



UNITED STATES DEPARTMENT OF JUSTICE

REMARKS OF ATTORNEY GENERAL

JANET RENO

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CRYSTAL GATEWAY MARRIOTT

ARLINGTON, VIRGINIA

GENERAL RENO: Thank you very much. Few honors that I have received in these 7-1/2 years mean as much to me as this one. Arthur Fleming called me shortly after I came to Washington to invite me, as he has invited some of you, to breakfast. It was an extraordinary breakfast. I think it was one of two or three that I had the opportunity to have with him. He told me how he came to Washington in about 1931 and just stayed.

(Laughter.)

GENERAL RENO: And he gave me a perspective of Washington that has held me in good stead ever since. I am very touched, and perhaps you know one other person that I think would be touched by this. Dr. Jean Jones Purdue was a great advocate for older people in Miami. She died not too long ago, and she taught me an extraordinary amount of wonderful information about this subject. I salute her.

I salute and commend the AARP Foundation with the ABA Commission for Legal Problems of the elderly, the National Senior Citizens Law Center, and the Center for Social Gerontology, for reinstituting this opportunity for advocates for older people to get together with the legal community to get together for a conference that, just listening to you as I walked by you, there was an enthusiasm and a spirit that was kind of contagious.

This conference is so important because we are on the cutting edge of so much to come. As the baby boomers age, and medical advances allow us to live longer, the number of Americans over 65 will more than double to 70 million in the next 30 years. It is almost impossible to overstate the impact of this trend on our families and on our society.

This democratic comparative is among the reasons your work in this area, where many of you have been pioneers, is so vital, and I just salute you for all your efforts. The law can be a mighty force for freedom. It can provide the rules for peaceful conduct of our lives. It can protect our property. Under it, we are supposedly all equal. These are the principles upon which this Nation was founded, but for too many people in America the law means little more than the paper it is written on and because of your efforts that number is being reduced, but we must do so much more.

How can we say the law is real for people who do not have access to it? How is the law real for the 94-year-old man, bedridden with dementia, whose son keeps him in a garage on a cot? How is the law real for the 70-year-old woman who has just been conned out of every last penny of her savings? How is the law real for the 92-year-old man in a nursing home who weeps because he cannot lift his spoon to take supper?

What you do is the work of angels, but we have got to change the whole attitude of this Nation to provide you support and to change the way we do things. You're working with nonattorney advocates, ombudsmen, Adult Protective Services, public guardians, and others. You've done some wonderful work in forging multidisciplinary teams. I've got a proposition for the lawyers. Let's get the law schools to start changing, so they stop just teaching us law and start teaching us public health, sociology --

(Applause.)

GENERAL RENO: One of the things that I would like to do when I leave here is teach a little bit, but not teach in the law school. I'd like to teach in a university setting

where I could design programs that provided double degrees on issue such as this. If I could have gone to law school in 1960 and had course work and a master's in public health to go with my legal degree, I would have saved an awful lot of time along the way.

(Laughter.)

GENERAL RENO: Your ingenuity is critical. It is amazing. But it is no substitute for resources. We must assure that programs providing representation to older Americans get the funding we need, and while we're about it we've got to get the law schools to start teaching the appropriations process, particularly the Federal appropriations process.

(Laughter.)

GENERAL RENO: I am trying to develop and make permanent in the Department of Justice an approach and an advocacy for elder justice. Dr. Fleming pressed us to realize and to plan for the hazards and vicissitudes of age. He said, we have not yet adjusted our sense of values, our social and cultural ways of life, our public and private programs to accommodate the concerns of the vast legions of old and aging people.

It is imperative, I think, that we heed Dr. Fleming's call to action. In my vision of elder justice, we need to accommodate those concerns and focus on how our justice system can be responsive to the needs of older Americans at each stage of the process of justice, preventing victimization, intervening at the first sign of the problem to do something about it before it is traumatic and, where necessary, prosecuting wrongdoers with sensitivity as to what type of remedy can effect the best solution of the problems that caused it in the first place.

Let me turn first to prevention. One key to achieving elder justice is to make sure that people don't get abused, neglected, or defrauded in the first place, and I think we've got to change the way this Nation looks at it from a societal point of view, from an economic point of view, and

from just a good old-fashioned business point of view. We've got to develop service communities in this Nation that can economically deliver services to the older people of America that give them an understanding of how to grow old safely, in a healthy fashion, and in a happy fashion.

