



Department of Justice

"THE REACH OF THE LAW"

REMARKS

BY

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BEFORE

THE LINCOLN CLUB OF ORANGE COUNTY LUNCHEON

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I am delighted to join you today here in Orange County, my third opportunity to address the Lincoln Club -- now as Attorney General. That leaves me no less a Republican, but far more obliged to the non-partisan nature of my office. Nonetheless, this afternoon, I thought I would try to give you my perspective on the office of Attorney General in the Bush administration -- since we are facing, as beleaguered Americans, a formidable set of challenges in law enforcement today.

Some years ago, the actress Marilyn Monroe was introduced to a predecessor of mine, Robert Kennedy. She had a tiny black purse, and out of it, she took a folded piece of paper. It was a list of questions she had prepared to ask Bobby Kennedy, all written out in bright lipstick. The first one was: "What does an Attorney General do?"

I don't know how General Kennedy handled that one, but I'd like to take my own best shot at it today. The immediate answer is -- a great deal more than when the office was first created by the Judiciary Act of 1789. Last September, we celebrated the 200th anniversary of the office. I invited all the living former Attorneys General, back to Herbert Brownell, who served President Eisenhower in the 1950s. And I took that occasion to recall the small press of duties upon the first Attorney General, Edmund Randolph.

The Attorney General is frequently called "the President's lawyer," and that's really what Randolph was -- George Washington's personal attorney. Or as we might say today, a "crony" of the President. Maybe that's why Congress was so hard on him. They wouldn't pay for his paper or his goose quill pens or even his inkwells. They wouldn't even hire him a law clerk. He was it -- the whole office -- and only on part-time pay at that. Congress, in its wisdom, reasoned that he could make up the difference by continuing his private practice. It is even suggested that President Washington had to jolly Randolph into taking the job by suggesting that as Attorney General he would gain "a decided preference of professional employment"!

The times. . .they are indeed a-changing. From Randolph's part-time office of one, we have grown to become, since 1870, the Department of Justice, with 80,000 employees. I am still very much the President's lawyer, but we now have over 5800 other lawyers, who advise all branches of the Executive, to see that the laws are faithfully executed. And when the laws are violated, we can call upon the FBI, the DEA, the U.S. Marshals, the Immigration and Naturalization Service, and the Bureau of Prisons, along with other agencies and commissions and components of the Department. That makes us a sizeable presence, both in Washington and throughout our 94 U.S. Attorneys' offices. And as you can tell, the Attorney General now works full time.

I'd better, given the challenges we face in law enforcement today -- including some that reach beyond the more traditional concerns of law and order. I'd like to talk to you this afternoon about four major commitments -- which we have made -- to meet the just expectations the American people hold for the administration of justice across this land. The people have articulated their expectations in no uncertain terms. Congress has heard them. But Congress can only enact. It is up to us to act.

I

Clearly the highest public expectation today is that we do all in our power to halt what the President rightly calls "the scourge of drugs" -- the most threatening output of today's changing organized crime syndicates.

During recent Congressional testimony, I pointed out that just under half of our total resources are now devoted to anti-drug efforts. We field the major militia in the war on drugs -- FBI, DEA, often combined with local and state officials, and, increasingly, with other counterparts from around the world.

In these 1990s, the drug war has truly become an international struggle -- truly, a worldwide war. In the past year, we have been helped immeasurably by international

cooperation with other nations -- particularly in bringing new laws to bear upon drug traffickers' money-laundering operations, the underworld banking system of the drug cartels. Countries such as Switzerland and Luxembourg legally put aside their concerns about bank secrecy to help us seize millions in assets from the narco-terrorists of Colombia and Panama. Our Senate has recently ratified the United Nations Drug Convention -- an international concordance that can bring together almost 100 signatory nations to assist each other's justice systems in prosecuting drug traffickers, weaving an international web of law enforcement, from which no drug lord can escape across a convenient border.

