Department of Justice

ADDRESS

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE NATIONAL CONFERENCE ON
JUVENILE JUSTICE REFORM

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NOTE: Because Mr. Meese often speaks from notes, the speech as delivered may vary from this text. However, he stands behind this text as printed.

Welcome to Washington. Today and tomorrow, you have a great opportunity in store for you. Together with your fellow legislators from around the country, and with leading juvenile justice professionals, you will have time to think about the direction that your state's juvenile justice system should take.

The American Legislative Exchange Conference, working through the Rose Institute and with the support of the Office of Juvenile Justice and Delinquency Prevention, has prepared an excellent program. The Model Juvenile Justice Code will be unveiled and you will be able to examine it in detail and contribute to it. Let me say, on behalf of the Department of Justice, that we are proud that we could lend our support to the National Juvenile Justice Reform Project.

Today, I would like to discuss a major related problem that I am sure each of you has confronted and will continue to face in your jobs as state legislators. It is certainly one of the greatest challenges I face in my job as Attorney General. I'm speaking of the nation's growing drug problem.

As you know, this Administration is deeply committed to eliminating the ravages of drug and alcohol abuse from American society. President Reagan and our First Lady have taken a great personal interest in this problem.

As Attorney General, and as a citizen, I share their concern. If alcoholism is a pox on our house, then drug abuse is a plague that threatens to consume our nation. It is this sober

recognition that has led me to make drug law enforcement the number one criminal justice priority of the Department of Justice.

Thoughtful people have recognized for some time that our young people are the key to solving much of America's drug dependency problems. It is appropriate, then, I think, in a discussion of the reform of the juvenile justice system to raise the problem of juvenile drug abuse. In fact, we may think of juvenile drug abuse as a form of juvenile delinquency.

In a few minutes, Professor Ralph Rossum, Project Director at the Rose Institute, will outline for you the new philosophy of juvenile justice that has informed the Reform Project. And, then, Ben Koller, Program Director of ALEC, will introduce the Model Juvenile Justice State Code.

The new philosophy arises from a natural, obvious intuition. It is, stated most simply, that individuals -- juveniles as well as adults -- should be held responsible for their conduct. And that, similarly, all parts of our criminal justice system -- both its enforcement and judicial components -- must be made accountable for their performance. You might say that sounds like plain common sense. But it's indicative of how far out of kilter our juvenile justice system has become that common sense now reappears as a new approach.

Professor Rossum recently sent me a letter explaining the reasoning for moving to this "new" old approach. He wrote:

> For the past 80 years, the juvenile justice system has operated on the basis of a "treatment" model which views juvenile delinquency as a disease and perceives the juvenile court judge as a clinician, diagnosing the disease and prescribing treatment consisting of psychological counseling and institutionalized rehabilitation. ...[But] this model has failed to protect either the public from criminal acts of young offenders or young offenders from the vast discretion of the juvenile justice system.

Indeed, the model code you will be hearing about today, wrote Professor Rossum,

> is a just deserts code that holds juvenile offenders responsible for their crimes and the system accountable for what it does to juveniles. It places a premium on restitution and community service, uniform and proportionate sanctions, presumptive sentencing, and limited discretion for probation officers, prosecutors, and juvenile court judges.

Surely, what Professor Rossum says is reasonable.

Now it bears noting that what we are talking about here is not a "punishment" model -- a purely punitive, retributive model -- that would replace the so-called "treatment" model. Rather, the objective is an "accountability" or "justice" model that focuses on what the juvenile merits.

The hallmarks of this model are proportionality, consistency and predictability. Although this "just deserts" model may have deterrent or incapacitative effects -- and we certainly hope that it does -- its principal concern is fairness. Fairness to the juvenile and fairness to society.

Under this model, a juvenile will be punished for what he has done, not what he is likely to do or not do in the future. Instead of subordinating the interests and safety of society to a judge's subjective judgment about the well-being of the child, the juvenile is prepared to accept the responsibilities of an adult. The juvenile is taught that by breaking the law, he or she has broken a promise to society, which is based on mutual respect for the person and property of others.

