



Department of Justice

ADDRESS

OF

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

BEFORE THE

CORRESPONDENT BANK CONFERENCE

OF THE

TRUST COMPANY OF GEORGIA

THURSDAY, FEBRUARY 15, 1979
ATLANTA HILTON HOTEL
ATLANTA, GEORGIA
8:00 P.M.

I would like to report to you on the work and progress of the Justice Department in the past two years. I recently completed my second year as Attorney General. It is an appropriate time to make an accounting of the important things we feel we have accomplished to date, and what we hope to do in the future.

My review will cover a few broad areas. The first item on my agenda is what we have accomplished for the system of justice.

The Justice Department must concern itself with more than investigation, prosecution, and representation of the government in criminal and civil cases. It must also exhibit a continuing concern with justice and the judicial system as a whole.

My first step was to create the Office for Improvements in the Administration of Justice. This office is developing a comprehensive program to address the major ills besetting the justice system -- including increasing the access of all Americans to justice and speeding up litigation while reducing its cost. For instance, this office is currently engaged in projects to study and recommend changes in the scope of discovery and class action rules of the federal courts -- matters of great importance to the public and business community as well as the legal profession.

Some proposals came close to being enacted by the last Congress, and in a few minutes I want to tell you about our legislative priorities in the new Congress.

One accomplishment has been to establish three pilot Neighborhood Justice Centers -- in Atlanta, Kansas City and Los Angeles. These Centers are designed as low-cost alternatives to the courts for resolving every-day disputes fairly and expeditiously. Community residents are specially trained to serve as mediators and arbitrators for minor disputes arising within the community.

I am proud of these Centers. (The best, of course, is here in Atlanta.) When run correctly, they can take a lot of pressure off our court system and resolve many disputes more quickly and less expensively -- and with less acrimony and frustration than usually result from litigation.

Another significant contribution to improving the justice system is the training of trial lawyers.

When I arrived at the Department, I learned that an Advocacy Institute had been established in 1973 to train young government lawyers. But it had never increased its offerings beyond a basic course or its volume much above 200 attorneys per year. I took a personal interest in the Advocacy Institute, and by the end of 1978 we tripled the number of young attorneys who took the basic advocacy course -- reaching the record number of 660. In addition, the Advocacy Institute conducted 16 separate advanced courses that trained more than 1,000 lawyers in the Department. These specialized courses covered such diverse federal subjects as program fraud, surface mining, and public corruption.

Our basic trial course is only one week in length now, but beginning next month, we will now expand it to three weeks in length.

We also plan to continue giving advanced courses for our attorneys. These courses will help assure us that the Government's lawyers are as competent and as well-trained as any lawyers they will face from the private sector, thereby guaranteeing that the public interest will be fairly and firmly represented.

My second agenda item concerns our work in foreign counter-intelligence and domestic security investigations.

As Attorney General, I am the President's agent in faithfully executing the laws and, by his delegation, I have had responsibility for holding the intelligence community to the rule of law. With President Carter's strong support and with excellent cooperation from Congress, we have pointed the way toward several significant improvements in the safeguarding of our intelligence activities.

The first major achievement was realized a year ago when President Carter signed a new intelligence Executive Order which restructured the intelligence community, outlined the responsibilities of the heads of intelligence agencies, and set forth restrictions on intelligence activities through a system of Attorney General guidelines. This new Executive Order is the cornerstone of our efforts to construct better systems for intelligence activities.

Another major initiative toward protecting civil liberties in the intelligence field is the Foreign Intelligence Surveillance Act, frequently referred to as the "wiretap bill." This Act was designed in close consultation between the Administration and the Congress and was signed into law last October after two years of hard work. The bill ensures for the first time that the safeguards of a statutory procedure are extended to all electronic surveillance in the United States conducted for intelligence purposes and that all electronic surveillance which affects the rights of Americans will be conducted under a judicial warrant.

These guidelines and procedures will, I believe, strengthen our intelligence agencies. Their net effect will be to clarify and define for the intelligence agencies their roles and responsibilities, thus eliminating most

of the confusion and impediment which the revelations and criticisms of the past few years have brought.

