

ORIGINAL

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TEXT OF SPEECH GIVEN BY

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JANET RENO, UNITED STATES ATTORNEY GENERAL

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HARVARD LAW SCHOOL CLASS DAY PROGRAM

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AT HARVARD UNIVERSITY, SANDERS THEATRE

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CAMBRIDGE, MASSACHUSETTS

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WEDNESDAY, JUNE 9, 1993

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1 At the Harvard Law School Class Day
2 Program, Sanders Theatre, Harvard University,
3 Cambridge, Massachusetts, Wednesday, June 9, 1993,
4 3:00 p.m.

5 MS. RENO: Thank you so very much
6 and thank you, Bob.

7 The last time I was in this
8 theater, I sat about where you're sitting to hear
9 Eleanor Roosevelt and I will never forget that
10 night as long as I live. And to return to Harvard
11 and to remember her tradition and remember what
12 she gave this nation restores any strength that
13 you think might be diminished, make you more
14 dedicated to trying to serve this country, to
15 change things, to make things better, and I think
16 that's one of the strengths of Harvard, is the
17 tradition and the feeling that you get when you
18 come back.

19 I can't tell you how wonderful it
20 is to be here to see Professor Ogletree honored.
21 I'm not a thief, Bob. No permanent deprivation.

22 (Applause.)

23 MS. RENO: But I thank you for
24 sharing Professor Hyman. And I thank you, too,
25 for sending Professor Ogletree to Florida where I

1 thought he helped raise the sensitivity of people
2 better than anyone I've ever seen, in two separate
3 panels, one, in all the Circuit Judges of Florida,
4 and I will never forget what he did to bring
5 healing to a group that sorely needed it.

6 Thirty-three years ago this
7 September, I walked into Austin Hall to hear Dean
8 Griswold welcome us. I don't think I've ever felt
9 so lost as I did then. I wondered what it would
10 be like. Contracts and torts were confusing, I
11 didn't understand the perspective of the law,
12 criminal law was boring.

13 As I left, I wondered what the
14 future would bring to me and what I will tell you
15 unequivocally and what I have told people
16 consistently over the years, that within about
17 three years, I had concluded that my education at
18 Harvard Law School was the single best educational
19 experience I had ever had, because, first, it
20 taught me to think and, secondly, it taught me to
21 appreciate and understand the framework of the
22 law. And if I have any success as Attorney
23 General, I can trace it in part back to the
24 educational experience, to the challenge the
25 professors gave me to think, to analyze, to

1 understand, and to use my best judgment to reach
2 solutions.

3 The law as a profession has
4 provided me with more satisfaction than I ever
5 dreamed. As a child, I wanted to be a lawyer
6 because I thought lawyers and the law were
7 wonderful. But they are more wonderful, I think,
8 than I had thought. I made a promise to myself
9 when I graduated from law school that I would
10 never do anything that I didn't enjoy doing and
11 almost every day of the year since that June of
12 1963, I have awakened glad that I was going to
13 work, glad that I was going to court, glad that I
14 was going to grapple with a problem.

15 The law has been a tremendous force
16 for good in so many instances that I have
17 participated in and I think we have each, you as
18 you embark on your legal career, I as I embark on
19 a new career and a new position, have got to
20 rededicate ourselves to making sure that the law
21 is a protection against an oppressive government.

22 I had never understood quite what
23 that meant until I got to law school and one of
24 the cases I used to read and reread was the old
25 Fifth Circuit Court of Appeals decision in Cruz v.

1 United States, because that was not something that
2 had happened in another century or in another
3 time. This was an example of racist oppression
4 that had happened in my state, in my lifetime, and
5 it was something that lived with me. But I
6 thought that it couldn't happen and it wouldn't
7 happen.

8 About three years ago, the Governor
9 of Florida asked me as a Special Prosecutor to go
10 to another part of the state to reinvestigate the
11 case of James Joseph Richardson, a man who had
12 been prosecuted, convicted, and sentenced to death
13 21 years before for the poisoning death of his
14 seven children. He had always maintained his
15 innocence. He had had a perfect record in prison,
16 many people believed him to be innocent, but court
17 after court had sustained the conviction and had
18 it not been for the Supreme Court of the United
19 States decision, he would be dead by the point I
20 began the investigation. But he had served that
21 time in prison.

22 I will never forget for as long as
23 I live standing in that courtroom in DeSoto
24 County, Florida, telling the Court that I thought
25 that the evidence had been insufficient to charge

1 him originally; that with the passage of time and
2 the death and incapacity of witnesses, it was hard
3 to say exactly what happened, but that it was
4 clearly insufficient to charge him now; that he
5 was probably innocent; and that he should go free.