The purely rehabilitative "treatment" model does not match the punishment to the circumstances. It is offender-oriented, not offense-oriented. By contrast, instead of making a guess about the character of the offender, the "just deserts" model looks at the offense committed and assigns an appropriate punishment. It follows the ancient Greek playwright Euripedes' advice: "Judge a tree from its fruit; not from the leaves." It

would, for example, treat the peddling or use of drugs on school property as more serious than the same offense committed in the street.

It would also hold the justice system more accountable by moving to virtually complete determinate and presumptive sentencing. Sentences, for example, would be determined by the severity of the offense, the age of the juvenile, the offense history, and so forth. Judges would be constrained by the rules legislators place on them.

In its efforts to get drug abuse under control, the Administration is also pursuing a second common sense strategy, focused on the responsibility of the individual for his or her conduct--education. By educating Americans to the dangers of drug use, and emphasizing the importance of individual responsibility in this area, we believe we can reduce the demand for drugs.

It has been the enormous demand for drugs in the United States that has required us to change directions in the way we think about the drug problem. Going after supply alone is not enough. We must attack the demand for drugs as well. In our efforts against supply last year, the Department set new records for seizures of marijuana, cocaine and heroin, and we expect to do the same this year. But, I regret to say, the gap between the amount of drugs seized and the amount imported and consumed is growing annually.

Let me give you a few statistics on drug demand in the U.S.:

* Overall use of marijuana was down in 1984, primarily because of a clear trend of lesser marijuana use in the under-25 age group. We believe this downward trend continued through 1985. Nonetheless, one-third of all high school seniors continue to use marijuana on a monthly basis.

* Heroin use showed a slight decline in 1984, stabilizing at about a half million addicts. However, this year with the introduction of a deadly potent and relatively inexpensive new form of Mexican heroin, we are seeing an increase in addicts for the first time in several years.

* Cocaine use has increased dramatically. Approximately 20 million Americans have tried cocaine and that more than four million use it at least once a month. The Commission found half the regular users to be addicts. Such a high addiction rate may come as a surprise to some, for cocaine was once touted as a harmless, non-addictive "recreational" drug. But laboratory evidence shows that cocaine is both more addictive and more toxic than heroin.

As a result, many young Americans are starting out in life with a big league dependency. In 1985, cocaine use among high school seniors reached its highest level ever. Some 17 percent of the seniors had tried cocaine at some time in their lives and 6.7 percent had used it within the past 30 days.

* Use in the category of "dangerous drugs" -- methamphetamine, PCP, and a variety of "designer drugs" -- also increased in 1984, and probably did again in 1985.

The Administration plans to continue its interdiction efforts. And we anticipate that new tools recently supplied by Congress will give us additional leverage on the problem. The asset forfeiture provisions of the Comprehensive Crime Control Act of 1984, which allow us to confiscate the assets of drug traffickers and share them with state and local law enforcement agencies, are only one example.

But we have to face the fact that if we are to bring our drug problem under control, we must address demand as well as supply.

Let's be honest with ourselves. The drug trade may be the most wretched business on earth but it is not a business built on the coercion of consumers. Drug dealers may maim and murder narcotics agents to keep their markets open; they may even double-cross and murder each other in greed; but no one forces Americans to buy drugs at gun point.

The plain truth is that drug dealers would be nowhere without the consumers who buy their sordid wares. It is the aggregation of countless <u>choices</u> by individual Americans to buy and use drugs that made the drug trade a multi-billion dollar industry last year. Here, as in so many areas, the issue boils down to individual responsibility. Individuals who choose to use drugs are making choices with disastrous implications, not only for themselves but for our country as a whole. No nation can long sustain the casualties we are suffering in terms of lives, health, productivity, wealth, crime and morality, without heightening our vulnerability to aggression from without.

Now, we could easily say, "what's the use!" and give up. Even some prominent conservatives have taken that position. But it is determined realism, not a surrender, that we need. As that great New York philosopher, Yogi Berra, has often said, "It ain't over 'til it's over." And we're a long way from throwing in the towel.

