UNITED STATES DEPARTMENT OF JUSTICE

REMARKS OF THE HONORABLE JANET RENO

ATTORNEY GENERAL OF THE UNITED STATES

TO THE NATIONAL ASSOCIATION OF STATE ATTORNEYS GENERAL

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P R O C E E D I N G S

(1:12 p.m.)

GENERAL RENO: Thank you, General, and thank you all for that warm welcome. I really should be applauding you, because I came to Washington resolved not to lose my sense of community or my sense of state, but worried that I was, worried that it would be difficult to translate Washington into my experience, but I see so many people in this room and the attorneys general have been instrumental in helping me keep my perspective.

But so many people in the room who have helped me do the same: the experts in the Civil Rights Division who have

done so much to say, now, you can do this, but if you go do this you're going to get into trouble.

(Laughter.)

So my thanks to everybody.

We have a remarkable opportunity, and the people in this room can make such an extraordinary difference in the whole complexion of this Nation. The civil rights laws make an enormous difference. How they are implemented makes an even greater difference. I have been frustrated on occasions to be told: Well, we settled this one case and it has great implications for one community or one neighborhood. I say: But why can't we be doing it in a more comprehensive way? Why can't, if we settle a 911 situation in Charleston, South Carolina, why can't we do it in a comprehensive way across the country, with U.S. attorneys working with attorneys general and others to make sure that we change the face of America in terms of lending discrimination, in terms of disability rights, in terms of housing, in terms of prosecutions, not just for when the wheel squeaks, but when circumstances warrant Federal intervention that we do it in partnership with state and local officials and that we do it based on what is in the best interests of this country?

I think we have made some really extraordinary headway in that effort, but I think there is a lot more to do.

I am going to be asking you a question at the end of my comments and we are going to have some more questions. But my question to you is going to be: If you were the Attorney General of the United States, what would you do to improve civil rights enforcement in the United States? So be thinking about the answer.

The partnership with the attorneys general -- oh, you should see the gleam on the eye over here.

(Laughter.)

The partnership with the attorneys general has been absolutely critical, and I think it has produced some great results. What I would like to focus on are just some examples that I have seen of where we can partner with the local community as well, because I think if we come together, if we work with state and local prosecutors where it's the local D.A., we can do so much.

I had an occasion in this past year to have a situation that I think represents the issues that we face, but represents the potential that we have of how we can join forces. It involved the terrible crime in Jasper, Texas. I was immediately contacted. We made inquiry. The U.S. attorney told me: You've got a good sheriff and you've got a good D.A. and they know what they're doing and they're committed to doing it the right way.

He went further, though, and said: But it's a small county and they are questioning whether they have the resources; what can we do? It was wonderful to see the FBI come in, not this is our case and we're going to handle it, but what can we do, how can we help you, what can we do with forensic services, how can we serve you best?

The U.S. attorney told the D.A. the same thing. I think there was an assistant U.S. attorney cross-designated as the local prosecutor. It was a classic example of everyone involved concerned with the result, not with who got the credit or whose turf it should be.

I think it's so important for the local authorities to prosecute because it gives such credence. It is not just the Federal Government enforcing civil rights laws; it's local governments who do it ourselves: Give us some help and we can do it ourselves. In larger jurisdictions they might not even need our help.

But it is that type of spirit that I want to pursue. I want to do anything I can to empower authorities across the country to be able to handle these cases in every way that they possibly can.

The response back from the D.A. after he got the conviction and from the sheriff has been so heartwarming, because they said: We couldn't have done it without you. And it was a nice feeling. I suspect they could have done it without us, but we've shown, I think, that we can build partnerships, and the model in Jasper is the model that I want to achieve.

Another area where I think we can literally change the face of America is in the area of disabilities rights. Very shortly after I came to Washington, I was accosted by Liz Savage, who said: I want to have a meeting with industry, industry that is subject or is influenced considerably by the ADA. We sat around the conference room table. They told me how terrifying the ADA regulations had been, and that was a good lesson. They used the word "terrifying" two or three times during the day and it made me realize that we have got to do far more in terms of explaining in what I call the small old words just what is expected in terms of civil rights enforcement.

