



Department of Justice

ADDRESS

OF

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

BEFORE THE

AIKEN COUNTY, SOUTH CAROLINA BAR ASSOCIATION

HONORING

THE SUPREME COURT OF SOUTH CAROLINA AND CIRCUIT COURT JUDGES

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AIKEN, SOUTH CAROLINA

During the two years I have been Attorney General, I have visited every section of the country. I have been impressed with what I feel is a growing trend.

Americans are regaining confidence -- in their leaders, in their institutions, in their country, and, perhaps most important, in themselves.

When I arrived in Washington, it seemed that some segments of the public and the media were too often ready to think the worst of their government; certainly of their public servants.

There are many reasons behind the changes which have occurred in perception and attitude. One is that there is once again a solid body of evidence that government can function openly, honestly, and with substantial effectiveness.

My colleagues and I in the Justice Department have worked diligently since January of 1977 to solve problems that remained from the Watergate period and to erect safeguards against those kinds of things happening again. We have built upon the restoration effort that was begun by Attorney General

Levi and President Ford.

I would like to tell you a few things we have done, and then discuss some of the general issues facing the country today.

We have taken major steps to improve the general system of justice. The steps range from innovative legislation to improve the courts, to creation of new forums for resolution of disputes.

Major reforms have been fashioned in the way the Department handles foreign counterintelligence and domestic security investigations. They are designed to safeguard the national interest while amply recognizing individual rights.

Goals and functions of the Department have been defined. Four major priorities have been set for law enforcement -- white-collar crime, organized crime, public corruption, and trafficking in narcotics and dangerous drugs. Our system of supplying crime-control funds to states and localities is being overhauled. Not long ago I personally became deeply involved in the beginning of major improvements in the Immigration and Naturalization Service.

Finally, I have taken steps to institutionalize the independence of the Department from the politics of government and enhance professionalism among our employees. We have developed policies that insulate line attorneys and chiefs of our litigating divisions from political pressure. The President asked me to become Attorney General on the condition that I make the Department of Justice nonpartisan; a neutral zone in the government, much as foreign intelligence. I have done that. And, it will be difficult for the Department to be otherwise in the foreseeable future.

While this summary is brief, I believe it conveys the basic new directions of our work and shows that we are taking substantive steps to earn further public confidence.

I feel that level of confidence is rising. Let me give you just one Justice Department example. Not long ago, there was a steady deluge of criticism about the Federal Bureau of Investigation - some of it accurately based on past abuses by only a few of the Bureau's employees. Today, the public estimate of the FBI has been restored -- and properly so. Under Director Webster's skilled leadership, and with a high level of employee dedication, the FBI is once again making enormous strides. I claim that it is the most dedicated agency in the government to its mission; few approach it in effectiveness and none exceed it.

The public senses the improvements in government and now wants even more progress. They want problems solved more rapidly. They want economy in government. They want to know that the government listens to them. All these things are heartening developments after

the lethargy -- and perhaps despair -- that gripped our society in the recent past.

One reform our nation must put near the top of its problem list is how to control the Federal bureaucracy.

By laws and regulations, by orders and printed forms, and by a thousand other unseen methods, the bureaucracy subjects all of us to some degree of federal scrutiny and control. The Code of Federal Regulations numbers 60,000 pages today.

According to estimates by Washington University's Center for the Study of American Business, complying with these regulations is resulting in costs to the private sector of approximately \$97.9 billion in fiscal 1979, in addition to \$4.8 billion to operate the regulatory agencies.

If the Republic is to remain viable, we must find ways to curb, and then to reduce, this government by bureaucracy. We must return power to government officials -- local, state, and federal -- who are directly accountable to the public.

I am not alone in my gloomy view of the problems of bureaucracy. Alpheus Thomas Mason, the distinguished professor of jurisprudence emeritus at Princeton University, has spoken out forcefully on the problems of what he and others have called the "Imperial Bureaucracy."

In a recent article, Professor Mason said that traditionally the great risk to our system of government has been a quest for excessive power by one faction at the expense of the other parts of the government or country. He then added:

"The bureaucracy will be peculiarly difficult to stop because it is not one of the traditional parties to our system. It was not foreseen, and therefore not limited, by the Constitution. It does most of its work in secret, it mushrooms out of good intentions -- most bureaus exist because of legislation intended to correct some evil or improve the lot of some group -- and it pervades the government at all levels, fusing executive, legislative and judicial functions."

