

STATE OF GEORGIA

COUNTY OF FULTON

A F F I D A V I T

My name is Griffin E. Bell. I reside in Atlanta, Fulton County, Georgia. I am a practicing lawyer in Atlanta.

This Affidavit is made for use in the matter of Atkins v. United States, No. 41-76, now pending in the United States Court of Claims.

I was appointed to the United States Court of Appeals for the Fifth Circuit on October 6, 1961. I resigned effective March 1, 1976.

My resignation was caused by a combination of factors some of which were peculiar to the Fifth Circuit. One was the escalating caseload, particularly in the criminal and prisoner law area. Most of the criminal appeals were routine. Many of the appeals were near frivolous and were the product of the forma pauperis and appointed counsel procedure in criminal cases. Many were the result of the repetitive process allowed in habeas corpus. A large percentage of the habeas appeals were without

arguable merit. Many appeals arose out of suits brought by prisoners under the civil rights jurisdiction of the federal courts. The criminal and habeas appeals are entitled to statutory priority over other appeals and were in such volume as almost to subsume the ability of a court which has had no increase in judge power in ten years.

The character of the federal jurisdiction in other areas has so changed since 1961 that a large number of federal cases are of the type usually processed in state courts under small claims procedures. No provision has been made in the federal system for a different accommodation of small claims.

Given the constant pressure of the caseload, there was little time for reflection. The emphasis was necessarily on volume and maximum production. I finally became convinced that serving as a judge under such circumstances and without hope of relief was no longer a rewarding experience.

The failure of Congress to increase the salary of the office after 1969 except to the extent of five per cent was not the direct cause of my resignation. One does,

however, expect to be compensated for one's labor. The feeling that inflation had unduly diminished my compensation was at least a factor leading to the conclusion that serving as a federal circuit judge had become a debilitating experience in the total context of that service as it finally developed in the Fifth Circuit.

This 14th day of April, 1976.

Griffin B. Bell

Sworn to and subscribed
before me this ____ day
of April, 1976.

Notary Public