



Department of Justice

REMARKS

OF

THE HONORABLE EDWIN MEESE III,
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE

AMERICAN COLLEGE OF TRIAL LAWYERS

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9:00 a.m.

Tuesday, March 19, 1985
Lake Buena Vista, Florida

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THE ATTORNEY GENERAL: Thank you, ladies and gentlemen. I appreciate very much that warm welcome and your kind remarks. I am pleased to be here. You know, even in the last few weeks I have been called worse than that.

(Laughter)

I am pleased to be here today for many reasons. I have looked over the roster of your past presidents, which reads like a Who's Who of the outstanding lawyers of our time. The American College of Trial Lawyers to me represents the highest level of professionalism and so I am truly honored to be invited here to participate in this conference.

Your work and your activities are a reminder that advocacy of a client's interests is one of the most basic and important tasks of our profession, and I was pleased to note that in this regard your sponsorship and honoring of the National Moot Court Champion, which as a Californian I am happy to see came from the University of California at Davis, a college and law school that I have had affiliation with in the past as a member of one of their advisory boards.

The role of trial lawyers and trial attorneys is particularly important to the Department of Justice. We now

number in the department a little over 4,000 lawyers, and most of those lawyers are involved in litigation of one form or another.

I was happy to see that one of our leaders in the department, a man who will be leaving us in April, Paul McGrath, who has been the Assistant Attorney General in charge of our Civil Division, and presently of our Antitrust Division, is now a new member of the American College, and I am very pleased to see that.

I am also pleased to be among trial lawyers. Most of my professional life has been working with trial lawyers in one way or another, but the last four years, of course, I have been in what might be described as a non-lawyer environment. As some of you who may have had similar experience know, if you are dealing with non-lawyers a lot of the time, lawyers become the butt of jokes quite frequently.

As a matter of fact, the other day I was in the Oval Office -- every morning we have a briefing -- and at the end of the briefing, the President said to me -- there was a twinkle in his eye and I knew something was coming -- he said, "Ed, do you know why it is that the medical researchers are now using lawyers instead of white rats for their more

dangerous medical experiments?" I said, "No, President, why is that?" He said, "Well, there are two reasons. First of all, in this country now we have more lawyers than we have white rats."

(Laughter)

And he said, "Secondly, with the lawyers, the scientists don't get that feeling of affection they sometimes develop for the white rats."

(Laughter)

Well, you can see why I am glad to be back among lawyers again. But I am particularly pleased to have been invited to attend this meeting by your president-elect, Griffin Bell. As most of you know, Judge Bell was an outstanding Attorney General, he has been a distinguished lawyer and judge, and he is certainly a fine gentleman of the highest integrity, and so to have that association through him with this group means a great deal to me.

As the Attorney General of the United States, Judge Bell reached out beyond the Department of Justice. For example, he brought in Professor Dan Meador from the University of Virginia and developed an office that was entitled Office for the Improvement of the Administration of Justice as a

means of using the resources of the Department of Justice to work with the professions, the legal and the judicial professions, to improve the way in which our justice system serves the people of our country.

I intend to follow Judge Bell's excellent example and reestablish this function within the department so that we can reach out and be a force for working with the professions to improve the way in which justice is administered in this country. I will talk a little bit more about that in the course of these remarks.

Since returning to the private practice of law, Judge Bell has continued to serve. He was the co-chairman of Attorney General Bill Smith's Task Force on Violent Crime, which rendered one of the most important reports in terms of setting forth recommendations of how we can make this country safer for our citizens. And Judge Bell also returns to Washington frequently to participate in seminars and other activities at the Department of Justice. I just want you to know that your President-Elect is very much appreciated for his excellent service, and I commend you for selecting him as your leader.

(Applause)

Well, I had a little problem in thinking about what to say this morning. What do you tell a group of lawyers and distinguished people such as this that they don't already know? And so I thought that perhaps it might be helpful, in bringing a message from the nation's capital, to spend a few minutes giving you a brief overview of what I see ahead in the next four years as far as the basic policies in the Executive Branch of our Federal Government, and then talk more specifically on a few issues that affect the administration of justice.

