



AMERICAN BAR ASSOCIATION

ATTORNEY GENERAL JANET RENO

AFTER-LUNCHEON SPEECHES

held at

THE RUNNYMEDE HOTEL

WINDSOR ROAD

EGHAM

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ENGLAND

on

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P R O C E E D I N G S

(3:30 pm)

THE TOASTMASTER: Mr Mayor, your Excellency, Attorney General of the United States of America, Lord Chief Justice, Acting Master of the Rolls, ladies and gentlemen, pray silence for the President of the American Bar Association, Mr William G Paul, your President.

(Applause)

THE PRESIDENT: Thank you, Mr Toastmaster.

You may have observed that our toastmaster is in a red coat and this proves the flexibility of the English toastmaster, but what I observed is the power of the English judiciary. A few minutes ago the Lord Chief Justice said to the toastmaster, "I think our US guests are disappointed that you are not in your red coat", to which he replied, "Five minutes, my Lord", and he was back in four-and-a-half minutes.

(Laughter)

I am told that Bryn, the toastmaster, is the best in the kingdom and you've proved it today.

(Applause)

We continue our celebration of the rededication of the Runnymede Memorial. We have celebrated the principles underlying the great charter and we have renewed our commitment to them at the earlier ceremony. Now we continue this wonderful event by adding to the roster of the giants of the law who addressed us today the Attorney General of the United States.

Now a special treat for you. There is here today, or there are here today, three past presidents of the American Bar from the State of Florida: Chesterfield Smith, Reece Smith and Sammy Delembertay. I reflected on that and, when it comes to presidents, Florida is to the ABA as Virginia is to the USA.

(Applause)

Now these very strong past presidents don't agree on very much, but there is one thing on which I know they do agree and that is that the fourth Floridian to be a president of the ABA, at least among us here today, is the greatest of them all. They agree on that.

(Applause) That is the dynamic leader who follows me as the President and we call on Martha Barnett of Tallahassee,

Florida, a distinguished lawyer in the national law firm of Holland & Knight, to introduce our speaker today.

Martha has made a mark in our profession and on the Association as the first woman to serve as Chair of the ABA House of Delegates which she did with wisdom and grace. But more importantly of all she is destined to make her mark as one of the finest presidents of the American Bar Association, man or woman. We will benefit greatly from her service and contributions.

Martha, come forward and introduce that great Floridian Attorney General, for the UK host I will say probably the most popular person in government in the United States. Martha.

(Applause)

THE PRESIDENT-ELECT: Thank you, President Paul. I want to make sure you all know that the most popular person in government in the United States is not me, that is our Attorney General.

Well, Roberta and Lady Helen, can you believe it? We are finally here. It has begun and it has begun with sun shining on this event, even though for a moment there was cloud, as Jonathan Hurst told me, kind of came over, took a look, decided this was not the place to rain, and we are delighted to be here.

Just a moment to thank the host committee, the London 2000 Committee, both the UK and US. This is a marvelous event and all of us are deeply appreciative of having an opportunity to be here.

Believe it or not, as wonderful as this morning has been with our current wonderful President, Bill Paul and Justice Sandr Day O'Connor and Lord Woolf and Lord Norse, the best is yet to come.

It's a beautiful day to celebrate freedom; in fact any day that we celebrate freedom is a beautiful day to me.

(Applause)

Thank you. It's really an honor to be in England which many of us view as the birth place of freedom. What happened in Runnymede Meadows on June 15th, 1215, established the fate and future course, not only of English history, but, in truth, of the civilized world. The Magna Carta principles guided English common law and eventually, when the colonists left their homeland for the New World, their charters were founded on those same principles. Indeed this common heritage, as you heard today, is most clearly reflected in the United States Constitution Bill of Rights.

As we gather this afternoon to celebrate Magna Carta and rededicate the memorial, we remember our common legal origin, the theme of this meeting, our common law and our common bond. In fact, when the American colonists raised their arms against their mother country, they were not fighting the mother country, they were not fighting for new freedoms, but they were fighting to preserve the principles and liberties that had been established at the beginning of the 13th century.

