



# Department of Justice

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"BACK TO FUNDAMENTALS -- MEETING EXPECTATIONS FOR  
LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE"

REMARKS BY  
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TO  
THE HOUSE OF DELEGATES  
OF  
THE AMERICAN BAR ASSOCIATION

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This month marks my first anniversary on the job as Attorney General and I am pleased to have the opportunity to share with you some views on our agenda for justice at the Department of Justice.

But before I talk about 1989, let me take a few minutes to focus and reflect on the events of 1789.

Next month, as many of you know, we observe the 200th anniversary of the Office of the Attorney General. Created by the Judiciary Act of 1789, the office was originally a part-time job. Edmund Randolph, the first Attorney General, was, in fact, George Washington's personal attorney. He might even be styled, in today's lexicon, a "crony" of the President's.

While his colleagues heading the Departments of State and Treasury were paid \$3,500 a year and the Secretary of War was paid \$3,000, Mr. Randolph, history tells us, received a stipend of only \$1,500. Moreover, the routine expenses of the Attorney General had to be paid out of his own pocket -- such things as office rent, hiring clerks, providing stationery and postage, inkwells and all the trappings of office. What, you might ask, accounted for this seeming disparity -- this pay inequity -- in the treatment of the Attorney General?

Well, Congress apparently reasoned that the Attorney General could augment his salary through private practice. In the words of one member, "the prestige of the office would be so great that it would be well worth the while of any lawyer to accept the office with only a nominal compensation." In fact, after some

hemming and hawing by Mr. Randolph, President Washington himself finally persuaded his friend to accept the position by pointing out that the prospect that the office would "'confer preeminence' upon the incumbent and accord him a 'decided preference of professional employment.'"

How times have changed. The Attorney General's job today is a full-time one, I can clearly attest, and today the office is compensated on a par with other cabinet members. And common sense, as well as the conflict of interest laws, wisely prohibits the casual mixing of public and private business.

Today, the Attorney General oversees the operations of a Department of Justice, created in 1870, which has grown into a sizeable operation that would have dazzled those with a 1789 vantage point. Supervising the activities of the FBI, the Drug Enforcement Administration, the United States Marshals, the Immigration and Naturalization Service, the Bureau of Prisons and a variety of other boards, agencies and commissions, the Department today is comprised of some 75,000 employees and operates on a nearly \$6.5 billion budget.

That growth is, of course, a reflection of our growth as a nation. Our growth economically, technologically, and culturally. Our growth in efforts to become a better nation. And the growth of our efforts to pursue not just the ideas but the ideals of justice.

The task of the Department of Justice remains, however, fundamentally the same. And it is to that fundamental task that I would like to speak today -- of our efforts to get back to fundamentals in law enforcement and the administration of justice.

Our task today includes, to be sure, as it did in Edmund Randolph's time, the providing of legal advice to the President of the United States. We are the President's lawyer. Today, however, our client is no longer a single individual, but includes all the far reaches of the Executive Branch to whom we are required to provide counsel and representation on a daily basis in a wide variety of matters.

Our fundamental responsibility remains, however, responding to the just expectations of the American people as articulated by the President and by their elected representatives in Congress. Those expectations impose heavy responsibilities upon those of us charged with meeting them.

I.

Perhaps the highest expectation of the American people today, for example, is for a maximum effort against the problems of drug trafficking and drug abuse in our nation. During the 1980s this effort has truly become international in scope as we join battle with organized criminal conglomerates whose activities cross international boundaries in the growing,

processing, transshipping, and distribution of illegal substances to satisfy the seemingly insatiable appetites of those committed to a drug-dependent lifestyle. The billions of dollars in profits realized by the worldwide drug cartels are regularly laundered through equally complicated and sophisticated disguised transactions utilizing financial institutions in a multitude of nations.

The particulars of these business operations were laid out in some detail last week in a "Dun and Bradstreet" report on drug trafficking organizations prepared at my request by the United States Attorneys for delivery to the President and Director Bennett.

To combat these international enterprises, close cooperation is required between law enforcement agencies of all nations. During my first year in office, I have met with some three dozen of my counterparts to establish the personal rapport necessary to ensure that our efforts are focused on common targets.

The drafting of the United Nations convention to combat worldwide drug trafficking symbolizes the commitment of the community of nations to deal with what President Bush has properly called the "scourge" of drugs. This convention, presently before the United States Senate for ratification, is the result of the efforts of over 100 nations to combine forces in dealing with this problem.

