

1 UNITED STATES OF AMERICA

2 DEPARTMENT OF JUSTICE

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5
6
7 AN ADDRESS BY

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

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11
12 AT THE BANQUET IN HONOR OF

13 JUDGE LEWIS R. MORGAN

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20 FRIDAY, OCTOBER 20, 1978
21 UNIVERSITY OF GEORGIA LAW SCHOOL
22 ATHENS, GEORGIA
23
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P R O C E E D I N G S

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2 CHAIRMAN: This afternoon we learned a great deal
3 about the Judge's judicial philosophy, and his approach to
4 the art of judging. Tonight we're going to hear from a
5 current and former colleague on the Court.

6 Now, the Georgia Law School is very proud to number
7 Lewis R. Morgan among its graduates. He graduated from this
8 institution in 1935. In 1957, he served as President of a
9 fledgling law school association which had been formed only
10 five years earlier. In 1969 he was named to the Law School's
11 Board of Visitors, a group advisory to the State Board of
12 Regents.

13 In 1974, Judge Morgan was presented by the Law
14 School Association with the Distinguished Alumnus Award. As
15 I recall the Law School Association luncheon that day, we
16 were all very excited, not only because of the award for
17 Judge Morgan, but because we thought we had a candidate for
18 President as the Law Day speaker, and in attendance at the
19 luncheon. That speaker was Teddy Kennedy.

20 The other speaker that day was a Governor named
21 Jimmy Carter.

22 During his career on the Federal bench, Judge
23 Morgan has maintained a great interest in the Law School and
24 its growth and progress. One-half of his law clerks have
25 been Georgia Law graduates. He has helped many a young

1 faculty member mature by appointing them to represent indi-
2 gents, appealing their convictions to the Fifth Circuit.

3 Judge Morgan is one alumnus that has contributed
4 greatly to the progress of his alma mater, and we who today
5 share the benefits of his many contributions genuinely appre-
6 ciate it, Judge.

7 (General applause)

8 CHAIRMAN: At this time I'd like to introduce this
9 the current Secretary of the Law School Association; he's
10 held that job for 21 years. He's a 1949 graduate of the Law
11 School, and also happens to be Mayor of the City of Athens.

12 The Honorable Upshaw Bentley.

13 (General applause)

14 MAYOR BENTLEY: Thank you, Raf, distinguished head
15 table guests, ladies and gentlemen.

16 This is a real tribute and honor for the City of
17 Athens, to participate in this ceremony honoring Judge
18 Morgan, and I would like to read to you at this time the
19 following proclamation:

20 "Whereas: The United States Court of Appeals
21 for the Fifth Circuit has established a reputation of
22 excellence in the Federal judicial system, and Whereas:
23 that reputation has been a product of its members' com-
24 passionate and unyielding dedication to the highest
25 ideals of American law, and Whereas: the distinguished

1 jurists of the Fifth Circuit have brought that Court to
 2 its current preeminence, Whereas: Judge Lewis Render
 3 Morgan has well earned a place in the ranks of the Fifth
 4 Circuit's senior Judges, by virtue of the intelligence,
 5 courage and good will that have characterized his ser-
 6 vice on the bench; Whereas Judge Morgan's career accom-
 7 plishments have brought honor to his beloved alma mater,
 8 the University of Georgia School of Law,

9 Now, therefore, I, Upshaw Bentley, Junior,
 10 Mayor of the City of Athens, Georgia, do hereby proclaim
 11 October the 20th, 1978: Judge Lewis Render Morgan Day.

12 In witness whereof, I have hereunto set my
 13 hand and caused the Seal of the Mayor and Council of
 14 the City of Athens to be affixed this 20th day of
 15 October, 1978."

16 In addition to that, I have in my hand a key to
 17 the city, Judge Morgan, so I present to you this proclamation
 18 and the key to the city.