When I think about Magna Carta and what it has meant to so many people, I wonder if the barons of Runnymede foresaw the dramatic and enduring impact it would have on the course of history. Women, men and children in our countries have freedoms today that many around the world can only dream of and hope for.

Sadly, as recent events illustrate, human rights are still violated in many places all over this world. In rededicating the Magna Carta Memorial, we affirm our mutual commitment to preserving the rule of law. Tom Brokaw said it best this past week when he was addressing the American Bar Association at our meeting in New York. He said that the rule of law should be a passport for admission to the new millennium.

Liberty is such a gift. It is good, it's very good, that the members of the legal profession on both sides of the ocean periodically come together and remember our debt to

the principles of Magna Carta and rededicate ourselves to conduct consistent with its spirit.

Today it is my privilege to introduce Janet Reno, a lawyer to whom the rule of law is sacred and who personifies the spirit of Magna Carta. Her devotion to liberty and her love of the law is evidenced best by her words about three weeks ago to the Senate -- I believe it was Judiciary Committee. In response to criticism for failing to appoint a special prosecutor she said, and I quote: "As I told you once, Mr Chairman, I don't do things based on polls, I do things based on the evidence and the law."

Janet Reno's unwavering adherence to the rule of law has often frustrated all sides of the political spectrum. Like the barons of Runnymede who declared themselves independent of the monarchy, she has remained free from influence even from the president who appointed her. At all times Janet Reno acts according to her belief that, as we heard this morning, no man is above the law.

This Harvard-trained lawyer has been described as tough, meticulous, principled, idealistic and stubborn. As all of us know, particularly those of us who are lawyers, that last term "stubborn" is a great compliment. Because of her steadfast integrity and loyalty to the rule of law, she can now boast of being the longest-serving Attorney General of the United States since the Eisenhower administration.

Of course those of us who know her so well and love her so much know that, while she is quick to take responsibility and blame, she is too humble to accept praise or accolades.

How fitting it is that today, as we rededicate the Magna Carta Memorial, we hear from a lawyer who has spent her entire life upholding the founding principles of our legal system.

Please join me in welcoming the Attorney General of the United States of America, the favorite daughter of Florida, Janet Reno.

(Applause)

THE ATTORNEY GENERAL: Thank you, Martha.

Martha comes with great credentials. She stood in my office where I served as a State Attorney and said, "I'm going to defend that person", and she did it to the hilt and did it with magnificence and she was every inch what a lawyer should be.

Bill Paul has been such a magnificent President and I just appreciate all your service, sir.

Lord Woolf, Lord Norse, thank you, and thank all your colleagues for such a wonderful warm reception and for making us remember where we came from.

Justice O'Connor, I don't know what I would have done without you in the last 7 years. You are an example for us all. Though I hope you're not the last, I'm not the last, or anybody else is not the last, I'm sure glad you were the first.

(Applause)

Ambassador, you and Linda have served our country with such distinction and I thank you so very, very much for your hospitality and for your wonderful service.

(Applause)

To the members of the American Bar Association I say I came before you in New York City 7 years ago. At that time I told you I loved the law and I loved good and caring lawyers. After watching you in action from a vantage point that few have during the last 7 years across the United States and around the world, I have seen you as splendid advocates in courtrooms, I have seen you as ingenious and ethical problem solvers on the streets of America, I have seen you as dedicated public servants on the bench, at the Bar, in the legislature and in executive chambers. I am prouder than ever to be a lawyer in America.

(Applause)

I honor you for what you have done for the profession and for the rule of law. You have been magnificent.

One of the joys of my office has been to welcome leaders of new and old democracies emerging from a time of tyranny. These men and women come dedicated to freedom. They come with stars in their eyes and they carry verbal shields and swords. They have struggled. Many of them have spent time in jail. They have risked not only their life, but the lives of the people they love. Now, having prevailed over tyranny, they face the evil of corruption, they frame constitutions, and they inspire their people.

