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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

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THE WHITE HOUSE

BRIEFING BY  
GRIFFIN B. BELL, ATTORNEY GENERAL

THE BRIEFING ROOM

2:30 P.M. EDT

MR. POWELL: As usual, my portion of this is not available for broadcast. I just wanted to give a little explanation of what we have got here for you today. The Attorney General has an announcement with regard to the new FBI Director, which the President has asked him to make. He will make that announcement and whatever statements he has. You have some handouts already.

There will be additional handouts on this subject in the bins as soon as this briefing is over. I am sure the Attorney General will be eager to have your questions once he has concluded his statement.

Q Will you be back, Jody?

MR. POWELL: I really don't have anything to say today.

Q We were going to ask you about tomorrow.

MR. POWELL: That is why I am not coming back. (Laughter)

ATTORNEY GENERAL BELL: President Carter asked me to announce today that he intends to nominate United States District Judge Frank M. Johnson, Montgomery District, Middle District of Alabama, to be the Director of the FBI. He is at Camp David, as you know, so he asked me to make the announcement.

The appointment is the President's. He asked me to recommend someone. I did recommend Judge Johnson to him on Monday of this week and he accepted the recommendation on Monday.

I met with Judge Johnson on Sunday in Newnan, Georgia, in a dining room of the Holiday Inn -- where neither one of us was recognized -- for two hours to discuss the Bureau and what his aspirations were for the Bureau, what his views were about the Bureau, and came to the conclusion that he would be just the type person they need as a new leader of the Bureau. He met all of the qualifications that were set out in the profile that Mr. Evan Shapiro had prepared for use by the committee.

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We have a letter from Mr. Shapiro setting out those qualifications that he prepared before the work of the committee started. Mr. Shapiro has asked me to say that he considers Judge Johnson to meet every one of these essentials in the profile.

In addition to what he said, I had one other that I was applying. I wanted to find someone who the Bureau, in particular the young people in the Bureau, would think was a complement to them, someone they would feel honored to have as a leader. I think Judge Johnson is that sort of a person.

The committee headed by Mr. Shapiro did a great public service in the hard work they did in interviewing many people. They put in many long hours and they were able to set a standard, which helped me a great deal in making a selection.

This is a very important appointment to me. I don't think I would be called on to recommend anyone for a position of anymore importance. It took a long time and I had a hard time making my mind up.

The President talked to Judge Johnson last December about this very job. Judge Johnson didn't feel that he should leave the bench at that time for several reasons. I later talked to Judge Johnson about being the deputy. I talked to him on more than one occasion. He was still of the same view that he shouldn't leave the bench, that it was a big decision, big step.

He had a serious personal problem at the time. His mother was living in a home in Montgomery and had nurses around the clock. He was advised that it would not be well to move her. She has since been moved to a nursing home in York, Alabama, where Judge Johnson's sister lives. She is in a stabilized condition, so that removed that problem.

His other problem was that it came something of a shock to him to think that he would leave the Federal bench and give up his position which he had for life and from which he would receive the pay of a judge for life. That bothered him some, and just the idea of leaving the bench and coming here to Washington was a decision that he wanted to think about, I am sure.

Some two or three weeks ago -- I can't be sure about the date -- I received some information that led me to believe that he thought maybe he had made a mistake in not allowing his name to be considered to be head of the Bureau. After last Monday in Chicago, Monday a week ago, I said I was going off the list. I discussed Judge Johnson with the President. He authorized me to go off the list. On last Thursday I had someone call Judge Johnson to make certain that he was interested and to agree to meet me somewhere. That was on Thursday and that is when we agreed to meet in Newnan, Georgia,

last Sunday afternoon at 3:00 o'clock.

I am grateful to the Shapiro Committee for the work they did. I feel confident that we have given more consideration to this appointment than has been given to most any appointment in recent times in our country. I think we have made the right choice.

With that, I will answer questions, if I can.

Q Judge Bell, have you worked on any particular plan to try and get around the loss of pension for Judge Johnson, or do you contemplate asking for special legislation to this effect?

ATTORNEY GENERAL BELL: No, I do not. He is in the same shape as Judge McCree is, who is a Solicitor General. When you leave the bench and go into another part of the Government, after you serve one year in the new job, you tack on the years that you served on the bench, onto a regular Civil Service pension. So assuming he serves a year -- and he assures me he is going to serve ten -- he will tack on those years, 22 years as a District Judge, three years as a District Attorney, and 3 years in the Infantry in World War II, which would give him something over half the pension he has now. He is willing to do that and Judge McCree was willing to do that.