19 (General applause)

20 CHAIRMAN: I told the Judge that he couldn't
 21 respond until the very end.

22 I'll not introduce all of the head table at this
 23 time, but I would like to take a moment to introduce the
 24 wives of those who will speak to you during the evening.
 25 They're probably the most important ones here anyway.

1 (Introductions)

2 CHAIRMAN: Chief Judge John R. Brown traveled from
3 Houston to be here tonight. He has served on the Fifth
4 Circuit since 1955, when he was appointed to that position
5 by President Eisenhower. He has been Chief Judge since 1967.

6 Judge Brown is a native of Nebraska. He earned
7 his law degree, however, at the University of Michigan, where
8 he was nominated for membership in the Order of the Coif.

9 It's a great privilege for us to welcome you,
10 Judge Brown, and I'd like for you to come forward and make
11 a few remarks.

12 CHIEF JUDGE BROWN: Well, I'll tell you one thing.
13 I'm intimidated, because this outline of the program says:

14 "Judge Brown will speak eight to ten minutes."

15 Well, anybody who knows me knows that's impossible!
16 But given your schedule for 15 to 18 minutes, I'm sure that's
17 going to be equally impossible. So we won't get out too
18 early.

19 One little piece of business: I've been asked to
20 remind all of my colleagues on the Fifth Circuit, if you
21 will meet over here in this corner after this session breaks
22 up, somebody wants to take a photograph, maybe to find out
23 how were we going to decide a case -- anyway, we're supposed
24 to be there.

25 These things can get awfully funereal. I sat there

1 this afternoon while all these wonderful things were being
2 said by -- about Judge Morgan, and I thought about the man
3 who crawled out of his grave on Judgment Day, and he looked
4 up at the epitaph, and he was absolutely startled, and he
5 says:

6 "Somebody is an awful liar, or I'm in the
7 wrong hole!"

8 So I wrote an article about Judge Bell, and I
9 quoted from the article in the Yale Law Journal about eulogies
10 to dead judges. Well, dead judges are easier to write about
11 than live judges, because we know what live judges do and
12 don't do, but no dead judge ever wrote anything but the most
13 brilliant, scintillating opinions, right to the point and
14 scholarly. For us living people, we don't do so well.

15 But it's good that you honor Judge Morgan, and
16 incidentally bring nearly -- I think four of the active
17 Judges of the Fifth Circuit are not here tonight, and I can
18 express for them their great disappointment in not being able
19 to be here, because judges need some recognition.

20 I thought when I got to be appointed a Federal
21 Judge that everybody would recognize me for what I am. I
22 found that I had to stand in line to get an airplane ticket,
23 or a theater ticket, and it was not until -- well, two events:
24 walking across Lafayette Square, which is right by our new
25 old Courthouse in New Orleans. It's inhabited largely by

1 winos , and I'm very sympathetic to them because I am one!

2 (General laughter)

3 And this fellow came up to me -- the worst crime
4 you can do is to water somebody's wine during the night --
5 he came up to me, and he says:

6 "Judge, could you let me have a dime?"

7 I said:

8 "Man, you're the first person who's recognized
9 me for what I am. Here's a dollar!"

10 Well, we got some recognition from one of my great
11 benefactors, and we're going to get around -- I've got to
12 tell you about -- on the contributions Judge Morgan has made
13 to the Fifth Circuit. I will do that if I can remember it.

14 Well, anyway, one of the most informative people
15 is Miss Abbey. I got acquainted with Miss Abby through a
16 little thing in the Times Picayune or the State's item in
17 New Orleans. It says:

18 "Dear Abby: My boyfriend is 13 and I am 14.

19 He always wants to bite my ears. What does he mean?

20 Signed: Ears."

21 "Dear Ears: He is either teething, or he
22 wants to know you better."

23 I had to tell you that because here, recently --
24 and this is very important for -- what? Nearly 11 Circuit
25 Judges of the Fifth Circuit and one Senior Judge, because we

1 need recognition. Dear Abby had this in her column:

2 "In a recent column, you referred to the com-
3 plaint of a wife that her husband had made love to her
4 exactly five times since January 1st, 1970. As I recall,
5 the wife signed herself 'Practically untouched in Tulsa.'