They are valiant souls and they inspire me too, for they reaffirm for me, each time they visit, that democracy founded on the rule of law is almost a miracle of human endeavour and a testament to the strength, the courage, and the magnificence of the human spirit. We men must work hard for it, we must cherish it, and we must never ever take it for granted. Thus it is fitting and proper that we are together in a nation and with its people who have taught us how.

(Applause)

Stop for a moment and remember what happened 60 years ago over these green fields. Think of the incredible courage and the spirit of a few who stood in the way of tyranny for us all. In its courts, in its literature, in the hearts and mind of the people of the United Kingdom, the law has been forged and shaped and strengthened as a mighty force for freedom and for the peaceful conduct of our lives together on this planet.

They do extraordinary things. Go to Old Bailey and look over the entrance to the old building: "Defend the children of the poor and punish the wrongdoer." Next time you from America hear somebody carp about an Attorney General who is interested in the children, send them to Old Bailey.

(Applause)

Remind them that the man who stood between England and Hitler also could say this in 1911 as the Home Secretary: The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm, dispassionate recognition of the rights of the accused and even of the convicted criminal against the state, a constant heart-searching of all charged with the deed of punishment. Tireless efforts towards the discovery of regenerative processes, unfailing faith that there is a treasure, if you can find it, in the heart of every man. These are the symbols which, in the treatment of crime and criminals, make and measure the stored up strength of a nation and are the sign and proof of the living virtue of it.

The Home Secretary was Winston Churchill. That is our host country.

But the question that has dogged me since I first read my first law case at law school is how can the law serve the people who do not have access to it, who cannot afford it? How can the law be made real for the indigent defendant faced with the death penalty who has a lawyer who doesn't care or who is not paid enough to begin to properly represent him, the nonindigent defendant who cannot afford to match the State's resources? How can the law be made real for the mother of four just coming off welfare who can't get the landlord to fix the plumbing that has stopped up for 3 months? How can the law properly serve the 3-year-old victim of abuse who faces a totally inadequate child welfare system? How can the law protect the elderly person on fixed income who has just been conned out of every cent they had? How can the law properly care for the man who cannot get a loan because he cannot afford a lawyer to show discrimination? How can the law protect the property owner whose property value has just been erased by the big developer who gave contributions to everybody in the county commission? How can the law be real for the 21-year-old black man who comes out of prison and gets stopped five



times in the first month he is out of prison because they know he has been there and they don't give him a chance to get off on the right foot? How can we be sure that the law does not turn people away to hopelessness and despair or so treat them that they react in violence and in rage? How can we make the law an instrument of empowerment rather than an instrument of exclusion?

Now, the barons were certainly a more rowdy crowd than that wonderful young man who was there today.

(Laughter) He had such a jaunty smile on his face and he made the first amendment so easy, and the cross of St George helped too. But they forced the issue and they got their answer from King John in the hauntingly spare and beautiful words of Chapter 40 of Magna Carta: "To no one will we sell, to none will we deny, or delay, right or justice." Can we make these words come true, not just for barons, rowdy barons as they were, but for people, all the people of our nations?

The American Bar Association has done a wonderful job. Beginning in the beginning, you've been an advocate for legal aid for legal services; you've been there fighting every day. You are now engaged in efforts to train people for legal services.

Martha, your words on the death penalty, got to change them a little bit, but your words on the death penalty reflect the best in the practice, but we still have far to go. And, Martha, I've got a proposition for you: in the next 3 years, let's begin to develop and implement plans for making Chapter 40 real for all the people in our country.

(Applause)

Now, lawyers like words and they love to see wonderful words spelled out in court orders, and they like to see due process of law, and Chapter 40 is a marvellous expression, but let's go beyond the words. Let's get to the realistic details, let's get hard-hitting, let's get comprehensive and let's get effective and deliver, and I think we can.

