're trying to bring that under some semblance of control. We just located a \$2.5 million armored car that they've constructed, a prototype. It has its own computer. We found it over in Maryland in a police station and brought it down to the Justice Department the other day and took a look at it. We spent \$250,000 on a shoe, the idea being that you can slide a pistol in the sole of a shoe. We have not been able to find the shoe. But they fortunately have stopped that kind of activity. And they finance most of the conventions going in the country. We just had one, a group of Georgia people who met at Sea Island there; rates are \$90 a day, and the Attorney General only gets \$50 a day when he travels.

So we have a lot of things like that going on at the LEAA which need to be ended. And we're ending them as fast as we can. And we just decided to close all of the regional offices; had ten of those. Walter Fiederowicz, the Chairman of the Committee, has just

finished making an in-depth study. And we're giving governors, Members of Congress, and other interested people 60 days to make comments on the report that Walter put out. And we'll decide what to do about that.

There aren't so many people in the LEAA, and most of them are working in the states. And I asked them to tell me how many people in one state are being paid by the LEAA, because we only have 800 people in the Justice Department working in that organization. So they naturally picked Georgia; I didn't tell them what state to pick. And we found we had 1,042 in Georgia being paid by the LEAA in Washington. And I'm getting a lot of complaints now because they think they're going to be cut off, and a lot of them are going to be cut off.

Then the FBI is very much a part of the Department of Justice. It's our investigative arm. They have 20,000 people. And the Drug Enforcement Administration has 4,000. And all the other people are in the U. S. Attorneys' offices scattered over the country 94 of those or in the Department of Justice.

The Department of Justice's main mission is to prosecute people who are charged with violating Federal criminal laws; to defend the government in civil suits and there are a lot of those and to bring suits on behalf of the government, on government claims; to render the legal

opinions to the President and other Cabinet officers; and to represent the government of the United States in Courts of Appeals and in the Supreme Court on appeals that we take. They are in the Solicitor General's Office. That's who decides about the appeals. Only have 18 lawyers doing that, but it's a very vital part of the ongoing of the government.

The Office of Legal Counsel -- some of you will remember, Justice Rehnquist had that job in the prior Administration -- there are only 18 lawyers, but they give all these legal opinions. I have a young man who is a former clerk for me, and he clerked for Chief Justice Burger; practiced law in Paris. He and Mike Kelly clerked for me at the same time. He's the Assistant Attorney General in charge of the Office of Legal Counsel. I recommended to the President that he appoint him after I tried him about three months as acting. -- The President said, is this the young man who rules against me? Said, he seems to rule against me quite often. I said, he's the same one that rules against me too. But aren't we lucky that we have an objective group of lawyers who rule against us or rule for us. And as long as we have that, we're not apt to get into any trouble. We're trying to sell the services of the Office of Legal Counsel to the other Departments of the government. You know, businessmen have their own house lawyers. And every Department of the government has house lawyers. But sometimes

you need to get an opinion from outside lawyers. And that's what we are, we're outside lawyers for the government.

We think we have a modicum of independence. I've never made an appointment with the President since I've been here. I operate on the theory that if I'm independent, if I'm going to go ahead and be an Attorney General, I ought to be able to see the President when I need to see him. And so I see him. I never had any trouble getting in to see him. I called over there today about 12:15 and told the appointments secretary I needed to see him, and I saw him at 2:00 o'clock. Sometimes I just happen to be over there to see about something else and I see him.

But I think that's a way to maintain an independent status. The President wants the Attorney General to be independent. He's been considering really taking the Attorney General out of the Cabinet and just making it a completely independent agency. But it's hard to do that under the Constitution, because the President is charged, under the Constitutional language, with seeing that the laws are maintained and enforced. And if we didn't have the Attorney General as part of the Cabinet, I suppose you'd have to get somebody else like the Attorney General, so you'd end up with some duplication.

But I think that we can maintain a fairly independent

status like we're going. I try to stay out of all political matters, because I think the public no longer wants the Attorney General to have anything to do with politics. You can't get out of politics altogether, because Washington is politics; you know, the government's politics.

But like I testified in the Senate this morning for two hours on foreign intelligence surveillance bill. Well, I should have. I handle foreign intelligence. I have to pass on many foreign intelligence matters. So that's Justice Department related.

But by the same token, I wouldn't want to go to the Capitol and testify on something that had no relation to the Department of Justice.

In the Department, we have six litigating divisions. Some of you have litigated with them, I'm sure. The Tax Division, the Antitrust Division, Lands Division -- they're heavy in the environmental litigation--Criminal Division and Civil Rights. There's one other; I'll think of it in a minute.

