NATIONAL BLACK PROSECUTORS ASSOCIATION

Thursday, August 12, 1993

Omni Hotel - Georgetown
2121 P Street, Northwest
Washington, D.C.

12:45 p.m.
STATEMENT OF HON. NORMAN EARLY, PRESIDENT, NATIONAL BLACK PROSECUTORS ASSOCIATION

Mr. Early: It is my honor this afternoon to introduce the Attorney General of the United States.

When we decided to ask the Attorney General to be here today, I was given the assignment of making the call. And I called her one Monday and left a message that I would like to speak with her.

Later on that day, I was looking at TV news coverage and realized that it was not a very good day to call the Attorney General, because it was the very same day that the standoff in Waco, Texas ended.

And later on that night, I saw her acquitting herself very, very well on national media, standing up for the position that she believed to be absolutely appropriate.

And I thought, how refreshing it was for a chief law enforcement officer in this country not to be delivering political speeches, but to be delivering from the heart gut-wrenching comments about very difficult decisions.

And I said, "That is the kind of attorney general we want."

I also said, "I probably will not hear back from her."

[Laughter.]

Mr. Early: The next day, I was sitting in my office.
at about 6:00 Denver time, which is 8:00 D.C. time, when
my phone rings. And I pick it up. It was not a secretary
on the phone.

The voice on the other end of the phone said, "This
is Attorney General Janet Reno returning your call."

It was the day after Waco. And I told her what we
wanted. And I said we had not yet solidified a date or a
week for the conference, only a month: August.

[Laughter.]

Mr. Early: And she responded by saying, "I will be
there."

She said, "Just tell me the date, the time and the
place, and I will be there."

This past spring, we had an occasion to have an event
at the Justice Department that Karen Stuart put together
for us. And it was fantastic.

Attorney General Reno not only came there and spoke
to us about issues of importance like diversity and
prevention, but she also said, "This is an important
organization, and I want you to have my home phone
number," and stood at the podium and gave it to us all.

[Laughter.]

Mr. Early: She said, "Now, I'm never there."

[Laughter.]

Mr. Early: "But you've got the number."
We have not abused the number. We have not even used the number, but she made the gesture.

We have had trouble through the years securing the participation of assistant U.S. attorneys in this conference.

I cannot help but think that because of the presence of Janet Reno as the head of the Justice Department, that that is the reason that fully 30 percent of the people here are from U.S. attorney offices or the Justice Department.

We have, in the leadership of Janet Reno, somebody who believes about that of which she talks, and someone who is committed to all Americans.

It is my great pleasure to present to the National Black Prosecutors, the Attorney General of the United States of America.

[Applause.]
STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL OF THE
UNITED STATES OF AMERICA

Attorney General Reno: Thank you so very much, Norm. It is a great honor to be here. It is a little bit different, because I used to walk in and see Carrie and think, "Oh, there's an assistant U.S. attorney. That's one of them."

[Laughter.]

Attorney General Reno: And now I feel like we are all one together, both state attorneys, and district attorneys, and assistant U.S. attorneys. And it is a great pleasure to be here today.

I try not to talk about politics. Politics though, in its best sense, is getting something done. And I think that is how we must approach the whole issue of crime and the future of our children in America; to stop partisan politics, to stop divisive discussion, and to start discussing in thoughtful, sensible ways how we can structure the criminal justice system and the other institutions of government that have a real impact on crime.

And I think if we all come together, we can make an extraordinary difference.

Somebody says, "You always give the same speech."

I don't always give the same speech, but I believe
very strongly in what I want to outline to you. And I
want to discuss with you, not just today, but over time,
how we can improve this agenda, what can be done better,
but what needs to be done and how we get it done.

The first thing is to look at charging and
sentencing. Now, there has been a tendency in the past
for the U.S. attorneys and the federal prosecutors to look
at their charging decisions, and each individual local
prosecutor to look at theirs.