There are 10 steps. First of all let's identify jurisdictions in this country. For some it may be a small state or a large state that has an organized bar that is willing to give and a State Supreme Court that's willing to do it. It may be a county, it may be a region, it may be a city, it may be a neighborhood, and let us figure out what the federal role should be. Then let's identify the entities to participate and the one that's going to be responsible. Is it going to be the State Supreme Court or could it be the executive? Could it be the state bar, local bars, the private sector, law schools or other disciplines? But let's get everybody together identifying the jurisdictions and let's start planning how we meet these needs.

The third step, let's inventory the need for legal services in these respective jurisdictions and let us identify the problems which generate these needs. For example, the need for legal services. You might define it as an area, an area with a high rate of poverty and a large number of single parents living in poverty with their children who are at risk. It may be a high incidence of domestic violence that gives a glaring picture of the need for advocacy in this area. It may be discrimination, discrimination in the terms of racial profiling, discrimination in terms of loan denial, discrimination in so many other ways, whether it be housing or otherwise, and most of all we will probably see it again and again in terms of disparity of treatment in the criminal justice system.

What are the problems? The problems may be barriers between races, the failure of America to come to appreciate and honor and use its diversity to strengthen its nation, to strengthen its people, rather than to divide and to tear us down. It may be the children and families at risk. It may be a whole new area, cyber technology and cyber crime and what it does.

Lawyers, instead of waiting for the litigation to start or the specific problems to be solved, can come together between the UK and the United States and around the world and start saying: How do we use this extraordinary tool to

educate, to communicate, to learn, for commerce, for expanding our horizons, and how do we prevent it from being a tool that invades our privacy and undermines the spirit of human beings? In short, the bar of both our nations can come together and say: How do we prevent technology from mastering us? How do we make sure that the people master technology?

With this technology comes another challenge. If a man can sit in a kitchen in St Petersburg, Russia, and steal from a bank in New York, borders are going to become meaningless. How are we going to create court systems around the world that can be responsive to this? How can we build alliances, such as we have with the UK, with other nations around the world, to permit us to trace those who are intruding, those who are hacking, those who are guilty of denial of service?

What can we do? What can we do when a French government wants to investigate a Frenchman who hasn't stepped foot out of France, they get a search warrant for his computer, but lo and behold he is a customer of America Online and the data is stored near Dallas? Let's start handling it upfront. Let's come together as lawyers in a planned way and start figuring out what to do.

Then having inventoried what the need for legal services is in the specific jurisdiction we're planning for, let us look at the traditional means of providing legal services and let's figure out how we can enhance those services, how we can provide them in a more comprehensive way so that it's not piecemeal and happenstance. Let us make sure that we train those who are going to participate in the traditional means of delivering legal services and develop mentors and solve their ethical problems before they start.

One thing I will point out to you: lawyers are not very good managers. If we can't manage it, let's go find somebody that can manage it and get it delivered and straightened out. And then let's look at pro bono services and how we can deliver them best, and legal services and public defenders and court-appointed lawyers and retired lawyers. I keep running into retired lawyers who just want so to be involved and so to make a difference. Let's make

it possible for them to do so without a lot of fuss and bother. And let us explore Chile's system where you have got to contribute legal services as you become admitted to the Bar.

Then let us come together. Let, for example, Martha, the lawyers from all of Florida identify the problems, the great problems that are generating most of the needs for legal services, and then the American Bar Association, and say: OK. Let's bring together the other bar associations, people that care, people from congress that care, and identify five problems that are major for this country today. And let's let the lawyers get working on them, not from the point of view of a problem to be solved for a client, but a problem to be solved for the nation they love.

How do we do that? Diversity? Lawyers from One America is about to issue a report and it's going to, I think, make a big difference. But lawyers, when they put their mind to it, do some extraordinary things: they bring people together, they inspire people, they get them going, and they get them connected and they get problems solved.

But none of the issues are going to be met until we really come to grips with something I talked to you about 7 years ago. Diversity won't be solved if we wait for affirmative action in law school. We have got to start when that child is born, when that child is 0 to 3, when that child is in the streets in the afternoon after school. We have got to make sure that we develop systems that enable that child to have a strong and positive future or otherwise all the affirmative action systems won't work 15 years from then, the prisons won't work 20 years from now. We have got to do more in terms of children and family.