I believe that our intelligence community will be able to perform in the future its critical functions effectively and efficiently while honoring our rule of law.

My third agenda item concerns a series of major steps taken to improve some of the most important operational functions of the Justice Department. These are functions that touch the lives of virtually all Americans in one way or another.

The control of crime is one of our foremost concerns.

I have directed that our law enforcement efforts focus on four priority areas -- white collar crime, organized crime, public corruption, and narcotics and dangerous drugs.

Vigorous new programs have been developed in each of these four fields. Priorities have been re-shaped. Substantial investigative resources have been reassigned.

In the course of developing these fresh approaches, we have lessened our involvement in several other categories of offenses that we believe can be handled effectively by state and local authorities. These include substantial numbers of bank robbery and auto theft cases. Federal investigators and prosecutors are not turning their backs

completely on these investigations. In fact we are paying close attention to see that apprehension efforts are sufficient. But we do hope that most of the attention given to them in the past can now be used more efficiently on more complex crimes.

Another area of urgent concern is the improvement of the Immigration and Naturalization Service.

The Service has staggering responsibilities -- trying to stem the flow of illegal aliens into the country and keeping track of millions of visitors who annually enter the country legally but fail to leave.

But the plain fact is that the Immigration Service is now drowning in a sea of paper. Its record systems have little automation. It seems to take far too long to hold hearings on persons who may no longer have a right to be in the country.

The Service's new director has worked hard to correct shortcomings that he inherited but the problems are enormous. Because of that, I have decided to create a top-level management task force that will closely examine the Service and bring me proposals to solve the problems.

The improvement of the Immigration Service is one of my personal priorities.

Substantial attention also has been given to revitalizing the Law Enforcement Assistance Administration.

This agency has a vital function to perform -- distributing Federal funds to states and localities for crime reduction and justice improvement programs.

But its full potential has never been realized. We have taken some steps to improve LEAA administratively. And we have helped develop proposed legislation to thoroughly modernize and reform the agency. Among other things, our reorganization plan would cut down on wasteful paperwork and overhead while giving cities and counties more discretion on use of the anti-crime funds. In addition, more money would flow to areas that have the most pressing crime problems. We have reduced the cost from \$800 million to \$500 million and the number of employees from 900 to 600, but the money going to the criminal justice firing line is about the same. The fat has been removed.

In many parts of the Department, including the litigating divisions, our basic improvement programs already have been carried out. And the Federal Bureau of Investigation, which received so much criticism in recent years, is now operating superbly under the skilled leadership of its new director, former Federal Circuit Judge William Webster.

I want to turn now to my fourth agenda item -- some of the things we hope to do in the coming months.

Now that the wiretap bill has been enacted, the great need in the foreign intelligence field is legislative charters for the various agencies which deal

in foreign intelligence and counter-intelligence. These agencies -- such as the FBI and the CIA, among others -- have come in for heavy criticism because of some of their past activities. But we also learned that Congress and the Executive Branch had failed in their duties to give these agencies some guidance as to their actual authority and appropriate missions.

An intense, cooperative effort between the Legislative and Executive branches is now underway to remedy this oversight by establishing clear charters outlining the authority and mission of each agency, and by setting standards and procedures to guide their activities within those charters. It may take more than a year to settle the many questions on this vast new frontier. President Carter and I are firmly committed to sticking with the task and working closely with Congress until it is done. But, and this is important, we do not intend to give up any part of the power of the President to gather foreign intelligence, or to protect the security of the Nation.

Secondly, in the area of judicial selection, we are facing the monumental task of filling as quickly as possible the 152 new federal judgeships created by the recent Congress. This is an awesome responsibility -- one which will demand a large percentage of my time for several months.

We also have great hopes that many innovations developed by the Office for Improvements in the Administration of Justice will be enacted into law in the current Congress.

Four of these proposals have been fashioned into a priority package for quick introduction in this Congress -- and, we hope, quick action thereafter.

The first bill would enlarge the civil and criminal jurisdiction of federal magistrates to help relieve the workload of federal district judges. It can have a significant impact on speeding up the delivery of justice, especially in those federal courts that currently have large case backlogs.