Similar cooperation with our counterparts at the state and local level has produced a network of closely-coordinated law enforcement operations reaching every community in this country.

And yet, the expectations of the American people have not been met in this important area. In spite of the fact that every conventional statistical measure of success -- investigations, arrests, convictions, prison terms, forfeitures of profits and assets -- has reached new record levels each year, it is evident that the war on drugs remains unfinished.

Not long ago I surprised an audience on the West Coast by observing "if we want to lose the war on drugs, we can just leave it to law enforcement". By this, obviously, I did not mean to demean the efforts of those men and women who, literally, put their lives on the line daily in law enforcement efforts to combat the drug cartels.

What I did mean, however, is that law enforcement alone cannot win the war on drugs. That war will not be won in the courtroom. It will be won in the classroom, in the work place, in our communities, in our houses of worship and, yes, in the family, when we reestablish the values that make a drug-dependent lifestyle an inadmissible option in this great nation.

It will be won with more effective programs in prevention, education, rehabilitation, treatment and user accountability, including more drug testing of the type which reduced the incidence of drug use in our military from 27% in 1980 to 4.8% last year.

Law enforcement can and will do its share, but the job of reducing the consumption of drugs is everyone's job and, in my view, everyone is not yet doing their share.

## II.

Clearly, however, the American peoples' expectations exceed the goal of simply having a drug-free nation. They extend to a nation where our institutions of business, finance and government and the marketplaces they service remain strong and deserving of the confidence of all our citizens.

Our role in this is to vigorously pursue white collar crime in all its various guises. "Crime in the suites", as it is often called, is often the most difficult type of criminal activity to uncover, investigate and effectively prosecute. During my career as a corporate lawyer, I learned how complicated even legitimate transactions can be. When financial schemes are overlaid with a desire to conceal or disguise their nature for illicit purposes, it requires the most practiced investigators and persistent prosecutors to follow the "paper trail" and unravel the illegal act.

The attack against white collar crime is a major priority for the Department of Justice. Ongoing investigations in the securities and commodities field, against defense procurement fraud, and, more recently, in dealing with fraudulent activities in the savings and loan industry and in housing and urban development programs will command enormous resources as we seek to share in the effort to restore the credibility of those institutions, public and private, upon which public confidence depends.

All of this complements an ongoing frontal assault on public corruption as documented by last month's report of our Public Integrity Section detailing the conviction last year of over 1,000 federal, state and local public officials and others who participated in the betrayal of the trust of public office.

### III.

Since the 1960s, new and important public expectations have arisen in the field of civil rights. While significant progress has been made against the blatant segregation and bigotry of the past, thanks to vigorous activity by all three branches of government, the challenges of today, while more subtle, are equally demanding.

The Department of Justice today stands committed to the full enforcement of our civil rights laws and to the removing of remaining barriers to equal opportunity for all American



citizens. Most recently, our efforts have encompassed an escalating war on hate groups, the vigorous implementation of the new housing act amendments and strong support for extension of the civil rights laws to provide entry into America's mainstream for some 40 million persons with disabilities. On the horizon is our responsibility to assure a fair and just reapportionment following the 1990 census in the full implementation of the voting rights of all our citizens.

No charge is taken more seriously by this administration or this Department of Justice than the guarantee of the civil rights and civil liberties to all Americans.

#### IV.

In the antitrust field, expectations persist for a level playing field for businessmen and women in their endeavors. This means an all-out attack on predatory practices such as price fixing and bid rigging from the criminal side where we have recently recommended a sizeable increase in fines that can be levied for such violations.

It also means ensuring, as I have so directed our new Assistant Attorney General in charge of the Antitrust Division, that antitrust laws are also pro-competitive laws in today's changing world economy. We must see to it that narrow

application of laws designed to promote competition do not, in fact, inhibit the ability of American businesses to compete abroad with their foreign counterparts.

An example of our concerns in this regard is our current study of how best to provide American companies in the high technology field with the ability to engage in joint ventures so as to effectively compete abroad with nationalized or parastatal businesses or with cartels and consortia established under different economic systems, without undue fear of domestic antitrust consequences.

V.

Finally, as we approach the end of this decade, it is apparent that the American people have vastly escalated their concern over the environment in the quest for an elevated quality of life for this generation and generations to come. The Department of Justice has important responsibilities in this regard and, as I stated to the National District Attorneys' Association last month,

"fulfilling our commitment in this regard means bringing greater resources and sophistication to bear upon increasingly involved investigations and prosecutions into environmental crimes."