6 "You advised her to see a lawyer. I am sure
7 that many lawyers around the country were flattered by
8 your recommendation. But you would have earned the un-
9 dying gratitude of the nation's judges had you suggested
10 instead that she see a judge, since their social con-
11 tacts are considerably more limited than those of the
12 lawyers."

13 So I'm glad to be here; all the other Judges are
14 glad to be here.

15 Well, in a biracial meeting in Austin, Texas, some
16 years back, this Negro minister was talking about then-
17 Governor Connally, and he said:

18 "Well, I should also talk about this good
19 woman..."

20 and he was referring to Governor Connally's beautiful wife,
21 and he says:

22 "You know, behind every man is a good woman,
23 and if there is not a good woman behind a good man,
24 there is no telling what a good man is behind."

25 Well, Pete, it's wonderful to be here with you.

1 The first time I met Judge Morgan was across the
2 bench, and he came up from LaGrange, Georgia, to represent
3 the people who had had a small dress shop that had been
4 burned down, and his unworthy opponent would accuse these
5 people of setting fire to it.

6 Well, we decided that the jury could find that the
7 house that had been burned down had really not been burned
8 down, but we did take away your attorney's fees. You've been
9 trying to get them back ever since.

10 The one serious thing I want to say is the great
11 contributions Judge Morgan has made to us in terms of admin-
12 istrative responsibilities. As the Chief Judge, I have the
13 nominal responsibility of assigning Judges, but for years
14 it has been done by a committee of which Judge Morgan was the
15 Chairman; it's not an easy task -- we have Judges who want to
16 go here, they want to go there, they don't want to go here,
17 they want to be off, some grandchild's going to get married --
18 things of that kind, and he's done a tremendous job for us
19 in keeping the Court manned and operating.

20 We're going to miss you very much, but one thing
21 we found: we know your initials, and we can put you on there.
22 So as somebody said this afternoon at those ceremonies, we
23 expect to see you around for a good deal.

24 (General applause)

25 I just think we ought to leave -- since this after-

1 noon we did -- we got some learning about what Judge Morgan
2 had written, then I thought you ought to see how Judges
3 tried to be intelligent, and this is a -- I'm going to present
4 it in a kind of either an ascending or descending scale.

5 Now, they didn't attribute any of these to Judge
6 Morgan, but some of them could have been.

7 In a case called "State Against Edwards" in the
8 Supreme Court of Washington, they said this:

9 "Tides which are lower than lower-low, and
10 therefore lower than mean lower-low, occur at certain
11 seasons and are called 'extreme low tides.'"

12 Well, not to be outdone, the Supreme Court of
13 Arizona, in a case called "~~Blackman~~ Against the State" the
14 trial court admitted evidence that a witness could find no
15 hair on a blood spot. The defendant appealed, claiming that
16 this evidence was wholly negative, and that its admission
17 was error.

18 In disposing of this contention, the Court said:

19 "This, nobody would buy: 'Positive testimony
20 is entitled to more weight than negative testimony, but
21 by the latter term is meant negative testimony in its
22 true sense and not positive evidence of a negative,
23 because testimony in support of the negative may be as
24 positive as that in support of an affirmative.'"

25 This is the sort of gems we're going to miss at the

1 hands of Judge Morgan.

2 And finally, because our senior-most Judge from
3 the State of Mississippi was its distinguished former
4 Governor, a Supreme Court Justice, County Attorney, Attorney
5 General -- whatever you had in Mississippi, I think we ought
6 to compare what we do with the Supreme Court of Mississippi.

7 In "Pillars Against R. J. Reynolds Tobacco Company"
8 -- it's in 117 Mississippi 490, if you law clerks want to
9 write that down. The Court said this -- oh, what had hap-
10 pened, they had found some human toes in chewing tobacco,
11 and the Court said, and I quote now:

12 "We can imagine no reason why, with ordinary
13 care, human toes could not be left out of chewing
14 tobacco."