A second bill also relates to bringing relief to overcrowded federal courts. Too many cases involving state law issues are now being litigated in federal courts when they would be more properly and more efficiently disposed of in state courts. The historical basis for permitting these claims to be heard in federal court -- presumed prejudice towards citizens of one state by the courts of another -- is now extremely doubtful. Nor would moving these cases to state courts create an undue burden on any state court. Our proposed reform to curtail this practice -- known as diversity jurisdiction -- makes sense for both the federal and state courts.

A third priority measure is our proposal to introduce the use of arbitration in the federal courts for certain types of civil cases involving money damages only. This proposal is a good illustration of how the federal government can profit from the experience of the state courts in their use of innovative techniques. Our legislation is modeled on arbitration plans successfully employed in several states. The bill would allow federal district courts to adopt a procedure requiring the submission to arbitration of tort and contract cases involving less than \$100,000. Three federal district courts are now testing the process under local rules.

It is already clear that both litigants and the courts are profiting from the procedure. Cases going to arbitration are being resolved faster than they otherwise could be and at less expense to the parties.

The final priority bill is a proposal to permit the Supreme Court to exercise greater control over its own docket.

The enactment of these four bills would be one of the largest steps ever taken by one Congress to improve the functioning of the federal judiciary. This step is necessary if we are to avoid having to return to Congress within a few years to ask for still more judges.

The final category I want to discuss with you, and perhaps the most important, is what we have done to improve the Justice Department as an institution.

When the President asked me to take this job, we agreed that my first priority should be to continue the effort begun by President Ford and Attorney General Levi to extract the Justice Department from the Watergate era.

The Department's management and day-to-day operations suffered because of the preoccupation with Watergate. It also experienced a severe decline in prestige and public trust -- and acquired a taint of political partisanship.

Despite Attorney General Levi's fine unpolitical stewardship, there remained in Washington in January of 1977 a suspicion that every major Department decision was influenced if not motivated by partisan political considerations. The leakers in the Department, and some others outside it, exacerbated this syndrome.

The most important aspect of restoring public trust has been to institutionalize the independence of the Department from the politics of government. This process is still going on -- but a couple of major steps have already been announced which future Attorneys General will have a hard time changing.

I have taken a "hands-off" attitude toward all non-Justice Department-related matters in the administration. Neither the President nor I consider it appropriate for the Attorney General to act as a political advisor to the President.

Further, I have moved to insulate the line attorneys and litigating division chiefs and others at the Department from political pressure. I have done that by insisting that any contacts about the merits of specific cases from either the White House or the Congress must come through my office, or that of the Deputy Attorney General or the Associate Attorney General.

We are thus able to screen out and absorb the pressure inherent in such contacts, while the Assistant Attorneys General and their staff lawyers can determine the merits of cases without regard to political considerations. To assure that this process works, the Associate Attorney General, the Deputy Attorney General, and I will reduce

to writing our reasons for overruling any Assistant Attorney General or U.S. Attorney in any case. And we will announce those reasons publicly, unless this is not possible for due process or privacy reasons, so that we can be held publicly accountable.

By these means we seek to provide our attorneys in the Justice Department with an atmosphere of integrity and impartiality. We hope that the conduct of all our attorneys will be guided by conscience and duty. We seek the highest kind of professional ethics.

In all of the programs I have described today, our sole interest is in improving the justice system and in elevating the quality of justice for all Americans. By this we may sustain the confidence of our people in this most important of our public institutions.

I would like to conclude with a story I have told to the Justice Department lawyers which illustrates, I believe, the way we want our country to be and the way we want the Justice Department and our legal system to operate. Justice and Mrs. Blackmun and my wife and I were in Aspen with a group several summers ago, and we were invited one evening to a home where they had some small children. There was a six-year old boy there by the name of Matthew. Justice Blackmun sat down on a

footstool and talked with Matthew for a little while and just visited with him. Later that night, Matthew was getting into bed after saying his prayers, and said to his mother, "I met the nicest man tonight."

She said, "Who was he?"

He said, "I don't know his name, but I think he was the government."

I hope that is what people will say of us in the Justice Department, that we are nice people, that we do our work well, and that we do represent the government in the best possible way.

Thank you.