

1 FORTY-THIRD ANNUAL MEETING
2 OF THE SEVENTH CIRCUIT
3 BAR ASSOCIATION

ORIGINAL

4
5 AND

6
7 JUDICIAL CONFERENCE
8 OF THE SEVENTH FEDERAL
9 JUDICIAL CIRCUIT

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14 ADDRESS BY THE HONORABLE JANET RENO
15 ATTORNEY GENERAL
16 OF THE UNITED STATES

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21 May 24, 1993

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1 BY ATTORNEY GENERAL JANET RENO:
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3 Thank you, Mr. Ryan. It's a great honor
4 to be here with Associate Justice Mr. Stevens,
5 with so many new friends that I have met in these
6 last two months, and the friends I hope to know as
7 time goes on.

8 When I was a little girl, I wanted to be
9 a lawyer. And my mother told me that I couldn't
10 be a lawyer because she didn't like the way that
11 lawyers did things.

12 But as time went on, I observed and went
13 to work with my father, who was a reporter, and I
14 watched lawyers in action. I came to prize what
15 lawyers were:

16 Fierce advocates -- gentlemen mostly at
17 the time -- who could be gentlemen in the
18 courtroom, who could be fierce advocates and then
19 could come out to the community and in discussion
20 and collegial activity address the important
21 matters that plagued the community and, working
22 together with other citizens, do something about
23 those problems in bold and innovative ways.

24 As time has gone on, I think lawyers have
25 lost some of that fierce advocacy and that

1 wonderful civility, and I look forward to working
2 with lawyers throughout this country and
3 reestablishing lawyers as somebody special, as
4 somebody committed to protecting individual
5 rights, as somebody committed to their community,
6 to doing what's best for their community.

7 And in so doing I want to work with the
8 people at the Department of Justice who are
9 incredible lawyers, who are terribly dedicated,
10 who have committed so many years of their lives in
11 U.S. Attorney's offices and in the Department of
12 Justice to seeing that justice was done in this
13 Nation.

14 And I want to ask the question as to
15 everything I do, what is the right thing to do?
16 And that's going to be the hallmark question for
17 the Department.

18 What's right is oftentimes very hard to
19 understand, and it's going to require skeptical
20 and thoughtful debate, not political rhetoric, not
21 shrill accusation, but thoughtful discussion,
22 spirited analysis, and good judgment developed
23 through collegial discussion. And I look forward
24 to working with you in that effort.

25 Beginning again at the Department, I'd

1 like to talk to you a little bit about what I hope
2 to do in these next days.

3 First, I want to approach the issue
4 of charging. I've heard so much about
5 federalization.

6 I hadn't been hearing that much about
7 federalization before I arrived in Washington, but
8 beginning with our confirmation process, I sure
9 did hear about it.

10 And then the judges started talking to me
11 about it, police officers started talking to me
12 about it.

13 I want to approach the whole problem in a
14 thoughtful, non-partisan way. Crime in this
15 country should not be a political issue.

16 We should address the issue of crime and
17 what we can do about it as Americans who care
18 deeply for the safety and the well-being of our
19 communities.

20 We should address crime from a business
21 point of view, from a human point of view, from a
22 point of view of what's going to work, what we can
23 afford, what we can develop, what we can do that
24 will mean what we say.

25 And to that end, I would like to address

1 the issue of charging in our Federal courts in a
2 principle fashion, using the principles of
3 federalism to see what should be charged federally
4 and what should be charged to the state courts.

5 I'd like to work with the National
6 Association of Attorneys General and the National
7 District Attorneys Association because I know full
8 well as a prosecutor in Dade County what it means
9 every time the United States Attorney raises his
10 or her declination level. It means an
11 ever-increasing case load for the state attorney.

12 And I don't want there to be unilateral
13 decisions anymore. I want everybody to understand
14 that the local prosecutor and the United States
15 Attorney, that the local judge and the United
16 States District Judge are existing together in one
17 whole community where what one does or doesn't do
18 impacts on the next, and that we are not going to
19 achieve anything by dumping on the other system.

20 We've got to work together to see how we
21 use our limited resources in the wisest possible
22 fashion.

23 I then want to review our charging
24 guidelines and give to the United States Attorneys
25 throughout this country the discretion that I

1 think the presidential appointment reflects, that
2 we have a high regard for the people who will be
3 appointed United States Attorney, we trust their
4 judgment and we trust their judgment to see that
5 justice is done; and that if you have a man who
6 has never been in trouble before, who has a wife
7 and three children and is an electrician's helper
8 and decides to go out with a friend who says come
9 along and make some extra money with me this
10 weekend and unloads the boat along with ten
11 others and gets charged with the whole amount of
12 the boat and finds himself suddenly facing a
13 ten-year-minimum mandatory sentence, that we can
14 give to the United States Attorneys throughout
15 this Nation the discretion to do what's right
16 based on the evidence, the law, and the person's
17 personal background.

