

Griffin Bell interviewed by Bob Short

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BOB SHORT: We're delighted today to have as our guest Judge Griffin Bell, former advisor to Governors, former Chief of Staff to Governor Vandiver, former Attorney General of the United States, former District Federal Judge. It's a great pleasure to have you, Judge Bell.

GRIFFIN BELL: Thank you very much.

SHORT: What I would like to do if you will, Judge Bell, so our audience will know you a little better is just tell us a little bit about yourself growing up down in Sumter County.

BELL: Well, I grew up in Sumter County, which is in South Georgia near Americus. I was born in what we would call the Concord community, which is about nine miles from Americus. And my father was a cotton farmer and my grandfather was a cotton farmer. My grandfather's house is still standing there at Concord. I rode by there recently. They both had to sell their farms during the time of the bull weevil that wiped out all the cotton farmers. They moved into Americus. I was attending school in a country school and I had skipped a grade, and so when I moved into Americus I started into fourth grade, but I'd been – I skipped the third grade so I was in the fourth grade, which was something of a disadvantage. I finally finished high school when I was 15.

But I grew up in a – I feel like I grew up in Americus, although I was born on a farm. And I enjoyed the life of a small town, knew everybody in the town virtually. My father's first cousin

was a noted lawyer and judge. He was over in the Supreme Court in Georgia. And my father always wanted me to be a lawyer so he started talking to me when I was a little boy about being a lawyer. And he introduced me to lawyers and he used to take me by the courthouse during court week and let me listen to the arguments, and I think it was in my head to be a lawyer and that's what I ended up being. But I've had a very good life. I went to Georgia Southwestern. We didn't have very much money and that was all I could afford, but it was a good junior college. And then I had to go in to – I had a low draft number. I was getting ready to go law school at Mercer and – on a church scholarship. And I got a low draft number so I decided I'd serve one year in the military and then go to law school. And then, of course, the war started right after that and it was about four and a half years later before I got out of the Army. But I did go to Mercer Law School. I was on my way to Athens to go to the University of Georgia and -- this is an old story – and I decided I'd stop in Macon and ask the dean if he'd get me a job part time at a law firm so it might speed up my career. And the dean said, "If you'll make good grades the first quarter I'll guarantee you a job." And so, I never got to Athens. I just decided to stay in Macon and get that job. And I was able to pass the bar examination. In the fourth quarter I was in law school, I think. One of the jokes we tell is that I became the city attorney of Warner Robins while I was still in law school.

Laughter

BELL: But it was true, I lived in Warner Robins, commuted into Macon. And it was nice.

But I then was working part time in this law firm in Macon and I got a job in a – with a law firm in Savannah and was there for four years and then our principal client was Central Georgia Railroad and I got to know all about Georgia. Everywhere in Central Georgia you have a certain state that you went to with some kind of a litigation. And then I went up to Rome, Georgia to represent the Chairman of the board of the railroad when his own lawyer died suddenly.

And then I was recruited by King & Spalding to come down here as a partner. And I was – I think I'd been practicing law six years then. Joined King & Spalding and I was in King & Spalding about nine years and during that time I came to managing partner, as we call it at a law firm, succeeded Mr. Hugh Spalding, and during that time I managed the – I was the Co-Chairman of the Kennedy campaign for President. That's how I finally got into the federal judging business. I was the Co-Chairman along with George L. Smith who was Speaker of the House. And then President Kennedy had nominated me to be on the Second Court of Appeals which covered six states: Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida. And I kept that job for about 14 years since Senator Russell and Senator Talmadge was the Senators and they endorsed me, sponsored me, and I was able to get confirmed. And I left and came back to the law firm and was here about 11 months before I became Attorney General.

The way I became Attorney General -- President Carter -- I had known all my life, because I'm nine miles from Plains and our families were friends. He asked me to find someone to be Attorney General and I spent a considerable time interviewing people to get somebody to be an Attorney General and I never could find anybody that suited him. So people, joking or not, claimed that I did such a poor job that I got the job myself.

