

UNITED STATES DEPARTMENT OF JUSTICE

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Address before

THE AMERICAN BAR ASSOCIATION'S

INVITATIONAL CONFERENCE ON CIVIL RIGHTS:

CHALLENGING THE DREAM: CIVIL RIGHTS IN THE 1990s

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"The Civil Rights Agenda of the
Clinton Administration"

ATTORNEY GENERAL JANET RENO

Friday, April 30, 1993
8:50 a.m.

Great Hall
Department of Justice
Washington, D.C.

P R O C E E D I N G S

ATTORNEY GENERAL RENO: With such a warm reception, I'd better remember what the President of the United States told me as we started into the Rose Garden on February 11, 1993: "Don't blow it."

[Laughter.]

ATTORNEY GENERAL RENO: Mr. and Mrs. Segal, when I graduated from law school in 1963, I began to hear about you, and I've been hearing about you ever since, and I can't tell you what a great honor it is to be here on this occasion, to be with you and to thank you for being the kind of lawyer that I think lawyers should be -- caring, dedicated, a fierce advocate, a wonderful conciliator when it needs to be done.

You are an example to me. Thank you.

[Applause.]

ATTORNEY GENERAL RENO: It is a privilege to be here with the leaders and the troops in the continuing and critical battle to open the doors of opportunity in our society to all Americans. You have seen some very difficult times in the past several years, and the nation owes you a debt of gratitude for your commitment and perseverance.

In these last months, I've met some people who I think are the true heroes and heroines, because you've been on the front line, you've cared, and you haven't given up.

I cannot tell you today that the work that remains to be done will be easy, but I will promise you that I will do anything I can, and use every bit of bully pulpit I can in this Department in our efforts to achieve legal and social and economic justice for every individual in our nation.

Though the Attorney General of the United States carries many responsibilities, and undertakes many tasks, there can be none more important than the pursuit of civil rights on behalf of all the people of this country. Without this dedication to equal opportunity, the very name of the Justice Department rings hollow.

Without this commitment to civil rights, the promise of this new administration would be unfulfilled. Ultimately, a failure to vigorously protect civil rights is an intolerable breach of faith with the people who have entrusted tremendous power to their government.

If we can keep that faith, and bring justice to those seeking the opportunities in this country, then all Americans will benefit, and that must be our message.

With the verdicts in Los Angeles, the city returned to calm, because the citizens felt they could expect justice. To achieve that kind of peace, the enforcement of the criminal law must go hand in hand with the enforcement of civil rights laws.

As Robert Kennedy once said, during another turbulent time in American history, "History offers cold

comfort to those who think grievance and despair can be subdued by force. Rather, while recognizing the need for punishment when the criminal laws are violated, we must also realize the need for enforcement of the civil rights laws to ensure all Americans equality of opportunity."

It is a great honor for me to work with so many of you who, to me, have been on the forefront, and I sometimes think I'm just trailing behind. The challenges are daunting, but together we can make an important difference for the people who come after us.

I know from personal experience what it's like to be discriminated against. I remember people telling me, ladies don't become lawyers, and now I look at America and know what can be done.

As I begin my service as Attorney General, I want you to know that I will be guided in my decisions by one principle, a principle I announced when I spoke to all the people who work with me in the Department of Justice: We will approach each issue with one ultimate question, "What is the right thing to do?" No politics, no demagoguery -- "What is the right thing to do?"

Deciding what is right will not always be easy, and you and I will not always agree. We'll have some fierce discussions, but I need and want your input, because you have been there on the front lines, and you know what the issues are.

Working for justice will require the continuation of some long-standing battles with renewed vigor. Almost 30 years after the enactment of the Civil Rights Act, and the Voting Rights Act, we must continue to fight for the rights of minorities and women to enjoy the fundamental rights guaranteed by the Constitution and Federal law.

The goals of equality in education, nondiscrimination in employment, and full voting rights remain elusive. While recognizing the continuing need to secure basic rights, we must also recognize the interrelationship between discrimination and what I perceive as America's greatest single crisis in the last 30 years.