18 I then want to look at the sentencing
19 policy. I want to approach it from the point of
20 view of who is going to prison and how many people
21 are going to prison and what's it going to cost us
22 to send them to prison.

23 My approach to sentencing and my whole
24 approach to the criminal justice system is I think
25 people should approach raising children.

1 About eight years ago a friend died
2 leaving me as the legal guardian of her
3 15-year-old twins, a boy and a girl, and the girl
4 was in love. And I've learned an awful lot about
5 raising children in the last eight years.

6 It is the hardest single job I know,
7 and I would add parenthetically that it is
8 importantly one of the most important and
9 rewarding anybody could ever have.

10 But one of the things that you learn is
11 that you've got to have appropriate punishments
12 that are fair; that fit the crime, if you will;
13 and, if you threaten punishment, you've got to
14 carry it out. But at the same time you've got to
15 have a nurturing and loving environment in which
16 punishment can work.

17 I think we've got to approach it from
18 that point of view here and, first of all, strive
19 to have truth in sentencing.

20 If you look at Federal sentencing
21 practices and look at the date the guidelines went
22 into effect and look at the history of the
23 sentencing guidelines, you can see a dramatic
24 escalation in prison admissions.

25 I come to you with some prior history in

1 that regard. In 1983 Florida implemented
2 sentencing guidelines. Prior to that time and
3 thereafter the Florida legislature has loved to
4 pass minimum mandatory sentences every time it
5 seemed politically popular to do so.

6 About three weeks before I left, I was
7 summoned to a summit on gridlock by the governor
8 of Florida because we were having to let people
9 out of prison who were dangerous offenders because
10 others were there less dangerous but on minimum
11 mandatory sentences.

12 We've got to approach sentencing from the
13 point of view of priority and what we can do to
14 make sure that when we threaten a sentence, it's
15 carried out.

16 We've got to understand that we can't
17 build our way out of this crime crisis in America
18 and that we have got to develop the priorities.

19 I think America would agree that violence
20 and violent crimes has got to be one of our first
21 priorities, particularly the violent recidivist.

22 And we have got to use our limited prison
23 resources for the federal and state to make sure
24 that we have enough prison cells to house that
25 armed robber for the length of time the judges are

1 sentencing them.

2 To let an armed robber out because a
3 more -- a less dangerous offender is serving some
4 time on a non-violent offense but it involves a
5 minimum mandatory simply doesn't make sense.

6 And I'd like to approach it from the
7 point of view of what makes sense and from the
8 point of view of what can be done to prevent
9 crime.

10 You send the recidivist away. Preventing
11 crime based on his record is probably best
12 achieved by incapacitating him for as long as you
13 can.

14 But what all of us have got to tell
15 America is that most of the people in our state
16 and federal prisons are going to come out sooner
17 rather than later and that we've got to develop
18 new approaches for bringing them out or keeping
19 them out.

20 First of all, it's a lot less expensive.
21 Secondly, you can achieve crime prevention
22 probably far more effectively.

23 If you've got a person who's suffering
24 from a drug abuse problem and he gets sentenced to
25 three years in prison, and you pick him up out of

1 prison and you dump him back in the community
2 where he came from without giving him treatment,
3 without providing for an orderly return to
4 society, most anybody with common sense is going
5 to tell you what he's going to do next. He's
6 going to use drugs again and he's going to commit
7 further crime.

8 But if we bring him out in an orderly
9 way, getting him detoxed first, providing
10 incentives for him complying with prison programs,
11 then getting him out of detox and into non-secure
12 residential treatment, then into day treatment,
13 then into active care and followup; if we work
14 with him in job training and placement, if we
15 provide random drug testing as a means for
16 checking his behavior, and if we continue to
17 monitor his behavior, we're going to have a lot
18 better chance of seeing that this person never
19 commits another crime, rather than keeping him in
20 prison for three years or five years under some
21 minimum mandatory sentence.

22 Let's just use common sense and figure
23 out how to use our limited resources in the wisest
24 possible way to make sense of the whole system.

25 Let us understand that we face a curious

1 phenomenon that 26 percent of the people in
2 federal prisons today are aliens.

