

HOWARD UNIVERSITY
SCHOOL OF LAW

SPEAKER: THE HONORABLE JANET RENO, U.S. ATTORNEY GENERAL

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Moot Courtroom
Houston Hall
School of Law
Howard University
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P R O C E E D I N G S

(12:14 p.m.)

MS. RENO: Thank you so much, Loretta, President Swygert, Dean Bullock. It's a great privilege to be here today.

I love law students because you ask wonderful questions -- better than newspaper reporters -- so be thinking about questions.

(Laughter.)

MS. RENO: And I love the law and I love lawyers, but I don't like greedy and indifferent lawyers. The law can be such a marvelous tool for good. It is a marvelous tool for change. You can use the law to solve problems, to serve people, and to bring peace.

So, as you contemplate your future career, don't become known for the law firm that you join, don't become known for the money that you make or the house that you live in, but become known for yourself and for who you are and for what you stand for and for what you do for others.

Speak out against the hatred, the bigotry, the

violence in this land. Defend those who are victims of these forces. Most haters are cowards. When you stand up to them, they back down and we need to stand up.

Don't stand on the sidelines, whether you become a great corporate lawyer or practice in a small, rural community, but instead defend and protect the rights that you've studied about for three years, that you've cared about for longer than that.

These rights and freedoms do not find lasting strength on a piece of paper, and that's what I've learned again and again. They are not self-executing. They find their force in the hearts and in the minds and in the spirit of lawyers who are willing to fight for them, who are willing to spend the hours going over a case to find the facts that can achieve justice. Advocate for them and never, ever give up fighting for them.

Sometimes these efforts are not expressed in highfaluting arguments, highfaluting constitutional arguments. Sometimes I think lawyers think they're going to stand in front of the court and make the most persuasive argument possible. But oftentimes they're found in very tedious, very factual studies of the issues.

Recently I had occasion to review a number of DNA cases where DNA had been used to prove a person who had been wrongfully convicted innocent. In one instance, a man had been convicted and sentenced to death for the murder of a young woman in 1984. He maintained his innocence but he was convicted. Two years later his conviction was overturned. After a second trial, he was again convicted and this time he was sentenced to life in prison.

But in 1989 a new lawyer, one who would not give up, took on what seemed to be a hopeless case. He realized at that point that forensic science had made advancement with DNA technology. He filed a motion to preserve the evidence so that tests could be done. The prosecutor's office responded appropriately, cooperated, and agreed to the test. Experts at the lab concluded that the samples in question could not have come from this person and he was not the person who did it. The state withdrew the charges and because a lawyer never gave up fighting for what was right, a man was free.

(Applause.)

MS. RENO: Now, you hear about these cases and you read about these cases, but you think that's never going to happen to me. I'm never going to be responsible for an innocent man walking out of the courtroom, but it happened to me about eight years ago.

I was the chief prosecutor in Miami, Florida, and the governor of Florida appointed me as a special prosecutor for a county in another part of the state to go reinvestigate the case of a man who had been prosecuted,

convicted, and sentenced to death for the poisoning death of his seven children in 1968. He had always maintained his innocence, but he had spent all that time in prison as the Supreme Court had set aside the death penalty.

For as long as I live, I will always remember standing up in that courtroom looking over at that man, after we had presented the evidence to the court, and telling the court that I as the prosecutor specially appointed thought that man should go free because the evidence was insufficient to charge him originally, it was clearly insufficient now, he was probably innocent. And when I turned around after I had left that courthouse and watched that man walk out, there has never been a more wonderfully moving moment for me, a more rewarding moment for me in all my professional career. Just never, ever give up.

We are a government of the people and by the people and for the people. And the people in this nation for 200 years have created a government that has provided more freedom and more opportunity than any government in the history of this world. But it's not perfect.

