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4           REMARKS OF HON. JANET RENO,  
5           ATTORNEY GENERAL OF THE UNITED STATES  
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10                   Monday, October 9, 1995

11                               11:15 a.m.  
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15                   Hotel Inter-Continental  
16                               444 St. Charles Avenue  
17                               New Orleans, Louisiana  
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1 (Speech beginning at 11:15 a.m.)

2 Thank you very much, Your Honor.

3 It is a special privilege for me  
4 to be here today because I came to Washington as  
5 a child, really, of the State Court system. The  
6 first memory I have of courts was as a six-year-  
7 old accompanying my father, a newspaper  
8 reporter, to the courthouse. He covered all the  
9 beats, the police beat, the court beat. And I  
10 remember the courthouse, the high court  
11 ceilings, the wonderful carved furniture. I  
12 remember the sedate pace, and I have watched  
13 times change.

14 I had the opportunity, working for  
15 the House Judiciary Committee in Florida, to  
16 participate in the revision of our judicial  
17 article, to understand the constitutional  
18 underpinnings of our court system, but as  
19 importantly, to speak to judges in rural  
20 counties and to understand what a force they  
21 were in the lives of so many different people  
22 and how many different functions they perform.

23 And then, as the chief prosecutor  
24 in Dade County, I had the opportunity to watch a  
25 court system overwhelmed by numbers that it had

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1 not created and, at the same time, moving into a  
2 century of automation and technology that we  
3 would never have dreamed of in that courthouse  
4 when I was six years old.

5 Thus, I have a profound regard for  
6 the challenges that you face, for the fact that  
7 you have become the institution most responsible  
8 for solving problems that other institutions  
9 have failed to address, that you have had to  
10 absorb case loads when United States attorneys  
11 decline to prosecute.

12 And yet I have watched, over these  
13 last seventeen years, as you have dealt with  
14 some of the most critical problems in our time.  
15 You have watched your court calendars  
16 overwhelmed by drug cases, yet you have watched  
17 too many institutions fail to give you the tools  
18 that you need to do the job to effectively  
19 address the problem of drugs in this country.  
20 You have had to deal with the increase in  
21 divorce, in the increase of domestic violence,  
22 and it is you, so often, who have been on the  
23 forefront of focusing on this issue, and I am so  
24 delighted to see this conference focusing on it  
25 today.

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1           I know that a number in your midst  
2 have dealt with the problem of youth violence,  
3 which I think is the greatest single crime  
4 problem we face in America today, and you have  
5 been on the frontline. You've watched an  
6 unprecedented increase in litigation as  
7 Americans have forgotten how to solve their  
8 problems without resort to courts, but just by  
9 negotiation.

10           You have been on the forefront.  
11 Again and again State Courts have been on the  
12 forefront of addressing the issue of victims and  
13 how we protect victims' rights and make sure  
14 that victims are no longer the forgotten person  
15 in the criminal justice system, and you've had  
16 to do all of this with very limited dollars, and  
17 even if your court system got a modicum of  
18 funding, you watched your correctional system to  
19 which you had to refer people, again overwhelmed  
20 and underfunded, so that it sometimes made your  
21 institution, the courts, a revolving door.

22           You've been on the frontline, and  
23 I have watched you, at least from my vantage  
24 point in Miami and now from the vantage point of  
25 around this nation, as I have watched the

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1 judicial system work. I know it works. I have  
2 watched cases resolve day after day, thousands  
3 of cases resolve day after day, and I know the  
4 splendid job that you're doing because you care  
5 so much, you're so dedicated to the principles  
6 of justice, and you want to make the system  
7 work.

8 That's the background I came to  
9 Washington with, and I was resolved to try to do  
10 everything I could to speak out and support your  
11 efforts. I was resolved to try to do everything  
12 I could, consistent with the principles of  
13 federalism, to develop a partnership between the  
14 state and federal judicial systems so that we  
15 each did best what we should be doing.

16 I resolved, most of all, to listen  
17 and to not forget where I came from, to  
18 understand that judges deal with crowded  
19 calendars day in and day out, have answers to an  
20 awful lot of problems if we would but listen to  
21 them, and that it was imperative that we work  
22 together to solve these problems.

