



# Department of Justice

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BY

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

BEFORE

THE NATIONAL BOARD OF DIRECTORS  
BOYS' CLUBS OF AMERICA

7:00 P.M.  
JADE AND BASILDON ROOMS  
WALDORF-ASTORIA HOTEL

WEDNESDAY, OCTOBER 25, 1978  
NEW YORK, NEW YORK

I greatly appreciate the honor of being asked to speak here tonight. In an age of increasing government involvement in our lives, it is immensely vital that groups such as the Boys' Clubs of America continue to receive the recognition they deserve for voluntary, private service to society. I am sure that I speak for the President in saluting those efforts that you have so unselfishly made over the years in character development and prevention of juvenile delinquency among countless thousands of young boys.

And it is to your additional credit that you have done this work particularly among the disadvantaged and the poor, who are all too often represented in the population of juvenile offenders that I must deal with as Attorney General. Perhaps if this country would provide more moral and financial support to organizations such as the Boys' Clubs, they could do with providing less resources to me and the Federal Bureau of Prisons in the construction of newer and ever larger juvenile facilities.

Ideally, society's interest in the proper development of its youth should be jointly the responsibility of the private and public sectors. The role you play, the role that public schools play, and the role played by juvenile justice agencies, including the Department of Justice, should be complementary. In this regard, I might mention here some of the efforts going on now within the Department in the area of juvenile justice and youth problems.

Our major vehicle is the Office of Juvenile Justice and Delinquency Prevention, which is part of the Law Enforcement Assistance Administration. That office has a budget of about \$100 million in the current fiscal year. Most of those funds are spent for grants to state and local governments, which can deal most directly with local communities and their juvenile populations. I might add that such federal support, rather than direct federal intervention, is probably the most appropriate method by which we in the Justice Department can work in this area.

These grants are supporting scores of innovative and important projects around the country. I know that one of the most promising is operated by the Boys' Club of America -- your effort to reduce delinquency by 50 per cent among a selected group of youths in nine cities. To date it has received some \$457,000 in LEAA funds. This particular project is a fine example of what I believe to be possible in the way of cooperation between the public and private sectors in reducing juvenile crime.

We have also taken another fundamental principle from the Boys' Clubs, namely that prevention of juvenile delinquency should be a major focus of our efforts, and that prevention can be done by providing meaningful employment opportunities for young people. As you may know, both the President and the Vice President have

been extremely concerned about youth unemployment in this country, and they are trying strenuously to see that the Youth Employment and Demonstration Projects Act and the Comprehensive Employment and Training Act are implemented in local communities. This effort is being led by the Department of Labor, and we in the Justice Department are cooperating with new pilot programs that are operated by the LEAA, the Bureau of Prisons, and the Immigration and Naturalization Service. The common denominators of these Justice programs are that we are providing both employment opportunities and, at the same time, encouragement for disadvantaged young people to consider seriously careers in law enforcement itself.

Right now we have 50 young people employed under this program in LEAA working on a wide variety of research projects aimed at making our neighborhoods safer. They are serving as counselors, project assistants, and research assistants in the development of new and better ways to combat rape and consumer fraud at the state and local levels. In our Bureau of Prisons students are working as teacher aides and in other auxiliary positions. Over 300 young men and women -- almost 90% disadvantaged minorities -- are working in Immigration offices throughout the southern half of the country helping us to cope with the enormous backlog of alien applications and other requests for changes of status. Some eleven million dollars per year of CETA funds have been obligated to support this effort, which, while helping us, is also providing employment and training for those who need it most.

I mention these programs as examples of the way in which we in government are trying to match your own efforts in the prevention and treatment of juvenile delinquency. These efforts are not only complementary, they are desperately necessary today in light of what we know about the magnitude of youth crime.

According to the latest FBI statistics, which I ordered released recently, 56 per cent of those arrested in the United States during 1977 were under the age of 25. Forty per cent of all these arrested persons were under the age of 21 and, perhaps most shocking, 24 per cent were under the age of 18.