15 and then they proceeded to say:

16 "And if toes are found in chewing tobacco,
17 it seems to us that somebody has been very careless."

18 So, Pete, I think -- I hope you don't mind a little
19 laughter tonight. It's been wonderful to be with you; you're
20 not going to be gone, I can tell you that. We're going to
21 see you a great deal.

22 He's been a great Judge, he's a great man, and as
23 Homer Thornberry said this afternoon, he's a great friend of
24 ours, and I am just delighted to be here.

25 Thank you all.

1 (General applause)

2 CHAIRMAN: At this time I'm going to ask Bob
3 Rhinehart, Tifton, the Chairman of our Board of Visitors, to
4 make a presentation.

5 MR. RHINEHART: Thank you, Dean.

6 It's not uncommon for a school to have loyal
7 alumni, it's not uncommon for a good school to have prominent
8 alumni; but sometimes it seems that there's a scarcity of
9 loyal, prominent alumni.

10 Because Judge Morgan has combined these two fine
11 characteristics, as Chairman of the Board of Visitors, we're
12 pleased and honored to honor Judge Morgan, and I'll read
13 this plaque:

14 "To Judge Lewis Render Morgan, United States
15 Court of Appeals for the Fifth Circuit, for your unre-
16 lenting dedication to the highest ideals in the law
17 during a distinguished career of service on the Federal
18 Bench, Judge Morgan Day, October 20, 1978."

19 I have signed it for the Board of Visitors and
20 Dean Beard has signed it for the faculty, students and alumni
21 of the University of Georgia School of Law.

22 (General applause)

23 CHAIRMAN: Fred C. Davidson, the President of the
24 University of Georgia, will introduce our speaker.

25 PRESIDENT DAVIDSON: Thank you, Ralph, and disting-

1 uished head table guests, ladies and gentlemen. Before I
2 introduce the speaker, I would like to add my welcome to
3 each of you on this great occasion.

4 Judge, you have to know that a University judges
5 its own accomplishments by many ways; certainly, one of the
6 best ways is by its graduates, and in that light, you're one
7 of the real stars in what this institution is all about, and
8 we do appreciate you.

9 I would like also to --

10 (General applause)

11 -- to tell everyone in the room that we are happy
12 to have you here on this occasion, and that I want each of
13 you to know that we consider all of you to be a part of this
14 University family, and we extend an invitation to you to come
15 back to see us as often as you can.

16 Now, it's my great pleasure to introduce our
17 featured speaker. He's known and he's respected by all of
18 us, and we're extremely pleased that he's with us this
19 evening.

20 Griffin Bell became the 72nd Attorney General of
21 the United States on January 26th, 1977, when the oath of
22 office was administered by Supreme Court Chief Justice
23 Warren Burger.

24 Judge Bell, as he's called by most of us, has had
25 a long and distinguished career prior to his assumption of

1 this high office. He served on the United States Court of
2 Appeals for the Fifth Circuit from 1961 to 1976.

3 Upon resigning his Federal Judgeship after those
4 15 years of service, as a colleague of Judge Morgan, the
5 Attorney General turned to law practice as a senior partner
6 with the firm of King and Spalding in Atlanta. He had
7 previously practiced law with that firm for eight years before
8 his appointment to the Federal Bench.

9 He was born in Americus, Georgia. He attended
10 Georgia Southwestern College, and he graduated from Mercer
11 University Law School cum laude in 1948.

12 Before law school, he spent five years in the
13 United States Army in World War II, attaining the rank of
14 major.

15 His legal and civic careers have brought him con-
16 siderable and well-deserved attention. He's received honorary
17 degrees from a number of colleges and universities; he was
18 honored by Vanderbilt University Law School by induction into
19 the Order of the Coif, and he's a Trustee of Mercer Univer-
20 sity.