Q Who will control the FBI between now and January? Mr. Kelley?

ATTORNEY GENERAL BELL: Oh, Director Kelley. I failed to tell you. The arrangement I have is Director Kelley will stay in until he retires on January 1. This is the time he chose to retire. Judge Johnson will move over into the FBI once he is confirmed, assuming confirmation.

He will use my office over there where he will have about two months to study the Bureau and get prepared to take over his new position on January 1. This morning I met with Director Kelley and 14 of the top people in the Bureau -- I believe they call it the Council -- at 8:00 o'clock and went over all this with them and it is all set.

I think it would be a great advantage for Judge Johnson to be able to have that two months to prepare himself for his new position.

Yes, sir?

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Q General, what caused Mr. Johnson to change his mind or what did the Administration promise him to make him change his mind?

ATTORNEY GENERAL BELL: We didn't promise him anything at all. He changed his mind of his own volition. I will have to use his words. He said he has been thinking about it since December, January, and he thought he had made a mistake. I said, "Did you think you made a mistake not taking a deputy?" Somebody asked me today why he didn't take the Deputy Attorney Generalship. He said, "No, I made a mistake not being considered for head of the Bureau where I could be the number one person in charge of the Bureau and where I would get the credit for the good things that I do and the criticism for things I don't do," and that it was a job that is sort of cut out for him.

He made his own mind up, apparently, and he told me Sunday -- that is the first thing I asked him, because I wanted to be certain that he was of serious bent of mind -- he said he just made a mistake, that he thought this was a new challenge, something that he thought he had been trained to do, and that he thought it was a job that he could do and do well and that he felt that it was a call to a new kind of public service and he was ready.

Q Judge Bell, that wouldn't have taken several hours to discuss there at the Holiday Inn. Whatever your discussion was, would you say that it rules out any possibility of Judge Johnson returning to the bench, the Federal bench in the future?

ATTORNEY GENERAL BELL: All I can say is that Judge Johnson thinks that he can do the job as head of the Bureau. I said now we don't want somebody to stay two or three years, four or five years. We want somebody committed to the ten years. He said, "I am committed to the ten years." That is the arrangement we have, and that is the understanding we have.

Q Would it surprise you if three, four, five years down the line he were nominated to the Supreme Court of the United States or the appellate bench?

ATTORNEY GENERAL BELL: It would surprise me. It would shock me.

Q Is that beyond the contemplation of the parties?

ATTORNEY GENERAL BELL: Exactly. The contemplation of the parties is that he is going to serve as head of the Bureau for ten years. I want to get a leader for the Bureau who is going to be there for a long time and who will stabilize the Bureau and make it better than it is, and it is a good organization now.

Q So, there are no side deals?

ATTORNEY GENERAL BELL: No side deals.

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Q Is he going to have an input into the naming of his successor?

ATTORNEY GENERAL BELL: Successor? (Laughter) We didn't discuss that. I don't know where I will be ten years from now.

Q I don't mean that. I mean on the Federal bench in the middle district of Alabama. (Laughter)

ATTORNEY GENERAL BELL: Oh, no, he will not have anything to do with that.

Q He didn't have a recommendation for you?

ATTORNEY GENERAL BELL: Not at all. No, he wouldn't think of doing that. That would be highly unusual for a judge to try to name a successor. I haven't heard of that being done successfully anywhere.

Q Could you tell me, sir, how did you get to know that Judge Johnson was interested now?

ATTORNEY GENERAL BELL: I have someone working in my office who was a law clerk for Judge Johnson. She really works on the staff of Mike Eagan. She told me that she thought he had been having second thoughts about it. I told her not to say anything about it. I thanked her and I thought about it a while. Nobody in the Justice Department knew anything about it. Then, I think maybe within the last two weeks, I mentioned it to the President.

Q Do you think that the fact that Governor Wallace will not run for reelection or cannot run for reelection -- do you think he considers his work in Alabama has now wound up? (Laughter)

ATTORNEY GENERAL BELL: No, I don't think that. I talked with Governor Wallace this morning. He has a very high regard for Judge Johnson. (Laughter) He says it is well-known we have been political enemies. But he is a man of great integrity and great ability. If you doubt that, you can ask Governor Wallace. This is not the first time Governor Wallace has said something nice about Judge Johnson. As long as six months ago he said something nice about him. (Laughter)

Q Did you discuss with Judge Johnson the status of the Department's investigation of the FBI intelligence gathering tactics, and what concerns did he express about that?