America, in all its institutions, whether it be the family or government, has forgotten and neglected its children. When over 20 percent of America's children live in poverty, a far greater percentage than another age group, we must realize that something has gone terribly wrong.

These issues are not new. Twenty-five years ago, while planning his Poor People's March, Dr. Martin Luther King raised a troubling question that we have yet to address satisfactorily: What good is sitting at a lunch counter if you can't afford a hamburger? What good is telling America's children that they will have equal opportunity if they die on a street from a gun bullet at twelve?

What good is telling America's children that they will have equal opportunity for education if they don't have

the skills that will even get them to the point of benefiting from education, because they didn't have the child care, the health care that would enable them to grow as strong and constructive human beings?

We have got to face that threshold question in America, and if we are to ensure true opportunity, we're going to have to address a national agenda for children that says that parents should be old enough, wise enough and financially able enough to take care of their children before they bring them into this world.

We are going to have to develop laws and access to laws that make sure that every parent in America has prenatal care. Now, tell me, you say, what does this mean in a civil rights forum?

I think America's lawyers have gotten too specialized. You get a criminal lawyer over here and a civil rights lawyer over here, and somebody over here talking about health care, and what we have forgotten in the middle of it is the individual person -- a person, a child, growing to adulthood, a child who has laws here and programs here, and institutions such as the family, but we haven't pulled together.

And as a consequence, our society, including the laws that help stitch the fabric of society, have fallen away from too many children. As we address the issue of civil rights in the 1990s, we've got to address the civil

rights, the society, the fabric of society, around our children, to ensure equal opportunity.

And we've got to put it in terms that all Americans will understand. This is not an issue just of one poor child, this is an issue of an employer in ten years needing a work force with the skills that can maintain his business as a first-rate business.

It is a doctor whose practice is being weighed down because the health care institutions are overwhelmed by the consequences of poverty and neglect of our children, our families and our single mothers raising children in poverty. We've got to address these issues, and ensure that every child in America has appropriate health care.

Look at what we've done in the last 30 years. We've said to a person 70 years old, you can have an operation that extends your life expectancy by three or four years, but we turn to the child of a working poor person who makes too much money to be eligible for Medicaid, but doesn't have health care benefits at their company, and we say to that child, you can't have basic preventive health care.

Something is wrong with this nation, and as we address the issues of equal opportunity, we've got to put it in terms that all Americans understand -- we must make an investment in our children.

We must look at that little child walking across

a playground today, unsupervised at three and four years old, and we ask the question, where is his mother, why isn't he in child care, and we're told, his mother's not working, she's not looking for work, and she hasn't abused him and neglected him bad enough to make him or her eligible for Educare or child care.

We've got to change that, to make sure that we help weave the fabric of society around that child, and we've got to address the issue of violence in our schools. The principal cause of death of young black men, ages about 15 to 25, is homicide. Civil rights aren't going to make any difference unless we do something about that.

And we can. We can in the manner in which we teach conflict resolution, we can in the manner we train our police officers to become sensitive, caring, brave and wonderful people, as most police officers are.

We can teach America that we can resolve conflict by civility and discussion, by working together, by understanding that the ultimate basis of America's greatness is in the people themselves, and trust the people themselves to resolve these disputes in peaceful manners, if we set examples in our family, in our government, in our police, in everything we do.

And then let's start talking about economic opportunity. You can talk about equal opportunity for jobs, but if that child has graduated without a skill that can

enable him to earn a living wage, what does it mean?

Look at how society has changed since before World War II. Before World War II, 70 percent of the jobs in America were unskilled. The last figure I heard was that about 17 percent are unskilled now. We haven't caught up with that change.

As we talk about jobs and equal opportunity, let's start talking about programs too that can make an investment in America in the future. Let's look at a seventh-grader, age twelve years old, let's understand his aptitude and his interests. Instead of just giving him a job, let's give him a summer job that matches his school experience, that matches his aptitude and his interests, so that we can chart for him a future that will enable him to understand that if he works through this path between the ages of 12 and 18, he will graduate with a skill that can enable him to earn a living wage.

