



# Department of Justice

---

ADDRESS

OF

THE HONORABLE GRIFFIN B. BELL

ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE PALM BEACH ROUND TABLE

THURSDAY, MARCH 1, 1979

12:15 P.M.

THE BREAKERS HOTEL  
PALM BEACH, FLORIDA

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.

The traumas of recent years, such as Vietnam and Watergate, are not being put behind us. Rather, they are being put into perspective.

We now seem more able to examine rationally and learn from experience without being consumed with suspicions, bitterness, and rancor.

The Nation also seems more willing now to face present problems and more eager to plan for a confident future.

One yardstick of this more buoyant outlook is the informed freewheeling debate on every issue of importance. But it is debate without as much suspicion and anger as seemed to permeate our public life only a few years ago.

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 -- without hidden agendas or conspiratorial motives.

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 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, as much as is 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 economic progress 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 the country should put near the top of its agenda is the length of the President's term of office.

In a speech in January at the University of Kansas, I said I favored amending the Constitution to provide one term of six years for the President.

This is certainly not a new idea. It was originally proposed in Congress in 1826 and reintroduced some 160 times since then. However, I think it merits consideration again in light of changed conditions. This change would enable a President to devote 100 percent attention to the office. No time would be spent in seeking reelection. Under the present system, the President serves three years and then must spend a substantial part of the fourth year in running for a second term, assuming a decision to seek reelection.

Moreover, the four-year term is actually too short to achieve most of the major changes and improvements that a President should accomplish. The funding cycles are so long that it is well into a President's third year before his own program changes take effect. This leaves the bureaucracy in control.

A single six-year term would permit the long-term steady planning and implementation that our government needs, plus saving that fourth year now lost to campaigning.

After I made the proposal in Kansas, some persons agreed and many disagreed. The criticism focused mainly on the contention that a six-year term would mean the loss of accountability if a President did not have to worry about putting his policies to the test with the electorate again.

It seems to me that if there would be any lack of accountability in a six-year term, the same situation would exist in a President's second four-year term. But there would not be the same sort of benefits that would accrue from a six-year term.

The six-year term would be one way to help solve another major problem that should be high on any agenda for prompt action -- the control of 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 in government officials -- local, state, and federal -- who are directly accountable to the public.

The only alternative I see is to have an increasingly costly and inefficient form of government, wholly removed from democratic control -- and I use the lower-case "d" in democratic here.

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.

Those who seek simplistic solutions are destined to be disappointed. The problems will not be solved easily.

"Linkage" is one of our current terms in foreign policy. I will employ it on the domestic scene. There is linkage between the problem of controlling the bureaucracy and Congress and the Executive Branch.

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.



There is also a problem in that some of those in the Congress having oversight authority over agencies deal with those agencies on behalf of their constituents in an inordinate manner to obtain grants or loans or contracts for them. I am looking into this now to determine whether this type of conduct gives rise to conflicts of interest even though the member of Congress obtains no monetary consideration for his or her efforts. The question is whether it serves the public interest for a particular member of Congress to use a vested legislative interest (vested through oversight or appropriation power) in an agency, even if only for the purpose of exercising influence over the particular agency for his or her constituents.

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.

This brings me to my third agenda item for action: The public must become more involved. Being a complainer without participation is nearly as bad as being merely passive. I recently said on Good Morning America that the chronic complainer should

be "sentenced" to public service. 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.

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.

But 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.

One of the most challenging ideas on this subject was put forward recently by the Committee for the Study of National Service.

The Committee's work was underwritten by a number of private foundations and organizations. It focused on two major matters:

--The first was what to do to help large numbers of young people in this country -- some impoverished, some from affluent backgrounds -- who are adrift with no real focus for their lives.

--The second concern was what to do about a wide range of unsolved problems -- from caring for the sick and elderly to environmental matters to the rehabilitation of blighted areas.

In its report issued in early February, the Committee called for the country to move toward a concept of universal National Service for young people after either secondary school or college.

This is obviously a complex area and I can do no more today than mention a few of the Committee's recommendations. Without taking a position now on them, let me simply say that the report deserves careful study by government and civic leaders.

The basic idea is what strikes me as so appealing -- the concept of universal service for the public good. As the Committee pointed out, among the major beneficiaries would be the young people themselves. One alternative could be service in the armed forces and thus our volunteer forces program would be ensured. The Nation would gain from such a universal national service. Many would receive rather than give. The sick would be healed; the illiterate made literate; a chance out of the ghetto afforded; the work ethic enhanced.

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

It was asked of General 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."

This principle of self-denial is especially called for today on the part of all citizens. Self-denial, I believe, will go a long way toward solving our Nation's problems.

We need look only at 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.

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

For, as Samuel Johnson wrote, "Life cannot subsist in society but by reciprocal concessions."

I have often said that the wisest use of power is not to use it at all. But if such power must be used, use it sparingly. That is the prescription I would write for the federal government, for the temptation of great power may otherwise be too great to resist. 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."

The restraint of power must be added to other principles for government officials -- including fairness, civility, and integrity. And there are more. Perhaps they are best defined in one of the eulogies to President Lincoln. I believe he represented qualities that everyone, and especially public servants, should strive to cultivate.

But according to Sandburg in his chapter on Lincoln, entitled, "A tree is best measured when it is down," the tribute was paid to Lincoln by Tolstoy, a contemporary of Lincoln. Tolstoy, who was traveling in Russia, shortly after Lincoln's death, was the guest of the chief of a remote Russian tribe. The chief requested that Tolstoy tell them of great statesmen and great generals. Tolstoy at first told them of the Russian czars and about Napoleon. Then the chief rose and asked Tolstoy to tell them about Lincoln. He promised him the best horse in the tribe's stock if Tolstoy could explain the greatness of Lincoln.

Tolstoy waxed eloquent about the American President, saying that he was greater than Frederick the Great, Napoleon, or Washington. He explained that Lincoln always operated on one motive: the benefit of mankind. He emphasized that Lincoln had wanted to be great through his very smallness. And he explained that all Lincoln's actions were rooted in four principles -- humanity, truth, justice, and pity. These things earned Lincoln a preeminent place in history, Tolstoy said.

I would add that no person -- and no country -- can be great except on these principles -- humanity, truth, justice, and pity. But each of these principles are embodied to some extent in the fifth great principle of government: Self-denial.

These principles should be the constant beacons for us all, both in and out of government, as we strive to support our cherished country.

# # #