21 He served as Chief of Staff to Governor Ernest
22 Vandiver from January, 1959 to October, 1961, and I saw the
23 Governor here earlier this evening, and we're glad to see
24 him with us as well.

25 Judge Bell served as Chairman of the Atlanta

1 Commission on Crime and Juvenile Delinquency, on the
2 American Bar Association's Division of Judicial Administra-
3 tion, and other positions of leadership for his profession,
4 his State, and for his nation, and I know that you look
5 forward as much as I to hearing his remarks, so at this time
6 I present our speaker, the Attorney General of the United
7 States, the Honorable Griffin Bell.

8 (General applause)

9 ATTORNEY GENERAL BELL: Dean Beard, President
10 Davidson, Chief Judge Brown, my former Chief Judge Elbert
11 Tuttle, other distinguished Judges, State and Federal, other
12 distinguished guests -- I suppose everyone here is a disting-
13 uished guest, former Governor Vandiver, I've called his name:
14 it's good to be here and particularly on this occasion, when
15 you were able to sell so many tickets because I'm going to
16 tell the truth on Judge Morgan, and I understand he may tell
17 the truth on me.

18 I got to Atlanta last night and the first thing I
19 learned this morning was that that might happen, that he was
20 making these threats, and I want to say here and now that I
21 don't plan to say everything I had planned to tell.

22 Glad to be with so many Judges. There's hardly
23 anything you can do to me that would upset me. You know I'm
24 in contempt of court, in New York, and I'm hoping some of
25 you will be assigned to sit up there.

1 That's the reason I'm not really upset about Judge
2 Brown taking my time. He said he had seven minutes and I
3 had 15, and he promptly took the 15, and I'll try to do with
4 seven.

5 I want to say, before I talk about Judge Morgan,
6 that I want to bring you some word from Washington. When I
7 first became Attorney General, I used to tell a story which
8 is very apropos of the things we found in Washington, and
9 the President finally took the story and told it on national
10 television, and I had to stop telling it because he took it.

11 That was about the drunk who said -- he was being
12 tried for being drunk and setting the bed on fire-- and he
13 said he would plead guilty to being drunk, but the bed was
14 on fire when he got in it.

15 That's what I call Phase I of the Carter Adminis-
16 tration. After you stay there almost two years, you can't
17 blame anything on other people; the problems are your prob-
18 lems.

19 So we're now in Phase II, and it's -- I think can
20 be explained by the story of the Territorial Governor who was
21 sent to Nevada, and he wrote back, reporting on his tenure
22 there. He said:

23 "This is no place for a Christian, and I did
24 not remain one for very long."

25 (General laughter)

1 And I think I can explicate Phase II with another
2 story that Bill Moyers tells, about the young lady who went
3 on a tour, a cruise on a ship, and she was keeping a diary,
4 and the first night she wrote:

5 "I met the Captain tonight; handsome man.

6 Went to his quarters for cocktails."

7 The second night she said:

8 "The Captain took me on the deck tonight and
9 showed me the moon and stars, but he made a suggestion
10 to me that no gentleman would make."

11 Third night she said:

12 "I met the Captain again, and he told me that
13 if I did not accept his suggestion, he would sink the
14 ship and drown 600 people."

15 Fourth night:

16 "Tonight I saved the lives of 600 people!"

17 I don't know just how we stand. I don't know if
18 we're saving any lives or not, but we're holding on. I think
19 we're doing pretty well.

20 I've had some unusual experiences since I've been
21 there. Judge McCree is the Solicitor General, but under the
22 law, the Attorney General can select cases to argue in the
23 Supreme Court. So I told Judge McCree to find me an easy
24 case, one that I couldn't lose. I have 3,800 lawyers, and I
25 could send all of them to lose.