The President has set forth for the next four years three basic objectives: First of all, sustained economic growth; secondly, a world of peace and a secure nation; and, thirdly, the improved quality of life for all of our people. Let me go into some detail about each of these topics.

First of all, sustained economic growth: Recognizing that the future of our country has always been based upon increasing prosperity and jobs so that there is a livelihood for all of our people and the opportunity for all of our people to improve their own economic situation, the President has embarked upon a five-point program somewhat reminiscent

of those items that were accomplished in the first term but on a continuing basis.

First of all, to reduce federal spending and as a part of this reducing the federal deficit. You only have to look at television at night or read the papers in the morning to see that that battle is being waged at the present time.

Secondly, to have a tax system which accommodates and supports economic expansion, in this regard a tax system that encourages investment and savings and provides capital formation, that would preserve the indexing that was accomplished in 1981, so that people who, when there is inflation, are driven into higher brackets, are not penalized by increased taxes simply because they are maintaining their similar level of spending, and by a simpler and fairer tax system.

Now, I would probably be a little hesitant to talk this way in front of a group of tax lawyers, but recognizing that you are trial lawyers, I think we all agree that a simpler and fairer tax system would be in the best interests of all our people.

Another element of sustained economic growth is the reduction of the regulatory burden which the Federal

Government imposes upon individuals, businesses and labor unions. We are interested in a stable monetary policy and a sufficient growth of the money supply to have economic expansion without inflation, and a great deal of our effort will be directed at the expansion of our foreign trade, particularly to work with the other nations to remove tariffs and non-tariff trade barriers so that there is fair trade and free trade among the nations of the world.

The second major objective has to do with a world at peace and a secure nation. In this regard, you heard something of this yesterday with Gen. Gorman's speech when he talked to you about national security. Basically, we have a program of national security based upon five essential principles:

First of all economic strength, because not only must we be strong at home but economic strength gives us a position of leadership from which we can deal more effectively with other nations. I think it was interesting to note at the Economic Summit last year in London that the reason the United States had the leverage with other countries was they were amazed at the economic recovery we had made and the number of jobs that we have developed in this country

just in the past two or three years as we pulled out of the recession.

A second major principle has to do with enhancement of relationships with our allies and friends, the continuation of the NATO Alliance, which has been the longest alliance and has preserved the longest era of peace in Europe that continent has known. I think an example of this enhanced relationship had to do with the summit meeting yesterday and the day before in Canada. As a matter of fact, having just arrived back from Canada last night, when I came in I saw the flag and I thought maybe I hadn't left yet.

(Laughter)

But that relationship signified I think the fact that our nation does enjoy a very good friendship with allies around the globe among the peace-loving and freedom-loving nations of the world, a relationship we want to nurture and expand.

Thirdly, we want to develop constructive relationships with third world nations, relationships not built merely upon Uncle Sam giving out money to these nations but, rather, providing investment, providing technical assistance, giving these nations a chance to help themselves in their own

economic development so that they can enter more abundantly into the world family of nations and into the world of trade so that they themselves will become self-sufficient ultimately.

A fourth plank -- and this is particularly important now as our negotiations go on in Geneva -- is the relationship with the Soviet Union that is based upon realism, reciprocity and restraint. Realism in the sense that we are not unwilling to say publicly that we understand both the goals and the methods of the Soviet Union, but at the same time that we are willing to work with them despite their avowed goals, to work with them in a spirit of cooperation -- that's the reciprocity -- if they are willing to likewise restrain their aggressive impulses, behave according to standards of international conduct, and develop with us treaties that are equitable and verifiable to ensure a more stable world, relieve tensions and hopefully act in the direction of a reduction in nuclear weapons.

I think it is important to note in this regard that the United States Delegation to these arms reduction negotiations taking place in Geneva is headed by a very able lawyer, a very able trial lawyer, Max Kampelman, who certainly espouses some of the highest qualities of our

profession and a man who has great experience in negotiation and I think will do an excellent job in representing our country in these very critical meetings.

Finally, a matter that undoubtedly Gen. Gorman talked about yesterday, a world at peace and a secure nation depends upon a strong military capability, a capability that provides a credible deterrent against aggression and the ability to protect our citizens anywhere in the world at any time.