And nobody should look at the whole as far as the
nation is concerned. The United States attorney in the
Southern District of Florida has a certain threshold for
cocaine that is far different and far higher than other
U.S. attorneys around the country.

What impact does that have on the federal prison
system? We have to start thinking about it and looking at
it and understanding the implications.

We have to work with the National Association of
Attorneys General and the National District Attorneys
Association, to come up with a principal theory of what
should be charged federally and what should be charged in
state court; not based on headline grabbing, not based on
somebody wanting to get the credit, but what is best for
the community and best for the case.

[Applause.]
Attorney General Reno: I realize that is going to vary from jurisdiction to jurisdiction upon occasion because I have discovered -- and one of the strangest feelings is that I have so many states around me, and I fly to another state, and I have states all around me -- and I realize for 54 years, I have been 360 miles from the closest state border. So it is a different perspective to understand the implications of different states.

Secondly, I want to focus on and will be working with the U.S. attorneys and the advisory committee. And I want to develop a team with the United States attorneys.

Some people suggest, "Well, you have to take more control."

And other people suggest that the U.S. attorneys do their own thing. I don't ascribe to either view. I ascribe to us building a team where we participate together, discuss together, and try to develop and evolve a sensible policy.

But it is a policy that is very clear in terms of the agreements that I have a sense of from the U.S. Attorneys Advisory Committee.

First of all, we want to make sure that one of our first objectives is to make sure that innocent people do not get prosecuted. And I think prosecutors around this nation have to rededicate themselves to that effort.
It happens. It happened in the 15 years that I was
State Attorney. I had a man write me from prison. He had
an alibi. His lawyer would not listen to him. We got him
convicted in a trial by jury, but we started investigating
the alibi. We found it was true, got him out of jail.
Prosecutors around this nation have to rededicate
themselves to making sure we do everything humanly
possible to protect the innocent person.
But secondly, we have to proceed and prosecute based
on principles of due process and fair play. The charges
have to fit the crime, and fit the evidence, and fit what
is just.
We have to review the whole process, work with the
Sentencing Guidelines Commission, work with Congress, to
make sure that we do not have any type of disparate
treatment, any type of disparate treatment based on race,
ethnic background or any other arbitrary feature in the
sentencing policy. And we are currently engaged in that.
Phil Heymann, the Deputy Attorney General, is
currently leading a project to review the sentencing
patterns in the Federal Prison System to find out who is
there, to find out what percent are first offenders, what
percent are non-violent, what percent were not aggressors,
or the chief and principal architects of the crime they
committed, what percent are aliens, what percent are there.
probably because of a substance abuse problem, what we can
do in terms of structure to recommend to Congress a
sentencing pattern that makes sense.

Again, we want to involve prosecutors around the
nation. But I will tell you, one of the most frustrating
things for me is, to come from a state where the average
sentence being served in state prison is only 20 to 30
percent of the sentence and to see dangerous offenders
getting out of prison early, while others are there on
minimum mandatory sentences that are serving longer
sentences.

It disturbs me when I see violent criminals around
this nation getting out because the states do not have
sufficient prison capacity. I came from a federal prison
this past Monday, that has non-violent, first offenders
who have drug problems, there on minimum mandatories.

We have to develop a partnership between the state
and federal systems so that we understand the priorities
in this nation.

And I think the priorities are clear. The American
people want the really dangerous, the recidivists, the
three-time armed robber, put away and kept away for the
rest of his crime-producing life.

[Laughter.]

[Applause.]
They want the major distributors, the major dealers, and traffickers put away. They want the white collar thugs who destroy industries and prey on --

[Applause.]

But we look at some of the sentences, and that is not happening.

And even if we get the right sentences -- I thought, "Wouldn't it be wonderful to come to Washington where I will have enough prison cells to make my priorities come out right?"

And now I look. I have left the state where we have gridlock in the prison system. And we are headed for it based on current prison admissions in the Federal Prison System.