But the President's National Drug Control Strategy doesn't talk just about law enforcement. It also addresses drug demand reduction through education, prevention, treatment, and rehabilitation. And here we are basically talking about values. Because victory can never be certain unless values are certain. As I recently told a somewhat surprised audience out here on the west coast: "If we want to lose the war on drugs, we can just leave it to law enforcement." I wasn't belittling our concerted campaign to interdict the drug traffic and to apprehend the drug lords. But I was trying to emphasize that while we can enforce laws, we cannot enforce values. We can only propound them, and teach them. And represent them ourselves.

We can, and must, break society's seeming indulgence of a drug-permissive ethic. We also can, and must, help those who want to make it back from drugs, through every remedial course available against personal degradation. But ultimately, each individual -- whatever his or her background -- must choose between the dead-end despair of a drug-dependent lifestyle and a drug-free hope for his or her future. It is a life journey that can only be made on the basis of an individual's values, and that, in the end, is the only certain victory.

II

Dominant as they have become, drugs are hardly the only concern of the American people. The collapse of the savings & loan industry has brought deep financial distress -- and great anger over the 25% to 30% of the "thrift failures" traceable to wrong-doing. We are escalating the fight against fraud in our nation's financial institutions. The American people expect honesty from their public and private institutions, and by and large, integrity in office is the foremost asset of both American business and governmental institutions. But there are still those public enemies who undermine the public trust, who have grown rich by greedily thinking of themselves as Number One: the white-collar criminals.

And yes, they are different.

These criminals come not as threatening intruders or violent assailants, but in the very good company of those we implicitly trust. There are no gun shots, no blood-stained knives, no wailing police sirens at the scene of their crimes, but they still leave their victims emotionally traumatized as well as economically destitute. In fact, individual financial losses from their thievery far exceed the combined "take" from the more publicized thefts of robbery, larceny, and burglary.

Let me give you a full line-up of seven specific types of white-collar crime upon which we've focused our efforts.

In addition to the Savings & Loan predators, they include:

- * Defense contractors who lied, bribed and spied in committing procurement fraud.
- * Investment bankers, brokers and traders who engaged in insider trading.
- * HUD contractors and consultants seeking to serve "the greedy, rather than the needy".
- * Money-launderers desperately trying to cleanse the blood stains from illegal drug proceeds.
- * Price-fixers and others colluding in restraint of a free market through anti-trust violations.
- * And, finally, public officials who aid and abet all of the foregoing in their illegal undertakings.

You will notice one thing, as these white-collar criminals join the line-up. They leave a lot of paper behind -- elaborate and cryptic paper trails which are how we ultimately catch white-collar criminals -- by picking up the damning paper trail that can corral an embezzler, or expose a penny stock fraud. That is how, from this line-up, we are continuing the clean-up into the 90s. The prosecution of financial institution crime has been and will continue to be a top priority for the Department of Justice. From 1981 to 1988, a total of 1219 financial institutions failed in the United States -- far more than any period in our history -- and they have precipitated a dramatic increase in our workload of fraud investigations and prosecutions.

As we told the President last week, we are using the extra \$50 million he sought and the Congress appropriated to double Justice Department personnel prosecuting the S & L crooks in 27 cities across this country, using the highly successful model of our Dallas Bank Fraud Task Force which has achieved astounding results in the three years since its inception. As of June 15, 1990, that task force had brought criminal charges against 77 persons and obtained 52 convictions -- three quarters of which have resulted in jail terms.

As they say in the streets, "If you can't do the time, don't do the crime." These convictions send the same strong message to white collar criminals as well -- that the federal government is

determined to eradicate "crime in the suites" -- in all its corrupt manifestations.

III

A third expectation by the American people -- since the 1960s, by all our citizens -- is that we will vigilantly defend the cause of civil rights.

That expectation is rising, at the same time that our responsibilities for legal action are proliferating. Now that Congress has passed the Americans with Disabilities Act, we are under claim of right by over 40 million more Americans, who have been kept from full participation in our society. Legally, our obligation is constantly to seek what is just, what is fair across the whole of human variety -- to establish the level playing field with the even starting line, in all endeavors. Struggling to achieve that equity requires constant grappling with legislative complexities and refining of court decisions, an often divisive and frustrating effort.

But there is one endangerment to civil rights that brings us -- always, and abruptly -- to a unanimity of effort.