23 , With that in mind, I'd like to  
24 discuss some of the things that we've done. One  
25 of the first things is what you would think of

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1 as a simple thing, but as I tried to get more  
2 judges into the Criminal Division of the Circuit  
3 Court in Miami, I was told again and again that  
4 the Federal Courts are overwhelmed and the only  
5 place that civil litigants can get rather quick  
6 justice is in our State Court system because we  
7 don't have enough judges in the Federal Courts  
8 to handle what the Federal Courts should be  
9 handling.

10 This administration inherited, in  
11 1993, 113 vacancies in the Federal Court, more  
12 than any in modern times. Many more vacancies  
13 have arisen since then, but the Administration  
14 has attacked the problem vigorously. To date we  
15 have nominated 185 judges, 166 of which have  
16 been confirmed, more so than any other  
17 administration at this point. Remaining  
18 nominations will be soon presented to the Senate  
19 Judiciary Committee. We're proud of the quality  
20 of these judicial nominees, many who come from  
21 other systems. The ABA has rated 65 percent of  
22 the nominees well-qualified, the highest rating  
23 and the best record of any administration.

24 Secondly, I've followed through on  
25 my resolve to communicate in every way that I

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1 can. I have tried to meet with the State Chief  
2 Justices Conference and to follow through on  
3 matters of mutual concern. We work regularly  
4 with the Executive Working Group combining  
5 United States attorneys with state and local  
6 prosecutors with state attorneys general who  
7 address problems of mutual concern and to  
8 further our dialogue on federalism. We meet  
9 regularly with the National District Attorneys  
10 Association and the National Association of  
11 Attorneys General, understanding that they, too,  
12 are on the frontline in so many efforts that  
13 involve our judicial system in this country.

14 And finally, in 1994, we  
15 established the first, what now seems to be an  
16 ensuing series on the Three Branch Conference,  
17 but not just the three branches, state and  
18 federal, as well, recognizing that we will never  
19 ever address the problems in our federal system  
20 unless we do it collectively. And I'm delighted  
21 to hear that Senator Hatch is going to carry  
22 this forward, hopefully with another conference  
23 this winter or early spring.

24 I ask you, not just now, but in  
25 the future, to let me know when you think the

1 justice system, when you think the Justice  
2 Department is missing a point, where we need to  
3 better be informed about the problems you face  
4 and what we can do to support you. Where you  
5 think we're perhaps overfederalizing a case and  
6 that case should be handled in State Court, let  
7 me know.

8 Now, somebody said, well, you're  
9 too busy. You can't return all your phone  
10 calls. I keep telling people, my home phone  
11 number used to be listed. I returned all my  
12 calls as a local prosecutor in a jurisdiction of  
13 1,800,000, and I can't do that any more, but I  
14 can return your calls because you have a  
15 knowledge and an understanding of problems that  
16 have got to be shared, and when you have  
17 something that you can't get worked out and you  
18 think the Justice Department isn't doing it  
19 right, pick up the phone and call me. The  
20 number is Area Code (202) 514-2002.

21 One of the areas that I resolved  
22 to face early on, though, which again consisted  
23 of the principles of federalism, was the problem  
24 of violence in this nation. It has always  
25 troubled me to watch a State Court judge, with

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1 hundreds of cases on the calendar each year,  
2 having to handle a three-week long homicide  
3 without a lot of law clerks, without a lot of  
4 preparation, and then watch a federal judge  
5 handle a bank robbery that can take a day, armed  
6 with a number of law clerks and other support  
7 for that institution.

8 I think that violence is the  
9 problem of greatest concern to this nation.  
10 Violence is basically a problem of state and  
11 local law enforcement where it involves violence  
12 in the community, but it is imperative that we  
13 develop a partnership that enables us to share  
14 our expertise, our intelligence and our  
15 resources.

16 To that end I developed an  
17 antiviolenace initiative that focused not on  
18 taking cases into Federal Court just for the  
19 sake of doing it or to get the credit for it,  
20 but to work with state and local prosecutors and  
21 local police agencies to figure out where the  
22 case should go, what was in the best interest of  
23 the community, what was in the best interest of  
24 the case.