In three or four years, we are going to have a shortage of prison cells. And even if we build enough prison cells, we are going to have a shortage of operating expenses necessary to house people for the length of time the judges are sentencing them.

We have to have truth in sentencing. When we sentence somebody, we have to mean what we say. And we have to be able to carry it out. To do that, we may have to construct more prisons.

But at the same time, we have to understand that we...
can manage our prison cells, both state and federally, far better, I think, than we have in the past, if we understand that we have to approach this from the point of view of what is right, and not what is politically popular in the headlines.

And I suggest to you that the American people have a better perception of what is right and what is not working in terms of the crime problem than most anybody.

They understand that a lot of people are coming out of prison sooner, rather than later; that it makes no sense to put them in prison if they have a drug problem, and then dump them right back out into the community with no after-care follow up, or job training, and expect them to do anything but go back to drug dealing.

We have to develop a carrot-and-stick approach that says, "Okay. If you are arrested on a serious offense and convicted, if you are not one of the main bads who should be incapacitated, you are going to have to serve a certain period. But then you can start working your way out by complying with the programs, by job training and placement, by drug treatment, by community service. And you can cut that prison sentence by your own free will and dedication. But if you mess up, you are going back in. And we are going to provide that carrot and stick to help you manage your way back into the community as a
constructive person."

The statistics from the Federal Prison System show that can work. Those that successfully complete programs, work study programs, work programs in the prison system, have a far lower recidivism rate.

And I think we can start to make sense of this. It will not happen over night. We have talked and presented a crime plan yesterday.

And people say, "Well, where are the new initiatives in the crime plan?"

To sell this to Congress, to sell this to state legislatures, I think we have to show the hard statistics. And, thus, we are in the process of developing the information, getting the information from the Bureau of Prisons.

And then I want to try to sit down with Congress, sit down with other interested parties, and say, "Look, let's make sense of this. Let's make sure we have truth in sentencing. Let's develop alternative sanctions. But let's make sense of the process."

As part of this, I think we have all got to dedicate ourselves to something that I think is imperative for America. When I first got here, Maxine Waters sat down and talked with me.

And she said, "One of the points that you forget,
Janet -- I like what you say about children. But one of the points that you forget is that the forgotten people in the entire system, are young men 18 to 30 or 35 years old. They may have one or two prior convictions. They are back out. They have tried to kick their drug habits. They want to get back into the world. And they can't. They keep getting beat down. We cannot sacrifice that generation. I look forward to working with you. And I have prosecuted them. But we have an equal obligation if they want to get off to a fresh start, to give them a real chance to do so. We have to work with them in terms of job training and placement, in terms of persuading employers that these people are worth the risk of hiring, if we are to save this generation and if we are to prevent repeat and repeat offenders."

I had a remarkable opportunity just recently to talk with 12 former gang members. John Mack of the Urban League in Los Angeles arranged the meeting. It was one of the most interesting meetings I, as a prosecutor and now the Attorney General, ever had on a Saturday morning.

At first they looked at me like, "What is this attorney general doing here?"

[Laughter.]

Attorney General Reno: And then they started to talk. And they talked volumes. I was a little late
getting here because I had met a young man on a program on youth violence.

He came to see me at my invitation this morning. He was a little bit late getting there. But he started to talk. And he was talking volumes.

Ladies and gentlemen, we need to join together to make sure that we do not lose a generation, that we an investment in them, that we provide reentry programs, that we focus on job training and placement, that we provide community service initiatives.

It is incredible what these young men in the gang program had done through the auspices of Amer-I-Can and the Urban League in terms of going into the prisons to try to identify gang members and persuade them to get out of the gangs, and to work with them in that effort.

And more importantly, in focusing on police training programs to teach police how to talk to youngsters to develop self respect.

And I would urge you, in every community in this land, we have to learn how to talk to young people. Growing up in America today is probably the single-most difficult job I know.