There are steps that can be taken to reform the bureaucracy. A number of landmark efforts have already been undertaken or are planned by President Carter. But he, along with other thoughtful observers, recognizes that it is a complex undertaking, one that requires the intensive cooperation of the Executive Branch, Congress, and the general public -- to say nothing of government employees themselves.

Congress, by law, turns over many matters to the bureaucracy of the agencies in general terms. The bureaucracy, in turn, fills the interstices in the statutes by regulation.

There is little check on the bureaucracy to make certain that there is no expansion of power through the regulations. There is little check on the bureaucracy to see if the approach used in achieving the objective of the statute is overcomplicated. There is little check to determine overlap between government agencies. There are several in the same field, leading to harassment of the citizen. And there is no check to see that the agencies even act at all. One of the prevalent abuses of power is the failure to act. The citizens, including private business, local and state government, become discouraged by agency delay and inaction, even to the point of giving up.

The President is often helpless to manage these independent agencies, even though he may appoint those in charge. By statute, they are not part of the Executive Branch -- they are neither fish nor fowl -- existing rather in a grey area -- in a sanctuary as if north of the Yalu.

This brings me to my second and related agenda item: the public must become more involved. Being a complainer without participation is nearly as bad as being merely passive.

It is illusory to suppose that there can be progress on any front if the public shirks its own basic responsibilities. Citizens must be informed and eager participants in our governmental processes. If they assume that somebody else is always

going to do the job for them, they will keep winding up with problems like an anonymous and almost autonomous bureaucracy.

The Founding Fathers may have provided the inspiration for the creation of our country, but it was the work and sacrifice of the common citizen that brought it into being and preserved it.

The genius of our form of government is that all men and women may participate in it. But this genius is thwarted when they do not participate. The bounties of our system are not free. To maintain them requires that each of us be willing to contribute our time and our talents to making the system work.

We live in the greatest country on earth. Our people have more liberty and more opportunity than people anywhere else. America has been known through its history and is still known as the country of the fair chance, where all persons can make of their lives what they will.

Hand-in-hand with expanded participation should go the principle of self-denial, which is especially called for today. Self-denial, I believe, will go a long way toward solving our Nation's problems.

We must remember that democracy is the opposite of the "Me-ism." Living in a democracy means we sometimes have to sacrifice.

It was told of General Robert E. Lee that a woman with a son in her arms asked him: "What can I do to make my son great?" He replied: "Teach him to deny himself."

We need look only to our energy problem to see our lack of self-denial. Our splurge to waste energy is so extreme as to indicate that we have no sense of shame. Perhaps we should develop a national sense of shame in this area. There is ample justification for doing so. I do not wish to live the balance of my life in a state of dependence on other countries.

We see the principle of self-denial eroded by some powerful groups that press on government their own self-interests. We have become a country of interest groups with the President being pressed to serve as a mere referee. Someone said that Washington has become a sea of interest groups. I agree, and their power is exacerbated, in a form of geometric progression, by the inclusion on executive and congressional staffs of persons with like views. Never in the history of the Nation have staff and interest groups enjoyed such power to the exclusion of elected officials.

I understand fully that pressure and counterpressure make our government move forward and work through the delicate art of compromise. But compromise itself implies a spirit of self-denial on the part of all competing parties.

Finally, let me close on a note about the potential abuse of power in government. The Carter Administration has been doing its best to limit the intervention of government into the lives of the American people. The President and I share a view that leaders in the federal government, whether elected or appointed, have no clear monopoly on good judgment. The private sector should be as free as possible to make its own decisions. Given unfettered powers, it is self-evident that some in government will inadvertently abuse it. As Abraham Lincoln so aptly put it in 1837, "I believe it is universally understood and acknowledged that all men will ever act correctly, unless they have a motive to do otherwise."

That is why Thomas Jefferson once wrote to Andrew Jackson, "I hope our wisdom [as a nation] will grow with our power and teach us that the less we use our power, the greater it will be." So just as Americans individually need to practice self-denial, so too must the government. To such governmental self-restraint, we should add the other qualities necessary for the government: fairness, civility, and integrity.

So long as we adhere to these principles, our Republic will be strong and well-governed. I hope we can all work together to also make our government an institution of humanity, truth, justice, and pity. These are the qualities once attributed by Leo Tolstoy to President Lincoln, and they seem to me the appropriate goals for our nation as well. Thank you.