Well, these are the five principles that underlie this idea of national security, recognizing that this is government's first duty, to protect our people against the possibility of aggression or attack by a foreign power.

The third area comes closer to home and that is improving the quality of life for all of our citizens. There are many ways in which we will be working on this. First of all, it has to do with space exploration, because we think the new frontier in terms of technology is greatly interconnected with the space program. Not only are we discovering new things through the space exploration program, but as this program becomes a more regular part of our life, there will be opportunities for medical technology improvements, a

number of industrial uses, and a great deal of by-product of the space program which will become, as they have in the past, a part of our everyday life and improving the quality of life because of this.

We are interested in improving the environmental quality of our nation. During this year, some critical elements of our environmental program, the Clean Water Act, the Clean Air Act, and other similar legislation will come up for renewal and reauthorization by the Congress, and at this time it will be very important to balance the environmental and economic factors so that we do in fact improve the quality of life from all aspects and so that we have realistic legislation that is capable of protecting us, protecting the air we breathe, protecting the water we drink, protecting us against environmental hazards of various sources and at the same time doing that in a way that is cost effective and which is not counter-productive.

One of the areas in which we can improve the quality of life not only now but for the future is the program that the President inaugurated some years ago with the Blue Ribbon Commission on Excellence in Education, because the future in terms of jobs, in terms of competitiveness, in

terms of our ability to expand our trade and compete with the other industrialized nations of the world depends upon an educated workforce, and I think this is a particularly good example of the way in which the Federal Government and a President can provide leadership by bringing the problem and some of the solutions to the attention of the public and then, rather than creating a new federal bureau or rather than getting new federal taxes, can leave it to the level of government where the actual work is being done. Of course, in the case of education we are talking about the local school board level and through state departments of education.

There is no question but what around the country local governments and local school boards have picked up this challenge and we have a variety of innovative and creative actions being taken throughout the country to improve the quality of education and thus improve the ability of our young people as far as their futures are concerned.

Finally, in improving our quality of life, a very important component has to do with the protection of our citizens against crime and the just administration of the laws of our country. I would like to address briefly several issues in this regard.

First, I would like to talk about a subject that is very important particularly in the locality where we are today, and that is the whole problem of drug trafficking and organized crime.

The Task Force on Violent Crime which Judge Bell chaired found as they went around the country that one of the major causes of violent crime, the kind of crime that threatens most citizens -- burglaries, robberies, assaults, even homicides -- was due to or involved with drug trafficking and the drug problem. As a result of this, the Department of Justice, the President and other departments of the Federal Government set up the South Florida Task Force. We asked the Vice President to head up the coordinating role so that we could get the best mobilization of all resources of the Federal Government.

We amended the Posse Comitatus Act so that military services could be used for the first time to assist in the war against the drug traffickers. As a result, we brought together a coordinated activity between the judiciary, the U.S. Attorney, the various law enforcement agencies of the Federal Government, we brought the FBI into drug enforcement for the first time in its history, we obtained the

support services of the various military forces, the Air Force, for example, with its radar and its patrol planes, the Navy with the ships, utilizing Coast Guard crews for the enforcement aspect, we brought in Army helicopters loaned by the Army for drug enforcement, and the Customs department, and as a result we were able to mobilize a wholesale onslaught against the drug trafficking in South Florida.

This proved successful not only in terms of reducing the importation of drugs into that area but also cut down on the drug-related homicides which had been growing at an alarming rate. As a result of this, we expanded the task force concept and now have regional organized crime and drug enforcement task forces in every part of the United States.

We also stepped up the interdiction efforts, utilizing the Customs and the Coast Guard together with the Drug Enforcement Administration and other agencies of the Federal Government to try to interdict the importation of drugs and to go beyond that in terms of drug enforcement activity and deal with the countries of origin, the Golden Triangle in Asia, the countries of South and Central America

from which drugs were coming, the countries of Europe, Italy and France, which had been a distribution point for the drug traffickers.

A great deal has gone into this, probably the greatest mobilization of resources and allocation of resources that the country has ever known in terms of both interdiction and the investigation and prosecution of the various drug traffickers and organized crime rings.

