

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

Fort Worth, Texas
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THE SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY

INAUGURAL CELEBRATION OF RUSSELL H. DILDAY,

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12:00 NOON

RED ROOM

ROBERT NAYLOR STUDENT CENTER

SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY

FORT WORTH, TEXAS

P R O C E E D I N G S

ATTORNEY GENERAL BELL: Thank you very much.

Russell Dilday, Betty, distinguished guests all,
ladies and gentlemen:

I thank Russell for the introduction, but he didn't finish the story about Mr. Luther. I told Mr. Luther that I did not appreciate him calling me about Russell, we couldn't afford to let him leave our church in Atlanta. And he said, "Well, being called to be president of the Southwestern Seminary is the same as, in the Catholic religion, being called to be Pope."

[Laughter.]

[Applause.]

ATTORNEY GENERAL BELL: So I gave up.

[Laughter.]

ATTORNEY GENERAL BELL: It's a great privilege for me to be able to come here this week and to share in the inauguration ceremonies. I am sorry that I was not here yesterday, I know that was a fine occasion.

I bring greetings from the President who, as you know, is still of the faith -- much more so than I am; he still teaches Sunday School.

[Laughter.]

ATTORNEY GENERAL BELL: One of the main reasons I wanted to come was because, besides my friendship with Russell

and Betty, is the fact that there's such a close connection between Georgia and Texas. I used to hold court over at the Federal Courthouse here, and while the lawyers thought I was really hearing the case, I was looking at the murals in the back of the courtroom.

[Laughter.]

ATTORNEY GENERAL BELL: If you haven't been in the Fort Worth Courthouse, you ought to go. They have some WPA art there. And on one side there's a mural of the Texas Rangers breaking camp, and on the other side is the capture of Sam Bass.

[Laughter.]

ATTORNEY GENERAL BELL: I have always wanted to get my hands on those two murals, if I could figure out how to get them moved to Georgia.

That would make up for a lot of things we've sent to Texas.

[Laughter.]

ATTORNEY GENERAL BELL: For example, the second President of Texas was named Lamar, Mirabold Lamar, he was editor of the Columbus newspaper, a paper in Columbus, Georgia; it still carries his name on the masthead as founder of the paper, second President of Texas.

Then in front of the little courthouse in Knoxville, Georgia, where there's one courthouse and about three

residences, the historical marker says that a company of Georgia soldiers, on the way to Texas to help Texas fight for independence, were there presented with a flag consisting of one star on the flag, and it became the Lone Star flag of Texas.

In 1911 you had a Governor by the name of Corkwood, who was also from Georgia, and he had this young lady who presented the flag, Joanna Troutman, who was 16 years old, and had her remains moved to the capital and she is now buried in Austin.

Also, one of the great contributions I think Georgia made to Texas was just after the Civil War -- we still call it the War of Northern Aggression --

[Laughter.] [Applause.]

ATTORNEY GENERAL BELL: -- in our area. But the GTT Society came from Georgia, Alabama and some of the other States where people had to leave just one step ahead of the sheriff, or the Army of Occupation that we had at that time; and you've finally formed a society called the GTT Society -- Gone To Texas.

[Laughter.]

ATTORNEY GENERAL BELL: And we made a great contribution. My grandmother had three brothers who left and came here, on account of that activity.

[Laughter.]

ATTORNEY GENERAL BELL: Well, Russell Dilday was a little different. In the modern terminology, I'd say that he was recycled.

[Laughter.]

ATTORNEY GENERAL BELL: He was here and left and came to Georgia. And we think that he's a considerably improved person.

[Laughter.]

ATTORNEY GENERAL BELL: On account of that.

We used to say, before people started moving back to Georgia from Texas, that everyone we had ever sent to Texas resulted in the improvement of both States.

[Laughter.]

ATTORNEY GENERAL BELL: I don't know what to make of Russell and Betty.

[Laughter.]

ATTORNEY GENERAL BELL: Under the recycling theory.

On a more serious vein, I want to mention something to you today about the Department of Justice. I think law is at the heart of our secular government, just as religion is at the heart of our morality. It takes a combination of the two, law and religion, to have a good country. The two are the two linchpins, I think, that are in our country.

When Lincoln died, Tolstoy was living in Russia and

someone asked him about Lincoln, what made Lincoln a great man, and he said that he was greater than Alexander the Great, greater than Washington, greater than Napoleon because his life was rooted in four great principles: truth, justice, humanity and pity. And that combined, I think, law and religion: truth, justice, humanity and pity. And it's about the same as saying that you're expected to love mercy, do justice more humbly before your God.

So, in government, we see these great truths manifest themselves, and we see them repeated constantly, and I think it's the thing that makes our country great, the thing that holds it together.

I want to speak on just two points briefly. One is, I want to talk to you as businessmen about how over-regulated you are by the government -- I don't think I have to sell you, it wouldn't be too hard to sell you on that; but I want to mention it.

[Laughter.]

ATTORNEY GENERAL BELL: And the other thing I want to mention to you is how we have recently been able to convert the Department of Justice into a neutral zone in the government, where it's non-partisan in its operation; something that the President asked me to do before he asked me to be the Attorney General.

On Tuesday night President Carter announced his

broad 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. He 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 to eliminate the needless regulations.

The problems of big government and over-regulation are intertwined. As government at all levels sought more and more to deal with social and economic problems which had been so long ignored, the responsibilities of the government grew. The programs which were created to deal with the problems brought restrictions, regulations, and requirements; and then people were needed to staff the administrations, the agencies and the bureaus as to run all of these programs.

