

An Abbreviated Biography of Griffin B Bell, Esquire

by Sidney L Matthew

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The ACTL Award for COURAGEOUS ADVOCACY is named for ACTL Past President Griffin B Bell.

Griffin Boyette Bell was born on October 31, 1918, in Sumter County Georgia to Thelma Leola Pilcher and cotton farmer Adlai Cleveland Bell. Bell was raised in Americus Georgia and attended Georgia Southwestern College for one year before being drafted into the Army in 1942 achieving the rank of major. Upon his return from World War II Bell graduated With Honors in 1948 from Mercer Law School and practiced law in Savannah (Lawton and Cunningham) and Rome Georgia (Matthews, Owens, Maddox, and Bell) before moving to Atlanta in 1953 to join Spalding Sibley Troutman and Kelly now known as King and Spalding PA. In 1958 he became the firm's general managing partner and in 1959 was appointed by Georgia Governor S Ernest Vandiver as Chief of Staff (1959-1961). In 1960 Bell agreed to cochair the successful Georgia presidential campaign of Sen. John F. Kennedy. When Kennedy asked Bell whether he was embarrassed to campaign on behalf of a Catholic, Bell replied "Not at all. But I am embarrassed for our country that you would think to ask me that question."

October 6, 1961, Pres. Kennedy nominated the 42-year-old Bell for a judgeship on the Fifth Circuit Court of Appeals. Bell's personality (plain spoken, witty, charming, politically savvy, and sharply intelligent) was a valued addition to the court during one of the most turbulent times of social revolution in our nation's history. The deep South states comprising the Fifth Circuit became the primary battleground in the struggle for civil rights. Without question judge Bell became one of the court's strongest civil-rights enforcers during his 14 years on the court in which he participated in over 3000 cases and authored more than 500 opinions. His reputation as a jurist earned him the recognition of being placed on the short list of potential Supreme Court nominees by four separate presidents including Kennedy, Nixon, Carter, and Reagan. Bell proved himself to be a brilliant tactician, deft negotiator, and skillful compromiser in finding common ground to reconcile sharp differences of opinion among his colleagues. One of Judge Bell's hunting partners claimed that Bell was so persuasive "he could talk the birds out of the trees to sit

on his shoulder." Some of his highlighted opinions include the following landmark cases:

-In *United States v Barnett* (1963-1965) Bell's majority ordered the University of Mississippi to admit African American James Meredith as a student and held the Mississippi governor Ross Barnett in civil contempt of court for interfering with his admission.

-In *United States v Lynd* (1965) Bell's opinion held a state court clerk in civil contempt for willfully disregarding a court order allowing Blacks to register to vote.

-In *Turner v Goolsby* (1965-1966) Bell's opinion desegregated the Taliaferro County Georgia school system when local officials closed the only white school while secretly arranging for those students to attend other white schools in adjoining counties.

-In *United States v Hinds* (1969) Bell's opinion implemented the instant desegregation in 33 Mississippi school districts and held "the continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible."

By 1975 most of the 140 school desegregation cases had been disposed of, Judge Bell felt the drudgery of the criminal docket and was itching to get back into private practice. He was tempted to accept an offer by partners of King and Spalding who persuaded him to be only the fourth judge at that time ever to resign from the Fifth Circuit. His return to private practice lasted less than a year when Jimmy Carter was elected 39th President in 1976. Bell was nominated as the 72nd Attorney General by President Carter in December 1976 and was sworn in on January 25 of 1977 by Chief Justice Warren E Burger. Pres. Carter tasked General Bell with rebuilding America's faith in the Justice Department, FBI and intelligence community in the years following Nixon's Watergate scandal and reshaping the federal judiciary by overseeing the selection of 152 new judges including more Blacks, women, and Hispanics than any other previous administration. Chief Justice Burger summarized Griffin Bell's tenure saying, "No finer man has ever occupied the great office of Attorney General of the United States or discharged his duties with greater distinction."

As a cabinet member Bell did not take himself or his position too seriously. When he was pressed by a fellow cabinet member to prosecute a particular case that Bell

thought was a "loser", Bell told him "You're not asking me to be your lawyer, you're asking me to be your pallbearer." When a federal district judge in New York cited Bell for contempt for refusing to turn over FBI informants' names in a case brought by the Socialist Workers Party, one of Bell's friends sent him a hacksaw. Bell humorously mounted it on the door to his office and later mischievously sent it to HEW Sec. Joseph Califano who was then being threatened with contempt of court. When Republicans grumbled that too few of them had been appointed to the federal bench, Bell responded in a deadpan quip that "the Carter administration doesn't have any affirmative action program for Republicans". When a massive snowstorm closed Washington D.C., the Washington Post called the offices of all of the cabinet members to see who was working. When the AG's office phone rang, Griffin Bell answered in his southern drawl creating the lead Washington Post story about who was working in Washington.

One of Bell's greatest legacies as Atty. Gen. was his advocacy in the passage of the Foreign Intelligence Surveillance Act of 1978 (FISA) which authorized wiretaps to spy on American citizens suspected of treason. Bell insisted on the inclusion of a criminal standard which would require the government to show a violation of federal law before it could get a warrant to conduct an electronic surveillance. Bell argued persuasively and successfully that federal judges could be trusted with the nation secrets and that the rule of law required a criminal standard and warrant system.

In 1979 Bell resigned his cabinet position and returned to his old firm King and Spalding to establish himself as one of the country's premier lawyers and prolific rainmakers. He handled a variety of complex cases becoming nationally recognized in conducting internal investigations of high-profile corporate crime including the EF Hutton check kiting scandal, the Exxon Valdez oil spill disaster, the Dow Corning breast implant controversy, and mercenaries involved in the Nicaragua and Iran/Contra arms fiasco.

In 1985 Griffin Bell was Elected President of the American College of Trial Lawyers. The ACTL Award for COURAGEOUS ADVOCACY is named for Griffin B Bell.

Judge Bell passed away on January 5, 2009, from pancreatic cancer. The Congressional record reported in 2009 at Volume 155:

"Griffin Bell's life is an American success story. Born into humble circumstances, he reached the heights of his profession through a combination of talent, ambition,

and an indefatigable work ethic. More important, when positions of power provided him with an opportunity to make a difference, he consistently rose to the occasion. As a judge, his intelligence and evenhandedness and administering justice guided the South and the nation through some of its most perilous times. With all of his achievements, this is Bell's greatest legacy: his commitment to the rule of law and the equal rights of all citizens."

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