Laughter

BELL: That may be. I did end up with the job and that's how I became Attorney General. I had a great experience on the bench. It was during the Civil Rights Resolution and it sort of became the focus of my career in a way. The whole Civil Rights Era, I was Governor Vandiver's Chief of Staff and we – he had promised there would be no integration of the schools and after he was elected, but before he took office, the Supreme Court handed down a second – what we call the second Little Rock decision. And in that decision they held that even the threat of violence was no excuse for not integrating the schools. So it became clear to me and to most everyone else that Governor Vandiver couldn't carry out his pledge that there would be no integration. So, the Governor made me Chief of Staff, which is an honorary position, but I tell people it's like being a free lawyer.

Laughter

BELL: So he made me Chairman of a committee of five people to advise him on what we should do about the Brown vs. Board of Education decision and carrying that out. And we went around and talked to Governors and Attorney Generals in other states in the south and even in Virginia, where they had something that had become quite famous called massive resistance. And I had to report to the Governor. No one had a plan to keep following the law. The law is a law

and you have to follow it. And that became a big issue in Georgia politics and I was accused of being a great liberal by people who didn't want to have integration at all and wanted to hold the line and – but finally, I told the Governor that I thought we ought to let the people speak.

And I wrote up a resolution at home on a Sunday night and took it to the Governor the next day – and he didn't know I was doing this – and I let him read it and it was to have these hearings in the Congressional districts to let the people decide if they wanted to keep the school – public schools open or did we want to go out of the school business -- not to put any state money into schools. You couldn't stop local support of schools, but this was state support. And we – he thought well of it, but he said, "This won't work unless we have a very strong Chairman." And he wanted me to find a Chairman. I had it written in a way where every person on it would be – either be appointed by the Governor or the Speaker of the House or the President of the Senate, except some people that had public offices, like head of the Farm Bureau and different organizations. And he said – I said, "Who would you like to be the chairman?" He said, "I would like to have Mr. Hugh Spalding or John Sibley." John Sibley was -- at that time had left King & Spalding and had gone – was head of the SunTrust – the Trust Company Bank, but his office was adjacent to the law firm offices.

So I went to see Mr. Spalding and he said he didn't want to do it because he was a member of the Catholic church and people might think there was something wrong with him, a Catholic, doing this job and he said it would be better for John Sibley to do it. And I said, "Well, I haven't been to see him yet." He said, "Well, let me talk to him before you go." So, then I talked to Mr. Sibley and Mr. Sibley said, "Is this a bona fide error or is this some kind of a dodge somebody

just thought of?" I said, "As far as I know it's bona fide. I'm the one that thought of it." So he said, "Well, I might do it. But the Governor has got to ask me. He's got to come and – I want to talk to him. I want to be sure I know what we're doing." So I got the Governor to go and see him and he agreed to be the Chair person and that turned out to be a very good thing because he was a good Chair -- he was a good Chairman. And they started these hearings; they had ten of them, one in each Congressional district. And Mr. Sibley said he wanted to have the first one in the place where there'd be the most resistance to integrating the school and they picked Americus.

SHORT: *Laughter*

BELL: My home town. And they had one here -- a couple of hearings, and -- oh, I've forgotten where all the hearings were, but they were well attended, and people voiced their opinions. And then there were 21 people on the commission and they voted to keep the schools open even though they had to comply with the law. And there were a good many descents to the majority holding, but that's the way it turned out.

And then based on that, we decided that we had to repeal all the laws that had been passed just a few years earlier when they changed the flag and all those sorts of things -- that those laws couldn't be complied with. So we had to have a session of the legislature – special session – to repeal those laws. So Governor Vandiver called a special session and he addressed the General Assembly on television at night -- which was the first time that it had ever been done -- to

explain the crisis -- what we had to do. And we changed all those laws in a very -- just a few days. And left it up to each community to do what they wanted to do about the schools. And so we -- Atlanta was the first one to have any integration. Finally, the whole state complied and -- and I think we -- I think, looking back on it, it was a very wise thing to do. We had to comply with the law. There was no way around it. And we did it about as well as we could have done it. I think we got way ahead of some of our neighboring brothers and sisters, but we did comply with the law. I think it turned out to be a good thing. I think it cost Ernie his political career; he knew that, but that was beside the point.