Let's turn to his mother, who wants to be off welfare, and give her a route off welfare. But do you know what we lawyers have done in Washington and Tallahassee and Miami, wherever we work, we have created the most mindless web of bureaucracy that stymies people from self-sufficiency that I have ever seen.

You tell a lady living in public housing, in many of our states, that if she goes and gets a job at minimum wages she'll be self-sufficient? No, if she goes and gets

a job at minimum wage she'll probably be worse off than if she hadn't gone to work in the first place.

We've got to take these laws, look at what we have created, here in Washington and throughout our State Houses, and open up America and its services to people, so that they can use them. We've got to trust the people to do right.

We spend more money on determining whether somebody's eligible for a service than we do in providing them a service. We have got to go back to trusting the American people, given half a fighting chance, to do it on their own.

And people say, but people don't care. I have sat around public housing project community room tables, where people want to be somebody, where that thirteen-year-old wants to grow up to be Attorney General, where the lady wants to have that minimum wage job, and at every step of the way, too often, government regulation prevents it from happening.

We have then got to, as we give these children the opportunity and this sense that there is a future, to make sure that we fulfill it. We have got to continue the battle against discrimination, but we've got to show employers how wonderful diversity is in America. We've got to remind them that different languages, different colors, different ethnic backgrounds, create a richness that can only enrich their company and their business.

We've got to remind them that the greatest

economic growth in the labor market in America in this next decade will be women and minorities, and that's where their work force is coming from, and it's a work force -- a potential work force -- that they should cherish, and do everything they can to promote, and train, and educate, and put in positions for promotion.

And then when they don't do it, we've got to move as vigorously as we can to enforce the laws against discrimination.

Achieving peace through justice, achieving full protection of civil rights and addressing economic equity will require efforts on the part of all three branches of government. Americans cannot enjoy the protections that the Constitution promises without greater access to their government, through the agencies, but also through the courts.

If 80 percent of the working poor and the poor in America don't have access to legal assistance, it means that justice in America is too hollow. Once in court, Americans deserve to find laws that are strong enough and broad enough to fully guarantee opportunity, and finally, the Justice Department must begin a new era of vigorous enforcement.

Yesterday was a proud moment for me to introduce Lani Guinier to the people of the Department of Justice, a vigorous, brilliant, caring, dedicated person, who will follow Bernie Segal's tradition of being a fierce advocate,

but also discussing and listening, and working toward reasoned solutions.

Working with other agencies, we must work to eliminate the traps that government has set, to make government more user-friendly, and return American citizens to their ability to deal directly with their government.

Why do we have to have lawyers giving people access to services? We're supposed to be serving them, in terms and in ways and with procedures and forms that they can easily understand, that they can easily fill out, that they can easily deal with, but we just make it more complicated, because we don't trust them.

We've got to trust the people, and give them access.

Working with the best legal minds in America, we need to develop new and creative reforms that open our government and our courts to all Americans. In doing so, we can give every American reason to believe that the Constitution is a living document that means something.

To make the law live, we must end the delay and cost involved in using our courts, the kind of delay that once caused Judge Learned Hand to declare, "I must say that as a litigant I should dread a lawsuit beyond almost anything else, short of sickness and death."

Think about that, and let's try to create laws that eliminate the need for lawsuits, and give people access

to the services, rather than using all the money to fight for the services.

In addition to opening the doors to the courthouse, we must also open the doors of this Department of Justice. It's troubling to me to get a letter from a man who says, "I wanted to come see what the office of the Attorney General looks like, and I couldn't get in." I want to change that.

It's troubling to me to walk down the halls of the Department of Justice and see all the doors closed. They say it's because of the marble floors, but it doesn't remind me of the Justice Building in Miami, where there was discussion, and disagreement, and dialogue and communication.

I want to open this Department to private attorneys and Civil Rights Division attorneys' meetings -- meet to exchange views on such matters as trial practice strategies and enforcement priorities, and by opening these channels of communication, both through the Department and hopefully the private bar, all of us will be benefit.

Increased access is important, but access alone is not enough. We must ensure that once Americans seeking justice have reached the courts, that the laws applied in the courthouse offer the full redress that all our citizens expect and deserve. Without this protection, Americans will lose faith in their system of laws, and those who would

undermine the laws will enjoy immunity.