1 So he selected the Snail Darter case for me.

2 (General laughter; applause)

3 And of course, you know how that came out.

4 Perhaps the most unusual case we've had was a
5 young man working in the Department of Transportation, was
6 able to steal \$850,000, which was destined for the Atlanta
7 Rapid Transit System. He stole it, and he spent it: he
8 bought 12 automobiles, he bought one houseboat, he bought one
9 house trailer, and then he bought a go-go bar.

10 Well, that wasn't too bad, except it's across the
11 street from the FBI. When we confiscated his property, we
12 got the go-go bar. Very difficult to get rid of it. They
13 wrote about it every day. I knew we'd eventually sell it,
14 but my problem was stopping Justice Department employees from
15 going over there.

16 Finally we sold it, and the lead dancer said she
17 was quitting. She said: "I do not want another employer."
18 So that's the way it ended.

19 I understand -- I'm sorry I couldn't be here today;
20 I had something else to do at lunch, and I had to make a talk
21 in Atlanta, and I understand there were great liberties taken
22 with the truth at some ceremony about Judge Morgan.

23 I understand his law clerks did most of the talking.
24 The most loyal people I have in Washington are my former law
25 clerks. They believe great things about you. I've had a

1 number of complaints from the District Judges about the meet-
2 ing. There were several cases mentioned where Judge Morgan
3 did great work for the Republic, and these four District
4 Judges were sitting in there, and they were the ones that were
5 reversed.

6 (General laughter)

7 Pete, I want to give you some advice. Do not
8 resign from the Court; you'll have a hard time making a liv-
9 ing practicing law! After what happened this afternoon.

10 Apparently there have been some people here that are
11 not familiar with the law, even though a lot of you are
12 Professors. Law clerks, former law clerks. There's a Code
13 Section called 18 USC 1001. You don't have to be under oath
14 to be prosecuted; if you make a false statement to a Govern-
15 ment agent, you can be prosecuted.

16 One of the leading authorities, or enforcers, of
17 this law is the Honorable Lewis R. Morgan, so I want to tell
18 you, before you get up and say anything against me, that I
19 am a Government agent!

20 John Brown was telling you about the fellow who
21 came out of the grave; my father used to tell that same story,
22 but he told it a little differently. He said he was down in
23 South Georgia at a funeral, and this man was being buried,
24 and the ministers were orating -- it was something like an
25 8-preacher funeral. They were bragging on the deceased, and

1 finally the mother, the widow, said to her son:

2 "Go up there and see if it's really your
3 father in the casket."

4 This will be the nearest thing you'll ever have to
5 that, what's happening to you today.

6 Well, I want to say a word about the -- about our
7 country, about the Courts, and about Judge Morgan, in a more
8 serious vein.

9 The Judges and the courts system of our country
10 are the most revered of the three branches. I learned when
11 I got to Washington that we had a lot of sniping going on
12 against our foreign intelligence system. I learned that
13 President Ford and Attorney General Levi had been trying to
14 get a bill passed to bring the Courts into the process.

15 Since before World War II started, in the late
16 1930's, we began to exercise surveillance in foreign intelli-
17 gence, under the Constitutional authority of the President.
18 But in recent years, people began to question that, and it
19 was not good for our foreign intelligence system. That has
20 to be non-partisan and bi-partisan.

21 So President Ford and Attorney General Levi intro-
22 duced a bill to set up a special Federal Court so that the
23 Court could issue orders in foreign intelligence matters. It
24 was not passed. I took it on as a project, and we were able
25 to pass it, and in a few days the Chief Justice will select

1 seven District Judges and two Court of Appeals Judges, to
2 have a Court of Appeals, and they'll be the Judges that will
3 take -- we'll take these applications to.

4 Bill Webster will first bring them to me, as head
5 of the counterintelligence; I'll approve them, and that's
6 where it ends now, because the President has delegated this
7 authority to me.

8 I'll now take them to judges , and the American
9 people will be proud of that. They'll be more satisfied with
10 the foreign intelligence, and we'll have a better foreign
11 intelligence because everyone will trust our intelligence
12 system. It'll stop a lot of the complaining and sniping,
13 really, if I might use that word, at our system.