But all those are dealing with the American public one way or the other. And they all are by and large representing other agencies or Departments of the government. For example, with the tax cases, we handle the litigation in the Federal court only. That comes to us from the Treasury.

The Lands Division handles Indian claims, they

handle environmental claims... That's a small agency.

Antitrust -- we generate most of those cases ourselves, and Criminal, we do the same thing.

Civil Division is a very large Division, because they are pursuing government claims, they defending the government, they're defending government agents. If I'm sued, for example -- I'm sued almost every day, and sometimes more than once a day -- I'm glad the Civil Division is there to defend me.

The basic change I made in the Department since I came here is, I found it couldn't be managed by the staff we had. I had one deputy, and I changed so now I have two deputies. I found an office that wasn't filled called Associate Attorney General, and I brought Mike Egan from Atlanta -- he was a partner in a large firm there in Atlanta, and he's an experienced lawyer. And I made him an Associate Attorney General, and gave him everything in the Department that relates to the civil side of the law.

I brought Pete Flaherty in from Pittsburgh, who was a former prosecutor and a mayor of Pittsburgh. He has everything to do with the criminal side of the law.

Then I keep the Public Information Office, Office of Legal Counsel, Solicitor General's Office, and a new office that I created, called the Office for Improvements in the Administration of Justice. They're all attached to my staff.

Plus all the intelligence matters which percolate up to me through the FBI.

I think we have it well organized now. I think I've been able to bring in good people, and I'm well satisfied with the progress we've made to date. Of course, it's only been six months. I hope by the end of six more months that we'll still be progressing. I think we will be.

We have a large legislative agenda, and all the things that we're pushing are moving pretty well.

One thing that you'll be interested in as businessmen is the Office for Improvements in the Administration of Justice. As a judge and a trial lawyer I've learned that the litigation process is not what it ought to be, and it's too expensive to litigate. And the courts are clogged, and something had to be done, and done quickly.

The Chief Justice has been working on this for some years, but he has no people. He doesn't have a staff that could work on these things. It's sort of untoward for the Court, the Chief Justice, to be lobbying. And so I decided I'd go in with him, and try to get some of these things done. And that's what we're doing.

There was a good story last week in the U.S. News and World Report on the things the two of us together are doing.

I have an Office of Legislative Affairs, where we do have people on the Hill everyday. And they can push some of these bills. And between the Chief Justice's ideas and mine, and Professor Dan Meador from the University of Virginia, whom I brought in to head the office -- he's a real expert on procedures and court reform; we're making some progress.

And I think that it won't take us more than this Congress maybe, hopefully, to make some really substantial improvements in the court system and the procedural morass we find ourselves in now.

This gives you an idea of some of the things we're doing. I know a lot of you will want to know about the antitrust laws, what the prospects are there.

I brought in a lawyer by the name of John Shenefield, who was with a firm called Hunton, Williams, in Richmond Justice Powell's firm, fine law firm. They have offices here in Washington. Justice Powell told me this was the brightest lawyer, young lawyer, he ever recruited. And he is. He's 39 years old, and was head of their antitrust department in their firm, had 21 lawyers working for him, completely on antitrust law. I tried him out for about three months, and then I just sent his name up to the Senate. And I don't think there'll be any opposition. That's a very sensitive job. And when you get where you satisfy the business

community, the antitrust bar, Ralph Nader's Public Citizens Forum, and all the different interest groups that center on -- focus on antitrust law, you're doing pretty well not to have a battle on your hands. But John looks like he's not going to have any trouble in the Senate.

So we're doing about the same things the last Administration did on antitrust law, except we're looking at some of the sacred cows. We're looking at the exemptions. I mentioned that in a speech, and I started getting letters from co-ops all over the country.

But I think it's been about 25 years since the Brownell study was made, during the Eisenhower Administration, on the antitrust laws. And I think it's time to take a look at this whole antitrust picture. And we expect to get in the same kind of a study. We'll keep on with price-fixing cases. And to tell you the truth, the price-fixing cases that the Antitrust Division has brought in the last two or three years were all small cases. People in the Senate asked if we're still suing those cement mixers in Columbus, Georgia, or the little bakeries in Texas. We've fallen in the habit of not fighting these big cases, because it's easier to handle these small cases.