3 Does it make sense to have somebody come
4 on a boat and unload some drugs and spend ten
5 years in our prisons at the expense of the
6 American taxpayers when we have all the problems
7 on our streets that we face?

8 Let's look at it. Let's ask questions.
9 Let's make sense of the situation. Let's look at
10 interdiction and see if interdiction is working.

11 Most federal officials tell me it's not,
12 but let's understand instead of just spending more
13 money for something that hasn't at least worked to
14 date, let's bring down the rhetoric. Let's focus
15 with common sense on the critical issues.

16 And we need the Federal Bar to do that as
17 thoughtfully and as with firm determination as
18 possible because we cannot let the structure of
19 our courts, our federal courts, we cannot let our
20 constitution be changed and shaped because of a
21 drug problem that we haven't focused on in the
22 right way.

23 We watch drugs overrun the state court
24 system and in the federal court system. I have
25 gone to program after program where people are

1 asking how can we restructure the federal courts
2 to comply with this tremendous increase in cases.

3 Let's look at where the cases are coming
4 from and do something about it up front. Let's
5 take our limited federal resources and work with
6 state government in every way possible in a true
7 partnership.

8 Again, I think that violence is one of
9 the first priorities in terms of what America
10 wants to do in terms of crime fighting.

11 The FBI, the United States Marshall, the
12 United States Attorney's Office should be working
13 with local prosecutors, local police officers, not
14 to duplicate or federalize something that should
15 be handled in state court, but to make sure that
16 we use our limited resources as wisely as possible
17 in sophisticated investigations and in effective
18 prosecutions that may cut across district and
19 state lines. But let's work together to focus on
20 the problem.

21 Let's focus on youth violence as one of
22 the major crime problems in America today and take
23 our read-and-see programs, take all the programs
24 that can work and show that we can do something
25 about it, sending a message to a 14 year old that

1 there is no excuse in the world for putting a gun
2 up beside somebody's head in a parking lot of a
3 supermarket. But we've got to provide other
4 alternatives for them.

5 In the area of civil justice, I look at a
6 court system that is overwhelmed by costs and
7 delay.

8 If we can send men to the moon, surely we
9 can do something about reducing the cost and delay
10 to keep our people out of the courts.

11 When the American Bar Association
12 estimates that 80 percent of the working poor,
13 the poor in America, do not have access to legal
14 services much less to our courts, we've got to
15 understand that we have reached a crisis in
16 America.

17 That Constitution is a marvelous
18 document. Those cases of you and your predecessor
19 judges construing that Constitution are remarkable
20 instruments to the common law, but we have got to
21 do something to make those opinions and that
22 Constitution mean more to those people who do not
23 have access to their courts than the paper it's
24 written on.

25 And we have got to focus on developing

1 bold and innovative ways to make sure that the
2 people know that the law is meant to serve them
3 and the law is derived from the people.

4 And that leads me to a point that I think
5 is imperative. I don't care whether you're a
6 civil lawyer, a federal judge, a Supreme Court
7 justice, a person who has never been in a court
8 before, America faces the greatest single crisis
9 in its history since World War II, and that is for
10 the last 30 years America has forgotten and
11 neglected its children.

12 The drug problem that threatens to
13 sometimes overwhelm the federal court; the drug
14 problem that pushes your civil case aside again
15 and again so that the federal judge can hear a
16 criminal case involving a drug dealer; teen
17 pregnancy; youth gangs; youth violence; dropouts;
18 homelessness, which marks in ever-increasing
19 numbers children amongst it's ranks, are all
20 symptoms of America too often having neglected its
21 children in these last 40 years.

22 How do we put the fabric together again?
23 First of all, we've got to build a partnership
24 again. U.S. attorneys, local prosecutors, mayors,
25 and county commissioners are calling out for it.

1 This morning I addressed a conference of
2 40 major city local prosecutors. I said the same
3 thing to them as I tell you tonight.

4 And when I started talking about
5 children, these hard-nosed, hang 'em type
6 prosecutors suddenly burst into applause.

7 When mayors came to call on me recently
8 representing both Republicans and Democrats, they
9 said don't talk to us about more police, talk to
10 us about early intervention and prevention.

11 How do we do it? I think first of all we
12 realize that what exciting -- what's really
13 exiting that's happening in America today is
14 happening in our communities.

15 Washington is a facinating city, it's a
16 city full of great challenges. But I think
17 Washington's most exiting time was probably in the
18 '30s as it battled our Depression and the '40s
19 with World War II.