6 As I drove away from that
7 courthouse and looked back over my shoulder and
8 watched Mr. Richardson walk out of that courthouse
9 a free man for the first time, I rededicated
10 myself to what the ultimate issues of the law are
11 all about and that's making sure that men and
12 women throughout the world are free. We have got
13 to be vigilant, because I then came home to a case
14 in Miami where police officers were being
15 prosecuted for ripping somebody off in a drug deal
16 and forcing them into the Miami river where they
17 drowned, right in my own community.

18 We cannot forget the need to use
19 the law as a shield, but we must remember other
20 forces of the law. The prosecutor who thinks that
21 they have done their job when they get a
22 conviction and see somebody sentenced who has a
23 drug problem and think that that's all there is to
24 it should have another think coming. And the
25 public defender who thinks that he's won a great

1 battle when he gets his crack addict client off on
2 a motion to suppress or a motion to dismiss
3 ignores the fact that his client, who cannot
4 afford treatment and is on a waiting list, is in a
5 greater prison than any prison that man can create
6 for others.

7 We have a duty to look beyond the
8 narrow aspects of the courtroom, to look to the
9 correctional system, but before that, to look to
10 what comes before the court. We have got to
11 understand that lawyers have a role to help
12 people, not just to address the issue of rights.
13 And one of the more rewarding experiences in the
14 last couple of years was to be going up an
15 escalator in a downtown office building when a man
16 came up to me and said, "Ms. Reno, I want to thank
17 you." I said, "For what?" He said, "You arrested
18 me." I said, "You're the first person that ever
19 thanked me for arresting him."

20 He said, "Actually, the police
21 arrested me, but your prosecutor saw that I had a
22 drug problem. I'd lost my family two years ago.
23 They left me because I'd gotten so bad. I lost my
24 job. I didn't have any benefits, so I couldn't
25 get treatment. And your prosecutor worked out a

1 treatment program for me as an alternative to
2 jail. I've been drug-free for two years, I've got
3 my family back, I've got a job, and all I can say
4 is thank you."

5 Lawyers have a duty to go beyond
6 and to reach out and use the resources of the
7 community to structure a step forward for their
8 clients. Sometimes it's difficult. It's a very
9 rewarding experience. You get a letter from a
10 lady for whom you've obtained child support, you
11 did it in the courts, it worked out just fine.
12 But then when it doesn't work out and somebody
13 else calls you hollering bloody murder because
14 they're about to be thrown out on their ear
15 because they don't have the rent money, you
16 realize that we've got to do something, one, to
17 make the family stronger, and two, to provide
18 procedures and remedies that will avoid that.

19 There is disaster in the practice
20 of law and there is a tendency on the part of the
21 American people when they meet with disaster to
22 give up and just go hide their head in the sand.
23 I urge you not to. You will face a disaster or
24 two along the way. I faced one in 1980 in the
25 McDuffy case. I had just been elected by a

1 substantial margin. Everybody thought I was a
2 wonderful young prosecutor; I was going to bring
3 fairness and objectivity. And then suddenly a
4 jury in Tampa acquitted the police officers of the
5 beating death of Arthur McDuffy and I was blamed
6 for the riot and for the deaths of the people that
7 occurred during that riot. And one thing you've
8 got to do is to learn to put your foot in the road
9 and move ahead and keep talking to people and
10 never stay down and never give up.

11 For all the satisfaction that the
12 law has brought me, for all the pleasure, the joy,
13 the intellectual stimulation the law has brought
14 me, there is still so incredibly much to be done.
15 This nation is in worse shape than it was June of
16 1963. This past Sunday night, we went to Robert
17 Kennedy's grave and read from what he had said
18 from 1964 to 1968. He talked of poverty, he
19 talked of violence, he talked of a lost
20 generation, he talked of a government that was not
21 responsive. And it was as if the years had never
22 come between. It's all still there.

23 I may succeed in a suit against a
24 public housing agency and think that I've done
25 well in the courtroom, but all you have to do is

1 walk the streets of America and see the homeless
2 and understand that lawyers have got to galvanize
3 together, not just to win suits and actions aimed
4 at ending discrimination in housing, but they have
5 got to work in the commissions, in the offices, in
6 the arenas where problems get solved, to create
7 new, innovative, creative solutions for the
8 homeless.

9 We look at the youth of America,
10 killing themselves, injuring each other in an
11 epidemic of youth violence that staggers the
12 imagination. We look at crime and we look at
13 drugs. We look at what we have done to increase
14 life expectancies and we see a fragile, elderly
15 person who has always been independent, who has
16 planned to live on a fixed income, who is suddenly
17 hurt and alone. And if we increase his or her
18 life expectancy, as lawyers, we should have a
19 commitment to increase the fabric of society
20 around that elderly person to make that life worth
21 living.