People think we have a lot of cases like IBM, but we only have one. We're recruiting now for the AT & T case. They've shown me some of the literature we were using to try

to get lawyers to go on that hazardous duty. I thought we were recruiting mercenaries to go to Rhodesia. You know, you'll be there forever. And that's why, in the antitrust section of the ABA here in Washington in the Spring, I made the statement that some cases are so big that if they couldn't be handled in the court, we'd have to have them considered by the Congress. That was thought to be a revolutionary thing. And since then, I've been getting a good many comments from large business interests where their structure is involved -- would be involved in a case. And I made the statement that it might be better for the Congress to look at those sort of fundamental economic problems, and more so than it would if we had it handled by one judge, and three judges on appeal. And that's sort of sinking in now.

But I was trying to get the lawyers' opinion and the judges' opinion. And I succeeded in doing that. I made people start thinking again about the antitrust laws.

And this study that I think we'll have -- I haven't got that fully agreed on yet, because I have more than one boss. The President is one boss, but the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee also have a great deal to do with the way I operate. So I usually have to get a consortium together before I can do anything noteworthy. I'm working on that.

I think probably now would be a good time to have

questions. I can talk on, but I've given you sort of a roundup on what we're doing and what the Justice Department is like. And I think it would be well to have some questions.

Yes, sir.

QUESTION: I probably should know, but who are your two bosses, the one in the Senate and the one in the House?

ATTORNEY GENERAL BELL: James O. Eastland from Mississippi is Chairman of the Senate Judiciary Committee, and Peter Rodino of New Jersey is Chairman of the House Judiciary Committee. And then each one has a Republican counterpart, and I didn't mean to say that I would ignore them. I deal with them too. As a matter of fact, I've been dealing with Senator Thurmond this afternoon. Congressman McClory from Illinois is the ranking Republican in the House Committee. The Senate Committee has 17 members, and the House Committee has 38. It's much easier to deal with the 17 than it is the 38.

That's not the only people, though, that control the Justice Department. I had some group in the House call me over not long ago for a rather hostile meeting, and I had to answer a lot of questions. I had somebody check up and we found that we were under 18 Subcommittees and 11 full Committees. And any one can call me over to testify. And I usually go. I refused to go about two or three weeks ago to testify on grand jury reform, because I had Ben Civiletti,

who's head of the Criminal Division, one of the finest trial lawyers in the country out of Baltimore I recruited him and brought him down here. And he knows all about it. And he was going to testify that I agreed with what he said. And this Member of the House got very upset about it. He's still upset that I didn't go. Because I just can't spend all my time doing those sorts of things. But I go if I can make a contribution. I didn't think I'd make any contribution in that instance. That's really the only time I've had any ill will I think to come out of it. We'll get over that, because we'll have other problems to talk about.

QUESTION: If you prefer not to answer, of course I'll understand, but it took something like 30 days to find you, but it's taken months to find the head of the FBI. What's the problem?

ATTORNEY GENERAL BELL: Well, there's not any problem, other than finding a good person. I interviewed over a hundred people in my office in Atlanta or after I got up here, just trying to fill a few top spots in the Justice Department. And the entire time I was interviewing, I only found one person that could take a job; that was Judge Wade McCree, who is the Solicitor General.

The President asked me to find an Attorney General. That's how I got into this shape I'm in now. And I knew Judge McCree, and I knew he was a fine

legal scholar. And I thought he'd be a fine Solicitor General. So I did select him. And I offered him that particular job. And I never offered anyone else a particular job. I was recruiting what I called a pool. I was getting a talent pool, and I was going to see fit everybody in these slots.

All that time I was hoping to see somebody that could head the FBI. I never saw anybody that suited me. So the President interviewed one person, Judge Frank Johnson, Montgomery, Alabama, a fine district judge, a fine man, and asked him about being the head of the FBI. This was while we were still in Atlanta. And he thought about it two or three days and decided he didn't want to do it. It's hard to get a judge to leave the bench, because they have to get under the government pension system. A judge loses his judge pension altogether, and he has to start over; after he's been in the government awhile he can tack on those years. But he never gets up to what he could get as a judge. So it's very difficult to recruit somebody off the bench. So we lost that.

Then I told the President I hadn't been able to find anyone. So he asked me what I was going to do. And I said, well, I'd like to approach it on a search committee basis, like you're looking for a college president or a dean or that sort of thing. And I came up with the

search committee idea, and he agreed to it. And we put the committee together. And they finally interviewed around 50 people. And they came up with the five we have.