25 If it was better that we share

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1 information with local prosecutors and it be  
2 prosecuted in State Court, so be it. If it was  
3 a case that involved multiple jurisdictions  
4 which was more appropriately handled in Federal  
5 Court, then we could consider cross-designating  
6 local prosecutors to handle it where it should  
7 be handled.

8 But the message from Washington  
9 was: Start working with state and local  
10 prosecutors, start working together, sharing the  
11 information, and making decisions based on what  
12 was best for that community and what was best  
13 for that case, but we recognize that for so long  
14 the systems have been overwhelmed.

15 To that effect, Congress passed  
16 President Clinton's efforts this past fall to  
17 develop a crime effort in this country that  
18 could have a real impact. A crime act was  
19 passed that focused on policing, punishment and  
20 prevention.

21 Now, one of the great concerns  
22 that I had as we went into this whole effort was  
23 talking about policing, punishment and  
24 prevention, but what about the court system  
25 which is continually overwhelmed? If you add

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1 police officers, what are you going to do about  
2 the court system? This is something that I keep  
3 careful track of.

4           Something is happening that's  
5 fascinating in America. With the development of  
6 community policing, with the provisions for a  
7 hundred thousand police officers in that Crime  
8 Act that now looks like it's going to be funded  
9 by the Senate, and hopefully by the House, we  
10 have seen a reduction in violence in this  
11 country generally. The effect of community  
12 police officers has been to not only detect  
13 crime, but to prevent crime, to figure out other  
14 ways to pursue cases, to work with the community  
15 in terms of significant crime prevention  
16 programs.

17           I am very proud of the efforts to  
18 date which have resulted in 25,000 police  
19 officers being authorized for the streets of  
20 this country, and the crime rate is down. The  
21 violent crime rate is down.

22           But what is up, ladies and  
23 gentlemen, and why we cannot rest on our  
24 laurels, and why all of us have got to focus  
25 together, what is up is youth violence. I

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1 referred to it earlier as probably one of the  
2 greatest single crime problems in our country  
3 today.

4 Beginning in about 1985, youth  
5 violence started up at a dramatic and very  
6 alarming rate. What was particularly troubling  
7 was as the rate of youth violence shot up, so  
8 did youth victimization, and all of this was  
9 happening at the same time that the number of  
10 young people between the ages of fourteen and  
11 seventeen were going down in this country. But  
12 last year, and the demographics make it clear,  
13 the number of young people in the age groups of  
14 fourteen to seventeen is going to go up  
15 significantly in the next twenty years, and  
16 unless we get a handle on youth violence in this  
17 nation, we are going to see a significant  
18 increase in violence in the years to come.

19 But because of the efforts of you  
20 and your colleagues, I think we may be making a  
21 difference. You are on the frontline in this  
22 effort. But I would just urge you, I remember  
23 how frustrating it was to see a very fine judge  
24 appointed to the Court, to see a very fine judge  
25 elected to the Court, and I would say, oh, gosh,

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1 I hope you can serve some period of your term in  
2 the Juvenile Division. Don't put me near the  
3 Juvenile Division.

4 We can't do that any more, ladies  
5 and gentlemen. That's our future in that  
6 division. That's where we've got to come to  
7 grips with the issues that we face with respect  
8 to youth violence. That's where all of us,  
9 regardless of whether we serve in the Juvenile  
10 Division, all of us in the judiciary or in  
11 positions like mine have got to speak out and  
12 tell this nation that we've got to make a major  
13 commitment to juvenile justice if we're ever  
14 going to turn it around.

15 We must make sure that there are  
16 adequate correctional programs. Those of you  
17 who have served in the Juvenile Division must  
18 sense the frustration that I did. You see the  
19 child adjudicated delinquent, know they could be  
20 helped, know they needed some fair, certain  
21 punishment that fit the crime, and then see them  
22 put in a detention facility, out in a couple of  
23 months, no training, no job training, no work  
24 towards their GED, no after-care, no follow-up,  
25 and back in your court in no time flat.

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1           We have got to send a message,  
2 working together throughout this country, that  
3 young people have got to know that there is no  
4 excuse for putting a gun up beside somebody's  
5 head and hurting them, that there has got to be  
6 a fair, firm punishment that fits that crime,  
7 that it's got to be carried out, but that it  
8 does no good to send somebody to a serious  
9 juvenile offender facility and have them serve  
10 one year or two years of a program in that  
11 facility, and then turn and watch them leave and  
12 go back to the apartment over the open air drug  
13 market, where they got into trouble in the first  
14 place, without community support, without  
15 after-care.