Certainly, with the ingenuity that we have that produces the gimmicks of this and that and the other and sends people to the Moon, we can produce a society that serves the people we love.

(Applause.)

GENERAL RENO: We need to develop material -- and you-all are doing so much along these lines -- to let people know how to lead happy and healthy lives. We must educate their families and care-givers so that they, too, understand how to support a healthy, safe lifestyle. The kinds of programs, printed materials, and web sites provided by AARP and other organizations on such topics as health and wellness, and avoiding consumer fraud, can go a long way towards accomplishing this goal, but we can do more.

We must continue to develop and disseminate useful information in ways that reach most people. We must continue to work together to prevent consumer fraud, street crime and, perhaps the most difficult of all, elder abuse and neglect. Our Elder Justice efforts at the Department of Justice have included prevention programs in a number of areas.

In an effort to prevent consumer fraud the Department in 1998 began a pilot project to establish elder fraud prevention teams in five metropolitan areas, Miami-Fort Lauderdale, Phoenix, Newark, San Diego, and Seattle, to educate older Americans about consumer fraud scams that target them.

These teams were born of a partnership between the AARP and Federal, State, and local law enforcement. We're now exploring the expansion of these teams to other States, and we're also pursuing cases against those who defraud seniors

through telemarketing, Internet, credit card, and advanced fraud, but think of what we can do if we take those five teams and multiply them across the Nation, making sure that they focus on problems that are specific to a community.

If somebody is engaged in home improvement fraud, let us catch it quickly, working with the Better Business Bureau and economic crime detectives in the community, get it out on the web through other means of communication, but get it out.

As lawyers, we have a special responsibility to do more. We sure can make things complicated sometimes.

(Laughter.)

GENERAL RENO: Let's get rid of the legalese, put it in clear terms that everyone can understand, and make sure that not only is fraud prevention information provided, but how we work through a social security problem, who we call, how we cut through the red tape.

I am most illiterate in terms of computers, but there are now things like list servers and the like that --

(Laughter.)

GENERAL RENO: -- get people altogether talking about problems. Let's expand it. Let us use, and get our society organized so that we serve in a way that can truly make a difference.

In addition, the Department has made a grant to the AARP Foundation to study successful family interventions to stop or prevent victimization and to identify potential victims. To address the prevention of street crime, the Department has for many years funded the Triad program, launched in the late eighties and now active in about 730 counties. Through Triad, AARP volunteers, the National Sheriffs' Association, and the International Association of Chiefs of Police, we collaborate to reduce victimization of older citizens with an emphasis on street crimes.

So much can be done with programs like Triad, and with community policing, and they can make such a difference. In Miami, we had a neighborhood resource team. We got everybody comfortable. Finally, the older lady who lived in the house down the road came out from behind the bars on her window and her door because she felt safer because of community policing in that area, and she came down to the neighborhood center at the local housing authority and she started giving us all what for.

(Laughter.)

GENERAL RENO: She began at first to divide us, but then we saw her spirit and saw how concerned she was, and she became the glue that started pulling the community, young and old, together. She was the one that could suggest who was the key person in that particular housing block that could make a difference. If we reach out through community policing, through problem-solving and policing, and identify those in our neighborhoods who can make contributions, who can come out from behind those doors and those bars, we can make so much difference.

Perhaps, though, the most difficult problem to tackle, and one where we all have much to learn, is the problem of elder abuse and neglect. It comes in many forms. It can be physical, sexual, psychological, or financial and, while there are varying reports about the incidence of elder abuse and neglect, there is general consensus that it is vastly underreported. We don't even know the size of the iceberg's tip, let alone its dimension below the water line.

A recent study, one of the few in this area, reaches the stark, stark conclusion that abuse and neglect significantly shorten the older victim's life expectancy. Incidents of mistreatment that many would perceive as minor can have a debilitating impact on an older person, and they are especially devastating for low income victims.

Indeed, a single episode of victimization can tip over an otherwise productive, self-sufficient, older person's life. In other words, because older victims usually have fewer

support systems and reserves, physical, psychological and economic, the impact of abuse and neglect is magnified.