While they were doing that, Irving Shapiro, who is the Chairman of the committee -- and I selected him because he's head of a large institution, DuPont, but he

spent ten years in the Justice Department in the Criminal Division. So he

knew the Justice Department, and he knew the FBI. And I thought he'd be a good chairman. And he reported five names to us, to the President and me. He said there was one other name that they felt they ought to give us. And he said this man -- his name's been in the paper, so I'll tell you, John Mintz, who is the general counsel for the FBI, -- he said John Mintz impressed the Committee at a briefing. And they called him and asked him if he'd submit his name, come to an interview. He came to an interview and told them he could not submit his name, that he'd been counselling with other candidates, applicants, who were in the FBI. Well, they voted on him anyway, after he said that.

And he came in and he tied for sixth place. So Irving asked them to put him in, because he's in special circumstances. They asked him to enlist, because he wasn't a candidate. And he wouldn't do that. And so he told them he was going to give us his name, and then he did. So there was a lot of banter in the media about the sixth name.

So finally the other day we authorized Jody Powell to say whose name it was, John Mintz.

And we have finished interviewing the five. And I have interviewed Mintz myself. And the President may interview him. And after that we'll decide if we're going to take one of those, or if we're going to look some more. The FBI is a fine organization. It's composed of highly motivated people, smart people. There's never been anyone brought into the FBI laterally. Everybody starts from the bottom and goes up the line.

I can't tell you how I admire the FBI. But by the same token, if the people are strong, you got to have a strong person to head it. You've got to have somebody who understands management. He's got to understand the law. He's got to understand law enforcement. And he's got to be a charismatic leader, because you're leading strong people. And when you start looking for someone like that, you're hard to put to find him.

Now, that's the situation we're in. Now, I can go and get a head of the FBI. But I'm looking for somebody who's going to stay there a long time.

You know, Congress passed this law last year that said it's a ten year term. So if we could get somebody that's going to stay seven to ten years, we'd stabilize the situation. And that's what it's going to take. I could

have gotten a good person who would agree to come and stay two or three years -- got him off the bench, but he wanted to go back on the bench. That was not Judge Johnson. This was a person in another part of the country.

But what good would it do to get a head of the FBI for two or three years? That wouldn't stabilize it. They deserve somebody that's going to come and be their leader, and defend them, also. They need a lot of defending, because they're in a tough business. They get sued a lot. They get a lot of claims filed against them. You've got to have good judgment in a situation like that.

By the way, maybe my judgment was bad. I indicted one agent, the first time an agent has ever been indicted. We kept up with the mail for a long time. And when I say kept up with it, there were thousands of pieces. And the mail against me was a hundred to one. And last time we checked, I was losing the one -- the one was going down.

[Laughter.]

QUESTION: Sir, I think you earned a lot of kudos in Michigan at any rate with respect for your judgment on appointing Wade McCree. But we might also hope that you would consider counterbalancing any undue Southern influence in the Department with another Michigan appointment for the FBI.

ATTORNEY GENERAL BELL: Well, we're looking at all

of them.

[Laughter.]

You know, you got one living there now, and one who formerly lived there. I don't know which one you're talking about.

QUESTION: I actually had a question that you were talking about, the over-burdening of the court system. And there are quite a few of us who are concerned from our viewpoint with respect to the appeal as a political matter in many instances of the class action suit, which in many cases I think would go farther towards doing just what you're deploring.

Is the Justice Department being sufficiently aggressive in attacking some of these proposals, or at least apprising Congress of the effect that they would have?

ATTORNEY GENERAL BELL: We have the Office for Improvements in the Administration of Justice that I alluded to a few minutes ago. It has a class action study underway, and they're meeting with different groups, trial lawyers, interest groups, right now on the class action problem.

They're working with a special committee of the American College of Trial Lawyers, and a special committee of the Litigation Section of the ABA, on the same problem.

And while they're about it, we're working on abuses in discovery, which adds to the cost of litigation:

It's one of the great wastes in the country. God only knows what inflationary impact it has. And we're working on that along with the class action.

Yes, we're very much on top of that.

I don't know of any problem we're not working on at the Justice Department that's law-related, but if there is, I'd like to hear about it. And we'll put somebody to work on it. I mean, I think we're covering the waterfront.

I was trying to put in an arbitration statute. A lot of these cases in the courts can be arbitrated, handled very easily and inexpensively. And my people who were working on it sort of broke down. They sent me something the other day that was completely unworkable, and I had to start them over. And I know something about the arbitration. They didn't do what I told them to do. They came up with something completely different.

But I'm looking at an Ohio system that they use in the state courts. And I know it'll work, so I don't want to hear something about something that hasn't ever worked somewhere else.

We'll have that going pretty soon. But other than that one thing, I think we're moving on all the other things that I can think about. That has

not been conceptualized in the proper way, arbitration.

