



# Department of Justice

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ADDRESS

BY

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

BEFORE

THE SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY  
INAUGURAL CELEBRATION OF RUSSELL H. DILDAY,  
SEMINARY PRESIDENT

12 NOON  
RED ROOM  
ROBERT NAYLOR STUDENT CENTER  
SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY

FORT WORTH, TEXAS

When President Carter on Tuesday night announced his many-faceted program to combat inflation, he stressed that, because the federal government is one of the causes of inflation, it had an obligation to take the lead in fiscal restraint.

The President pledged that his Administration would hold down government spending, reduce the budget deficit, and eliminate government waste.

Two ways he would do this, he said, would be to reduce the federal work force and eliminate needless regulations.

The problems of big government and overregulation are, of course, intertwined. As government at all levels sought more and more to deal with social and economic problems so long ignored, its responsibilities grew. The programs created to deal with the problems brought restrictions, regulations, and requirements. Then people were needed to staff the administrations, agencies, and bureaus to run the programs.

Now we have reached the point that one of every six working Americans works for the government. Public expenditures as a percentage of our Gross National Product has risen from about 19 percent in 1938 to more than 32 percent in 1976.

The federal government probably has more controls over the people than did King George III. And you will recall that one stated reason for our Declaration of Independence was that King George "... had erected a multitude of New Offices and sent hither swarms of Officers to harass our people, and eat out their substance."

That complaint has a familiar ring.

Clarifying the regulatory role of government and reducing its costs and negative side-effects has been a top priority 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. Today I want to 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 annually, of which \$43 billion are processing costs to the federal government. This figure of paperwork costs is equal to about five percent of our current annual Gross National Product of about \$2 trillion.

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 Institution 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 for the rule of law that has so characterized 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 itself will reduce significantly the cost of our regulation and should prevent wasteful or unnecessary regulations from slipping by unnoticed.

The Justice Department will do its part to carry out the President's pledge that essential regulations will be efficient and unnecessary ones removed.

These efforts aimed at regulation are part 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, as Attorney General, with the President's approval, have developed procedures to insulate the Department's litigating personnel from any possible 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 determine 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 screen 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 are salutary and will improve the climate for trust and confidence in our government. I hope they will provide the basis for establishment of a deeper custom and tradition as to the integrity and independence of the Justice Department.

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 today have shown you some of the 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 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 public corruption, 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.