It is just incredible when you look at the pressures on our young people. They want to be treated with respect. They want limits. They understand that they
will get punished or may get punished if they do wrong.
But they want to be treated with respect in the process.

And we can do so much, particularly all of us as
prosecutors, in letting police officers know, and letting
teachers know, and letting others who come in contact with
our young people know that a pat on the back is oftentimes
as important as punishment, that an encouraging word can
make such a difference.

But most of all, treating our young people with
respect and giving them the sense that they can have an
impact on their own destiny is so incredibly important.

The next effort that we all have to rededicate
ourselves to -- and it becomes clearer to me as I travel
across the country -- is the whole problem of domestic and
family violence.

The child who sees his father beat his mother is
going to come to accept violence as a way of life. Having
seen all the material, the research material at the
Department of Justice, I have become more convinced that
violence is handed down from one generation to the next.
It is almost as if it becomes part and parcel of the
family.

We have to break that cycle. And prosecutors and
police officers who are sensitive to this problem, are far
better equipped to do that than any other single group of
people I know, because, otherwise, the violence is too hidden.

I urge prosecutors who have not done so, to take the lead in trying to establish within their jurisdiction and their communities, domestic violence centers so that the victim of domestic violence does not have to travel from one place to another where they receive insensitive reactions, and who say, "So what? You got beat."

Let us develop centers where we have people trained in handling these matters, where we have prosecutors who are sensitive to these issues. Let us work with our judiciary to train judges. It is amazing what can be done when we work together and develop this understanding.

But more importantly, those prosecutors in the room who have understood, who have been involved in the whole process of prosecuting domestic violence cases, I think, have a responsibility to go out into the medical community, to emergency room doctors, to continuing legal education programs at hospitals, and let people know that family violence is a public health problem of extraordinary dimension.

That doctor that sees the person in the emergency room and stitches up her eye when she has a black eye and lets her go home is doing her a disservice.

Find out, "Why the black eye?"
And let's see if we can't develop counseling programs that break the cycle of violence, short of prosecution. Let us get the general practitioners who see their favorite patient and know that she is in trouble but just ignore it and sweep it under the rug, let's get them involved. We can make such a difference if we start focusing on violence in the family.

But there is a new and emerging area of violence in the family that is breaking my heart. And that is, as we increase life expectancies, as families become more stressed through economic realities and through the problems of having an elderly person in the home, we are seeing an increase in elderly violence and violence against the elderly.

We have to do something about that and say to this nation, "If we are smart enough to increase life expectancies, then we have to be smart enough to let our elderly and our beloved elderly grow into their old age in a strong, constructive, safe way."

It again comes down to the whole way we look at the family. But, I would challenge you again to look further beyond. I go across the country, and I still find the old phenomenon.

All the prosecutors wanted to get into trial court. "Oh, get me through juvenile as quick as possible. Don't
send me to juvenile."

[Laughter.]

Attorney General Reno: And off they would go to be famous trial lawyers in jury trial. And they have tried cocaine cases, and burglary cases, and armed robbery cases, and murder cases, forgetting that that juvenile that they did not want to be involved with is where we can unlock so many secrets and make a difference.

And all prosecutors and attorneys general, everybody in the country -- we have to refocus our attention and our concern on the juvenile justice system of this nation.

Because lawyers have concentrated too often on the adult system, we have let the juvenile justice system, in too many areas in this country, become spread so thin that they cannot begin to help our children.

We have to make a difference in that system. We have to intervene early and make a difference. We can do so much if we work together.

Just think of what we could do if we developed a system where the community advocated for a youngster. It must be terribly, terribly difficult for a youngster aged 13 who has gotten into a little bit of trouble, maybe a little bit more trouble.

His mother is not there to advocate for him. He does not know is father. He is not a bad kid. If he had just.
a little bit of support, if he had an alternative program, if there was an afternoon program, it would make such a difference for him.

But what does the average public defender do? The average public defender has a caseload that is overwhelming. The public defender thinks that they have achieved victory too often if they get him off on a motion to dismiss or a motion to suppress.