And then we had the University of Georgia crisis it really brought it to a head, because at that time he had the power to cut off all funding to the University. And that came up again -- the very same thing -- are we going to follow the law or not. And Ernie had called this famous meeting -- which you probably already know about -- at the mansion. I was there and witnessed it, where he had all his top people, 21 of them, to tell him good-bye, assuming they all would resign in protest because he was going to announce he was not going to close the University -- that he couldn't bring himself to do it. And they started down the line and told -- Mr. Gillis was the first one. He told Mr. Jim Gillis good-bye, thanked him for all he'd done for him. And he's going down the line and finally it hit Frank Twitty, who was the majority leader in the House, and Twitty said, "Well, Governor, don't tell me good-bye, I'm not going anywhere; I'm going to stay with you." And then the next one was Carl Sanders, he was a Senator, and he said the same thing. And the upshot was that not one of them left. They all decided to stay. And that was the before we repealed all the laws. And that whole thing just worked out. It was a wonderful,

wonderful thing to watch it. Also very exciting and exhilarating to see people follow the law. That's one of the problems with the world is there's so many places where the law is not followed. It's a redeeming feature I think, probably, of our country, that we're accustomed to following the law even though it's hard and even though we didn't agree with the Supreme Court decision. And it was something that Congress should have done rather than having the Supreme Court issue an edict; that's where most of the trouble started. Instead of the fifth section of the Fourteenth Amendment being provided, it would be enforced by the Congress, and it never was. The Supreme Court did it, but it's still the law. And the Supremacy Clause in the Constitution makes that clear. Every officer, state or federal, has to take the same oath and that means that the Supreme Court decision was whether the federal statutes are the supreme law of the country.

That's what I was – this brings me into the school desegregation cases. While I was a judge I had to – this happened a lot of times. I had more school kids than any judge has ever had and most of them I was able to work out a compromise with these lawyers. They'd bring their lawyers in, talk with them, and sometimes the school superintendents, and they'd work out their own plans. And only in one or two incidents did we have to do something different. I had to put the school board in Taliaferro County on receivership, and appoint the state school superintendent to run it because the school superintendent was going to fire the court. And it was sort of a test case -- her lawyers wanted us to put her in jail -- it was a woman -- and I had no idea of doing anything like that. And so, I just said, "Well, we'll turn the school board – school system over to a receiver." So, I had to threaten that a time or two but after we did it once

nobody else wanted to be put in that shape. And it worked out pretty well.

We knew that in some of the districts where they had small student bodies and two – just two buildings or four buildings, that the schools would turn black. I had a chart I made over in Mississippi where I had 32 -- I had 32 school districts over there that I was responsible for. I made a chart just to see if – what the tipping point was before the whites would leave to start a private school; it was around 30%. A little above 30 whites would start to leave. So you knew in advance you were getting ready to destroy some public schools. But that was the cost of complying with the law. Everybody was losing something and everybody was gaining something. So, it was just the best way it happened to be and I felt like an administrator. I was not a judge so much as I was an administrator. But it was my duty to do that so I did the best I could. And we had a lot of different kinds of civil rights cases that we heard.

SHORT: Three thousand cases you heard.

BELL: Yeah.

SHORT: Wrote one thousand opinions.

BELL: Yeah, that's right.

SHORT: And most of those were civil rights, weren't they?

BELL: Well, a lot of them were. A lot of them were criminal cases, habeas corpus, that makes for a civil rights cases involving a lot of things besides school.

I remember having a case in Mississippi where they had an appeal in some little town and I said - well let me get this straight now. What was the issue? It's three judges sitting together but each one of us could ask questions. I said, "What started all this?" They'd been parading downtown and they had a injunction against parading and what not. And see, the South had to get use to the First Amendment, that you have the right to assemble and petition your grievances, which -- you march -- you're entitled to police protection when you march. Well, that was a shocking thing to most people to know that was the law. And I asked these lawyers, I'd said, "What started all this ruckus over there in this town in Mississippi?" And they said, "Well, it was the black's fault! They were marching. And I said, "Well, why were they marching?" And he didn't want to give me a direct answer and I asked the lawyers for the blacks what the march was about. I thought it was a school case or something like that. He said, "We were marching to get some street lights and paving and our part of town doesn't have any street lights or paving and where the whites live had all the street lights and paved roads." And that's all -- that's all it was about. I said, "I tell you what we're going -- we not going to hear any more in this case. Go home and get that settled among yourselves and be -- just act fairly." I never heard any more about that case. It went away. Little things like that would happen. That's why I felt like more of an administrator than a judge many times in those cases.