16           You see the results day in and day  
17 out as you read presentence investigations.  
18 We've got to make those results of such a system  
19 clear to all Americans. But, at the same time,  
20 I think every judge who has ever served for any  
21 time in the Juvenile Division of our courts  
22 knows that we will never ever win this battle if  
23 we wait until a child is adjudicated  
24 delinquent.

25           As you read those presentence

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1 investigations showing what happens to our  
2 children, all you have to do is see points along  
3 the way where we could have intervened and made  
4 a difference in the child's life. You know as  
5 well as I do that most of these cases, if we had  
6 made a proper investment in our children, never  
7 need to have gone to the Juvenile Court at all.  
8 If we had provided afternoon and evening  
9 programs for our young people to give them  
10 supervision while a parent worked or both  
11 parents were working, if we provided truancy  
12 prevention programs and measuring programs, if  
13 we gave our children a healthy start in this  
14 life, we could have made a difference in so many  
15 children who now are involved in the guns that  
16 are killing so many of our young people.

17 (Applause).

18 We fought so hard last year to  
19 make sure that the Crime Act talked not just of  
20 policing and punishment. We fought to get  
21 almost six billion dollars put into that act,  
22 authorized for that act, through the Crime Act  
23 Trust Fund, to make sure that programs were  
24 funded for prevention. Those programs are  
25 authorized in the Crime Act. We have now got to

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1 fight even harder to make sure that Congress  
2 carries through on its promise to fund them.

3 And it is so important that judges  
4 speak out, not just those who serve in the  
5 Juvenile Division, but those that serve in the  
6 Civil Divisions, the General Jurisdiction  
7 Divisions. The judges who go to meetings, who  
8 are seen in the community, in whatever role they  
9 play, have got to speak out and let this nation  
10 know that we are never going to win the battle  
11 if we wait until the problem gets to the court  
12 system. We have got to make the investment up  
13 front.

14 But to that end, there is another  
15 area that we must address together in violence.  
16 Again, you have been on the frontline. And I've  
17 discovered that if there's one other assignment  
18 that judges don't like, or like less than the  
19 Juvenile Division, that's, don't send me to that  
20 court that's trying domestic violence cases. I  
21 don't want to be involved with domestics.

22 We can't do that any more, and the  
23 courts of this country have taken the lead in  
24 showing America that unless we focus on the  
25 problems of violence in the home, we are never

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1 going to end violence in the streets and on our  
2 school grounds. The child who watches his  
3 father beat his mother comes to accept violence  
4 as a way of life.

5 I am so proud of the efforts of so  
6 many judges across this country who have  
7 responded, who have worked unceasingly long  
8 hours, with great dedication and much  
9 persuasion, to develop Domestic Violence Courts,  
10 to develop special domestic violence efforts,  
11 and I applaud you.

12 To that end, the Crime Act that  
13 was passed last fall recognizes that the federal  
14 government can play an important role, not in  
15 taking these cases to Federal Court necessarily,  
16 but in making sure that we distribute 1.6  
17 billion dollars which was authorized in the  
18 Crime Act. We've already distributed this year,  
19 to date, \$426,000 to each state and fourteen  
20 Indian tribes as a down payment on a grants  
21 program that will give the states and local  
22 communities funding of 1.6 billion over these  
23 next six years to fund Domestic Violence Courts,  
24 to fund special police units, to increase  
25 battered spouse shelters, to develop innovative

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1 programs.

2 Ladies and gentlemen, because of  
3 the leadership of many judges in this country,  
4 America is beginning to wake up to the problem  
5 of domestic violence and to take appropriate  
6 efforts, but now there is a concern, will the  
7 Senate fund it?

8 I was so proud this past, two  
9 weeks ago now, to see the Senate respond and  
10 appropriate in its version of the appropriations  
11 bill full funding for the Violence Against Women  
12 Act and for this grant program that will  
13 continue our efforts to the tune of \$175,000,000  
14 in this coming year if we can get approval for  
15 it in the Conference Committee. We're going to  
16 be trying our level best to provide you with  
17 programs, support for programs that can make a  
18 difference.

