



DUKE UNIVERSITY SCHOOL OF LAW HOODING CEREMONY

REMARKS OF UNITED STATES ATTORNEY GENERAL JANET RENO

Saturday, May 13, 2000

Duke University School of Law

Edmund M. Cameron Indoor Stadium

Durham, North Carolina

7:48 p.m.

P R O C E E D I N G S

ATTORNEY GENERAL RENO: Thank you, Chris.

You've given me an awful lot to live up to.

I love the law. It has brought joy and challenge and fascination to my life in dimensions and intensity that I never dreamed was possible 37 years ago. If someone had told me on the date that I graduated that I would be able to use the law to try to make America safer, healthier, freer in the way that I've been permitted, I would have said, wow, somebody must be dreaming.

I love good lawyers. Not greedy, indifferent lawyers, but good lawyers, who care. And this law school stands for just that. Walter Dellinger and Chris Schroeder, Jeff Powell from the faculty have been an example of what Duke stands for in terms of public service, and they stand for public service in the best way I know how in terms of intellect, compassion and dedication.

I thank the law school for sharing them on so many occasions. Frank Hunger and Judge Gerald Weatherington were graduates from this law school. Again, an example of what you -- the opportunity that you have had and what you will be able to do with it.

I don't know any higher calling than public service. I like it a lot better than worrying about billable hours and business development. Since public service is a new tradition, I think I may be talking to a future attorney general or a deputy attorney general. And, thus, I've tried to pull together how I have approached the challenges of the job; sometimes with success and sometimes not.

On the wall of the east side of the building in the Department of Justice is a statement chiseled into the stone. "Common law is derived from the will of mankind, issuing from the people, framed by mutual confidence and sanctioned by the light of reason."

We are the products of our experiences, and I definitely bring an orientation based on community to the Department of Justice, but these are the approaches that I have tried to take. First: I've tried to use small, old words to explain the law to the American people.

Lawyers can confuse the law more in terms of the language they use than almost any other profession I know. Explain the law so people can feel the moral force of the law, the moral force of your position and understand what we must try to do.

This is critical, because too many people in America do not have access to justice or to a lawyer, and to them the law is worth little more than the paper it's written on. I have been trying to change that; sometimes with greater success than less.

And sometimes we have failed, but if there is one thing that must be done, both by my generation and yours, is to open America's doors to people seeking justice in forums

and with advocates that will permit them to achieve justice.

The second approach that I've taken is to try to be open and accountable. I come from a state that has a sunshine law, that has a public records law, that says almost everything is public after it is no longer necessary in terms of criminal investigation and prosecution.

I came to Washington hoping to say, this is why I'm inclined to prosecute, this is why I've prosecuted. Again, with a system with ethical guidelines, but the Privacy Act, the Freedom of Information Act and grand jury regulations sometimes prevent that from happening.

I think together we must focus on how we are sufficiently in the law, to be accountable to people for what our actions have been. What I try to do, as Chris suggested, was to do the right thing, but Harry Truman said, doing the right thing is real easy. Trying to figure out what it is is much more difficult.

If you have Walter Dellinger and Chris Schroeder and Jeff Powell and Frank Hunger at the table, in the conference room at the attorney general's office, you're sometimes going to get four different opinions.

And usually Walter is going to try to out-talk everybody and prevail at the end. It is the best example I've seen of legal advocacy, and from the threads of those conversations I try to pull the answer as to what's right.

I have one suggestion based on the approach that I've taken, and that is, I think too many lawyers come out of law school paying more attention to the law than to the facts. Paying more attention to the law applied to some hypothetical as opposed to the real facts in a real human situation.

I think it is imperative that we develop the factual situation before we apply the law, and that means dig and dig and dig some more. And when people come to you saying, oh, the death penalty should be applied here, because, and

there is a missing piece, find that missing piece before you make that terrible decision.

When you charge somebody, and there's a gap in the testimony that can't be explained, make sure that you have dug and dug and dug to find the answer before you apply the authority of the government. Then after you've prepared yourself as well as you possibly can, consistent with your time limits, make your best judgment and be prepared to live with it.

That's what I did in Waco. And people ask, how do you live with it? You live with it, because you know that you have done the best you could to review the circumstances with the information that was available and under the time circumstances that were involved.

You don't know what the right answer is, because we'll never know what he did in a year or a month of the time of the tragedy, but you live with it and you move on. And you shouldn't be afraid to make mistakes and cause an action. You should continue to try to do the best you can under the circumstances.

One of the first goals is to make sure innocent people don't get prosecuted. I had the occasion in Florida to re-investigate the case of a man who had spent 21 years in prison for a crime he claimed he did not commit, the poisoning death of his seven children. The death penalty had been set aside by the supreme court, but he remained in prison.

We dug and dug and dug, and concluded that the evidence had been insufficient to charge him originally. It was clearly insufficient now, and he should go free. To turn around and see that man walk out of that courthouse a free man for the first time in 21 years is a scene I will never forget, and it reinforces itself upon me each time I am faced with a charging decision.

But then if we charge, I've tried to apply the principles. Let us make sure that we prosecute based on principles of

due process and a fair plan. Let's not play justice with people's lives and liberty.

One of the issues that we have focused on is crime, and now crime is down eight years in a row. It's down for a whole variety of reasons, but we've approached it in a nonpartisan way that says, let's look at crime from a common sense point of view.

It's not prevention or punishment. It's both. It's not intervention and after -- or aftercare. It's both. But it is prevention that makes a difference in the beginning.