But then she did something really smart, because by that time I was totally terrified by the regulations. She loaded us all up and she took us out to Takoma Park, and I saw what commonsense steps could be taken to make a small community disability-friendly. It was just remarkable: a small stoop raised and placed to go over the threshold of a small drugstore, aisles widened just a little bit. It was a walking, talking example of what we can do to open up America.

Just in the time that the Act has been in force, you can see the change. You can see the change here when the groups came together to protest and just the whole parade of people. It was one of the most glorious sites that I have seen. They were having access to be able to demonstrate on ways that would not have been possible ten years before.

So I would like to challenge us all to see what we can do. Let's take chains, and if the attorneys general, the Civil Rights Division, local prosecutors, work together, instead of just taking one place, one hotel, identify all the hotels belonging to that chain in a particular state and let us work together to address the issue chain-wide.

Let's not take just a little bit. If we're going to deal with the corporate hierarchy, let's deal with the whole and come up with something that has a more lasting impact. Let us look at problems and prioritize them and say, this is the next step and this is the next step.

One of the points that is well, taken, Liz will tell me: But we can't spread ourselves too thin because if they thumb their nose at us and they don't comply we're going to look like we're letting them get away with it. Again, if we have a partnership of the attorneys general, the Civil Rights Division, the U.S. attorneys, I think we're going to be able to plan compliance efforts that make a difference.

One of the areas that has been most important to the whole area of lending discrimination and housing discrimination. Again, we can do so much if we look at lending institutions both as a comprehensive unit and as the single bank in a small area near an Indian reservation that has such an impact on people's lives.

But again, it is partially explaining. Most people want to do right and they sometimes don't know how. Our goal is to try to explain to people the moral imperative of the civil rights laws, why we should comply, why on the issue of lending discrimination it's good business to comply, and how you can best comply.

If we do -- if the General and I took Maine, if there was a problem in Maine -- there's never a problem in Maine --

(Laughter.)

But if there was a particular problem that was a statewide problem, let us work together to solve it. That doesn't mean that we have to file lawsuits against five different people. It may be that just standing together, explaining to people, look, we're not asking you to make a bad loan, we're asking you to review your lending practices and you're going to get more business out of it based on our analysis of what you've seen. It's steps like that. Then if

there is not compliance, vigorous enforcement action.

So the partnership has been a good one. I think we can make it an absolutely great one, and I think we can do so much to change the face of America.

But there is one problem I think that is troubling to this whole nation. As we have watched crime go down seven years in a row, we have watched people become less trusting of law enforcement. Sometimes it's simply a perception, but it is a real perception and it is real in the minds of the people who hold that perception.

Sometimes it is actual and it is very real, and we must hold people accountable when they, police officers when they abuse the civil rights of the citizens they serve.

This week we had a strengthening police community relationship conference that by all reports and by my experience was just excellent. The give and take was extraordinary. The President attended and participated in a round table. The vibes that I've gotten back from here to New York and back again have been extraordinary, and I think it has had a real impact.

We focused in breakout sessions on certain issues: the use of force policies, racial profiling and data collection, police leadership and management techniques, hiring and recruiting, and community partnering.

Clearly to me one of the issues that was the favorite subject of most -- it seemed to me people ended up in that breakout room more often than not -- was the whole issue of racial profiling. I think we've got to be careful and recognize, as others did at the conference, that it's just not racial profiling; it's ethnic profiling, it is looking at people and drawing arbitrary distinctions in the enforcement of our laws.

The President has directed us, before we start talking about other people, to do something about ourselves in terms of collecting the data on the part of the Federal

agencies in profiling, in traffic stops, and in other instances where inappropriate conduct might occur to see what we can do to develop a database, to show how it can be collected, how it can be collected in an efficient, accurate manner without impairing the law enforcement initiatives involved.

I think in this next year we will come up with something that can be useful and can help others. But at the same time, I've had the opportunity to visit San Diego as they are installing a system, which they are very supportive of, that will permit them to collect data, and I think it will be the data that can so inform us, because we have a wonderful opportunity in this country right now.

I think with law enforcement in most instances community policing has improved. It has built trust. It has made communities safer. I have been to too many communities where a young man is standing with the police officer: This guy is my mentor. And the police officer says: Yeah, scruffy little kid. Scruffy little kid looks up at the police officer and says: He's made all the difference in my life.