It also means the pursuit of new legislative initiatives such as the President's Clean Air Act amendments now before the Congress.

## VI.

One additional area has moved center stage as a result of increased expectations -- and concerns -- on the part of American citizens today. This is the subject of violent crime.

It has long been my view that the first civil right of every American is the right to be free from fear in our homes, on our streets, and in our communities. By and large, the principal responsibility in this area rests with state and local authorities. But federal law enforcement cannot look the other way while violence, often drug-related, ravages many of our inner city communities and subjects innocent citizens to the cross-fire of "turf wars" between urban terrorist gangs.

Accordingly, the President has proposed a billion-dollar package to enhance our efforts to combat violent crime. Particular focus is placed upon the criminal use of firearms through increased penalties, more investigators and prosecutors, an end to plea bargaining in these cases, and a commitment to double the capacity of our federal prison system so as to accommodate those who persist in these violent activities.

The design is clear. As stated by the President it is to ensure that

- if you commit a crime, you will be caught;
- if you are caught, you will be prosecuted;
- if you are convicted, you will go to prison.

Such a comprehensive approach, if replicated at the state and local level, can go a long way toward restoring much-needed credibility to the deterrent capacity of our criminal justice system.

No longer need investigators forgo promising leads for fear that there will not be enough prosecutors to handle the case.

No longer need prosecutors hesitate to bring cases to trial for fear judges will not impose appropriate sentences.

And no longer need judges hesitate to impose maximum prison time for fear that adequate capacity in our correctional system is wanting.

In short, such an across-the-board commitment as is contemplated by the President's crime package can advance the war on violent crime immeasurably across our nation.

VII.

Meeting all these expectations will require not only more resources but careful management and targeting of those resources to priority needs. The challenge of leadership in today's Justice Department is to meet the fundamental expectations of the American people through constant flexibility and innovation in the application of our resources. This we have already begun,

- by creating new securities and commodities task forces in six cities across the nation;
- by enhancing our capacity to fight organized crime through merging the anti-mob efforts of separate strike forces into our U.S. Attorneys offices;
- by seeking a \$50 million infusion into our effort to cope with the savings and loan fiasco;
- by doubling the number of prosecutors engaged in defense procurement prosecutions;
- by increased reliance upon joint task forces of federal, state and local authorities in the effort to deal with drug trafficking in the United States;
- by encompassing all Western hemisphere anti-drug efforts within a cooperative undertaking known as the International Drug Enforcement Conference;
- by reestablishing the dialogue with important civil rights groups to identify priority needs in this area; and
- by establishing ocean pollution strike forces to concentrate our efforts in this important effort.

As has been pointed out, I am a repeat offender at the Department of Justice, having served as Assistant Attorney General in charge of the Criminal Division during the Ford Administration in the 1970s.

Upon my return to the Department last year, the biggest single change that I noticed was the vast increase in the amount of international activity in which we are now engaged. Often, more than 50% of my day is devoted to some matter relating to our international involvement in fighting drug trafficking, money laundering, international organized crime and business fraud, environmental depredations, terrorism or espionage.

This is an area, I believe, where we have not kept up with the times and accordingly I will seek congressional approval to establish an Office of International Affairs within the Department of Justice.

It will be the responsibility of this office to not only build upon our existing foundation of international cooperation, but to closely coordinate the Justice Department's international efforts with those of all other federal agencies.

This office will be established within the Attorney General's Office and its director will report to me. It is designed to ensure that international matters are given the

priority attention they deserve in a world where crime is no longer limited by the distance one pony can cover in a day's time and where a businessman's primary market is no longer that within a wagon's ride.

All of the tasks I have outlined above are fundamental. They are fundamental to a safe and secure society. To the enjoyment of equal rights and opportunities for all our citizens. To the strength of our free enterprise system. To a decent quality of life, now and in the future. And, perhaps most important, to our meaningful and constructive participation in the community of nations.

To fulfill the expectations of all Americans in these respects is a large order. To do so consistent with our founding principles as a nation requires an even more intense commitment.

Outside my office in the rotunda sheltering the entrance door is written the inscription:

"The United States wins its point whenever justice is done its citizens in the courts."

As it has over the last 200 years, this must be the standard to be observed in our efforts to meet the fundamental expectations of this nation. I pledge to you that we will continue to exert ourselves to the utmost to fulfill what is expected of us while, at the same time, holding firmly to that standard.

Thank you.

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