If that kid was a kid of a lawyer and his mother was a doctor, they would all be down with the minister and they would be developing programs and take him to psychologists --

[Laughter.]

Attorney General Reno: -- there before the court saying how wonderful he is. Prosecutors may not be able to get involved because there is a conflict of interest.

But in your local bar associations -- I think we have to challenge the bar associations not just to get involved after the fact, but to get involved up front in trying to develop alternative programs that can say to the judge, "Judge, if you will just authorize diversion on this, we are going to get this young man into this positive program. And I am going to follow up with him. And I am going to make a difference. And I am going to see that he goes. And I will get back to Your Honor, and keep you
posted on what we do."

Our children desperately need advocates. And I
suggest to you all -- and many of you I think in this room
have heard me, but I am going to keep saying it until I
get something of it done.

All of that is too late. When I took office in 1978,
I started focusing on the juvenile division. And then I
realized we would never have enough dollars and enough
volunteers to change all the 16 and 17 year olds that I
started to see, if we waited that long.

We started focusing on dropouts, 11, 12 and 13. That
was too late. Already they had lacked the self esteem.
They had already begun to have negative images because
they had fallen behind a year or two in class, or they
were bored. And they began to manifest activities in
other ways to attract attention.

So we started focusing on four and five year olds.
That is too late, because the crack epidemic hit Miami in
about 1985.

The doctors took me to our large public hospital. We
were trying to figure out what to do with the crack-
involved babies and their mothers.

The nursery was overwhelmed at that point because the
epidemic hit so fast, and there was no real place to put
the babies. And I looked at babies who had not been held...
or talked to except when changed or fed. And I began to
understand what nurturing and bonding was all about.

Then the doctors sat down with me, and they brought
in child development experts. And they pointed out to me
that the most formative years of a person’s life are zero
to three.

When the child learns the concepts of reward and
punishment and develops a conscience. Fifty, 5-0, percent
of all learned human response is learned in the first year
of life.

As you look at some of these children with mothers
who are babies themselves, as you look at children
wandering through the housing development at age two
really unsupervised, you begin to understand what has
happened.

We have let children’s families and the social
structure of the fabric fall away from them. These are
wonderful, wonderful little people who can do so much if
given a chance.

We need to develop a national agenda for children.
And I urge all prosecutors to join me in that effort.
Focus on teen pregnancy and do something to make sure that
our parents are old enough, wise enough and financially
able enough to take care of their children; to see that we
develop parenting skills courses that are as much a part
of a high school curriculum as Spanish or something like that; to give our parents time -- I am trying to tell the U.S. attorneys in the Department of Justice that families come first in the Department of Justice. That some how or another --

[Applause.]

Attorney General Reno: That reflects time through innovative programs, we ought to free parents time to spend more quality time with their children.

But then we have to make sure that our children have proper preventative care. Every woman in America should have pre-natal care. It is just a good investment in the future and will save us dollars, if you don’t care about children.

[Laughter.]

Attorney General Reno: Something is terribly wrong with a nation that says to a 70-year-old person, "You can have an operation that extends your life expectancy by three years," but says to a two-year-old’s parents who are working hard but make too much money to be eligible for Medicaid but don’t have health care benefits, that that child cannot get preventative medical care.

We have to change that. For the parents that have to work, we have to make sure that we have safe, constructive educare from the time the parents have to go to work, to
make sure that we focus on the child during that time.

We have to look at our schools and free our teachers' time to teach. We have to provide programs in the afternoons and in the evenings.

The young man that I was talking to just before I came over here said, "You know, you have got all these sports programs, but I love travel. And wouldn't it be wonderful if I could have some films at my club that they've set up, not just to play basketball, but to look at Japan? I'm fascinated by Japan. And I want to find out more about it. And I want to learn about it."

Think of what we could do if we really got our children interested, not just in athletics, but in computer banks, and in writing, and in theater, in any program after school and in the evening, that could occupy them and make them feel a part of this world.