20 And then in the '60s and '70s the state
21 capitols became the exciting places to be in this
22 Nation. The communities of this Nation are the
23 exciting places to be now.

24 The people in the communities have a
25 bolder sense of innovation and creation; they've

1 learned to do with less. They are so creative
2 because the Federal government has too often
3 pushed the burden to the states and the states
4 have pushed the burden to the community.

5 And the community, with it's back up
6 against the wall, has with the esprit of American
7 ingenuity solved the problem again.

8 But if U.S. attorneys, if all the federal
9 agencies can come together in a comprehensive
10 approach to a community rather than standing off
11 and saying we're the Feds and we know better how
12 to do it, if they can become a partner in that
13 community working with the community to complement
14 what they do, I think we can make such an
15 incredible difference.

16 If we can avoid duplication, if we could
17 support each other in violence reduction, in
18 juvenile justice programs, in getting after the
19 major trafficker and making sure they're put away,
20 we can make a tremendous difference.

21 But the communities of America in this
22 Nation have got to join together to develop a true
23 national agenda for children, an agenda that says
24 that we're going to focus on teen pregnancy and
25 reduce it so that parents will be old enough, wise

1 enough, and financially able enough to take care
2 of their children.

3 We have strict requirements for
4 graduating from high school, but why not make
5 parenting skills a requirement for graduating from
6 high school.

7 It's probably the most essential function
8 that we're going to learn as we move through
9 life. And with the breakdown in the American
10 family, too few people understand the
11 extraordinary skill of what it takes to be a
12 parent.

13 Let us say that every pregnant woman in
14 America will have prenatal care. Now, the federal
15 judges looked at me the other day when I told them
16 this as if I might have lost my mind: Is the
17 Attorney General standing up and talking to
18 federal judges about prenatal care?

19 But it's time we looked beyond our narrow
20 bounds of where we practice and what we do. The
21 prosecutor can't just look at prisons, the police
22 officer can't look just at arrest, the teacher at
23 teaching, and the doctor at doctoring.

24 We have got to understand that we've got
25 to look at the whole continuity of human life.

1 That employer has got to understand that unless we
2 focus on children, we won't have a work force
3 within 10 or 15 years with the skills necessary to
4 fill the jobs to maintain America as a first rate
5 nation.

6 The federal judge who's concerned about
7 his or her case load has got to understand where
8 that case load is coming from: Drugs, drugs
9 overwhelming a community that has not focused on
10 the cause of the problem in the first place.

11 The senior citizen who says that they've
12 done everything they could for their child, their
13 grandchild, and their great grandchild and that
14 they've finished helping children has got to
15 understand that their pension won't be worth the
16 paper it's written on unless we start focusing on
17 children and continue to build America as a strong
18 and healthy nation.

19 And we've got to focus on the child zero
20 to three. Every child development expert who has
21 taken me in tow, taken me to the neonatal unit of
22 our public hospital, told me about child
23 development, has said that the most formative time
24 of a person's life is in the age of zero to three
25 when they learn the concept of reward and develop

1 the sense of a conscience and punishment.

2 (Whereupon, the audio system
3 of the ballroom failed,
4 rendering portions of the
5 remaining address inaudible.)

6 If that's when a child -- if that's when
7 a person learns punishment, we've got to focus in
8 at the time when too often the family has broken
9 down around the child or otherwise the punishment
10 you impose 18 and 20 years later won't mean
11 anything to that child if they've never developed
12 the concept of reward and punishment.

13 We've got to develop creative programs
14 that provide Medicare for all our children. It is
15 the most frustrating thing in the world to wander
16 through a housing project trying to figure out
17 what's going wrong and see a three-year-old child
18 wandering around and ask why isn't that child in
19 child care? Nobody is supervising them. He can
20 run out to the street, he could get into trouble.

21 And I'm told his mother doesn't work,
22 she's not looking for work, and she has abused him
23 and neglected him bad enough to make him eligible
24 for child care. That should be provided since
25 those are the most formative years of a child's

1 life.

2 And we have got to focus on afternoons,
3 after school, and in the evenings. The
4 [inaudible] foundation has done some extraordinary
5 [inaudible].

6 And again you say why do you talk to the
7 Federal Bar Association about this? Unless we
8 focus on the problem of children as a whole and
9 their families and their communities, all of us
10 are going to be beat down by the symptoms that
11 have been generated by this neglect over 30
12 years.