But I learned a lot during that time and after I was in the government -- after I left the Attorney

General's office. During the Reagan administration I was appointed to the commission on South Africa by Secretary Shultz in the State Department and I was sent to Africa – to South Africa to study the court system to see if they could eliminate apartheid through the court system. But I had to report back that they couldn't because they didn't have a constitution. There was nothing to – there's no governing law. The parliament inside there could overrule any judge and the parliament had given all their powers to ten people and the President. So, they could just – and they would be in order to stop any hearings in court, that sort of thing, so there was no way that would have worked out. That was sad to have it be like that, but of course by that time all the whites were wishing they had a constitution. And they would have been better off if they didn't have one. But I knew in some ways about the integration crisis because of my experience in this country. It's why they asked me to go over there and do that.

At any rate, I finally decided that I was 56-years-old and I didn't want to do this judging the rest of my life. The Civil Rights Revolution had essentially ended and we were overrun with criminal cases like we are today where every criminal gets a free lawyer and the lawyer -- now with states even paying lawyers and they've raised all these points of -- every drug dealer wants to claim his rights are being violated in some way and I didn't want to hear any more on those cases. So, I decided I'd rather go back to being a lawyer, and that's what I did. And that's how I came back to this law firm and I've been in this law firm three different times. It's like having a home to go back to in a way. But I came back and then that's when I – President Carter asked me to find an Attorney General; that's how I got started in the Attorney General job, which I like very much. Really, people ask me, "What's the best job you ever had?" And I say, "Being

Attorney General, because you can get something done. You don't have to ask anybody." On the court I had to get the other judges to agree, but there, you just tell people to do things and you get them done. We did a lot of great things.

SHORT: You know, there's one thing I noticed while you were Attorney General -- that's been three decades ago -- you concentrated on white collar crime.

BELL: Yeah.

SHORT: Did you anticipate that type of activity that we've had the last few years?

BELL: I did.

SHORT: You did?

BELL: I did. I thought that was what was going to happen. There's so much opportunity for greed in there -- in the enterprise system and greed will take -- destroy anything and it will destroy a business if you're not careful. And we see -- we're seeing more of that now than we ever have before. And I just thought, there's too much government flowing for it not to have some kind of a problem. Hell, they've taken over healthcare. 20% of the national economy is spent on medicine now. There's no hospital -- there's hardly anything that could operate without

some government money coming in. Same way with farming. Anything you can think of, the government is funding money in. So long as that door's in there somebody's going to take part in it. You know that's going to happen. If it wasn't for the fact that you could be prosecuted, no telling how bad it'd be. So, I foresaw that and I knew that was going to happen.

The other thing that I probably spent a lot of time on was making certain that the litigating capacity of the government is in one place in the Justice Department and not every little agency having lawyers and a way to litigate. That's causing a lot of problems in Georgia now. Back at that time, all of the law enforcement was under the Attorney General. Now every little state agency's got their own lawyers.

SHORT: That's right.

BELL: And I don't know that Attorney General even has control over most of them. That's a very bad thing. Even the colleges now have lawyers. And I don't think that's a good thing. I think all the law enforcement ought to be one place and you ought to know who's in charge so that you can hold that person responsible. And we used to have that in Georgia. But in the federal government it's a fight every day to keep agencies from doing that. They'll create more lawsuits and – but in the federal system, the Attorney General is the last one that has anything to do with litigation. They can't appeal a case without the Attorney General to agree to it -- things like that. And that was very important to get the agencies to understand that and enforce it. And Mike Egan -- you remember Mike Egan, he was a Republican legislature. He was one of my

assistants up there -- one of the top people. That was his job to keep up with that -- the litigating capacity of the justice department, settle disputes with agencies and what not.

