



Department of Justice

"THE PRESS AND I"

AN ADDRESS BY

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BEFORE

THE SOUTHERN NEWSPAPER PUBLISHERS ASSOCIATION

BOCA RATON HOTEL & CLUB
BOCA RATON, FLORIDA

FOR RELEASE UPON DELIVERY

WEDNESDAY A.M.

NOVEMBER 16, 1977

Standing before you today is a heavy consumer of your product. Every morning I receive three newspapers and the White House news summary before my 8 a.m. arrival at the Justice Department. I read another three and sometimes four newspapers before the day is over.

In addition, I receive by nine every morning a Justice Department news summary containing 25 to 40 articles clipped from a half-dozen or so daily newspapers and from magazines. Finally, I am given every week or so a folder containing news articles, columns, and editorials taken from hundreds of newspapers across the country by clipping services.

I think I qualify, therefore, as a heavy -- perhaps prodigious -- consumer of newspapers. It is a habit I brought to Washington with me. As a boy, I delivered The American Times-Recorder, and I later became addicted to the writings of the late Ralph McGill and my good friend Jack Tarver in The Atlanta Constitution.

In fact, one of the great losses to Southern journalism occurred when Jack Tarver moved from The Constitution editorial page to the Journal-Constitution's front office. Someday, perhaps, he will tire of making money and return full time to making humor in his signed column in The Constitution. I have no idea why Jack decided to emulate Croesus rather than Will Rogers, but he did.

Despite the fact that I have followed newspapers all my life -- I have read a lot of them, and have read them closely -- I was not quite prepared to joust with the Washington press corps. As a Federal appeals judge here in the Fifth Circuit for about 15 years, I had only occasional contact with the media. I was rarely interviewed; I was never interrogated.

If my baptism in Washington had been gradual instead of by total immersion, I might have absorbed it with less shock. Instead, as you will recall, I became an immediate "media event" upon being designated as Attorney General, and this continued for a period of about six weeks through my confirmation hearings in the Senate. Meanwhile, I found myself utterly without privacy, to say nothing of private clubs.

One day shortly after my confirmation, President Carter encountered me in the White House barber shop and kiddingly asked me why I was taking time out for personal grooming. I replied that it wasn't a matter of vanity -- since I had become a "media event," I had to be sure that I had the proper haircut for network television at all times.

At first, I think, the Washington news corps found me a dubious appointment -- a Federal judge from the South who had never held office in Washington, not even in a Kitchen Cabinet. And, in turn, I don't mind saying that I found some of the approaches and questions of the press corps a bit strange too.

One day during the confirmation hearings, for example, a reporter asked me for an itemized list of what I had for breakfast that morning. I have no idea why she was asking for it, but I supplied it -- although I thought for a second that I might have to tell her how to spell "grits" and that grits could not be put in the singular.

As you know, the Senate conducted a thorough check of my background and qualifications and did a pretty good job of "Hickelizing" me.

Nevertheless, a few members of the press remained unconvinced. One "profile" story about me shortly after I was sworn in was nothing less than a "hit job." It contained plain falsehoods, but it became the basis of research by other writers about me. Falsehoods are sometimes picked up by other publications, and one never knows when or where they will resurface.

Despite these early difficulties, the Washington news corps and I have arrived at what is, I hope, a good understanding. I have often said that the reporters assigned to cover the Department of Justice are among the best in the country. They are thorough, conscientious, capable, and extremely knowledgeable. The same may be said of the personnel of the Washington news bureaus.

For my part, I have tried to be as open and accessible as possible -- given the highly sensitive nature of the Justice Department's day-to-day business and our own professional responsibilities. I hold frequent news conferences

in Washington and elsewhere; I have granted numerous interviews; and I have endeavored to answer all reasonable inquiries put to me. I am available to the Public Information Office at any and all times to respond to questions.

Nevertheless I haven't enjoyed an entirely charmed life in dealing with the Washington press. I have been quoted as refusing to comment when I was never asked to comment. And just the other day I was wrongly accused -- by a newspaper ombudsman, incredibly -- of seeing to it that there would be no reporters present when Mr. Helms went to court to enter a plea. For reasons I explained in long sessions with the media afterwards, we did not notify reporters that Mr. Helms was going to court, but we certainly did nothing to prevent reporters from being there -- and, in fact, we assumed that they would be.

The FBI indictment, the Hanafi Muslim seige, the Bakke case, and the Tongsun Park indictment were all busy periods at the Department of Justice, but the Helms case probably gave us our toughest workout with the press. I conducted two briefings for reporters at the Department of Justice, and Jody Powell and his staff gave several at the White House.

Some reporters roundly criticized us for the secrecy leading up to Mr. Helms' appearance in court. They didn't agree that secrecy was necessary. Others, however, realized that Mr. Helms could have changed his mind at any time prior

to entering his plea, and that any disclosure of plea bargaining before that moment could have severely damaged his right to a trial before an impartial jury.

In any event, the Helms case was unusual, and I am proud of the professional way the Justice Department handled a difficult and very sensitive case inherited by the new Administration.

Before leaving the Helms case, I would like to mention an interesting phenomenon. Editorialists have by and large described the result in the case as a fair one, while columnists have been divided -- some feeling Mr. Helms was punished too severely and some feeling he was punished too lightly. Cartoonists, however, have been virtually unanimous in depicting Mr. Helms as someone who escaped justice with a slap on the wrist. I side, of course, with the editorial writers, but I am at a loss to understand the divergence.