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ATTORNEY GENERAL BELL: I mentioned it to him. I told him I would continue to handle it; not only the break-in, so-called break-in case, but one or two other matters we have, and I would not want Judge Johnson to have to assume responsibility for that.

As a matter of fact, he couldn't until January 1. This is just August. I don't propose to live with these things the rest of my life.

I am going to dispose of most of them myself.

Q What kind of changes do you and the President think the FBI needs right now?

ATTORNEY GENERAL BELL: I really don't know the answer to that. I don't want to prejudge the FBI or pre-empt Judge Johnson. He is going to be the Director of the FBI. My position about the FBI is I do not manage it. I have my relationship with the Director. I set policy, but the managerial function of the FBI is up to the Director. I would expect him to look into that.

Q Judge Bell, did you discuss with him some directions you might be giving him in terms of intelligence gathering by the FBI, did you reach some sort of agreement?

ATTORNEY GENERAL BELL: No, I didn't have time. I was only there two hours and I don't believe I could teach him the intelligence phase of the FBI in two hours. It has taken me some weeks at least to learn it, if I know it now.

Q What mostly did you talk about?

ATTORNEY GENERAL BELL: We talked about him being the Director.

Q Two hours' worth?

ATTORNEY GENERAL BELL: First I asked if he was serious and just what I have been telling you. I looked at my watch and it was almost two hours that passed by. We are friends. I guess we talked about some other things.

Q How do you look upon his prospects of getting a Senate confirmation before the committee where you seemed yourself sometimes to have a rocky road?

ATTORNEY GENERAL BELL: I think he is held in much higher regard than I am. (Laughter)

I have talked to 21 Senators already about Judge Johnson today and one late yesterday afternoon. I have talked to 10 Members of the House who have a lot to do with the Justice Department, the FBI, including the Speaker.

Mr. Moore has talked to others. I think it looks good. I wouldn't want to say what the Senate would do until they have a hearing. I am sure they will have a thorough hearing.

Q Would it be fair to say that Judge Johnson was the Administration's first choice, or has been the first choice all the way along?

ATTORNEY GENERAL BELL: It was the Administration's first choice last December. But after he took his name out, of course he has not been in it; particularly after he took his name out for the deputy's job. I have not really thought of Judge Johnson anymore because I didn't know he was a viable candidate.

Q As a follow-up, Judge Bell, as a follow-up to the pension, is it a salary increase or decrease, or what is his salary?

ATTORNEY GENERAL BELL: I think it is a \$2,500 salary increase; I believe it is. The FBI Director, I believe, is a Level 2, which is the same as a circuit judge or a Congressman. I believe it is \$2,500 or \$2,600 more.

Q Judge Bell?

ATTORNEY GENERAL BELL: This man back here who had his hand up.

Q Could I have a question on the Panama Canal treaty?

ATTORNEY GENERAL BELL: No, sir, I am not in that business. (Laughter) I have got problems of my own.

Q You are trying not to pre-empt what he may choose to do in his new job, but aren't there some areas of improvement that you are hoping for at the FBI, some things you would like to see, your choice, accomplished?

ATTORNEY GENERAL BELL: Surely. I have been in the Bureau a lot. I have been in many offices over the country. I know a good deal about the Bureau. But as I say, I don't want to lay out a plan right now. I would rather wait and talk to Judge Johnson about it. The first thing I want to do is to do everything I can to help Judge Johnson be confirmed. Then I want to get him set up so he will have a period of study. During that time I will talk to him some about the Bureau.

Q In one other way, what do you hope he could accomplish?

ATTORNEY GENERAL BELL: I would hope the American people will think we have a good head of the Bureau. I hope

the men and women in the Bureau will be proud of their leader. I hope that he is a good manager. I know he is a man of the law. So I know that won't be a problem. I hope that as we develop our new plan on what to do about organized crime, how to eradicate the drug problem in this country, what to do about fraud against the Government and the big things we have in mind now, that he will fit all those things together and we will be able to do a better job than we are doing now.

Q Sir, you mentioned organized crime which is sometimes called the rackets, or the mob. A great many Americans wonder why it has never been able to break the power of the mob. By any chance did you and the Judge discuss any ideas which you all might have which would be newly creative directed towards this factor of trying to eradicate the power, the tremendous network of the mob?