19 Another issue that you have faced  
20 that too often gets forgotten sometimes in these  
21 last months and years, but has been high, high  
22 on everybody's calendar and in everybody's sense  
23 of priorities, but we cannot, we cannot forget  
24 about the problem of drugs. When we look at  
25 youth violence, when we look at domestic

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1 violence, we see the problem created by alcohol  
2 and drug abuse, it is imperative that we renew  
3 our efforts.

4           Again, you have been on the  
5 frontline trying to handle the problem with  
6 totally inadequate resources and you've done a  
7 tremendous job.

8           What are we in the federal  
9 government trying to do in response? I think  
10 we're making real inroads in Colombia. The  
11 record of what is happening there, I think,  
12 makes clear that successful action can be taken  
13 around the world where countries care, where  
14 countries want to be involved.

15           I've had the opportunity to meet  
16 with the Colombian, my counterpart, the  
17 Colombian piscal, Mr. Valdeviaso, who has led  
18 the effort, along with the police, in terms of  
19 apprehending members of the Cali cartel who at  
20 one time thought they were immune from such  
21 activity.

22           DEA is working with state and  
23 local government in the development of the MET  
24 Program, which is a Mobile Enforcement Team  
25 aimed at violent gangs, violent drug gangs. We

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1 are providing more money for treatment than ever  
2 before. And again, I am so pleased to report  
3 that the Senate has voted the full funding for  
4 the Drug Court Preventions, which will provide  
5 enhanced programs for the judiciary across the  
6 country to properly respond, with Drug Courts,  
7 to the problem of nonviolent first offenders or  
8 those who are users and nonviolent.

9           The fifth problem is that, if  
10 judges didn't like Juvenile Division and they  
11 liked domestic violence less, they liked child  
12 support even less, and it was difficult to get  
13 judges at all to be involved with child support,  
14 and they said, let the special master do it, let  
15 the administrative officer do it.

16           I would like to work with you in  
17 every way I can to make sure that we develop a  
18 system that makes it at least as difficult to  
19 not pay your child support as it is to not pay  
20 your taxes. I think, working together, figuring  
21 out what is appropriate for the judiciary and  
22 what is appropriate for administrative  
23 procedures, working together to develop the best  
24 systems of automation, working together, we can  
25 develop a system in this country that provides

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1 for effective, fair, prompt child support  
2 enforcement.

3 I see the work of the Department  
4 of Justice as a result of the Child Support  
5 Recovery Act of 1992 not as usurping State Court  
6 efforts, but as enhancing them. This statute  
7 was enacted to reach the parent who seeks to  
8 avoid or evade the payment of child support by  
9 going from one state to another.

10 As a prosecutor in Dade County, I  
11 collected child support. I can tell you, as a  
12 prosecutor, it is the most nerve-wracking job in  
13 the world. On Sunday nights, with that home  
14 phone number listed, I'd get phone calls saying,  
15 Miss Reno, my rent's due and you haven't  
16 collected my child support for this month. What  
17 am I going to do? And then they'd start to cry,  
18 and then I'd get mad, and then I'd almost start  
19 to cry when I listened to her story.

20 We can't stand by and say, that's  
21 somebody else's problem. We have got to work  
22 together to design something that can make a  
23 difference.

24 In a recent case involving  
25 Vermont, New York and Florida, the child support

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1 obligor for a time evaded child support. The  
2 Child Support Recovery Act recognized the area  
3 of expertise by limiting federal involvement to  
4 these interstate cases where the noncustodial  
5 parent has refused to pay for one year or longer  
6 and the unpaid amount exceeds \$5,000. The goal  
7 is not to replace the state and local system,  
8 but to use federal resources where they can make  
9 a difference, and we were able to in that case.

10 The Administration has also  
11 supported a number of provisions of both the  
12 House and Senate Welfare Reform proposals that  
13 would help states in their efforts to collect  
14 child support so that parents fulfill their  
15 responsibilities that might otherwise fall on  
16 the shoulders of taxpayers.