22 Today, 21 percent of the children
23 in America live in poverty, a far greater
24 percentage than when I graduated from law school,
25 a far greater percentage than any other age group,

1 a terrifying indictment of a nation that is
2 supposed to care and is supposed to be so
3 prosperous. And what about the young American
4 family? The median income of American families in
5 1973 was about \$23,000. It is now about \$13,000.

6 Eighty percent of the working poor
7 and the poor in America have no access to lawyers.
8 What we have done is create a marvelous system of
9 laws. We've enhanced our Constitution for some
10 people, but for some people the laws aren't worth
11 much more than the paper they're written on. We
12 can make a difference. But this is now a time for
13 challenge, not for fear; a time for excellence,
14 not for mediocrity; a time for boldness, not for
15 timidity; a time for innovation, not for business
16 as usual.

17 How do we do it? In my 15 years in
18 Dade County, I tried to touch people, I tried to
19 listen to people, I tried to talk to people, not
20 through 30-second sound bites, but by leaving my
21 home number listed and going to calls and going to
22 community groups and standing on street corners
23 and talking to elementary schools, to understand
24 what the people wanted and what they needed and
25 what could be done. And I have come away from

1 that 15 years' experience with a profound belief
2 in people as the ultimate institution, each
3 individual as the ultimate institution that will
4 solve the problems of America.

5 The time has come to trust the
6 people, to invest in all people so that they and
7 their families can take care of themselves. For
8 lawyers, the time has come to return the law to
9 the people and the people to the law.

10 On the east side of the building of
11 the Department of Justice in Washington, there's a
12 statement. I have have been unable to find its
13 author, but I walk by it of a morning because it's
14 so important to me: "The common law is the will
15 of mankind issuing from the life of the people,
16 framed through mutual confidences, sanctioned by
17 the light of reason."

18 The law is not a series of
19 regulations adopted by somebody in Washington that
20 hasn't been in touch with the community. The law
21 is not a series of alphabet agencies strung
22 together in a fragmented, disconnected effort to
23 serve people. The law is not just a series of
24 titles, this and that and the other, that most
25 people don't understand and can't have access to.

1 The law is how people live together in their
2 neighborhoods, their communities, existing
3 together.

4 I go back to that hill in England,
5 sometime probably 1100 A.D., when people started
6 putting the law together as we know it. They
7 built it out of the dark ages and have built it
8 up. But I think lawyers too often have taken the
9 law away from the people, made it inaccessible,
10 made it almost an instrument that discourages
11 people. How many of you have people say, "Could
12 you help me with my Social Security? I don't
13 understand my insurance forms. What do I do about
14 this? How do I file a tax reduction claim?" The
15 law has tied people up, rather than free them.

16 I think we have got to understand
17 that problems are not solved in this nation just
18 by programs for which we spend more time
19 determining whether the person is eligible than we
20 do in serving. The problems are not resolved in
21 courtrooms. Most of the lawyers that I know
22 resolve their problems before their client gets to
23 court.

24 I think we have got to continue our
25 efforts to make our courts accessible to all

1 Americans. I think we must continue with great
2 dedication and vigor to reduce the cost and delay
3 involved in anyone going to court so that our
4 courts can have meaning. But I think as lawyers,
5 you embarking on a new career, I in a new
6 position, have got to join together to make the
7 law simpler; to use small, old words; to use
8 terms, expressions, and develop programs that
9 serve the people.

10 Where do we begin? First of all,
11 we take a look at what we have today and I can
12 best describe it by describing a program that we
13 developed in Dade County to serve families at
14 risk. We retained a community-friendly, highly
15 respected police officer, a social worker, a
16 public health nurse, and we formed them together
17 as a team, starting in a public housing
18 development.

19 When we first went into that
20 development, residents looked at us as if we were
21 alien, they looked at us with blank looks, they
22 wouldn't come out from behind their doors, they
23 didn't believe in us. The team went to their
24 doors and slowly they began to come out from
25 behind the doors. Suddenly, they began to go to

1 the meetings we had once a week and they wanted to
2 be self-sufficient, they wanted to get a job.

3 One of them wanted to organize a
4 business. She kept getting beat down by
5 occupational license requirements, insurance
6 requirements, and HUD requirements, and she was
7 frustrated. Another went and got a minimum wage
8 job and was in danger of losing her benefits, so
9 that she was going to be worse off than if she
10 hadn't gone to work in the first place. I had
11 gone to Harvard Law School and I could not advise
12 these ladies how to work through the morass of
13 alphabet agencies that had been created allegedly
14 to serve.

15 I urge you in the course of your
16 practice -- and one of the beauties of law
17 practice is that you can do so many different
18 things. You can be a prosecutor, you can be a
19 partner in a firm, you can work for the
20 Legislature, you can work for a small firm and for
21 yourself. It has been an incredible experience
22 for me. But in the course of your practice of
23 law, in the course of your legal career, I just
24 urge you to go to communities, to serve people, to
25 develop new and innovative and bold ways of making

1 the law accessible to people.