ATTORNEY GENERAL BELL: We talked about that. I told him we were working on a plan and that pleased him very much. He is anxious to get into the planning.

Q Judge Bell?

ATTORNEY GENERAL BELL: He looks forward to that.

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Q Judge Bell, in the DOJ report that went out under your signature on the section on the FBI there was listed as the prime national security risk, violence prone organizations, et cetera, the National Caucus Labor Committee. Some recent press investigations of that indicated that is fallacious and it is extremely harmful for an organization to be so listed.

I just have two questions. First of all, on what was that determination based --

ATTORNEY GENERAL BELL: I don't know. I don't want to get into that. I came here to announce Judge Johnson's appointment. I don't want to get into a wide-ranging investigation of the Bureau until I can be briefed on it.

Q Let me ask one quick thing in relation to the same thing. We have been told that the Department of Justice is now reviewing that designation. Can you tell us when that will be completed and if it will be made public?

ATTORNEY GENERAL BELL: I can't tell you.

Anything else on Judge Johnson?

Q Did you consult with any member of the FBI -- did you run his name passed any FBI people, Judge Bell?

ATTORNEY GENERAL BELL: I did not. I had a meeting this morning with the top council in the FBI and just made a judgment --

Q Mr. Mintz?

ATTORNEY GENERAL BELL: No, I didn't run it by anyone. But Mr. Mintz was at the meeting this morning.

Q Is there going to be an FBI field check on him?

ATTORNEY GENERAL BELL: There is one being made now and he has been checked twice by the FBI. But they are checking him right now updating it.

Q Since this matter was reopened with Judge Johnson by you, has he talked to the President at any time, either in person or on the phone?

ATTORNEY GENERAL BELL: He has not talked to him, unless the President may have talked to him today. I don't know what is in the President's mind, and I am not at Camp David. But to my knowledge, he has not talked to him.

Q He did not talk to him between the time you reopened the matter with him and he accepted the new offer of the position, and he had accepted it?

ATTORNEY GENERAL BELL: He did not.

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Q I want to make this perfectly clear, Judge. Is it possible we would not be here at this moment except for the chance mentioned by the secretary of her hunch that the Judge was thinking of changing his mind?

ATTORNEY GENERAL BELL: It was not a secretary. It was a young lawyer.

Q All right. (Laughter)

Q Is it still true this has come about as a matter of chance or would the event have occurred without that mention?

ATTORNEY GENERAL BELL: It would not have occurred. That is the way it started. That is all there was to it, unless somebody else had told me. But this is the only person that had mentioned it to me. That is it. All right, sir?

Q A moment ago you mentioned you talked to Governor Wallace this morning but you didn't say whether he indicated to you if he would oppose the nomination or not.

ATTORNEY GENERAL BELL: He will not oppose it. I have not talked to anybody myself that is against this. There are some people that don't know Judge Johnson, but not many. Most everybody seems to know him. A lot of people want to see him. You know, the Senate has to see people and talk to him in advance and then they will have a hearing. I don't know how it will turn out. I was making courtesy calls. I was not trying to get votes. I made a lot of calls. I am about called out, to tell you the truth.

Q You mentioned administrative ability as one of your criteria. Is there anything in the 22 years that encourages you that he has the ability to take on this Bureau?

ATTORNEY GENERAL BELL: That is a good question and one the President asked me. What I can say about Judge Johnson is he knows how to run a complex case as a trial judge. I have personally been in his court. I know how he has it, the clerk office organized, the bankruptcy courts, and the efficiency rate of his court is one of the highest in the Nation.

That doesn't mean he knows how to run General Motors, duPont -- I was reluctant to say this to the President. I could have said, "How did you know I could run anything?" He probably would have said to me, "Well, you can't, I have already found out." (Laughter)

So I didn't say that. I didn't use my best argument. But we don't know that. He was an infantry officer in World War II. Ordinarily that would help you on something of basic organization.

Q How is morale at the FBI these days?

ATTORNEY GENERAL BELL: Some people say it is high. Some people say it is low. (Laughter)

Q You said you have been traveling around --

ATTORNEY GENERAL BELL: I agree with those who say it is high. But I think there are morale problems, yes. I have traveled around. I have spoken to the FBI in Seattle, San Francisco, San Diego, Atlanta, Minneapolis, New Orleans, perhaps other places. They have asked me questions. I say there are some morale problems.

Q Why?

ATTORNEY GENERAL BELL: They don't know what the law is for sure. They don't have a charter. They are worried about the indictment. They are particularly worried about the civil suits breaking out all over the country against them. That would worry me.