With it, victims of injustice can place their faith in the legal system, and those who would discriminate against women and minorities will find no protection from the law.

During the past 12 years, the legislative process has moved slowly, if at all, with vetoes and painfully wrought compromises, the symbols of gridlock. As 43 senators continue to prove, Madison's democratic processes were not designed to allow lightning-fast governmental action, even in the best of times.

[Laughter.]

ATTORNEY GENERAL RENO: But as passage of the Family Leave Act indicates, we are at the beginning of a new era, one in which the executive and legislative branches can work more closely to bring about badly needed reforms.

I'm committed to doing that. So much of what we're concerned about involves a nonpartisan approach. I want to reach out, to Republicans and Democrats alike. Chesterfield Smith and Sandy Dallenburt taught me how to be a staff director of the House Judiciary Committee in Florida a long time ago.

We had to deal with Republicans and Democrats, and those Republicans are still some of my best friends. We've got to reach through the partisan recrimination that too often exists, to come to the basic issues that face America

for the future.

I look forward to working with you on critical legislative initiations. I support passage of the Equal Remedies Act, to lift the damage caps for women, people with disabilities and religious minorities, in workplace discrimination cases.

I support legislative corrective action of Pressley versus Attawa County Commission, and Rowhos versus Victoria Independent School District, in which the Supreme Court refused to require preclearance under the Voting Rights Act, when governmental actions reduced the governmental powers of newly elected minority public officials.

I also support passage of the Violence Against Women Act, which would extend the protections of the Federal Hate Crimes Act to gender-motivated crimes; the Religious Freedom Restoration Act, which in response to Oregon versus Southern Mississippi reestablishes the requirement that a government must have a compelling interest in order to justify a burden on the exercise of religion; the Freedom of Choice Act, and legislative that would at long last outlaw discrimination based on sexual preference.

We must also revitalize the Equal Pay Act, and shatter the glass ceiling in employment. We must finish the job that Brown versus Board of Education started; that is, to offer ever child in America a truly equal chance to get

a quality education.

Most of all, we must recognize the interrelationships of family, education, housing, employment and the environment. We must break the cycle of poverty and despair that is perpetuated by discrimination.

In addition to fighting for more effective access to government help, and greater legal protections, I also plan to revitalize enforcement of the laws. During the last 12 years an ideological administration has undermined the pursuit of civil rights by politicizing the Department.

As Attorney General, I plan to do what's right based on the evidence and the law, and not based on politics. In reviving the Civil Rights Division, I plan to target areas where enforcement is especially urgent. For example, the Voting Rights Section of the Civil Rights Division filed only two new cases in 1992, one under Section 2 and one under Section 5.

Protection of groups that have historically faced exclusion and discrimination in the political arena is critical to fulfilling the promise of our Constitution, and the promise of the Clinton administration.

Gender discrimination is another area that will require early attention. I also intend to move aggressively to enforce the Americans with Disabilities Act, to ensure the 43 million Americans with disabilities that we will follow through on the promise of that landmark legislation,

and that can be such a reality.

We work so closely with groups in Miami to try to make that a reality, and we must do so throughout the nation.

In addition to enforcing traditional civil rights laws, to provide opportunities for political empowerment, we must also pursue economic empowerment. The Justice Department recently filed its first lending discrimination suit in Atlanta, and was successful in settling that suit for \$1 million.

It is these kinds of cases that send a clear message to lenders and other business people that the Federal government stands behind citizens seeking to better their lives, and will not tolerate any efforts to kick the ladder of economic opportunity out from under those who have struggled and saved to own a home.

In 1968, Bobby Kennedy called all of us to a great task. A quarter century later the task remains unfinished.

So I ask that we all listen anew to his words: "We have before us a historic opportunity. Out of the tension and trouble, out of our difficulty and danger, we can, and I believe we will, forge a new nation -- better, stronger, more free and more united than the country we had before. It is open to us now, it is demanded of us now, to engage in the great work of rebuilding our country."

[Applause.]

[9:15 a.m.]