14 This is a great tribute to the court system, that
15 we would believe that, that Congress would believe that, that
16 the President would believe it, that the American people trust
17 the court so much that we would have to do this, even though
18 the President does have the Constitutional power to do it
19 without court orders.

20 The second thing I want to say is something about
21 the Judges Bill; I know you're all interested in that. The
22 President signed it this morning, and early next week I will
23 have in his hands the standards which the law calls for for
24 the selection of District Judges, standards we must follow
25 in selecting District Judges. I had it drawn, and late this

1 afternoon I talked to my people, and they are running it
2 through the Office of Legal Counsel and it'll be over there
3 by Monday.

4 At that time we'll be able to start receiving nom-
5 inees, or applications, and we'll get on as fast as we can
6 with filling the vacancies, because no one knows better than
7 I that we need the Judges. I'm the largest litigant in the
8 Federal Courts, and we have many cases that are behind, and
9 need to be decided, one way or the other.

10 So I think -- I told the Chief Justice that I'd
11 try by the 1st of April to have 80 percent of the new Judges
12 in place. If I can do that, I think -- well, if that can be
13 done, we will have done a good job. We won't get 100 per-
14 cent that fast, because if you haven't been in the seat that
15 I sit in, you don't know how much trouble it is to process
16 people for Federal Judges.

17 You have to be very careful. I read every FBI file;
18 we have to run them through the American Bar Committee, we
19 check with other groups, to see if there is any bias of any
20 sort against anyone. We certainly are getting fair people,
21 people dedicated to protection of the laws.

22 We now require a physical examination, something
23 that's never been done ever before.

24 But even in spite of all those things, I think by
25 April 1 we'll have 80 percent of the Judges in place.

1 Now, we've had some other problems in the Congress.
2 I promised the President that we would try to get some laws
3 passed so we would not constantly need new Federal Judges.
4 I had a program put together; one part was to get the Judges.
5 The second was to put in informal arbitration. That passed
6 the Senate. We're trying it in three Districts now, and I'm
7 sure it will pass in the next Congress.

8 The second was to expand the power of the Magis-
9 trates, so that the Magistrates can try some of the cases,
10 and leave the more complicated cases to the Federal District
11 Judges. It's hard for me to explain this; in fact, I have
12 some difficulty relating it.

13 It passed the House and the Senate, but it did not
14 become law, and only someone who has been in Washington and
15 understands the complexity of the Congress could believe that
16 would happen, but it did happen. It got caught up in the
17 great fight that the American Bar was putting on against us
18 on diversity; we were trying to remove diversity jurisdiction
19 for the resident of the District, and it got caught up in
20 that, so we didn't get that bill, nor did we get diversity --
21 any reduction at all in diversity, but we will in the next
22 Congress. Certainly we will get arbitration and the
23 Magistrates.

24 And that's all I want to say about what we're
25 doing. I want to say something else about Federal Judges

1 generally, and I will give you an example. I don't want to
2 say too much because I am a litigant in the Courts, but
3 Judge McCree, as you know, who was recruited by me from the
4 Sixth Circuit to be the Solicitor General.

5 We had a great problem in the FBI. We had to find
6 a new leader for the FBI, and we had to find someone that
7 the FBI agents themselves would respect, and I recruited
8 Judge Frank Johnson, and he became ill and could not take
9 the post. I then made up a list of 18 people myself, took
10 it over to the President, and we reduced it to ten. A few
11 days later we reduced it to four, and there were a lot of
12 Federal Judges on the list.

13 And finally we settled on Judge William Webster,
14 who was a Judge in the Eighth Circuit Court of Appeals, from
15 St. Louis. Judge Webster did not want to take the job,
16 because he had to give up his pension. He had to give up
17 his lifetime appointment; his pension would go down 100 per-
18 cent for one year, and after that he would lose about 70 per-
19 cent of his pension.