I must say my morale would be low if I had that facing me. But I have been sued so much that I am used to it now. (Laughter) I am sued most every day.

Q Do you think the morale will be improved by having an outsider come in or would it have been better to have someone from inside the Bureau?

ATTORNEY GENERAL BELL: I don't know the answer to that question. I thought about it long and hard. I vacillated between the inside and outside. I finally came to the conclusion that aside from someone who is in the Bureau or who had been in the Bureau, Judge Johnson had the nearest training that I could find. He is a former U.S. Attorney. He has been 22 years sitting on the district bench seeing the FBI, seeing what they do and how they operate. I would say his training is almost tantamount to what one would learn in the Bureau, plus he has this extra training of law and judging.

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Q Judge Bell, what is the name of the aide who brought you in touch with Judge Johnson?

ATTORNEY GENERAL BELL: Frances Green. We call her Kelly, Kelly Green. I don't know why we call her Kelly. (Laughter) I think her name is Frances S. Green. Before you make some big thing out of that, she is originally from Georgia.

Q With an "e", sir?

ATTORNEY GENERAL BELL: But she practiced law in Washington.

Q With or without an "e", sir?

ATTORNEY GENERAL BELL: I think it is without.

Q Do you have any consideration of a possible indictment of present or former FBI officials?

ATTORNEY GENERAL BELL: I don't want to get into that today. I will have a press conference over in the Justice Department about that. I am trying to just hold now to the Johnson appointment.

Q Isn't this an issue that relates directly to a new director coming in?

ATTORNEY GENERAL BELL: I don't think so. I am trying to run that myself. It is in the Justice Department, not in the Bureau.

Q Did you personally call the four men selected by the search committee and tell them of your choice of Judge Johnson?

ATTORNEY GENERAL BELL: Yes. I called all four of them this morning and I called Chairman Shapiro of the committee. I had someone call the other people on the committee. I talked to Mr. Van de Kamp, Judge Irwin, Sheriff Lucas, and Special Agent in Charge Welch this morning.

Q Did you discuss with Judge Johnson whether there would be future indictments of FBI personnel?

ATTORNEY GENERAL BELL: No.

Q That didn't come up?

ATTORNEY GENERAL BELL: It came up, yes. But I am running that. I don't need to talk to Judge Johnson about that.

Q But you discussed it with him?

ATTORNEY GENERAL BELL: I told him about that.

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He asked me about it, how it was coming. He also asked me about the civil suits; he said he read the speech I made in Chicago where I said that the Government ought to be substituted as a party defendant in all these cases with an action over against the Government employee if he were negligent or had done something illegal. He thought that was good.

Q Did he express a personal view about further indictments of FBI personnel?

ATTORNEY GENERAL BELL: He did not because it would not have been proper for him to do it. We were not getting into that right then. He knows I am running that part of the case. If you have got somebody else to run it, I wish they would take it, but I can't escape; I am having to run that.

MR. POWELL: If we have any more questions on the nomination, fine. If not, we will terminate it.

Q When he asked you how the indictments were coming, what was your answer; did you give him a time frame?

ATTORNEY GENERAL BELL: No. I really didn't. I will have a press conference on that at the Justice Department. We are trying to stay on Judge Johnson.

Q Was the Bureau committee upset that all that time was spent and one of their candidates wasn't picked?

ATTORNEY GENERAL BELL: No, Mr. Shapiro was quite pleased with the selection. He recognized that he had set a standard. He said he had gotten a profile out and read it, Judge Johnson met it precisely. He authorized me to say that and to release the profile.

I have not talked to other people on the committee. There is at least one in the room here.

Q Will we have copies of Mr. Shapiro's --

ATTORNEY GENERAL BELL: Yes, copies are here.

THE PRESS: Thank you.

ATTORNEY GENERAL BELL: Thank you.

MR. POWELL: The copies of that letter are in the bin for you. Why don't we go ahead and end this thing so you can go ahead and file. You can pick up the copies of information available to you. I don't have anything at all to announce. I am not going to deal with questions about tomorrow, as it is also euphemistically put -- tomorrow, today. I will be available this afternoon. If you have got something for me, just stick your head in.

Let me say, just for your informational purposes only, that we also, I think, have for you in the bin copies of former Secretary of State Kissinger's statement on the Panama Canal. That has already been released earlier today. It is either back there or will be back there very shortly. That is just for your information.

END (AT 3:00 P.M. EDT)