There used to be a common impression -- or perhaps we should say "misimpression" -- that such criminal activity was limited largely to the major inner cities, such as New York or Washington. If there was ever any truth to that, it is now clearly untrue. Those same statistics show that the highest incidence of arrests of persons under the age of 25 occurs in the suburbs: 61 per cent, or nearly two out of every three persons arrested in those areas.

This, then, is the enormous problem confronting us today in the area of juvenile delinquency. As Attorney General, I truly wish that we had more allies in that struggle like the Boys' Clubs, allies who understood that the secret to fighting youth crime is not building more jails and demanding harsher penalties, but engaging, as you all have done, in emphasizing individual character development and fuller participation in the mainstream of American life. We in the criminal justice system can deal with youth only when all else has apparently failed.

But you and I both have responsibilities that transcend our concern for the youth of America. You are, senior executives of America's largest businesses, and I run the largest law firm in the world, many of whose policies and practices affect your companies' daily operations. I would like to share with you my observations that, in the area of government regulation particularly, the private and public sectors can work together harmoniously, just as they do when the Boys' Clubs and juvenile justice agencies work together to achieve mutually desirable ends.

Clarifying this regulatory role of government and reducing its negative side-effects has been one of the top priorities of the Carter Administration. Because the Department of Justice has such a central role in the enforcement of such regulations, I have had a particularly good view on this process, and I hope that tonight I can explore that process with you.

The growth of business-related regulations and regulatory agencies has been greatest since the 1930 Depression. The last decade in particular has seen many new and expanded areas of regulations. We have new environmental regulations, occupational health and safety regulations, regulations prohibiting discrimination in employment, education, and credit. The total number of pages of regulations issued in the last 40 years is approximately three-quarters of a million, and this year's set runs about 60,000 pages.

Linked to all these government regulations are voluminous paperwork requirements. A recent government study concluded that present government paperwork requirements cost our society 100 billion dollars annually, of which 43 billion dollars are processing costs to the federal government. This figure of paperwork costs is equal to about 5% of our current annual Gross National Product of about 2 trillion dollars.

The objectives of most government regulations are noble and even sound. But we are now seeing that some of our reforms may have gone too far. We have promulgated provisions without reckoning the costs or truly understanding their full effects. These excesses do not condemn the entire system but they are exacting a cost that we are just now beginning to fully recognize. These excesses have several manifestations.

First, the complexity of our government regulations is astonishing. As I stated, the volumes containing all the federal regulations currently in force now run around 60,000 pages, with thousands of additional pages devoted to administrative interpretation and implementation of those regulations. Not only is the sheer number of the regulations overwhelming, their lack of clarity and

conciseness is legend. Every evening in one of our newspapers, The Washington Star, a box appears with the caption, "Gobbledygook." Readers are invited to send in an example of tangled and tortured prose from government manuals for a small cash prize. The column never wants for material.

Second, these regulations have imposed high additional costs on American production. A 1975 Brookings Institute study on the effects of regulatory compliance in America estimated that such efforts cut productivity growth by 20 to 25 percent. We are only now beginning to calculate the toll which these extra costs are taking on the productivity and competitiveness of American businesses.

A third problem results from the sheer size and complexity of these regulations. Businessmen, chiefly those in smaller enterprises, are simply unable to keep up with all the regulations applicable to them. Major corporations have available large, specialized legal departments to help them be informed and maintain regulatory compliance. Smaller businesses, lacking such resources, are forced to ignore them. Moreover, some regulations appear unnecessary to many people.



As the chief law enforcement officer of the United States, I believe it is serious when our laws are so burdensome or so detailed that compliance with them is impossible for many. If large numbers of our people begin to ignore our law, we will lose that cohesive respect of the rule of law which has so symbolized our country.

These problems are of great concern to me, even though my specific Cabinet assignment is as a law officer rather than economic or business advisor. I think that the regulatory measures which we are now seeing as excessive are, in large measure, unnecessary. Moreover, they have tended to create an adversary rather than mutually supportive relationship between business and government.