Somehow or another, we've got to bridge the gap between the distrust of law enforcement and the law enforcement officers who care so much.

But what we have learned to do -- and I think the attorneys general represent it better than anybody else -- is to recognize that crime and the law enforcement issues and the issues of civil rights are not Republican or Democratic problems. They're problems of all people, and they can be in many instances solved by a common sense approach involving people who care, who care about others, and who are not interested in turf or credit.

That is what we're all about, and I think we can make an extraordinary difference if we work together, explain what we're doing, persuade people to comply, and then if they don't, take appropriate and vigorous action.

With that, what's your question? What's your answer?

(Applause.)

VOICE: Thank you for that extraordinary offer. It was like Christmas for you to ask me this. And of course, I have no idea how political the President will let you get, but, given that constraint, I would have you take a higher profile role in gay and lesbian civil rights, as he is starting to.

In fact, I told the panel, the group earlier, that when we have our referendum on the anti-discrimination bill as we are going to have it in 2000 and we're going to have the General -- I don't call you "the General," Drew. I'm the Treasurer from Maine, so I'm his pal, see.

I think it would be great if the two of you did an ad for us and told everybody in Maine that in fact it is legal to discriminate against gay and lesbians in employment. That one fact would help a lot.

GENERAL RENO: Let me explore that, because I have done some public service announcements on disabilities issues, but they were with respect to the Act. Let me check out with the ethics people what I can and can't do on that issue and follow up.

VOICE: Great.

VOICE: And can we sign you up for Federal, too? Thank you.

(Laughter.)

GENERAL RENO: We have the school issue, violence in schools and hate crime and harassment in schools, and a recent development of a guide that we developed with the Office of Civil Rights. One of the proposals is to have Justice, with all of its funding mechanisms and its expertise, the Office of Civil Rights, the Department of Education, the attorney generals, actually work on going and implementing state by state, so that every school develops a comprehensive civil

rights program. There needs to be money and technical assistance in order to have this really happening.

My other wish list would be a much more practical issue. In Massachusetts -- I don't know, and I think this is nationally -- we constantly get FBI agents who come in as people who are designated to deal with civil rights, and they rotate out. As they get to know the community, they're gone and a new group of people come in. It is like re-educating them. They don't know the players.

I would suggest that, at least with the people designated to deal with hate crimes and police issues, that at least one person, the stability of at least having one person who is the liaison for the FBI in developing those relationships be not rotated on that level.

My last, which is a little different issue, on the police issue, is there are people in the state AG's offices and attorney generals who are interested in the police misconduct issue, and I would request the possibility of having state attorney generals participate in the work that's going on at the national level to address this issue.

That's my wish list.

GENERAL RENO: We invited some and I don't think they came.

VOICE: Okay.

GENERAL RENO: So we will have to -- what I would suggest, General, is, however you wanted to do it, we would very much like for you to be involved in the whole effort. So should I follow through with you or should I talk to Mike?

MAINE: Either way.

GENERAL RENO: I'll follow through with you and talk to Mike.

(Laughter.)

MAINE: I knew you were going to say that.

GENERAL RENO: Let me go back to the first point. What you're suggesting is that every school -- we're talking about hate crimes and bullies and harassment and the like. Just give me a little bit more flesh on the bones?

VOICE: There's a new guide which was worked on for a couple of years. It really is a step by step guide for schools about how to create a comprehensive civil rights program, components of that program, for example peer mediation, how to create conflict resolution teams when there's crises going on, and a lot of other components of this system that need to be put in place in school districts around the country.

What we have is the challenge of how to get this information, not only to schools, which have been mailed out, but how to ensure that this is effectively --

GENERAL RENO: You have just now -- okay, this is great, a wonderful idea, because I was distressed after Littleton that so few people had read the early warning guide that had been put out.

VOICE: Right.

GENERAL RENO: And this, for those of you unfamiliar with it, is a guide put out by the Department of Justice and the Department of Education. So I thought about getting the U. S. attorneys to become responsible within their district that, if we could work with the attorneys general and they could put us in touch with the state department of education and work through those.

As somebody said, if you had read that early warning book and then knew how to take steps to implement it within your school, you could really make a difference.