If we find as public health officials right now that zero to three is the most formative time in a person's life, that the concept of award and punishment and due conscious is developed during those first three years, what good are all of the prisons going to be 15 to 20 years from now if that child never develops a conscious or understands punishment?

We've got to, as lawyers who are problem solvers and who really want to use the law the right way, have got to look at the whole picture of human life and make a judgment on how to proceed in order to enforce the law.

It requires that we analyze what the crime problem is in a community, instead of taking a clue here and a clue here. And if it's an organized drug gang, let's go after them. If it's domestic violence, let's use other strategies, but let's be smart in terms of crime fighting.

If we pursue this, if we continue our efforts, and if we don't become complacent, I am convinced based on what everyone has been able to do in these last eight years that we can end the culture of violence as we have known it in this country once and for all.

Another approach --

(Applause.)

ATTORNEY GENERAL RENO: But we are not going to end that culture of violence until we give the children of America an opportunity to grow in a strong and positive way. Give them a good foundation from zero to three. Provide aftercare after school and summertime supervision, so the children are not at loose ends and unsupervised and at risk.

Make sure our public schools can teach them and give school teachers a good salary; something that we need to do from football players who remain --

(Applause.)

ATTORNEY GENERAL RENO: Now, you say, what's a lawyer supposed to be doing in that business? Somebody has got to look at the whole picture, because too many disciplines have gone down little pig trails, confined to their specialties, and not seen the whole picture.

The same can be said of our civil rights enforcement. It is imperative that we make sure that every American has an equal opportunity to succeed. People criticize Affirmative Action, but my daddy was a newspaper reporter who went to the sheriff and said, I want my daughter to have a summer job. Every one of us in some way or another is the beneficiary of affirmative action, but some more so than others, and we've got to level the playing field.

(Applause.)

ATTORNEY GENERAL RENO: But why wait? Let's start at the front again and look at the whole picture and give to all Americans the firm foundation and zero to three, the public school education that could match them with anybody else.

And let us learn to talk with young people. They have so much to say and so much to give, and they want so to be somebody and to make a difference. We have got to reach out to young men who are coming back from prison and re-entering programs that give them a chance to get off on a positive future, rather than being harassed and put down, because they were people --

(Applause.)

ATTORNEY GENERAL RENO: I remember the day I was told that I wasn't going to get a job, because I was a woman. It hurt. It was like somebody poked you in the stomach, and it made me so mad. Diversity is the strength of this nation, and we have got to explain to this nation that our strength lies in diversity.

It does not lie in segmenting ourselves one from another, making people feel left out, alienated or omitted. If that -- if we pursue that, we divide a nation, and this nation is stronger as a whole.

And we can do the same thing in terms of prevention in civil litigation. When I went to law school, there was no course work in ADR negotiation, but we've done a great deal in the justice department to teach people how to negotiate, how to use appropriate dispute -- dispute resolution techniques.

And we've gone even further back to the client agencies to teach them the value of assessing their cases, so that they can help us settle them at reasonable costs to the American people.

But I will suggest to you that we have a special responsibility, one that has been reinforced for me again and again, as I have recognized that crime is becoming international in its origins and its consequences as I have received ministers of justice and prime ministers and others from around the world.

But what has been particularly important and critical for me is to sit across the table from a minister and a justice from a new and emerging democracy in Eastern Europe, and to see the stars in his eyes and to see how much he is enjoying the challenge of making democracy work.

But he also talks with frustration of the challenges he faces and the obstacles he has to overcome. Or to visit a country that had a well-established, seemingly impregnable

democracy, one that has fallen into tyranny, and is now just emerging.

I stand in awe of how fragile the institution of democracy is. How beautiful it is. How splendid it is. We must give it our best. We must -- and must not take it for granted.

How do we do that? We reinforce the rule of law with respect to democracy. We make sure that the freedoms that we hold dear and that are spelled out in our constitution are clearly heard. But then it is incumbent upon us to speak out and to use that freedom of speech, and not to be stilled by indifference and lethargy.

It is important for us not to be intimidated or disapproved of, so as to silence us. We've got to speak out when we hear hatred. For coward -- haters are cowards, and when they are confronted they often back down.

When they are not confronted, they are permitted to go on and become what Hitler was in my lifetime, a force of evil that staggers the imagination. Speak out and be heard.

(Applause.)

ATTORNEY GENERAL RENO: But a government of the people, by the people and for the people must be based on something more than just a majority rule and the rule of law. It must be based on a strong foundation of mutual understanding, commerce and an appreciation for the wonderful diversity of this nation.

To achieve this, the people, the politicians and the press have got to learn to speak honestly, candidly and constructively, but without shrill rhetoric and vindictiveness and spite and shrill incivility about the subject matters that are confronting our democracy today.

They've got to speak without vindictiveness and spite as they come together and develop an arena and a forum where they can have speech and discuss issues. We've got to make sure that everyone can speak out.

And, finally, we must be prepared to focus our attention, as we have focused in these last days, on communities where disputes and division have caused anger, hurt and betrayal.

We've got to listen with a listening ear and talk respectfully. We can't hide from disagreement. We've got to reach out and understand that democracy is based on mutual respect, and we've got to make sure that everyone is heard.

The discussions before I came into this gymnasium were pretty remarkable about this class. You've got a great future before you. I've seen the colleagues that graduated before you distinguish themselves.

I hope 37 years from now that you've had the same experience that I have had with the law and that you're able to use it to make America a safer, better place for one client or for us all.

Good luck and God bless you.

(Applause.)

(Whereupon, at 8:08 p.m. her remarks were concluded.)