It is for this reason that we must do all in our power to prevent elder abuse from occurring in the first instance. We must study the causes of it, as well as effective methods to prevent such incidents. We must make sure that older people in need of assistance have the legal and medical and social service help they need, and we must make sure their care-givers, in whatever setting, have the education, training, and resources they need to learn how to take on a job of providing care in a safe fashion.

I stand before you as a care-giver who learned from others what a difference certain things can make. I also learned from the one I was caring for, who gave me her advice on just how to do it in no uncertain terms.

(Laughter.)

GENERAL RENO: She was my mother. She was my best friend.

Also, on the day I gave the eulogy at her memorial service I said, if I have one thing to be thankful for, this woman who could say I love you better than anyone else I know isn't around to insult or embarrass anybody.

(Laughter.)

GENERAL RENO: The church -- at first, the family up front laughed out loud. The rest of the church was trying to control its laughter and finally realized we were laughing, and the whole place just roared, as with a wave of laughter, because they knew her.

But I learned so much. We shouldn't have to wait till we're half-way through to learn. We can enjoy. We can have fun. We can take them on cruises and across Canada by train and up the St. John's River in a houseboat, but we should learn up-front so we don't dread it, but that we enjoy it.

We must make sure that older people in need of assistance

have the help they need. Although I would hope that our prevention efforts would eliminate all harm that could befall an older person, we all know that prevention alone is not enough. We must have effective interventions.

One idea that I've talked about before is the creation of community advocates who could help people deal with the significant problems they encounter, but problems that are not necessarily the kind that lawyers are best able to address. I take not a thing away from us lawyers --

(Laughter.)

GENERAL RENO: But what about a 4-year program in community advocacy that knows, that teaches a person where to go, what to do to solve the every-day problems of older people in America, the problems that repeat again and again, but in variations that require the problems to be solved.

These would not be people that wanted to make vast sums of money. These would be people that cared. Somehow or another we can organize ourselves in the service industry that supports and does not divide the lawyers of America, and that solves the problem of the older people in America, whether it be social security, car insurance, property problems, police problems, whatever it is. They know, and they know how to relate.

These community advocates could assist in fighting erroneous billings, in warning them of telephone con artists, of teaching them about what type of long-term care they should receive. We also need to enlist the help of the range of Government representatives who come into contact with older people and turn them into problem-solvers, like we've done through the good programs in community policing.

For as long as I am Attorney General, and when I leave this job I'm going to have the wonderful mission of letting the people of the United States know how many dedicated men and women work with them and for them in the Department of Justice here and throughout the country, people who are sometimes referred to almost with a snarl as bureaucrats,

who are dedicated, caring, hard-working people, but sometimes they don't know how to relate to an average person's problem, what it's like to have to go to this place, and then this place, and then this place to get a record filled out and an application filed, only to find that the application has been lost.

We can do so much to increase the efficiencies of Government and teach our people how to problem-solve, how to put themselves in the place of the person and say, how would I want to be treated if I were that person.

In addressing elder abuse and neglect, we need the kind of collaborative approach that is being used in places like Baylor College of Medicine, where medical geriatric experts are working with the Texas Adult Protective Services Agency to provide clinical care, education, and research in the area of elder abuse and neglect.

Our Office of Justice Programs has awarded grants to national, State, and local entities, funding projects to improve early intervention by training lawyers and other service providers about elder abuse, providing education and technical assistance on domestic violence in later life, providing civil legal services and ombudsman services to victims of elder abuse through use of State Victims of Crime Act funding to Legal Services programs.

Through these intervention efforts, many problems of older people can be addressed and resolved before the formal criminal justice system becomes involved, but we see more and more of stark, mean, and sometimes despairing abuse of elders.

This evening, I'd like to focus primarily on the role that effective prosecution can play in addressing elder abuse and neglect. Historically, these cases have been the province of Federal, regulatory, and State and local enforcement efforts. We strongly support those efforts.

At the same time, we increasingly recognize the role for stepped-up Federal law enforcement such as our nursing home

failure of care cases. We will continue to work closely with the Department of Health & Human Services, and with our State and local colleagues. We must not shy away from the difficult cases where, for example, corporate decisions to make unreasonable cuts in nursing home staffing result in harm to residents.

In addition to its deterrent impact, law enforcement can be a crucial backstop, making efforts on the front lines more effective, but for law enforcement to be effective in this complex environment, we need more training, coordination, research, and funding at every step of the way. Among other things, lawyers and judges should receive training about the nature of elder abuse and neglect, and the full range of potential remedies that can be brought to bear in any given case.