17 Among the provisions that would  
18 greatly improve child support collections are  
19 provisions allowing the reporting of child  
20 support obligations to credit bureaus, allowing  
21 the placement of liens against real and personal  
22 property where there are outstanding arrears,  
23 and requiring interstate recognition of these  
24 liens, requiring the suspension of driver's,  
25 professional, occupational and recreational

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1 licenses, and requiring the revocation or  
2 limitation of passports to individuals who fall  
3 behind in child support.

4 Working together, getting your  
5 advice about what you need to do the job, I  
6 think we can make a difference.

7 In addition, the House legislation  
8 would require each state to have the Uniform  
9 Interstate Family Support Act in effect by  
10 January 1, 1997. This legislation also conforms  
11 with full faith and credit provisions relating  
12 to child support, the provisions of the Uniform  
13 Interstate Family Support Act, so that the two  
14 statutes dovetail.

15 But as we focus on making  
16 federalism work, we also recognize that this  
17 nation is a very mobile nation now. People  
18 don't stay in the same hometown or the same  
19 state all of their life; they move back and  
20 forth.

21 We also must recognize that the  
22 world has become far more mobile, and when I  
23 talk to, the Minister of Justice in Canada, one  
24 of the questions he's raising with me is, how  
25 can we work together to ensure effective, mutual

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1 support of child support enforcement orders?

2 One of the major questions we  
3 have, and one that's not raised often, is, how  
4 are child support and protective orders issued  
5 in one state or by an Indian tribe enforced in  
6 another state? It gets real frustrating. It  
7 gets real frustrating for that lady who moves  
8 from one jurisdiction to another to avoid the  
9 dangerous spouse, bringing her protective order  
10 with her, and have it mean nothing to the police  
11 or to other law enforcement officials.

12 The average person doesn't  
13 understand what a state boundary means. They  
14 don't understand sophisticated issues of  
15 federalism. They do know that they want what is  
16 rightfully their children's, they do know that  
17 they want to get their rent paid, and we have  
18 got to work together to figure out how we can  
19 ensure full faith and credit recognition for  
20 these types of orders from one state to  
21 another.

22 I believe, with all my heart, that  
23 we can do so much to make federalism real, that  
24 we can maintain the great principles of  
25 federalism, which I value so highly, while, at

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1 the same time, making the law effective and real  
2 so that when a person moves from one  
3 jurisdiction to another, they don't have to take  
4 their child support order back through the  
5 system.

6 I'd like to review with you just  
7 for a moment some of these issues. Section 2265  
8 of the Violence Against Women Act fills a gap by  
9 providing that a civil protection order issued  
10 by the Court of one state or by an Indian tribe  
11 shall be accorded full faith and credit by the  
12 State Courts of another state or tribe and be  
13 enforced as if it were the order of that second  
14 state or tribe. The provision applies to civil,  
15 criminal, permanent, temporary, and in some  
16 circumstances, ex parte protection orders.

17 The issuing court must have had  
18 both a personal and subject matter jurisdiction  
19 and the respondent must have received reasonable  
20 notice and an opportunity to be heard. And the  
21 provision requires that out-of-state and tribal  
22 protection orders be given full faith and credit  
23 in another state if the due process requirements  
24 of the issuing state were met.

25 Full faith and credit will not

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1 extend to a protection order when the issuing  
2 states have not complied with due process. Full  
3 faith and credit does not apply to mutual  
4 protection orders, it does not apply to  
5 situations when a cross or counterpetition was  
6 not actively filed against the petitioner, or  
7 when the Court did not make a finding that the  
8 petitioner had committed abuse.

9 Even in states and tribes with  
10 registries, the federal provision requires that  
11 the victim, with a protection order in one  
12 state, is entitled to immediate protection  
13 should he or she move, travel, or work in a  
14 second state or tribal jurisdiction. States and  
15 tribes should not grant protection just to  
16 victims who have registered their foreign  
17 protection orders in a new state or tribal  
18 jurisdiction.

19 Similarly, many of you have  
20 already encountered the 1994 addition to Section  
21 1738(b) of Title 28 of the United States Code,  
22 which provides that the authorities of each  
23 state shall enforce child support orders made by  
24 the Court of another state if the Court issuing  
25 the order had subject matter jurisdiction over

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1 the matter, had personal jurisdiction over the  
2 parties, and provided reasonable notice and  
3 opportunity to be heard.