In that regard, let me ask you this. I have the sense wherever I go that one of the reasons that people are confused and that there is not an exchange of information to help us resolve any of these problems is that people

don't know whether they can share information. The school still has questions about whether it can share, and that might be another interesting effort where the state attorneys general could be very helpful working with us to address that problem.

So thank you for all those suggestions.

Is that all?

VOICE: I'm not from a state's attorney general's office, but I'm from an EEOC, and I'd love to see Justice take a more aggressive role in bringing more high profile employment discrimination cases against state and local agencies, especially in the area of the Americans with Disabilities Act. I think currently there are approximately 20 or so cases on Justice's docket and I'd love to see more and I'd love to see them be high profile and get better attention.

GENERAL RENO: I always worry a little bit about bringing high profile cases, because that kind of sounds like collective prosecution. But if there are 20 cases pending, we need to look at it and make sure that we follow through on it.

I will explore the "high profile."

VOICE: As the litigating attorney in the Mitsubishi case, I can tell you that sometimes it works really well, gets a lot of companies to take a good hard look at their policies and make some changes well beyond the parties to the lawsuit.

GENERAL RENO: One of the things that I'd like to do first is just see whether -- what I can do in terms of employment, because Liz and I have had conversations on this, what I can do and what I can do with the state attorneys general to address the issue. But I'm going to go back and look at the 20 right now or as soon as I leave here.

Yes?

VOICE: Gregor from Florida. How are you doing?

GENERAL RENO: I'm fine. It's good to see you.

VOICE: As you know, Richard, Paul, and Steve are working on this hate plan curriculum they put together with your assistance from the Department of Justice. What we'd like to see is we'd like to see somebody hired at Justice to oversee the hate crimes training program nationwide. As it stands right now, there's nobody to oversee the whole process. We're afraid that it's not going to be done formally throughout the United States.

So my wish would be that you bring on somebody at a fairly high level to oversee this whole process.

GENERAL RENO: What is the thought on that? Anybody else have any other thoughts?

(No response.)

If you keep bringing on people to oversee things, I worry that you don't get the work done. But let me explore that and follow through on it.

VOICE: I'm Steve Wechsler from Maine. Maine, as Massachusetts and West Virginia and several other states, have a civil style hate crime law that allows us to get restraining orders against people who commit hate violence. I wonder whether, after the administration is successfully able to get the current amendments to the Federal hate crimes bill through Congress, the next effort would be a Federal civil injunctive style hate violence law that would not only authorize the Federal prosecutor to go get civil restraining orders, but would also authorize state attorneys general to enforce those laws in Federal courts.

The analogy where this effort I think made a huge difference in enforcement is in the antitrust area where, back in the late seventies, Congress passed amendments to

the Federal antitrust laws that allowed state attorneys general to enforce Federal antitrust laws in Federal court, and what that did to jump- start state antitrust enforcement around the country was really phenomenal.

I think that that type of legislation would so broaden the ability of prosecutors, both on the Federal and state level, to deal appropriately with hate violence that it could make a really tremendous difference.

GENERAL RENO: What does the man on your right think of it? You gave me trouble the other day.

(Laughter.)

VOICE: It's payback time. No, I think it's a very good idea, one that we should explore, and we will.

GENERAL RENO: That sounds like a very interesting idea. What do you think about bringing in somebody on the hate crimes training?

VOICE: I think it's important to have somebody who's responsible for coordinating the effort.

GENERAL RENO: I'm going to address that. Our problem is we just got our budget markup and, ay-yi-yi-yi-yi. But we'll get better coordination if that's what's needed.

Any other questions? Yes, answers?

VOICE: Well, if it's a wish list. I'm still on your wish list.

GENERAL RENO: Good.

VOICE: If I could have Justice Department do anything, I would probably, I would wish that they could look into the issue of -- well, first of all, I believe education is the great equalizer in terms of disparities. More than 20 years ago in a case called Rodriguez, an attempt was made to try to get all school districts to have an equal economic base.

That effort failed based on a Supreme Court interpretation that education wasn't a fundamental right.

Since then many people have tried to fight that fight from the state constitutions and tried to look at that as a fundamental right from the state constitutions. Some have been successful, a lot have been successful, some of them not.

I would like to see the Justice Department giving some thought to re-looking at that issue and thinking about how that could be approached, especially since it is in my view such a critical equalizing factor to have an equal educational opportunity, to be able to have a financial base, and there are huge disparities, as I'm sure you're aware of, between the various school districts. That's number one.