The only thing that we are going to do that we haven't finished -- we really haven't got started good on it -- is reform of the prisons' standards. There are a lot of prison problems in the nation. We're going to have to build a lot of new prisons, because the prisons are filled.

The FBI thinks a lot of the decline this past year in the crime rate is because there are so many people in prisons. I wouldn't think you'd need a study to know that. I would think that myself.

The recidivists, particularly, a lot of them are now being kept in jail. But in a place like Arizona, where they've got a great population growth, they try 6,500 to 7,000 felonies a year. And their prison system has a capacity of 2,500. And they've just got a breakdown. They're getting ready to build a lot of new prisons there. And this is going to have to be done all over the country, and in the Federal system.

But we're going to come up with some Federal standards on habitation in prisons. And then we're going to have those available for the states to see. And then if everybody will get on those minimum standards, we'll start all this business of the Civil Rights Division suing prisons, state prisons, that sort of thing. We don't sue ourselves, but we'll go and sue a state somewhere.

And we've already changed that anyway. Our Civil Rights Division now is headed by Drew Days, who is [tape changed] --

-- fundamental problem. I'm sure it's already a business problem. It reaches into the government now.

You know we had this case Mike knows about the other day where Westinghouse was in litigation involving uranium--the discovery was taking place in England, and the suit is pending in Richmond, Virginia. So finally the Federal district judge in Richmond went to London to take the depositions. And they had some dispute about what would be the subject matters of the discovery, and finally got into the British court system, and it went all the way to the British Court of Appeals, and then it was getting back into the discovery stage, and then I had to have a hearing with them at the Justice Department on whether or not we'd grant immunity to these British citizens, immunity from our criminal laws. That's how complicated the thing has gotten, and this is just one company in Great Britain. And there are other companies in other countries involved in the litigation.

So the old saying was that it's no race for the weary. This is not a race for the poor, either.

[Laughter.]

You have to have a lot of resources to be in this

kind of a business.

QUESTION: I'd certainly underscore the desirability of that. The ex-territorial application of U.S. laws has very often put U.S. companies in a very uncomfortable position of being the ham in the sandwich. And it's a bad public relations, from both in the United States and in the foreign country, particularly. Because they're very chauvinistic about.

ATTORNEY GENERAL BELL: Well --

QUESTION: It's a very ticklish situation.

ATTORNEY GENERAL BELL: Well, all countries -- Canada being particularly so. They're very apprehensive about their natural resources, for example. And about their status. They're a small country compared to ours. And you have to have that in mind.

But one thing also we must remember in applying our laws, and that is, we can't get the idea that we can reach somebody just because they're an American citizen. Canada could pass a law that no American citizen could be an officer of a corporation. That could be done overnight. That would end that.

So we've got to use a little judgment as we go into these things. We've got to live and let live. Canada is a sovereign nation.

And we're making great progress there. I think that

--President Carter and Trudeau met here in Washington right after President Carter came. It's turning out that the most of the problems or complaints that Trudeau had had to do with small problems. And that's why we went up there.

I don't mean to assume the role of a diplomat. I took some State Department people with me, along with our own lawyers. And we had a fine meeting. And we came to this stable principle. As I say, we set up an apparatus so we're going to have people meet every three months. And that will help us with other countries.

This is a new thing we're just getting into now.

QUESTION: I'd like to focus on your discussion of the LEAA for a minute.

Walter, I know, has got the perspicacity to be out of the country when the LEAA report decision -- . And I noticed that Attorney General Flaherty has called it -- Deputy Attorney General Flaherty has called for the abolishment of the LEAA.

My question is, given the political problems in concluding or in significantly modifying any government agency such as the CEQ, Council on Environmental Quality, during President Carter's reorganization, or the OEO during President Nixon's reorganization, do you think it's really possible to -- to put Walter on the spot -- do you think

it's really possible for you to make a significant change in LEAA?

ATTORNEY GENERAL BELL: I've already made one. They don't have any people there in the top three positions.

[Laughter.]

I think that's a significant --. They've not had a head since the head of the Agency came over and wanted me to appropriate \$2 million to give to the states so they could hire people to ask us for money.

[Laughter.]

On special funds, monies for courts. That astounded me. You know, I said that I'm from a middle-sized state, and they know how to get money. You don't have to give them anybody to ask for money.

And we had a sort of an argument about it. So he left. And then we had number two left. And number three had resigned. So that left the top three -- we have a career person running the LEAA now. And they're doing a good job.

I went over a met with the top people at the LEAA. It caused quite a stir. No Attorney General had ever been in the LEAA. No one had ever met with them. None had ever visited there.