I am pleased to say that we are starting to make progress, but we still have a long way to go. In fact, the prevalence of drugs is still far too great, but we are starting to make real progress against the major traffickers not only in terms of apprehending them and confiscating the drugs they are bringing in -- seizures are at a record high at the present time -- but also following the money, which is a tremendous aspect of the drug trafficking, of course, the huge amounts of money involved, tracking that through the various businesses and banking institutions where the money is being laundered, and seizing the money as well, an act which will be made more easy because of the recent Comprehensive Crime Control Act.

While we are emphasizing this increased effort of

law enforcement, I think it is important to note that we also have to work on the other end, on the demand side. In this regard, we are working very hard through the Department of Health and Human Services, through a number of volunteer groups all over the country in a program in which Mrs. Reagan personally has been very highly identified, and that is the prevention and education in regard to drug use.

For the first time, after a few years now of this effort, we are starting to see a slight decline in drug use by young people between the ages of 15 and 25, which I think is a very hopeful sign. But working from both ends, from the supply end, to restrict the supply of drugs coming into this country, and being distributed within our boundaries and working on educating people, particularly young people, on the health dangers and dangers of using drugs, we think that there is an opportunity to improve this situation considerably -- not only for its own sake, to make a society of young people less dependent upon illegal drugs -- but also to have a major effect on the decrease in crime which will result from less drug trafficking in this country.

A second topic I would like to talk about is the federal court system, to talk about the balance between the

legal system at the federal level and the legal systems of the various states. Two weeks ago we had a conference at Williamsburg that brought together the Chief Justice of the United States and representatives of the Supreme Court and the Administrative Office of the Courts, judges from the Circuit Courts of Appeal and the District Courts in the federal system, as well as judges representing the state judiciaries of the country. Accompanying them were representatives of the Department of Justice as well as the Judiciary Committees of both the House and the Senate. And the principal topic that was discussed there was the overburdened federal courts, the fact that, despite the creation of new judgeships continually over the last two decades, the federal judiciary was now burdened by more cases than it can handle at all levels of courts, and that the increased number of federal cases have resulted largely from new federal causes of action, new federal laws created by the Congress, particularly in the last decade, as well as by the increase in the number of cases, what one judge calls particularly the frivolous cases filed in the federal system which clog its ability to handle the very important cases that come before it.

Well, as a result of this conference, we are working with the federal judiciary in the Department of Justice and we intend to do several things. First of all, we are interested in providing, along with the Office of Management and Budget of the Federal Government, for new legislation that has implications for the federal justice system, a justice impact estimate, so that when a law is passed we can explain to the Congressmen and the Senators exactly what is involved, what it will mean in terms of the burden upon the federal judiciary, what it means in terms of U.S. Attorneys, what it means in terms of federal probation and parole officers, what it means perhaps for criminal law in terms of new correctional facilities.

I have a particular concern, for example, that there seems to be a growing trend towards making almost everything criminal when new legislation is passed by the Congress, and so that we get away from concentrating the criminal justice facilities on those acts which are truly criminal in the traditional sense of the word. So this kind of an estimate, I think, will help the Congress, people in Congress, to better understand the results of their legislation.

Secondly, we are proposing legislation -- we proposed it last year and we will be proposing it this year -- concerning the federal intervention in state criminal proceedings, so that there will be an increased finality in state court judgments in criminal cases once they have been reviewed by the appellate system in the states so that the criminal defendants in prison don't get another cut in the federal system unless there is a substantial issue or a substantial breakdown in the way in which the case has been handled in the federal (sic) courts.

Thirdly, we will be supporting with the Chief Justice a Federal Judicial Study Act to provide a long-range look at federal jurisdiction and the operation of the federal courts. We think that this will go a long way towards providing for the future a better system so that the interests of litigants could better be handled in the federal courts and the federal courts can be reserved for what they were originally intended to be, truly federal matters.

A third issue I want to discuss briefly has to do with prison reform. In the last three years, we have seen a decrease in crime. In 1982, it decreased by 3 percent, in 1983 it decreased by 7 percent, and the preliminary look at

statistics for 1984 show a further similar decrease.