4 This statute is especially useful  
5 to states that have not yet adopted the Uniform  
6 Interstate Family Support Act by requiring  
7 recognition of foreign child support orders. If  
8 the provisions of the Welfare Reform Package I  
9 mentioned earlier are enacted, then all states  
10 will be required to have some version of the  
11 Uniform Law in effect by the beginning of 1997.  
12 Currently, only about half the states have  
13 adopted the Uniform Law.

14 I recognize that there may be  
15 concerns from some quarters about federal  
16 involvement in this effort, but as State Court  
17 judges, you are in a unique position to  
18 promulgate specific rules and to help develop  
19 data systems designed to assist court personnel,  
20 attorneys, victims, and law enforcement agents  
21 in effectively implementing the full faith and  
22 credit provisions of the Crime Act and improving  
23 interstate enforcement of child support orders.

24 We need your help, your insight,  
25 and your expertise to identify and resolve many

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1 complicated legal issues and procedural  
2 obstacles with full faith and credit  
3 implementation. The biggest challenge will be  
4 for courts and law enforcement officials to make  
5 the determination that a protection order meets  
6 the necessary criteria set forth in the statute  
7 to trigger full faith and credit. The issuing  
8 court must have subject matter and personal  
9 jurisdiction and the respondent must have  
10 received reasonable notice and an opportunity to  
11 be heard.

12 An efficient and reliable  
13 mechanism for certifying that a protection order  
14 issued in the first state is enforceable in the  
15 second state must be developed. Only a handful  
16 of states and tribes have registries for their  
17 own protection orders, much less out-of-  
18 jurisdiction protection orders, and registration  
19 requirements cannot be allowed to delay  
20 extension of automatic coverage of these  
21 provisions.

22 Most states do not have  
23 verification systems that operate all day and  
24 all night. As you know all too well,  
25 computerization in state and tribal courts and

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1 law enforcement agencies is far from universal.

2           The Department of Justice wants to  
3 work with you and other key players, attorneys  
4 general, state legislatures, tribal councils,  
5 prosecutors and law enforcement agencies to  
6 develop model protocols and procedures to  
7 implement full faith and credit, such as court  
8 rules and forms, criminal processor charging  
9 forms and registry systems.

10           I will be meeting with the  
11 Conference of State Supreme Court Justices. I  
12 look forward to working with you. Hopefully  
13 your states may establish some liaison mechanism  
14 so that we have the benefit of you, who are on  
15 the frontline, in trying to work out these  
16 problems together. I am convinced that we can  
17 make a significant difference in interstate  
18 enforcement of our laws and making our laws real  
19 for those who move from one state to another.

20           Finally, I would like to address a  
21 problem where we need to work together, but  
22 again, you have already done so much. How do we  
23 assure access to real justice for all  
24 Americans? The American Bar Association, in its  
25 study, shows that a very significant number of

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1 poor and working poor in America have no access  
2 to lawyers, much less to the court system.  
3 There are too many people in America who do not  
4 believe the judicial system reflects or  
5 represents them. There are too many people in  
6 America who feel the justice system favors  
7 another.

8 I have watched our judicial system  
9 work and I know the tremendous job it does in  
10 the most difficult circumstances, again the  
11 institution for resolving the problems of this  
12 nation after other institutions, including the  
13 family, the neighborhood, schools, have failed,  
14 but I think we can work together to do much  
15 more.

16 I think it is imperative that we  
17 continue our efforts to ensure that all  
18 Americans have access to lawyers. Most other  
19 developed nations in the world provide lawyers,  
20 even in civil contexts, but we need to work  
21 together to ensure the continuation of our legal  
22 services system, to ensure and encourage, as so  
23 many court systems have done in such a  
24 magnificent way at the state and local level,  
25 pro bono effort on the part of all lawyers, to

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1 ensure a public defender system that provides  
2 adequate representation for all, regardless of  
3 whether rich or poor, and to be innovative and  
4 creative in some of our efforts.