2 When you talk about pro bono work,
3 I know so many young lawyers who want to go off
4 and win the great victory in the courtroom. That
5 victory in the courtroom isn't nearly as important
6 as perhaps serving as a pro bono lawyer for a
7 block with a large number of families at risk and
8 working through their problems so they don't get
9 to court in the first place. But most of all,
10 lawyers have a challenge, a challenge that is one
11 of the most complex in our history, and that is
12 how we re-weave the fabric of society around
13 families who have disintegrated around their
14 children.

15 The most formative time in a
16 person's life is zero to three. Fifty percent of
17 all learned human response is learned in the first
18 year of life. The concept of reward and
19 punishment is learned during the first three years
20 of life. If a child doesn't understand
21 punishment, what difference is it going to make
22 what we do to that child when he puts a gun up
23 side somebody's head at age 14 and threatens to
24 kill them or does kill them? It won't mean
25 anything. What difference will all the programs

1 we develop mean to that child if they don't learn
2 the concept of conscience and reward in the ages
3 of zero to three? And yet the family, which has
4 traditionally taken care of that child, has fallen
5 away from that child.

6 Lawyers created the Social Security
7 Administration. They did so many things during
8 the New Deal. They helped finance a war effort
9 that was incredible. Lawyers have always been on
10 the front line when there was a challenge, when
11 there was disaster pending, and lawyers can do it
12 again by joining with the Federal Government and
13 communities to build a national agenda for
14 children that makes sure our children are cared
15 for; that parents are old enough, wise enough, and
16 financially able enough to take care of their
17 children; that there is edu-care in zero to three;
18 that children get medical care.

19 Why should lawyers be worried about
20 somebody being deprived of housing when there are
21 children going without medical care in this nation
22 because their parents are working poor who do not
23 have health care benefits, but who make too much
24 money to be eligible for Medicaid? Why should we
25 worry about higher education for these children

1 when they are being left to drift across our
2 streets unsupervised in the afternoon because
3 people say they're not eligible because their
4 mother's not working, she's not looking for work,
5 and she isn't abused, neglected, and battered
6 enough for us to worry about it? Why should we
7 worry about opportunities for children in our
8 future when they are dying on our streets at 13
9 because they have led a life that is unsupervised
10 because we have not created institutions around
11 them?

12 The time is for bold and new ideas,
13 but you've got to be able to sell it. And the
14 lawyer, the good lawyer, is the great salesman.
15 Not in the courtroom, but selling America that
16 we've got to invest in children; that for every
17 dollar invested in early care, we're going to save
18 vast dollars for the taxpayer. If that doesn't
19 turn on a businessman, explain to him he's not
20 going to have a work force in 15 years unless we
21 make an investment in children, a work force
22 sufficient to maintain America as a first, great
23 nation. And if some elderly person tells you that
24 they spent all their time taking care of their
25 grandchild and their great grandchild, explain to

1 them that their pension won't be worth the paper
2 it's written on unless we have the work force.

3 We have got to make this investment
4 in children and their families, but the most
5 important thing I can tell you today is that it is
6 not dollars and it is not programs that is going
7 to make the difference, because just as I see
8 children at risk who live in poverty, I see
9 children from upper middle class professionals who
10 are adrift at sea because both parents are
11 professionals who work long hours and are
12 concerned about billable hours and the children
13 are too often left to drift.

14 I remember my afternoons after
15 school and in the evenings. During the
16 summertime, my mother worked in the home, my
17 father worked downtown. My mother taught us what
18 we knew about the poets, about Beethoven's
19 symphonies, about how to play baseball and how to
20 bake a cake. And she spanked the living daylights
21 out of us and she taught us to play fair and loved
22 us with all her heart, and there is no child care
23 in the world that will ever be a substitute for
24 what that lady was in our life.

25 And yet I watched in my office in

1 Miami as prosecutors struggled to get children to
2 have breakfast, get them off to school, get to
3 trial, call witnesses at 6:30, leave the office at
4 seven, get home, dinner on the table, children
5 bathed, the homework done. Saturdays, they ran
6 errands. Sundays, they went to church. Sunday
7 nights, they started all over again. And they
8 didn't have quality time with their children.

9 If you had told me in 1960 that I
10 couldn't go to law school because I was a woman, I
11 would have been outraged. And if you told me now,
12 I would be even more outraged. But somehow or
13 another, if we can send men to the moon, we can
14 develop a system that puts family and children
15 first, while at the same time giving both parents
16 the opportunity to achieve professional
17 fulfillment.

18 (Applause.)

19 The law is an incredible instrument
20 for good. We should return it to the people, to
21 the children of America, to be the children's
22 shield, as well.

23 (Applause.)

24

25 (End of speech at 3:24 p.m.)