QUESTION: [Inaudible.]

ATTORNEY GENERAL BELL: So -- and the first thing --

I hadn't been there five minutes before I found they had all these advisory committees to fit with the type projects, and the people on the advisory committee were getting the money, they were getting grants. And I said, listen, conflict of interest. Nobody should be on the advisory committee that's getting money themselves. And one of these fellows said, well, how are we going to get anybody? Where could we find people like this if we didn't let them have grants? You know, and I just started getting a headache.

[Laughter.]

-- a lot of -- after I was there about 45 minutes, I left Walter and some other people over there, and from that day on, we started making some progress. And instead of being upset about it, these people were glad to have somebody come over there and meet with them and counsel with them on some of these problems. They'd been worried about them themselves.

So I think we're making progress. And we are screening these grants very carefully.

I met with ten governors not long ago, and told them we couldn't keep paying their state planning commissions and have them on their payroll, and they agreed. And I think we're on the way to making a lot of drastic changes.

That doesn't mean we're going to do away with it. We ought to keep the research department. And we ought to

keep sufficient funds to apply to R & D once we come up with something worthwhile, just to try it for two or three years. And if it's good, the states will pick it up, and take it over. After all, the state court systems handle 95 percent of all the cases in America.

Federal courts handle very few. So we can do that.

Now, if we have got the states in such a weakened condition, and the cities, that they can't hire their own police -- a lot of these people are policemen -- then we might have to come up with some straight revenue sharing. I don't know about that. On Walter's committee, only one recommended abolishing the whole thing. One dissenting opinion, and he said he agreed that we ought to follow Senator Aiken's principle. Senator Aiken's principle was that we ought to just say we won the War in Vietnam and leave. He said, we ought to say, this has been a good program, and quit.

[Laughter.]

But he didn't carry -- that point didn't carry the day. Although I expect I'm closer to him than anybody else in the Justice Department.-

QUESTION: Mr. Attorney General, when you took office, what percentage of the employees of the Justice Department were protected by the Civil Service?

ATTORNEY GENERAL BELL: Virtually all of them. I

don't know the number. How many was it, Walter?

We haven't replaced more than 50 people, have we?

MR. FIEDEROWICZ: No. Fifty or sixty, maybe.

ATTORNEY GENERAL BELL: Fifty or sixty, about all. It's just infinitesimal. You just get these top people, and that brings in new thoughts and a new approach. But I don't know how far you get, because the people underneath know they can outlast you. That's what the bureaucracy is about. They're going to be here and I'll be gone; Walter, we'll all be gone. Because they're here for the long range. And I don't know what the answer to that is.

If you got people in my position, or deputies or assistant attorney generals, and make career people out of them, maybe it would be better. I don't know. I have an idea it's better to change some people at the top from time to time. I don't believe you get many new ideas otherwise.

QUESTION: Along that same line, though, I find we have lots of bureaucracy in our company and in our industry. And I find that about as frustrating -- I've decided that the only solution we have is that we also conclude hiring new people, because people do get sick, and people do retire, people who want to quit. And as I understand it, while you can't have a mass layoff, you can, I would guess, though, determine how many new people are entering your

service, is that right?

ATTORNEY GENERAL BELL: We can determine the number. Yeah, we could say we're not going to fill any more positions. But when you go to filling positions, you got all these regulations to go by, you know, in terms of hiring and that same sort of thing. And you can't just pick out somebody and given them the job.

You know I told Mike the other day that I've never been in such a position. I've got all these thousands of people working for me, and I've never been able to get anybody a job.

[Laughter.]

You know, I could know some young person in Georgia or North Carolina or somewhere who wants a job, you know, they just want a small job. So I'd send the word. I'd give so and so a job. Never get a job.

[Laughter.]

What happens is, the people on the assistant AG level have their own friends they're taking care of. So I've just got this little band up at the top. And it became very embarrassing. And Mike in the last week has gotten three people a job. I've been trying to get them a job six months. I got three low jobs.

So I don't know. I hope you could do that. But I just have to depend on these managers, these assistant AGs.

He's certainly doing that.

And I think they're being careful. And that is one of the ways.

But our attrition rate is very low, I found.

I've been puzzled on how we're going to take care of these people in these ten regional offices we just closed recently. Pete Flaherty promised them all a job. Some of them, I guess, are going to want to move to Washington.

But our attrition rate is low, and if we reduce the size of some of these departments and agencies in the Justice Department, we won't be able to place all these people, I fear. Now -- Because you can't move them over to the FBI. We might expand that a little bit as the years go by. And we can't move them to the DEA, because they're specialized, you know.