SHORT: You also looked at corruption in Congress.

BELL: Oh, yeah, we had -- that's right. Well, that was all forced on me. When I got there it was a -- they were in a bad situation with a South Korean named Tongsun Park, who was supposed to have bribed a lot of Congressmen. And there was an article in the New York Times that he had bribed over 200 members of the House. And Speaker O'Neill asked me to come over and address the House in an off-the-record session about what the truth was. And I did and I looked at -- got all the people that knew something about it and I told them that that was a gross exaggeration, that there was some bribes but if we didn't -- I thought there were less than ten. It turned out to be five. The New York Times said there was 200 -- over 200. Well if that was so we'd had -- the whole government was corrupt. But it wasn't like that. And we got at the bottom of all that. And I finally -- Tongsun Park left the country and went to South Korea and he wanted to come back and I agreed to -- that we might let him come back if he'd take a lie detector test over there to be administered by the FBI. And I sent some FBI agents and a Deputy Attorney General over there to take his deposition to find out what the truth was about how many Congressman he had bribed. And the Deputy Attorney General called me on a scrambler phone from Seoul, Korea, and said that, "We can't get the truth out of him, he's lying." And I said, "Well, just tell him he's lying and tell him he can't come back, that the whole deal's off." They

went back there and told him that and then he decided to tell the truth.

Laughter

BELL: And that's where we got –

SHORT: That's where you got it.

BELL: Got most of the information. We had him – I'd already had him indicted and if he had left there we were going to pick him up in London or Paris -- sort of flying back, and arresting him anyway, but he wouldn't come back!

Laughter

BELL: But we got it all straightened out. But that was a bad thing and there were a few – you know, if you got 400, 500 people in Congress -- 535 -- there are bound to be a few bad eggs. There's a few bad ones in this building!

SHORT: *Laughter*

BELL: Everywhere there's a few! The question is how many – the secret is to hold it down to a

few.

Laughter

SHORT: After your –

BELL: That's what the law is for!

SHORT: After your service as Attorney General you also participated in a lot of investigations.

BELL: Yeah.

SHORT: For corruptions in corporations.

BELL: I did, yeah. I actually made a practice out of it. We have something in the law firm called special matters. That's corporate investigations and representing people in white collar crime situations with the government and we represent a lot of people that get in trouble with the government about contracts and what not. We – and our policy is that if we think they're guilty, we tell them so, and we settle with the government -- pay the government back its tax claim. It works out pretty well. It's become a big business. But I did a lot of corporate investigating. I did the Exxon Valdez grounding investigation, for example. A lot of times you

need to just know what happened. There's so much that – so much speculation. So, it's in the interest of companies to sometimes just bring them outside or find out for sure what happened. So, I've done a lot of that. I've had a very, very interesting career and I've been retired now three years and it's sort of difficult to get out of the mainstream, but I've gotten used to not being in it and I'm certainly enjoying life. But I still keep an office with a secretary, so I know what's going on but I don't do much myself.

SHORT: Your secretary has just reminded us that you have a doctor's appointment.

BELL: I do, yeah.

SHORT: Well let me end this Judge Bell.

BELL: I got 15 more minutes.

SHORT: Oh, you do?

BELL: Yeah.

SHORT: Well, good. Well, let's go right on. Let's go on.

BELL: Yeah. No, well that's – that's a – you ask me some questions now. I've given you sort of a general run down.

SHORT: Well, I would like to ask you a question about your relationship with President Carter while you were in Washington.

BELL: Well, it was very good. President Carter and I don't see eye to eye on politics much now, but then, he was a very good person to work for. He had the right idea about the Justice Department. He told me in advance that he didn't think there ought to be any politics at all in the Justice Department, that he considered it to be a neutral – a place that ought to be neutral. We started calling it a neutral zone in the government. If you think about it, the law has to operate on neutral principles. And if it doesn't then it's -- some outside forces are having an effect, which would not be proper.