(Applause)

Let us bring the Bar of the UK and the US together with others. Let us reach out across barriers all the way around the world and let us make sure we come together and solve some of the problems that face us with respect to the cyber world. It's going to be such a great world if lawyers do

their job.

But that's not going to be enough. I've got further ideas, and, Mr Delbert, you're responsible for me conveying these ideas. I told him a while back that I was advocating a community advocate and problem-solving person who had no more than a 4-year college degree. I said I guessed he wasn't going to have much to do with that idea and he said he would not have, except that he had been to Africa and watched a man who had not even a high school education, who had been trained by an American surgeon who volunteered, how to do eye surgery. He happened to be very good with his hands and he happened to be a very smart man and he saved eyesights that would never have been saved if we had waited for the surgeon. The time has come in America for us to look at how we use people in careful and thoughtful ways to provide services that lawyers have failed to provide.

I'm not advocating teaching or creating a two-tier system, one for the rich and one for the poor, I'm suggesting that we might go to these community advocates for a lot of problems that lawyers say: "H'm, I don't know what to do about that. I don't know about this." But we could do it in a number of ways. We could provide for a 4-year degree with courses designed to meet a specific need: landlord/tenant, domestic violence, immigration, re-entry from prison. We could provide management frameworks that make a difference and we could help them with the economics of this practice. They could do it under the auspices of a law firm, a municipality, a private employer, or they could do it freestanding and charge a fee for their service. We could certify them. We could be creative. But we would have somebody who could provide immediate service for a problem that just runs down a person's life when they are trying to hold on.

That mother that I talked about with four children who is just beginning to cope with going on welfare, the plumbing won't work, the children are sick, she has reached the end of her road. If there was somebody there who could say to that landlord, "I'm going to do this, this and this if you don't get that plumbing fixed", it's going to make a difference. We have got to empower all America as we

sometimes empower our favorite clients.

What are the tools? The tools begin with law school. The tools begin even earlier than law school. The tools begin in lawyers and teachers learning how to teach the children of America to solve problems, to resolve conflicts without knives and guns and fists, to listen and to communicate and to work together to resolve issues rather than to create them.

Children are wonderful little creatures. If given half a fighting chance, they can do so much. They want so to be involved, they want so to grow up to be somebody that is good and contributing, and we can give them that chance. We can use computers and those children can show us how to use the computers better to deliver legal services than anybody.

(Laughter)

We can provide one of the tools -- and I'm in this together with you -- to provide open government, a simple government, that uses small old words and designs systems that protect people's rights so that Phil Anderson doesn't have to advocate again and again, as he has just done, for representation and for the protection of the rights of immigrants. This is so important.

(Applause)

The eighth step is we've got to provide access to where the law is made beginning with the courts. Think about it for a moment. Over the last 30 years America has seen the increase in court case loads. People have come into the criminal justice system as the institution of the family, the schools, the neighborhood, have failed our children in too many instances. The courts, totally overwhelmed, have tried to react the best they could. They didn't know the names of the defendants; they couldn't match names with faces. They had totally inadequate resources.

We have a chance to bring a new strength to our courts, because I think we are showing them that we can make a

difference if we make sure that the case load is small enough and the resources are large enough to make a difference.

In 1988 we established a drug court in Dade County, Florida. Just a few people were there. We operated on a carrot and stick approach. We made sure it was not spread too thin, that the court could supervise and control.

I went back 10 years later for the anniversary of the drug courts. We now have over 400 either on the drawing board or in actual function in this country and they are being evaluated again and again as being successful. Chief Judge Judith Kay in New York is doing wonderful things with community courts.

If we want answers to domestic violence, if we want to solve problems, if we want to serve the people, let us make sure we establish courts that are accessible to the people so that they can get there and get there according to processes and procedures that the judges will appreciate and that the people who need the access can understand.