20 He called up Judge McCree, his friend, as he is my
21 friend, and he said to Judge McCree:

22 "I don't want to take this job, but I don't
23 know how to turn it down. I need some advice."

24 and Judge McCree said:

25 "Don't take it. You shouldn't take it."

1 And he said:

2 "Unless you want to make a patriotic gift to
3 your country."

4 And of course, Bill Webster said:

5 "I'm done in; you've just finished me off."

6 So he took the job. I think any Judge that I know would do
7 things like that, and I think it's great. You dedicate your
8 life to serving your country, and you're in a sense going
9 into the ministry. If there's any better way to describe
10 it, I don't know.

11 And I was able to call Judge McCree, and particu-
12 larly Judge Webster out of the -- this life, and get him to
13 take a hard job like being head of the FBI. I appreciate
14 that, and in the name of Judge Webster and Judge McCree, I
15 salute all Judges, State and Federal.

16 Now, lastly, I want to say a word about my friend,
17 Pete Morgan, and he is a friend. We've been friends for a
18 long, long time. We were friends as lawyers, we were friends
19 as Judges when he was a District Judge and I was a Circuit
20 Judge.

21 I remember once a Judge tried to break up our
22 friendship. Judge Joe Estes, from Dallas, who used to see
23 Judge Morgan and me at these Judicial Conferences together,
24 and so he said one day to Judge Morgan, in front of me:

25 "Why are you always associating with Judge

1 Bell?"

2 and he said:

3 "Well, we've been friends a long time."

4 He said:

5 "Don't you know that a Circuit Judge is a
6 natural enemy of a District Judge?"

7 But we have been friends, and Pete is a friend of
8 everyone, because he's a fine person. He's a good citizen;
9 if you haven't been to LaGrange, if you don't know that part
10 of Georgia, you can't really appreciate what a good citizen
11 of his community he is.

12 He's a good family man. You all know Sue. I don't
13 know how many of you know Pat, or Anne, but they have a
14 great family, great family life, and I think that is some-
15 thing that ought to be said for him.

16 And most of all, Pete, in spite of all those things
17 I said about those law clerks lying this afternoon, you are
18 a good Judge. And you have been a good Judge.

19 (General applause)

20 And among the things in my life, in Washington,
21 I'd like to say that I miss Judge Morgan very much.

22 Thank you.

23 CHAIRMAN: Thank you very much, Judge Bell.

24 We have two more presentations before you get the
25 podium. Sid Griffith, the Clerk of the District Court in

1 Noonan, who served Judge Morgan for many years, has a presen-
2 tation to make. Sid?

3 MR. GRIFFITH: Judge Morgan, I've used up most of
4 my time getting over here.

5 Judge, we have two gifts here that we'd like to
6 present to you. One is a racing blanket for your filly, who
7 we know will be in the Kentucky Derby in the near future.

8 And next, Judge, we have an album of photographs
9 of all your ex-staff members and current staff members; we
10 don't want you to forget us. We'll never forget you, and
11 we've certainly enjoyed working for you and with you.

12 JUDGE MORGAN: Thank you very much.

13 (General applause)

14 CHAIRMAN: Homer Drake, the Judge's first law
15 clerk, has a communication that he would like to read. Homer?

16 MR. DRAKE: Thank you, Dean Beard. I received
17 this telegram today, and the Dean and I thought we should
18 share it with you this evening. It's addressed to Judge
19 Lewis R. Morgan:

20 "Congratulations on being honored by the
21 University of Georgia in recognition of your many years
22 of dedicated service as a member of the Federal Judiciary.

23 "You have consistently demonstrated the high-
24 est ideals and integrity throughout your service on the
25 Bench, and are certainly deserving of this honor. Best

1 wishes as you assume the status of Senior Judge of the
2 Fifth Circuit Court of Appeals. Signed Sam Nunn,
3 United States Senate."

4 (General applause)

5 CHAIRMAN: Ladies and gentlemen, Judge Lewis R.
6 Morgan.

7 (End of recorded proceedings.)

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