And so, with that in mind, I never had to go to a political meeting of any kind. I was never asked to do anything if it had anything to do with politics, and two or three times somebody at the White House would try to influence somebody and I'd put a stop to it immediately. One time I actually got somebody fired from the Justice Department who tried to intercede in a criminal case. And at that time, President Carter asked me to come over and speak to the White House staff about not ever trying to interfere with the Justice Department and then he asked me to make one – to tell them they couldn't interfere with the Defense Department the same way!

Laughter

BELL: So, he had the right idea about the government. He's very sound on how the government ought to operate -- very ethical, and it was a pleasure to work with him.

SHORT: When he was Governor of Georgia he was sort of a hands-on manager.

BELL: Yeah.

SHORT: It sounds like that he left you to run the Justice Department without –

BELL: He did. And I always thought it was because he wasn't a lawyer.

SHORT: *Laughter*

BELL: You know, he'd say even Lester Maddox didn't try to run the judiciary.

SHORT: *Laughter*

BELL: He'd get people to do it. But President Carter let me run it and it was good and I think that's the way the Justice Department has to be run. I was talking to some people this morning

about the Justice Department and we – we were making the point -- the people I was talking to had both at one time been in the Justice Department. It runs well when there's not a politician running it!

SHORT: *Laughter*

BELL: Get a lawyer! Let's get a good lawyer and put him in there, somebody that understands the federal system. You can't just take somebody like -- we see Ms. Reno, who was the state prosecutor in Miami. They don't have a broad enough knowledge to do the job well to begin with. I don't mean to criticize her, but she'd be an example of somebody that wasn't trained. You know, I was trained in the federal judiciary, and so that made it easy for me. But if you just take some politician and put him in there, you're asking for trouble. We shouldn't have that. And the Justice Department ebbs and flows, depending on who the Attorney General is, because it reflects the Attorney General. Although the key people there are career workers and they are – well, I like to compare them to British Civil Servants. Doesn't matter who the people elect, you got this staff that's really professional. And the Justice Department has got walls of people like that. All the lawyers come in under our system, which means they have to be in the top 10% of the classes, and they like it and most of them will just stay there. You'd think they'd come to stay two or three years -- they'd sign up for four years to get in the program. But there's lots of them been there 15, 20 years. That's what makes it a good place. But you still have to have a leader and the top people – the President gets about -- at that time, got about 70

appointments at the Justice Department out of 55,000. And the rest of them have been placed.

But they – they're really the policy makers, the new people.

I remember one time I had to replace a head of the Antitrust Division who didn't want to leave. He said that he wasn't interfering with President Carter's program. He said, "I'm running my own program." I said, "That's the reason you have to leave!"

Laughter)

BELL: You haven't been elected and you're running your own program!

Laughter

BELL: I said, "We have elections in this country, you know."

Laughter

SHORT: You also paid special attention to intelligence –

BELL: Oh yeah.

SHORT: -- at the Attorney General.

BELL: Well, I knew a little bit about intelligence from some court cases, but not much. And I had to study all of that. I became sort of a semi-expert in the field. I mean, I understand Constitutional power of the President, and I'm the one that got the law passed setting up the foreign intelligence surveillance court that we're using now. And I didn't think of that -- the Attorney General leaving, who was an Attorney General under Ford before that, and his main -- he had been President at University of Chicago and he got to Washington right after Watergate and the Senate and the House committees, church committee, and somebody at some committee in the House, they about destroyed the foreign intelligence capacity with their investigations. And he set out to rebuild it.

And he finally -- the Attorney General in the system -- either he or the President, approves all these foreign intelligence operations, like wire tapping and all sorts of things. And General Levi decided that we had to have the imprimatur of the federal courts in some way for the public to have confidence in the system. And he got a bill introduced in the Congress -- which was not passed -- to set up that Foreign Intelligence Surveillance Court and he recommended it to me. I got it passed. And I testified, though, in the House, that that did not take away the President's power. If the President didn't want to follow that he wouldn't have to follow it. Because the President's executive power gives the President the right to operate foreign intelligence like he operates foreign policy. And the authority for that was John Marshall, who, as you know, was a Lieutenant under George Washington and Washington set the government up. And John Marshall, when he was a Secretary of State under John Adams, testified in the House as to the

duty and power of the executive. And one of those powers was to operate the foreign intelligence, which he said has to be done in secret, because – and so, the Supreme Court of the United States in 1936 upheld the opinion and quoted that and held it just saying that it was a law. It is a law now. And despite what the Congressmen argue about it, and what all the pundits have to say -- that is the law. President Carter agreed to use this in foreign intelligence court. And then the Presidents since then have agreed to it. But it got so cumbersome, given the fact of Al-Qaida, when they're make any phone calls, you couldn't into the Justice Department, have an investigation, and get an order from the Attorney General and then the court to listen on the phone. It would be over with.