Let us understand that we do not have to wait to prosecute to do something about violence. There are elementary schools across this country that have conflict resolution programs teaching our children to peaceably resolve their conflicts.

We can do something about guns. And if this nation would only rise up and tell the N.R.A. to get lost --

[Applause.]

Attorney General Reno: We can all send a message.
We do not have to worry about the First Amendment. It is quite legitimate to send a message to advertisers to say that TV is a wonderful educational medium. It is used in the public schools. It can be a remarkable medium.

And for the afternoon and evening hours when children are watching it most often, let us say to the advertisers, "Have something that we want children to see that can educate them."

I was so touched the other night. I had taped a program long ago with some District of Columbia and surrounding areas young people. They probably ranged in age from about 10 to 16. They were a wonderful group of people.

And it is called, "Just Rapping." I am amazed at the number of people who saw "Just Rapping," including kids that stopped me on the streets. And we talked about so many different issues at 7:00 at night. We can have other programs that make a difference.

And we have to look at what we are doing in our schools. The best way to keep somebody out of trouble is a good job. But how many people are graduating without skills that can enable them to earn a living wage?

Let's take the age of, say, about 12, make sure we have a thorough aptitude and interest evaluation. And then match school experience with work experience so that
that person knows that if they follow the chart we have laid out, that they can graduate with a skill that is consistent with their interest and aptitude and can earn them a living wage.

It does not do them much good to chip the paint off a street curb corner, when they do not see how that is going to relate to their future. We can do so much, if we work out a partnership with the private sector.

But the most important thing of all is: Prosecutors have to look beyond their discipline; teachers beyond their discipline; police officers beyond theirs.

And we have to come together to make this criminal justice system, and in a larger sense, the entire system we live in, focused on children, and do everything we can to intervene in key points along the way.

I think it is best said by the last two verses from the Old Testament from the Book of Malachi.

"Behold, I shall send you the profit Elijah before the coming of the great and dreadful day of the Lord, and he shall return the heart of the father to the children, and the children’s hearts to their fathers, lest I come down and smite the earth with a curse."

[Applause.]

Mr. Early: Ms. Reno, that was eloquent. It is a message that touched all of us. But I am here to say that
we are not through with Ms. Reno yet.

[Laughter.]

Mr. Early: I do not mean in that sense.

[Laughter.]

Mr. Early: I see some people in the back with their hands on what appears to be guns.

[Laughter.]

Mr. Early: I am here to say when we are through with Ms. Reno’s portion of the program, I would ask you to remain in your seats for security reasons. And in addition, I understand for those who look as slender as me, you can get dessert.

[Laughter.]

Mr. Early: Ms. Reno, on behalf of all of those here who are so proud of your leadership, we are most grateful for having you here today, first is a paperweight commemorating your visit here today, and also this membership pin for the National Black Prosecutors Association.

[Applause.]

Attorney General Reno: This is very special to me. Thank you very much.

[Applause.]

Mr. Early: You know, one of the most active regions in the National Black Prosecutors, since the inception of
the organization, has been our western region. And they pooled their resources in order to secure a very special gift for the Attorney General. I wanted to present it to her at this time. It is very significant, believe me.

[Laughter.]

[Applause.]

Attorney General Reno: Who did that?

Mr. Early: I want you to know, for those of you who cannot see it, it is a replica of Janet.

[Laughter.]

Mr. Early: And in the left hand, she is holding her badge. And in her right hand, she is holding an African-American child who has a banner that says, "NBPA" on it.

[Laughter.]

[Applause.]

Attorney General Reno: That is amazing. I will cherish this for the rest of my life.

[Laughter.]

Attorney General Reno: It will remind me in my old age.

[Laughter.]

Attorney General Reno: Thank you all so much. This has been wonderful.

[Applause.]
(Whereupon, at 1:35 p.m., the presentation ended.)