I am convinced that one of the reasons among various factors -- there is not time to discuss now -- but one of the factors is that more people, more convicted felons, particularly convicted of serious crime, have been sent to prison by the judges, particularly in our state courts as well as to some extent in the federal courts, and career criminals, those people who are repeat offenders, have been kept in prison for longer periods of time through longer sentences handed down by the judges.

But if we are going to maintain this practice of more serious criminals going to jail for longer periods of time, we have to expand the capacity of our prisons and provide more adequate humane facilities in which to incarcerate these people so that they will be incapacitated and not able to prey on their fellow citizens.

There are several things here that need to be done. For the first time, some of our states are starting to pass bond issues for new prison facilities. When I say that new prison facilities are needed, I mean that the growth in prison facilities has not kept up either with the population or the growth in crime. Indeed, the growth in serious crime

in the past 25 or 30 years has increased in excess of 400 percent, yet our prison capacity has only increased 71 percent during this same period of time.

So it is important that we do provide for new and expanded prison facilities. In the Federal Government, the Department of Justice, we hope to work with state and local officials in a cooperative effort to make this as easy and as cost effective at the least cost to the taxpayers as possible. In this regard, we are particularly interested in having our National Institute of Corrections develop architectural plans, which are now ready for distribution to the states. If there is any type of facility that doesn't need to be the great architectural wonder of the world, it is the prison facility. We think having available off-the-shelf plans that any state or local government can use to build a prison will certainly reduce a great deal of the cost.

We are looking around the country to see new innovation in prison construction that makes it more cost effective. There is no reason why one prison space has to cost \$100,000 in one part of the country and \$30,000 or \$40,000 elsewhere. We think there are ways to bring down those costs through the sharing of information among the

states as to how costs can be reduced in prison construction.

We also think that a great deal can be done in terms of sharing operational information about how prisons can be managed in a better way. We are looking at experimenting with the private sector being involved, in some cases experimenting in the private sector operation of minimum security facilities, or in other cases the private sector providing food services, medical service and other types of services which can be done at a lower cost so that the taxpayers can get a better situation for the money they are investing in prison facilities.

Well, this is an area in which a great deal of effort deserves to be placed so that this part of the total justice system can keep pace with things we are doing elsewhere.

One other thing we are doing is providing federal lands. The great problem with prison construction is everybody agrees that they need a new prison but nobody wants to have it in their backyard. And with the Federal Government owning about a third of the land in the United States, we think there must be some areas on the edges of military posts or otherwise out in the boondocks, as most military posts are, where there should be some land available so that there is a place to

construct prison facilities, and this land under new laws can be given at virtually no cost to the state and local government so there will be a place to construct the new facilities.

Well, this is an area that deserves a great deal of attention and will receive it from the Department of Justice.

Finally and very briefly, let me touch on another issue that I think is very important to us as a profession and that is providing legal services for the poor. In the last decade, too much of the responsibility for providing legal services for the poor has been shifted to the taxpayer through the Corporation for Legal Services and some other means from the state and too little has really been accepted as a responsibility by the profession itself.

I think the time is ripe for new, creative approaches which would involve greater professional responsibility. I think our profession can work with the law schools whereby people in their middle years of professional practice can devote a few hours a month to supervising third-year law students working in a sense as clinical interns to provide legal services to the poor and as a result of this the lawyers

will be providing service for the public, the students would be receiving some hands-on education from experienced lawyers, the poor would be receiving more and better services than they are at the present time, and legal education would be expanded because not only would the people of the law school be teaching, but professional lawyers would be providing the benefit of their skill and experience in the teaching not only of the skills of lawyering but also in the ethics, the integrity, and the customs and mores of the profession.

This is a subject that I hope to expand on in articles and speeches in the course of the next year because I feel that it is one of the most important ways in which our profession can make a major impact in making sure that no person is denied legal services because of their economic situation.

Well, ladies and gentlemen, these have been a few thoughts of a new Attorney General on the future course of our government and the challenges ahead for our profession and for the legal system generally.

I appreciate the opportunity to discuss these concerns with you as leading members of the legal profession.

And I pledge to you that my leadership of the Department of Justice will include working with you and the other members and the other organizations in our profession in fully living up to our professional responsibility and working very hard to provide better service to the people of our nation.

Thank you very much.

(Applause)

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