That happens whenever the worst of our nightmares re-emerges -- a spate of hate crimes, which can only be effectively

addressed by the law -- the law brought to bear, with vigor and certainty, upon such threats of intimidation and violence.

That nightmare, I am saddened to say, is with us again. And it has again jolted awake our national conscience. We face a truly sizeable threat. And the offenders are not only hardened conspirators, but include, unhappily, our still malleable young. There is growing religious and ethnic racial tension, even on our college campuses, along with rising street violence in our cities by young, "skin-head" gangs.

Let us be clear. Whatever the dimensions, there are no bounds within which these acts will be tolerated. In themselves, they are wrong. But too often, they lead to far worse -- historically, to a depravity that affronts civilization itself. Justice in this nation is based, in my view, on the goodness of the vast majority of Americans. We count on that goodness for deep and abiding moral support, across the reach of our citizenry.

With that backing, we at the Department of Justice feel a special responsibility to fight hate crimes. During 1989, we more than doubled the number of indictments, over any previous year, and earlier this year saw the imposition of stiff jail terms in Dallas, Texas, on members of the Confederate Hammerskins who terrorized African-American, Hispanic, and Jewish citizens in

that community. Our prosecutorial determination is winning convictions in virtually every hate crime case, and that can only escalate the deterrent effect of the law -- to stop potential racial and ethnic violence, before the nightmare recurs.

IV

Finally, there is the most immediate expectation of the American people -- touching in one way or another on all the criminal threats I've discussed -- and that is the observance of what I've always called the first civil right of every American -- the right to be free from fear in our homes, on our streets, and in our communities.

And this concern is well grounded today. Americans still have a greater chance of becoming a victim of violent crime during their lifetimes than of involvement in a traffic accident. Nearly 6 million of our fellow citizens last year were victims of murder, rape, robbery or assault. Most of those crimes were committed by repeat offenders, career criminals or drug users.

On the most pragmatic grounds, I can urge upon you the necessity for stricter and more certain law enforcement to combat this threat. Federal law enforcement, for instance, will be considerably helped by provisions of the President's Crime Package which Congress has delayed for over a year. To

illustrate the improvements the President's bill would accomplish, let me suppose an intruder, and his apprehension under these new federal provisions, when enacted.

If he possessed a firearm -- most particularly, a semi-automatic weapon -- he would face a mandatory ten-year prison term. If the police searched the trunk of his car -- acting in reasonable good faith -- to find other weapons, and also found drugs, either could be brought into court as evidence against him. If, before trial, he offered to plead, he would face far stricter guidelines to federal prosecutors on so-called plea bargains. If he were sentenced to jail for this offense, there would be a jail to contain him. And in line with the fact that one half of all jail inmates are there on drug-related charges, he could be tested after his release -- and held accountable as a parolee -- for subsequent drug usage. If, during the intrusion, he should kill an innocent bystander in a burst of reckless gunfire, he may be subject to the death penalty. If he goes to jail, under sentence of death, there will be a finality to the decision on his appeal, within a legally established time frame.

These are not the law yet, I emphasize, but we are hoping for final Congressional action soon. We are also hoping that these tougher provisions will be adopted by state and local governments as well, to aid in assuring our collective freedom from fear.

These then are some of the challenges which today's Attorney General and our law enforcement officers -- federal, state, and local -- must face, a far cry from Edmund Randolph's gentler day. But today there is an even larger challenge. As I reflect on the over two years since I last spoke to the Lincoln Club, I cannot help but observe that the rule of law itself is gaining daily in increased worldwide respect and currency. As Abraham Lincoln himself noted in his first Inaugural Address, "Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?"

As a continuing beacon of freedom and democracy, we in the United States have a special role to play in effective enforcement of our laws, protection of our rights, and observance of our principles. We are involved, to be sure, in a fight against crime that knows no borders, no nationalities, and will not conform to the legends of yore. But what makes our effort all the more important today is that other nations are striving to insure the daily application throughout their societies of that stern admonition on the facade of our Supreme Court: to provide "Equal Justice Under Law."

This has always been a challenge worthy of the very best efforts of each "generation of justice". For all mankind, it can

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pay enormous dividends in this exciting time of change. It is a challenge we in the Department of Justice accept with commitment and enthusiasm.

Thank you.