5 I recently had occasion to speak  
6 at a Mercer Law School meeting. I talked with  
7 the president of Mercer University, and he was  
8 telling me what Mercer had done in terms of  
9 providing a medical school that focused on  
10 primary practice. You don't go to Mercer  
11 Medical School unless you intend to do a primary  
12 practice, family-oriented practice, in a small  
13 rural area or in an underserved urban area. And  
14 it occurred to me, what if our law schools  
15 started realizing that there were probably a  
16 number of people who would like to have that  
17 type of legal practice, who weren't in the  
18 business of going to law school just to make a  
19 lot of money, but were in the business to serve  
20 people? I think such a law school would fulfill  
21 an important function. I think it's important  
22 that we figure out how we can provide better  
23 community advocates.

24 I used to go to a public housing  
25 development or to an urban area where people

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1 were not represented by lawyers. They had so  
2 many problems. How did they get their landlord  
3 to fix the plumbing which had been broken for  
4 the last six months? How did they get a job and  
5 keep benefits so that they wouldn't be worse off  
6 than if they hadn't gone to work in the first  
7 place? How could they work through all the  
8 regulations and the problems which tie up our  
9 people sometimes and prevent them from being  
10 free? And as I listened, I discovered that  
11 there were some who had never gone to law school  
12 who understood welfare law better than I did.  
13 There were some who could figure out how to be  
14 more creative with the landlord and knew a lot  
15 more about landlord/tenate law than I did. And  
16 I thought, what if we could develop a concept of  
17 community advocacy where people were trained in  
18 very specialized areas? We could at least  
19 provide far more representation and access to  
20 justice than we do now. We have got to provide  
21 access to our judicial system and to our lawyers  
22 for all our people.

23 / There is, carved on the east side  
24 of the Justice Building in Washington, a  
25 statement that says that the common law is

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1 derived from the will of mankind issuing from  
2 the people, framed by mutual confidence, and  
3 sanctioned by the light of reason. That is such  
4 a wonderful statement of the law to me, but for  
5 too many people the law is not issuing from  
6 them, because they don't know the law, and the  
7 law, to them, is worth little more than the  
8 paper it's written on. All of us must respond  
9 to the challenge of making the law real for all  
10 Americans.

11 Again, another area, though, not  
12 just making the law real, but making the law  
13 fair and appear to be fair to all Americans.  
14 The State Courts, far more than any other  
15 institution, have done so much in terms of  
16 focusing on racial, ethnic and gender bias, by  
17 tone, by word, by practice, by procedure, by  
18 lack of diversity, and it is the leadership of  
19 State Courts and the judges around this country  
20 that have helped us focus on this issue.

21 I'm very proud of the Department  
22 of Justice in its diversity and what we have  
23 tried to do in this area. I'm very proud that,  
24 of the judicial nominees to date, 52 percent are  
25 women and minorities, but we must do more to

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1 give the appearance of fairness and to ensure  
2 actual fairness.

3           And in one area, as much as any  
4 other, that is the whole area of sentencing. I  
5 struggled, as a State Court prosecutor, I  
6 struggle now, to do everything humanly possible  
7 to make sure that no decision of the Department  
8 is based inappropriately on race, ethnicity, or  
9 in any other inappropriate category. It is so  
10 important that we not only do that, but that we  
11 reach out and explain to America the process,  
12 not in a lot of legalese, but in small, old  
13 words, as Winston Churchill referred to them,  
14 that people can understand, so that they can  
15 have confidence in the system and know that it  
16 is working for them.

17           I have been in office a little  
18 over two and a half years now. It is probably  
19 one of the greatest challenges any lawyer ever  
20 had. I am so proud of the judiciary and the  
21 lawyers of this nation. There are, admittedly,  
22 a few greedy and indifferent lawyers, but I  
23 reject them.

24           I just have the feeling that if  
25 the lawyers and judges of this nation would come

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1 together, as they have in so many states across  
2 this land, that we can make the dream of justice  
3 for all a reality.

4 Thank you so much, all of you.

5 (Speech ending at 12:00 noon.)  
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CERTIFICATE

This certification is valid only for a transcript accompanied by my original signature and original raised seal on this page.

I, DAWN H. HYMEL, Certified Court Reporter in and for the State of Louisiana, as the officer before whom these proceedings were taken, do hereby certify that these proceedings were reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

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