Now we have reached the point where one out of every six working Americans, one out of every six works for the government, State, Federal or local. Public expenditures, as a percentage of our gross national product, have risen from about 19 percent in 1938 to more than 32 percent in 1976. That's public expenditures out of our gross national product; almost a third.

The Federal Government probably has more controls

over the people than King George III had. And you'll recall that one stated reason for the 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 was in the -- that is in the Declaration of Independence. And of course that has a familiar ring today.

[Laughter.]

ATTORNEY GENERAL BELL: Clarifying the regulatory role of government and reducing cost of negative side effects has been a top priority of President Carter. That's what he promised when he was running. That's what he has been trying to do since he's been there. Because the Department of Justice has such a central role in the enforcement of these regulations of all kinds, I've had a particularly good view of this effort.

I want to explore that process with you for just two or three minutes.

The growth of business-related regulations and regulatory agencies has been the greatest since the Great Depression of 1930. But 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 forty years is approximately three-quarters of a million. This year's set, which we call the Code of Federal Regulations, runs about 60,000 pages.

Linked to all of these government regulations are voluminous paperwork requirements. A recent government study concluded that the present government paperwork requirements cost our society \$100 billion annually, of which \$43 billion is processing cost to the Federal Government alone. This is five percent, this paperwork cost is five percent of our current annual gross national product of about, just over two trillion dollars. Five percent goes for this governmental paperwork.

Now, the objectives of most government regulations is noble and even sound. But we are seeing that some of our reforms may have gone too far. We have promulgated provisions without reckoning the cost of 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. And they manifest themselves in several ways.

First, the complexity of the government regulations to me, even as a lawyer and former judge, are astounding -- astonishing.

As I stated, the volumes, if you start looking up

regulations, you go to a volume that runs about 60,000 pages. With thousands of additional pages devoted to administrative interpretation of these regulations.

Not only is the sheer number overwhelming, but their lack of clarity and conciseness is legend. Every evening in one of the newspapers, The Washington Star in Washington, a box appears under the caption Gobbledegook. Readers are invited to send in examples of tangled and tortured prose in government manuals, and they get a prize if what they send in is accepted.

[Laughter.]

ATTORNEY GENERAL BELL: I am told that they never run out of material for the column.

[Laughter.]

ATTORNEY GENERAL BELL: Second, these regulations have imposed high additional cost on American production, something that's at the heart of some of our economic problems: lack of productivity.

Brookings Institution estimates that these regulations -- this is 1975 -- may have cut productivity by as much as 20 to 25 percent. We are only now beginning to calculate the toll which these extra costs have taken on productivity in the competitiveness of American business.

The third problem, and the last one that I'll mention, is the one that worries me the most. That is that

businessmen, chiefly those in small enterprises, are simply unable to keep up with all of the regulations which are applicable to them. Major corporations have available large, specialized legal departments to help them be informed, and to maintain compliance with regulations.

Not so with the smaller businesses. They lack such resources, and they are forced to ignore the regulations many times.

Moreover, the public loses confidence in regulations when they appear to be unnecessary to them, for any purpose.

We have got to be careful that we don't get in the same shape as existed in the Roman Empire when the Emperor Caligula, who was a mean person and had a strange bent of mind, and he ordered that all the law be printed in fine print and posted in high places, so it would make it hard to know what the law was.

[Laughter.]

ATTORNEY GENERAL BELL: We may have done that unwittingly, in this country.

[Laughter.]

ATTORNEY GENERAL BELL: But, at any rate, I think it's a serious matter when the law becomes so burdensome and the regulations become so burdensome that it's almost impossible to comply with some of the regulations, and, perhaps with some people, all the regulations. They concern

me. greatly because I think it undermines our country, for it to ever get in that sort of shape.

Now, the other thing I want to talk to you about is how we have been able to make the Justice Department an independent place, sort of an island within the government.

The President asked me to be the Attorney General, and he said one thing he would like to accomplish was to make the Attorney General as independent as possible. I found that that was impossible, because the Constitution doesn't mention an Attorney General, it only mentions the President, and it charges him with the duty to faithfully execute the laws. So he delegates that duty to the Attorney General. And you couldn't have an independent Attorney General. If you did, the President would have to get another person, like an Attorney General, to delegate it to.

So I conceived the idea that perhaps we could make the Justice Department totally, the whole Justice Department, as independent as possible and still be a part of the Executive Department. And it took me about a year to decide how to do this, because I had to learn something about the way it operated, and to see something of the problems that you find in Washington. And I finally decided -- you hear a lot about Special Prosecutors. Everything that happens, they say, we have got to get a Special Prosecutor. Well, we'd have so many Special Prosecutors going, you couldn't keep up

with them. Once they are set in motion, they become independent, and they are not accountable to anyone.

So I had one of my assistants, Assistant Attorney General, who is a law professor at the University of Virginia, Professor Meador, who had studied the British Court system and the British system of justice once for a year, he lived over there and wrote a book on it. I had him look into what the British do.

I found that in England they had a "Watergate" in 1924. They have such a high regard for the law that the government fell on account of one incident. That was this: the word got out -- it was always denied, but it was alleged at any rate -- that a Cabinet officer tried to influence the Attorney General of England and Wales -- it's the same person, that's his title -- in a prosecution. Just that one thing. The government of Ramsay MacDonald fell -- [end of tape]