Number two, I would like to have Justice, since there are all these hundreds of cases that are winding down, these school desegregation cases winding down -- we have a case coming out of Illinois which was brought in Rockford, the school district of Rockford, by some private attorneys behind, I believe, if I'm not mistaken, a situation where there was a deseg case brought a long time ago, but then they found a need to bring a second one based upon tracking of the students, that if you looked at the schools they looked like they were desegregated, but that the blacks were in the lower tracks and the tracks that are guaranteed toward failure in much higher numbers than the non-blacks in the school system. And there were some other things that were occurring in terms of the way the schools were, the new schools were being built in the community.

So I would like to see or hear about an effort being made in each one of those cases, that there be some looking at tracking and the possibility of tracking going on before that school districts were allowed to be basically free from supervision, and if there was some means to uncover that perhaps to think about trying to pursue that as an additional way of trying to give the children in those schools an equal educational opportunity.

And I'm from the state of Illinois, obviously.

GENERAL RENO: And what is your name?

VOICE: Steven.

(Laughter.)

VOICE: Well, you said a wish list.

GENERAL RENO: Well, you have hit, Steven, on my favorite wish list of all, because the most frustrating, most nonsensical thing for me is to watch us talk about affirmative action in law school more than we talk about affirmative action in college, more than we talk about affirmative action in K through 12, and more than we talk about affirmative action in zero to 5.

It doesn't make any sense to wait to correct the problem. So we have been spending a lot of time, and we will be in touch with you. What is your telephone number?

(Laughter.)

VOICE: It's changing. I'm getting ready to change to housing discrimination, so I'm not going to be able to assist you on this on education. Otherwise, certainly --

GENERAL RENO: Well, if you think of any ideas let me know.

VOICE: You'll be able to find him.

GENERAL RENO: What did you say?

VOICE: I said you'll be able to find him.

GENERAL RENO: We had a very interesting conference on diversity and the law at Georgetown Law School this past Monday, and one of the big points made was we have got to start early. Now, one of the problems I find with trying to equalize the money spent in school districts is that that

doesn't make up for the inequity that has existed at every step of the way. I can't figure out a formula that says here in this inner city school, where there is so much to make up in terms of content, in terms of the quality of life, in terms of that zero to three which is so essential in future learning.

You're going to need more money. You're going to need a disproportionate share. And I haven't found the answers, but I think that this is one area -- I've always believed that if something's right the law can somehow achieve it. This is one area that I just get stumped. I keep saying, why can't I just sue?

So I will tell you, and end this, because Stuart told me I have to end more quickly than I have -- but it's their questions, Stuart -- yesterday I was in Brooklyn, New York. Pfizer Chemical Company has been there for 150 years. They decided they wanted to stay and they made a decision to stay, but the neighborhood was falling apart. Drug dealers were everywhere. There was crack houses.

They took -- they started low-income and medium-income housing initiatives in conjunction with the state. They took one of their old buildings and converted it to a school. A man and his wife wanted to start a school, and with the Board of Education of the City of New York they started this school, which is one of the most extraordinary public schools I've ever been at.

Across the street they're starting a grocery supermarket that will employ significant numbers. It was an example of a community coming together.

Then I went to the New York City Crime Commission right in the -- I didn't expect the consequences, but Chase Manhattan was talking about, okay, we're going to have the next meeting of this public-private partnership. We're going to be figuring out what we can do and how we can do it.

There is a recognition across America that unless we make

an early investment in children we are going to be -- we're never going to solve our crime problem, our work force problem, and so many other problems. It was greatly encouraging to me.

Six years ago when I first came to Washington they laughed at me and said I sounded more like a social worker than a prosecutor. I think times have changed, and I think we're going to see an investment in children.

But that leads to the next issue, and that is the whole issue of public education and how we give teachers the time to teach, how we raise up teachers so that they are as wonderful in the people's eyes as lawyers and as doctors, and how we somehow or another develop a salary scale that is more equal. When I look at what we pay football players in the six-digit figures and what we pay school teachers, it hurts.

So there's a lot to do, but that's my favorite wish list in civil rights.

Thank you all.

(Applause and end of remarks at 1:48 p.m.)