But I guess somehow or another in the attrition system, we'll work it out. So far, we haven't got rid of that many people.

QUESTION: It's possible that before too many more months go by the President may have a Supreme Court appointment to make. And in the past, as you know, Attorneys General have been very helpful in that process.

I wonder if you'd had time to do any thinking about what sort of qualifications a man should have to give the Court maybe a certain balance. And more importantly,

whether the President has any thoughts.

ATTORNEY GENERAL BELL: We have talked about it two or three times. And of course, we will have some appointments. I don't know how long it'll be. But you need to be ready. Because that's the kind of appointment you need to make promptly.

And we have, as you read in the paper, created these judicial selection commissions for Courts of Appeal judges. We have those in operation everywhere except four. That means we have seven in operation. We're in the process of picking those judges now. We're also getting ready to appoint four others.

The President and I are not completely in agreement on how to go about this, about the Supreme Court. I take the view that he ought not to have a Commission to select Supreme Court Justices. And I think probably one of the highest duties the President has under the Constitution is to put people on the Supreme Court. And I would not like to see a citizens' committee delegated to come up with some recommendations, like a search committee.

So we had a chance to cross that bridge not long ago, when we had two vacancies on the Court of Claims here in Washington. That's a national court, and I just finished appointing a commission, nationwide, there are nine people on it, to recommend somebody to the Court of Claims. That

would include, if we had a vacancy, the Court of Customs and Patent Appeals.

Some people urged me to make the language of the Executive Order broad enough to include Supreme Court Justices. I did not do so, and I would prefer to wait until we have a vacancy. And I would prefer the President just select someone carefully, upon careful consideration, and after an investigation; be certain that they're good judges or lawyers. He will have a better feel for what sort of justice you need, what sort of philosophy you need. How to keep the court in balance. How not to create an imbalance.

And I don't believe that you can just create a commission and have them be able to pack in all those considerations.

So I'm hoping that he's just going to do it on his own. Because we have talked about it some. More than once. And that will be one of the highest responsibilities I have, is to be certain we get good people on the Supreme Court.

Because when all is said and done, the Supreme Court, I guess, next to the Presidency, and even almost equal to it in some areas, the most important institution we have. I don't want to take anything away from Congress, but there's so much law now that's made by courts. And there's so much balance in our society that is created and maintained

by the courts. This is a high responsibility.

Okay? Enjoyed being with you.

QUESTION: I just wanted to emphasize and support your comment that was made earlier about the possibility of the FTC's interest in working in close cooperation with the Justice Department interest. I'm familiar with the article in (inaudible) setting up the oil companies' lawsuit for the FTC. And someone mentioned that the staff was capable.

The FTC, in my understanding -- and I'm certainly making a subjective judgment, because I don't know -- it does not have a sufficient staff to take on the oil companies. I'm in favor of that.

And it would seem to me that the coordination of the two efforts would be a valuable thing, and perhaps a study ought to be done about the relationship between the FTC and the Justice Department --

ATTORNEY GENERAL BELL: I think probably somebody is studying that. I don't know.

You see, the FTC, let's face it, they're not a litigating outfit. They're a government agency. When I was on the 5th Circuit, I once sat on an FTC appeal that had been going on 13 years. It takes a long time to run a case through there, because they don't use a process similar to what the courts use.

But on the other hand, they do, I think, have a probably better chance to study an industry from an economic standpoint, maybe, than a court does. The court system does not lend itself to that sort of a long-range study, where you really have to get into the economics and social policy and things that maybe an agency can do.

So I didn't mean to disparage them. But they just -- the fact is -- I mean, let's face facts -- the fact is, they're not set up to litigate. That's not their business.

QUESTION: They are in charge of the Exxon litigation, and -- they're using their own staff. And it would seem to me that some type of cooperation would be in order.

ATTORNEY GENERAL BELL: Well, they'd have to ask us to litigate it. Of course, we can't do it before an agency. We litigate in court. If they got in court, we'd be glad to handle it. I think there's a study going on. And maybe something good will come out of it.

QUESTION: Who decides whether there's any duplication in that case? Or what the jurisdiction of each group?

ATTORNEY GENERAL BELL: The Congress.

QUESTION: Congress?

ATTORNEY GENERAL BELL: Congress. They've already set the jurisdiction, and it's set this overlapping

jurisdiction. And the OMB in the reorganization study can recommend that be changed, and then we'd submit one of these reorganization plans to the Congress.

QUESTION: But it is Congress, not the President.