There is no quick-fix solution, and frankly we aren't going to find one. While nothing seems so constant in the human race as our vices, we have one trait that seems to trump all others -- self-interest. This is not altogether a bad thing -- it is something we can work with. And that's where education comes in. When we Americans are really clear about our best interest, by and large, we follow it. Consumption trends in the alcohol and tobacco industries bear this out. As word of the health hazards presented by these familiar drugs has seeped into the public consciousness, demand has weakened. Now, if education can be a catalyst for lower consumption of alcohol and tobacco, why not for marijuana, cocaine, heroin, and the rest?

The hope of any nation is its young people, and America can be reasonably proud of its younger generation. But as energetic and bright as our young people generally are, they are also impressionable and often poorly informed. Too often, they get the wrong message from their peers and their idols. By honestly portraying the reality of dependency, we can remove some of the lustre placed on drugs and alcohol by popular culture. With all

the facts in mind, I believe that young Americans will begin to take responsibility for their lives by making choices they -- and their country -- can live with.

But let me be clear on this point. A passive course of education and prevention -- one that merely leaves it up to young Americans to get the message -- would be a cruel hoax. We have long since passed the point where we can simply sit by and wait for our children and fellow adults to come to their senses.

Instead, we must move aggressively into the marketplace of ideas. We must pursue an education and prevention strategy that is energetic and engaged. Our challenge is to sound a message of reason through the babel of voices competing in our culture for the attention of young Americans.

In past efforts to educate people about the dangers of drug use, we have not always used our most potent weapon -- the truth. The medical research coming from the laboratories proves that drugs are dangerous beyond a doubt. So, we only have to tell the truth. But we have not always done very well in getting that information to our young people.

In the next few months, many of us within the administration will be speaking out about the dangers of particular types of drugs, in the hope that all Americans, and our young people especially, can make better informed decisions about drugs. Our intention is to make 1986 the year for all of us to address the demand side of the drug equation. This is a burden that we particularly feel in the Administration. First Lady Nancy Reagan

has already taken the lead in informing children in kindergarten and elementary school. And her work continues. On May 22, for example, she will be hosting a special "Say No to Drugs" Day.

Now joining Mrs. Reagan in her efforts against drug use will be a number of cabinet and sub-cabinet officials including Secretary of Education William Bennett and Secretary of Health and Human Services Otis Bowen, as well as myself, our Associate Attorney General Arnold Burns and others at the Department of Justice.

Not only will this Administration continue to focus on students in kindergarten and elementary school, but we will also broaden our focus to include high school students. And we will work to mobilize responsible adults--parents, teachers, coaches and civic and community officials--to guide young Americans as they face critical decisions. I am asking our 93 U.S. Attorneys to carry the message against drugs into high schools across the country. Here in the District of Columbia, for example, our U.S. Attorney Joseph DiGenova will be holding two high school convocations on drugs.

Now, some have argued that we should concentrate our efforts on elementary students only. They reason that by the time a student reaches high school, the die is already cast. I cannot accept that logic. Our high-schoolers are the group at the greatest risk of succumbing to drug use. They are constantly buffeted by peer pressure. Hardly a single day goes by that they don't have to face the choice whether or not to use drugs. Of

all juvenile groups, they most need the good, sound scientific data that we have to offer them. We just cannot afford to write off an entire generation of Americans.

The outcome of America's war on drugs ultimately lies with Americans themselves. As President Reagan has said, "No matter how effective we are against the pushers and the smugglers, it still comes down to our young people making the right choice -- the choice that keeps them free from drugs."

We cannot avoid responsibility for how our young people make this choice. The responsibility for the tolerance of drug use in our society lies squarely on the shoulders of all Americans. And there is a role for virtually every institution in society to play. But it is especially important that our state legislators, the representatives of the American people, exercise moral and political leadership. This you can do through your example and through the choices you make with your colleagues in your state assemblies.

By your presence here today, you have already demonstrated your commitment to meeting the needs of our juvenile justice system. I commend you for your dedication and urge you to give serious consideration to the model juvenile justice code which will soon be presented to you.

Thank you.