Let us, as the ninth point, get access to our legislatures and congress. People used to walk into 1600 Pennsylvania Avenue during Abraham Lincoln's day and sit there in the lobby. How do you get to the people who represent us? You get there by polls, you get there by e-mails, you get there by who can send the most e-mails. Let us get there by virtue of what is right in terms of good government. Harry Truman said: "Doing right is easy. What's right is more difficult." Let us let the Bar develop forums that can help us, as lawyers, Republicans and Democrats, figure out what is right and get this nation moving forward.

But finally the tenth step is the one most personal to me: encourage public service. The Harvard Institute of Politics has said that young people today want to get into community service, but they want nothing to do with politics because they don't respect the federal government and they don't respect politicians. How will we encourage the young to get into politics if lawyers can't serve because their law

firms won't let them because there are too many conflicts and they can't afford it otherwise?

People say: "Why do you want to be in public service? All you do is get cussed at, fussed at, and figuratively beaten around the ears." I think of those young men who flew over these fields, and getting cussed at and fussed at is the least of anybody's worry when you think of what they did.

(Applause)

When you think of Chesterfield Smith and what he has done with his whole life, he probably didn't get cussed at and fussed at as much as I have, but he has had a lot more problems protecting this country than I have.

To put it bluntly, I came up against a good lawyer once. I knew I was going to be up against Florida Power & Light and I was determined to be prepared and I stayed up all night. And I whopped that lawyer, not because I was any smarter or better than he was, but I was prepared.

A couple of weeks later that lawyer offered me a job as Staff Director of the House Judiciary Committee. He was the Chairman because his law firm let him serve in the arena of public politics. If he hadn't had that opportunity and if I didn't have that opportunity, I probably wouldn't be standing here today. It also helped when Patsy sent him down and said: "Go help her do anything she needs" -- I won't tell you what I said.

(Laughter)

Ladies and gentlemen, lawyers get accused of an awful lot of contentiousness, but lawyers that do the job the right way bring grace and gallantry and valor to the political debate. They can be Republicans and Democrats, they can get in arguments, they can disagree, but there is a gallantry to what they do, and I think the absence of lawyers in the worlds where law is made -- the legislative forms of county commissions, city commissions, the state legislature, congress -- diminishes the debate.



Lawyers are very good at concepts, they are very good at principles. They are not sometimes so good in putting those to work, but we need more principle statements of lawyers.

Finally, I have paid note to those in this country who have given so much, I have paid note to those in the emerging democracies, but in the last 7 years I have seen the American people at work. I have seen young black men come from prison and change their lives because somebody helped them, but because they cared. I have seen the people of Oklahoma City overcome a blast from hell and rise up stronger, greater, braver than ever before.

The strength, the resiliency, the magnificence of the human spirit of the American people is as strong or stronger than ever. It is waiting to be inspired. It is waiting to be told: "Hey, you can do this and this and this." The lawyers of America are very good at inspiring and leading the way. Martha, let's go get the job done.

(Applause)

THE PRESIDENT: Wasn't that magnificent? It was.

(Applause)

Martha, that introduction wasn't bad either. That was really nice.

But, General Reno, you did more than just make a speech, you laid out a program, and it's a fine program, a 10-point program, and you've got your Floridian team all there ready to go.

We thank you for those remarks and for your vision for the future of the justice system about which you care so deeply and to which you have made such a great contribution.

In addition, you have been a great friend to the American Bar Association and we appreciate it. You've been a great friend throughout your term of office. You're a great

friend at home and here, here as well. We look forward to your continued friendship.

Well, now we've come to the end. Thank you all for coming and participating in a wonderful beginning to the London sessions. I wish you an enjoyable week and I know that you will have it.

Mr Toastmaster, do you want to do this or do you want me to? We are about to adjourn here.

THE TOASTMASTER: You can do it. You're in charge.

(Laughter)

THE PRESIDENT: All right. I have permission of the Toastmaster to announce we are adjourned.

(Applause)

(The speeches concluded at 4:14 pm)