Incidentally, I have never complained of a corollary to the Helms case -- the Tongsun Park sealed indictment which was leaked to the press and printed, which frustrated a carefully laid plan to apprehend Mr. Park.

I learn a great deal from the press daily -- not just from what I read, but also what I glean from their questions and comments in news conferences, interviews, and inquiries. If a major story is brewing in Washington, the odds are good that the Attorney General sooner or later will be asked about it.

I often learn of stories that are taking shape days before they are published.

Once or twice, reporters assigned to the Justice Department have come to me with information they thought I ought to have for investigative purposes. Reporters working on investigations are especially helpful. As policemen and police reporters learned generations ago, government and the press frequently can work together in the public interest.

In nearly ten months, the press and I have come to what I think is a reasonably good working relationship. For the most part, I have been treated fairly and criticized constructively. At the same time, we at the Justice Department have tried to be open, frank, and cooperative.

When I became Attorney General, perhaps recognizing that I was a newcomer to the city, my Office of Public Information gave me a detailed explanation of the strange jargon of the media and the bureaucracy by which they talk with one another. The levels started at "on-the-record" and ranged downward -- in terms of willingness to be quoted or to be held publicly accountable -- through "on background," "on deep background," and, of course, "off-the record."

I decided to put these tiered rules aside, stating that I would speak at all times on the record. I feel that if something is important enough to be said, it is important enough for someone to state publicly that he or she will take responsibility for saying it. Whenever I am interviewed or questioned, it is always on an on-the-record basis.

And just as the press has generally been constructive in criticizing me, perhaps I could offer, in the same spirit, some constructive observations about your work for your consideration.

I would begin, unsurprisingly, by underscoring accuracy. I have encouraged the Washington media to contact our Office of Public Information before writing stories relating to the Justice Department if in doubt as to facts. I have discouraged leaks at the Department of Justice because, in general, those who leak almost always have only fragmentary information at best. Several months ago I made a half-joking statement regarding Justice Department officials that was roughly this: "Don't leak information unless you feel that you absolutely have to. But if you do, try to make sure that what you leak is accurate." Sometimes

the press is being used by the leaker for some ulterior purpose. The press should scrutinize their "source." At any rate, we have had fewer leaks in recent months.

With regard to accuracy, it has occurred to me that publishers ought to make it possible for reporters covering complex beats to take a few overview courses in law or in whatever the subject might be. Incidentally, three or four reporters assigned to the Justice Department are lawyers or specially trained in the law.

My next bit of constructive advice harks back to my earlier mention of the press' unhealthy habit of picking up previously published information without verifying. Once information is published, it is likely to be reprinted by journalists yet unborn unless a denial has been posted in neon at Times Square. An example involving me was a false report, printed several times, to the effect that I had discussed the Lance matter with the U.S. Attorney in Atlanta. A no less outstanding newspaper than The Washington Post picked up this falsehood, attributing it to The Village Voice without checking with me. I hasten to say that the Post had the grace to publish a prompt correction.

Next I would like to urge, as others have, that the press exercise more restraint in covering stories. An example of a lack of restraint would be the numerous stories over the months speculating on the number and names of the members of Congress supposedly involved in the Department's Korean investigation. The numbers ranged all over the lot -- 70, 90, 20, more than a hundred. This speculation has prompted me to state publicly several times that there never were substantial numbers of present and former members of Congress who were seriously involved in the investigation.

Lack of restraint is, I know, an old charge against the press but I think it is worth mentioning again to this audience of publishers. And I should point out that restraint -- along with fairness, integrity, and openness -- is a quality I am stressing for lawyers at the Department of Justice.

My final bit of what is, I hope, constructive comment is that the press too often focuses on the eye-grabbing front-page story at the expense of the less exciting, but perhaps more important story that cannot compete as effectively in editors' eyes for prime space. For example, we have been trying to interest reporters in a highly significant Justice Department legislative agenda to refurbish the courts and

the administration of justice in the United States. The story is being told in bits and pieces, but it fails to attract in-depth treatment in major newspapers because reporters doubt that their editors and publishers will find it worthy of competing for attention and space against breaking news. In the meantime, in our judgment, a significant story is there waiting to be written. In your judgment, it may not be, and it is your judgment that controls.

I hasten to note that most publishers, editors, and reporters are well aware of these and other criticisms of the press. I note, also, that large portions of the press are examining professional standards and individual failures in meeting them -- through ombudsmen, the National News Council, and other avenues. I applaud the press' increasing self-examination, and I know that members of this Association have contributed to it.

As we all know, Thomas Jefferson championed the press freedom that distinguishes the United States from the rest of the world. Yet Jefferson was a deeply ambivalent press observer.

"I do not take a single newspaper," he once wrote, in marked contrast to my own daily routine, "nor read one

a month, and I feel myself infinitely the happier for it."

On another occasion, Mr. Jefferson said of newspapers that their "advertisements contain the only truths to be relied on."

I am not as ambivalent about the press as Mr. Jefferson. Undoubtedly, the newspapers he had available would be considered primitive by today's standards -- and yet he considered them indispensable in keeping "the waters pure."

I likewise consider the media indispensable: in conveying information, in raising issues, in debating proposed solutions, and in demanding better performance by government. If I did not consider the press an important institution in our society, I would scarcely spend a large measure of my time, as I do, meeting with members of the press, responding to their inquiries, and sharing thoughts with them.

My view is that the press and government have throughout our history been learning together -- and, one hopes, progressing together.

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