Upon assuming office, President Carter immediately began to address these overregulation problems. One step, important both substantively and symbolically, has been President Carter's order to reduce and simplify the number of federal regulations and required reports. To date, the number of reporting hours has been reduced by 85 million hours per year or about 10%, equivalent to a year's work by 50,000 people. Countless regulations have been eliminated or linguistically clarified.

President Carter has also instituted a process by which the economic impact of proposed new regulations must be calculated and reviewed prior to finalization. This process by itself will reduce significantly the cost of our regulation and should

prevent wasteful or unnecessary regulations from slipping by unnoticed.

All these efforts are part and parcel of a comprehensive move by President Carter to ensure that the Federal Government is more open, more responsive, and more honest in its dealings with the public.

One of his chief interests has been in creating an independent Justice Department. The partisan activities of some Attorneys General in this century, combined with the legacy of Watergate, have given rise to an understandable public concern that some decisions at Justice may be the products of favor or pressure or politics. The President, as a candidate, was deeply troubled by this public perception. As you know, he promised an "independent" Attorney General and Justice Department. At the time, and even after becoming President, he gave some thought to making the Attorney General independent of the President, since White House influences on the Justice Department -- real and suspected -- have contributed greatly to the public concern.

Such a radical change is not permitted by our Constitution, which requires that the President "take Care that the Laws be faithfully executed." By tradition, he has delegated that

function to the Attorney General, but in a constitutional sense the Attorney General remains responsible to the President, and the President to the American people.

Therefore, I have taken it upon myself as Attorney General, with the President's approval, to develop procedures to insulate the Department's litigating personnel from any improper influences. These procedures will, to the maximum extent constitutionally possible, create a "neutral zone" in the Department of Justice, where the law can be enforced without fear of partisanship or privilege.

First, the Assistant Attorneys General will retain the authority to make their own determinations as to the merits of a particular civil or criminal case. They may consult with me, the Deputy Attorney General, or the Associate Attorney General, but it will still be their recommendations in the first instance.

Second, all contacts about a case from Members of Congress, the White House, or their staffs will be referred to my office or the offices of the Deputy or Associate Attorneys General. We will be responsible for screening such contacts from the line personnel responsible for a particular case. Any relevant information or legal argument is, of course, passed on.

These categories of people were picked out by me, not because they are more prone to use their influence improperly, but because their positions of power create a potential for unintentional influence upon a decision, or, more often, may create the impression of improper influence. Contacts by

other persons, such as state officials or political party officials, do not require such screening because the potential for improper influence or questionable appearances is not so great.

Additionally, I have directed each Assistant Attorney General to report all communications about specific cases by persons other than those involved in the litigation -- excepting, of course, members of the press. This includes especially any communications that appear even marginally improper.

Finally, I have promised that the Deputy, the Associate, and I will reduce to writing our reasons for overruling any litigation or prosecution decision of an Assistant Attorney General. If at all possible, those reasons will be made public. As some of you may know, I recently did exactly that in the Lykes-LTV merger decision.

These types of rules and regulations are salutary and will improve the climate for trust and confidence in our government. And they will hopefully provide the basis for the establishment of a deeper custom and tradition as to the integrity and independence of the Justice Department.

In closing, let me add that I hope that you have not minded my wandering somewhat from my original topic of juvenile justice. My responsibilities as Attorney General are far broader than I had imagined when I first took this job some 22 months ago, and perhaps my remarks tonight have shown you some of the many problems that we have had to confront in Washington. It has been the hope and

the vision of this Administration that we can "fine tune" the government's dealings with the public in a way that has not been done for so many years. Our nation's energy and attention had been diverted by the Vietnam War and by Watergate to the point that few in government were paying attention to the serious managerial problems that existed. As Attorney General, I have tried in every area of my responsibility -- whether it is juvenile justice, white collar crime, foreign intelligence, or antitrust law -- to "fine tune" the Justice Department's programs and practices. With your help, and the confidence of the American people in the correctness of our effort, we will succeed.

Thank you.