ATTORNEY GENERAL BELL: Oh, yes, they're the ones that did this. The law is so complex, and the government's complex, and I think there's a lot of overlapping in the government that's come over the years.

In fact, the recodification of the criminal laws that we're pushing, that bill has been around about ten years, and the Federal criminal law has never been recodified. Thirty-four states have recodified their criminal law, and it's just as complex as the Federal. But the Federal government just never got around to it. And we think we're going to get that done in this Congress. We've got a bipartisan effort going in the House and the Senate, so I think we'll get it done.

But that would be true in a lot of other areas of the law.

Yes, sir.

QUESTION: You spoke a moment ago about balance on the Supreme Court, or terms to that effect. I'm not a lawyer, and my question will probably betray that fact very obviously.

But I guess as long as I've read about Presidents

who were seeking to balance or unbalance, it's troubled me, troubled me because it almost sounds as though we want somebody on the court who has a certain persuasion rather than his being a distinguished jurist or a man of principle and bearing and judgment.

And I guess as long as I've also read about the Supreme Court, most Presidents get fooled as many times as they don't. They think they've appointed a conservative and they got a liberal, or vice versa. Or sometimes, I suppose, they thought they had a scholar and got a fool. Maybe not so bad as that.

But isn't it better not to talk about balance, and really talk about how distinguished the man is?

ATTORNEY GENERAL BELL: Well, that would depend on the circumstances at the time. I wouldn't want to answer that in a hypothetical way.

If you had one liberal and eight conservatives, and the liberal died, probably the American people would think you ought to put a liberal on in his place, in the other place, so you wouldn't have everybody the same way.

But it's hard to judge philosophy anyway. You can't do that. And all you can do is get a person of intelligence and character, and somebody that has shown that he's a person of moderation, or she is a person of

moderation. But if you had a court that was too heavily going one way and maybe not the other, and you elected a liberal President, he wouldn't have to be appointing any conservatives.

But that's why the President has to make this decision. The President's philosophy might be different from mine, on this commission that brings in these people. Or maybe the commission's not thinking about all these things.

But of course, you're right about you're being fooled so many times. The classic story is Teddy Roosevelt appointed Justice Holmes because

he was a trust buster. He thought Holmes was going right along with him, and he promptly ruled against him in the Northern Securities case, I believe it was.

After that, Roosevelt invited Mrs. Holmes to the White House, but never invited Justice Holmes.

[Laughter.]

That's happened over and over again, so you're not going to always hit it.

QUESTION: Are you good for one more?

You've been watching Jimmy Carter a long time. I wonder how you think he's doing. Is he on top of his job? More important, how does he think he's doing?

ATTORNEY GENERAL BELL: Well, that's interesting that you ask me that. I was talking with him at 2:00 o'clock

this afternoon, and we talked about that.

And at the Cabinet meeting Monday -- we had a fairly long Cabinet meeting -- and he said that he thought we were doing well, and he was proud of the people in the Cabinet, the way they've gotten their departments organized, and that sort of thing.

So today, he asked me how I thought I was doing. And I said, well, I think I'm -- about what I've told you all -- I said I think we're getting it under control and making some progress. And I said, as a matter of fact, I think that of the Carter Administration.

And he said, well, I've been thinking about that, trying to engage in self-analysis, and I think we're doing pretty well. So this was just a talk between the two of us, so I think that would be about what he's thinking.

And I told the Atlanta newspaper that about two weeks ago, some reporter there who rode on a trip with me, where I was making a speech, and I said that. And I believe that.

If I didn't think that, I wouldn't say it. Because I've reached the time in life where I don't need to go around making up things. So I think he is. I think we're doing pretty well.

Now, he's got about 40 or 50 balls in the air. He's

not going to get every bill through the Congress that you start out with, and you're going to have to give on some.

But that's what the legislative process, as you well know, is about.

I've got a lot of bills over there myself, just to take the Justice Department. And we're giving in here, letting somebody amend something there. But when you get through, by next fall -- this year -- we can take a count then and see how we did.

But he's got that going, and he's got reorganization going, and he's got inflation problems, and then he's got several unusual foreign policy problems. And I'd say on all those things he's taking action, facing the problems. And his positions are, I think, generally on the right side of things. And he's easy to work with. And I think he'll not have any trouble getting good people in the government. If some leave, I think we'll be able to find others.

But I'm having people now that turned me down that are having second thoughts, you know, they feel bad that they didn't come. We haven't been a disaster. We, you know, we look like we might know what we're doing.

[Laughter.]

Thank you.

[Applause.]

[End of proceedings.]