The first thing that's got to be done, we have got to have the forensic experts that can recognize abuse and be able to testify. That is easier said than done. Too many people will say, oh, they must have fallen. The good doc, the good forensic expert can say, that isn't any fall. That's from a blow.

Even the person who can say, that's a blow, doesn't want to get up and testify against all usu lawyers and get cross-examined. We've got to teach them how important it is, how much justice requires their contribution and their understanding of the important role that a lawyer plays in this effort.

Combatting health care fraud is a high priority for me. We've recouped billions, as has been suggested, but we have so much more to do. How do we -- are we going through the various frauds that we have uncovered, that we have prosecuted successfully to see what is the anatomy of a fraud? How did it get started? How did it proliferate? What could have been done to snip it in the bud quickly?

In the civil rights arena, we are pursuing several types of cases. Where predatory lenders target older persons, usually minority women, for loans with higher prices and

more onerous conditions than for other borrowers, we have brought cases under the Equal Credit Opportunity Act, which prohibits discrimination on the basis of age.

We're pursuing cases under other civil rights statutes, the Americans With Disabilities Act, involving seniors with disabilities, under the Fair Housing Act, where nursing homes or other facilities employ discriminatory admission practices, and under CRIPA, where public nursing homes or other facilities provide substandard care.

The nursing home initiative has been mentioned. Reports concluded that seriously inadequate care persisted at too many of our nursing homes, causing untold suffering, illness, and sometimes death for our frailest elderly citizens. These reports catalyzed our nursing home initiative, which developed an ambitious, far-reaching plan to protect vulnerable residents. A primary objective was to provide training and create infrastructure for broadbased coordination at the national, State, and grassroots level, and to bridge the historical gap between those on the front lines who see the problems first, and those charged with enforcing the law.

The initiative focuses on six key areas. First, we are working to step up investigations and prosecutions, seeking remedies that protect residents, recoup defrauded funds, and punish and deter wrongdoing. For example, we're bringing more civil False Claims Act prosecutions for failure of basic care that leads to profound malnutrition, pressure ulcers, and other harm.

Secondly, we're working to improve coordination and information-sharing among all relevant entities.

Third, the administration sent Congress a bill that we urged Congress to enact that would address gaps in current law by creating criminal, civil and injunctive remedies for patterns of abuse or other illegal conduct causing harm to residents.

Fourth, we have renewed efforts to work with industry to

boost compliance efforts, and are encouraging increased use of Federal criminal background checks of new employees who care for residents.

Fifth, we have provided training of more than 1,000 Federal, State, and local regulators, investigators, prosecutors, patients, advocates, health care and emergency responders, and sixth, we have established multidisciplinary interagency State working groups at the State and local levels to bolster enforcement prevention, training, and coordination.

I am pleased that the Department of Justice has been able to play a role in this effort, but we've got to do more, for Dr. Flemming urged, not only must we give a high priority to solving some of the more immediate problems of concern to older people, but we must be developing more effective long-range plans in this area. Despite many promising endeavors, we have yet to develop a comprehensive, well-focused, national plan that deals with prevention, intervention, prosecution, appropriate punishment that solves the problem instead of just perpetuating it from year to year, and after-care and follow-up.

We are taking action in the Department of Justice to develop these long-range plans. Representatives of our nursing home State working groups and others have identified a variety of areas, and we will be having a medical forensic forum shortly.

Finally, later this month, in partnership with HHS, we will convene a national symposium showcasing promising practices in each of three primary areas, elder abuse and neglect at home, elder abuse and neglect in institutions, and financial exploitation and consumer fraud. The symposium will feature programs that have effectively brought together health care, social service advocacy, public safety, and law enforcement professionals. Participants will include State and tribal teams representing the public safety and aging communities. The aim is for attendees to use what they learn to provide leadership and policy and program development in the State and community levels.

In sum, the Department is committed to pursuing a diverse and increasing array of elder justice-related projects. I would like to hear from you as to what the Department of Justice can do to be more effective in this area. The address is 10th Avenue and Constitution.

(Laughter.)

GENERAL RENO: The phone number is (202) 514-2002.

I cannot thank you enough for what you do for older people in America. You are but little lower than the angels.

(Applause.)