Laughter

BELL: So, President Carter – President Bush, then, decided the thing to do after 9/11 was to go ahead and on his own order have them listen to these calls that was – if it was coming from an Al-Qaida source into this country. That's what they were doing. And that case is in court now in the Sixth Circuit. And I anticipate they're going to reverse that -- that district court decision in Detroit. If not, the Supreme Court is going to reverse them. The Supreme Court knows this law just as well as I know what it is.

So – but the President in the meanwhile is now -- got to – met with the – had somebody meet with the foreign intelligence court, who are just federal judges appointed on special duty, and one of the first of the seven – I was – I mean I worked with the Chief Justice to set up the court.

One of the first was Bill O'Kelly. He served as one of the judges. And what you do is have a judge on duty 30 days, then another one for 30 days and they sign off on these things. It's not like getting a warrant. They sign an approval or something the Attorney General already approved. And so they've had a meeting obviously. I don't know this but I've got this bulletin from the Attorney General explaining it. That from now the foreign intelligence court is set up some kind of expedited way where you do it fast enough. It got to where it took too long. And they had turned down, you know, an FBI request to look at a computer – at the server on a computer that one of these Al-Qaida types had that actually, I think, was one of the ones that got on the airplane -- blew up the plane. They turned that down because they said it didn't have enough information.

SHORT: Couldn't do anything with it.

BELL: At the Justice Department. And that was one of the big things when they had the 9/11 hearings. They were complaining about one of the members of the commission, who was Jamie Gourielli, who was deputy to Ms. Reno, and they blamed her for turning it down. That was one of the big things that was going on. But there – it's also a secret they wouldn't – you couldn't tell from the newspaper what it was about, but that was – it was about that time that the President decided to – he had to sign these orders so we could listen to those calls. The general public, I'm sure, does not object to listen – to us overhearing a call from somebody in the Al-Qaida organization. But they all wonder how you – they don't want the President do that. You know,

they think, well, the President's got too much power. Well, that's his job under the constitution, unless we don't agree with George Washington and John Marshall and John Adams. *Laughter*

We've got another crowd we're listening to!

SHORT: On the subject of justice -- what rights do these foreigners who come into this country and commit those acts have under our constitution?

BELL: Well that's -- people can't understand why they have any rights. You know, illegal -- illegal aliens even claim rights. But I guess, of course, we're so civilized that we give them some of the rights. But they don't have every right that a citizen has. But they have some rights to due process, for example, that we're not to hold people without having a basis for holding them. Even the prisoners at Guantanamo. I'm on the review panel for those cases, if they ever have one to review. They haven't tried one yet, but they -- they have to -- you've got to be certain you're not holding the wrong person, because it could be a mistake. So they're having military hearings to be sure they've got the right -- that's why they released some of them. And the others they would release but the countries won't take them back -- where they came from. They don't want them. Australia -- there's one Australian down there, you know, and the Prime Minister of Australia said, "We'll be glad to take him back after y'all finished trying him."

Laughter

BELL: They figured they won't ever get him back!

SHORT: *Laughter*

BELL: These are not the most desirable people.

SHORT: Yes, that's true. Well, I want to share with our audience this quote about our guest today, Judge Bell, who I have admired personally over the years for all the great service he's rendered to the state of Georgia. But this is from Chief Justice Warren Burger, who said, "No finer man has ever occupied the Office of Attorney General of the United States or discharged his duty with greater distinction than Griffin Bell. I sit here in awe of you, sir."

BELL: All right. I thank you very much. That shows what a good friend Chief Justice Burger was.

Laughter

BELL: Okay?

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