13 We've got to understand what we can
14 teach. We can teach peaceful conflict
15 resolution. There are marvelous programs stemming
16 up in elementary schools across this country that
17 are teaching elementary students how to resolve
18 their conflicts without violence.

19 We can speak to advertisers on TV and say
20 I'm not going to buy your product if you continue
21 to advertise violence at 8:00 and 9:00 o'clock at
22 night when our children are watching. That's not
23 freedom of speech. That's letting America express
24 itself in the best way possible.

25 We've got to look at truancy prevention

1 programs and get to the kid when he's 9 and 10 and
2 truant for the first time rather than when he's
3 delinquent for the first time at 13 or 14.

4 We've got to develop new attitudes in our
5 schools that look at a child's training and
6 placement as part of a curriculum, and we've got
7 to make sure that every child graduates high
8 school with a skill that enables them to earn
9 minimum wage.

10 We've got to challenge our youngsters. I
11 think of my mother's stories of the Depression and
12 what the young men in civilian conservation corps
13 built. We see monuments of these young men across
14 this nation. And as I talk to some of you even
15 now, we have such a sense of pride when we build
16 our communities.

17 And I just Saturday went to Sweetwater,
18 Texas, to celebrate the 50th anniversary of the
19 [inaudible]. My aunt was a WASP. She [inaudible]
20 and dairy farms and had a hundred hours in an
21 [inaudible].

22 And she was a heroin for me just as all
23 her friends in their 70s to 80s were [inaudible].
24 And I looked at John F. Kennedy assassination
25 [inaudible] half way around the world to help

1 others less fortunate.

2 Our fight is on our streets, in our
3 communities, and in our neighborhoods. And we've
4 got to join together in the national service corps
5 concept to give our young people a sense of
6 spirit, encouragement, a sense of pride, a sense
7 that they can [inaudible] in our nation to be
8 somebody.

9 But it's not just a matter of dollars and
10 programs for our children. It's what we do
11 ourselves.

12 I could turn around as a prosecutor in
13 Dade County [inaudible] and turn and look and it's
14 a child from a family that has everything that it
15 wants except time and care and supervision for
16 it's children.

17 With both parents working, we have
18 sometimes lost sight of our children. If you
19 would have told me in 1960 that I couldn't go to
20 law school because I was a woman, I would be very
21 angry and I would be far angrier now.

22 But somehow or another in a nation that's
23 blessed by so many different things, we ought to
24 be able, both men and women, to achieve our
25 professional goals while at the same time putting

1 our children first.

2 We're going to have to do it in bold and
3 innovative ways. I remember my afternoons after
4 school and in the summertime my mother worked in
5 the home, my father worked downtown.

6 My mother taught us to play baseball and
7 to [inaudible]. She taught us how to play hard,
8 she taught us how to play fair, and she loved us
9 with all her heart.

10 And there is no child here in the world
11 who can ever be a substitute for what that woman
12 was in our life.

13 And get I look at the women today in the
14 office of the States Attorney's office in Dade
15 county struggling to get breakfast on the table,
16 get to work on time, start trying the case, finish
17 trial at 6:30, call some witnesses, get home at
18 7:00, get dinner on the table, the children
19 bathed, the homework done, and collapse waiting
20 for the next day.

21 On Saturday they go to temple and run
22 errands, on Sunday they sleep late and go to
23 church, on Sunday night they start preparing for
24 trial again. And there is no quality time with
25 their children.

1 We've got to understand how important
2 maternity and paternity leave, flex time, and
3 other creative and bold programs are.

4 We've got to [inaudible] our parents in
5 every work force in America to be quick to go to
6 their children's schools to participate in the
7 school programs.

8 We've got to think of new ideas, that the
9 workday is 8:00 to 3:00 instead of 8:00 to 5:00
10 because we can accomplish far more from 8:00 to
11 3:00 than we could on May 24, 1891, when we had
12 gas lights and no computers.

13 And wouldn't it be wonderful if both
14 parents work a full day and pick up their children
15 and spend quality time with their children and
16 eliminate the need of some child care.

17 We really have got to figure out how we
18 could return our parents to our children, our
19 children to our parents, and the family to the
20 neighborhood and vice versa.

21 And it's best said in the last two verses
22 from the Old Testament from the book of Malachi,
23 and behold the Prophet Elijah before the coming of
24 the great and dreadful day of the Lord. He shall
25 turn the heart of the father to the children and

1 the children's hearts to their father, lest I come
2 down and smite the earth with a curse.

3 (Whereupon, the address by
4 Attorney General Janet Reno
5 was concluded.)
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