Despite that, there are some Americans who sit on the sidelines and snipe and carp at government. They don't participate. They wring their hands. They say it's somebody else's problem. But if our form of government is to prevail and to improve, then the very best people, the very best lawyers, must take part in it and contribute to it positively.

I think public service is one of the most rewarding callings that anybody could ever have. I've been in private practice. I've been a partner in a major Miami law firm. I've worked for the legislature, and none of my experiences in the private sector can match the reward I have felt in public service. Yes, you get cussed at, fussed at, and beat up in the newspapers. You undertake a new initiative that you think can really make a difference, and then you get knocked down. But you pick yourself up and you keep moving.

I collected child support in Miami as the State Attorney. It was a very difficult task. We tried to get the system automated. We tried to improve the process. I kept my home phone number listed, and on a Sunday night women would call me and say, you haven't gotten me my child support and I'm about to be thrown out on my ear with my child. And then they'd call back the next day and say, it just came. Thank you.

(Laughter.)

MS. RENO: But all of that hassle was worth it when I accompanied President Clinton to Greenville, South Carolina, to the dedication of a church that had been built following the arson destruction of a beautiful, old church under an oak tree. We came down the little dirt

road past where the old church had been to the new, beautiful church. It was a wonderfully moving day.

But after the President had finished speaking, I walked off the platform, and a lady said, Janet, and she busted through the rope line and gave me a big hug. She said, I'm from Miami. I moved up here after Hurricane Andrew, and I always used to see you in the Martin Luther King parade marching with your mother, and remember how they used to yell "child support" after you because you were so good at getting us child support.

(Laughter.)

MS. RENO: And she says, I want you to see what you did, and she pulled two young men over who towered above her and me and she said, you got them child support and they have done well for themselves.

(Applause.)

MS. RENO: So, I hope you will pursue public service because there is nothing as rewarding, despite all the criticism.

But public service is not confined to government service. Public service can be performed by people in their communities. I was delighted, as I prepared for my remarks today, to learn of what you all are doing in public service, in mentoring, in adopting schools, in making a difference. Every single one of us can make a difference. I don't care who we are.

One of my favorite stories was of an old gentleman who stood up in a meeting one day and he said, do you know how old I am and what I do three mornings a week for three hours each morning? I said, no, sir. He said, I volunteer as a teacher's aide in a public school, and he says, I'm 84 years old.

A lady stood up next to him, a young woman, and she said, I don't know what I would do without him. I'm the first grade teacher for whom he volunteers. And the gifted kids can't wait for their time with him because he challenges them far beyond the time I have to work with them, and the kids with learning disabilities can't wait for their time with him because he has the patience of Job. It was so incredible to listen to that teacher and to see the difference that 84-year-old man could make in the life of those first-graders. Every one of us can make a difference.

It's easy to be a cynic in this day and time. The cynic knows so much about what is wrong and why it can't be fixed. I urge you, as you study law and as you leave this great law school, to go out and make sure that the cynics don't prevail in this land. Believe in your capacity to make a difference. Be idealistic. It's a good thing to do.

I don't mean for a moment that you should be naive. The Reverend Martin Luther King, Jr. talked about

the need for all of us to have a tough mind and a tender heart. I can tell you that no one can come to Washington and ever hope to do well if they don't start the morning by asking tough questions and end the day getting the real answers, not the spin answers.

We were founded by idealists with tough minds and with tender hearts, and they formed a government to check the worst in human nature, just as they risked their lives to found a country that has cherished freedom and liberty over repression. They took the hard way and they made a difference.

I watch wonderfully dedicated lawyers throughout this country in the service of their government, in their communities reaching out in so many different ways to make a difference.

As you use the law to dispel cynicism in this world, use it to solve problems, to avoid conflicts, and to improve circumstances. Many of us -- me -- I used to -- thought that the great trial lawyer was the really great person in the world. They solved all the problems, but I've come to learn, as I grow old, that most of the great issues of the law, most of the great issues of the day are resolved on a daily basis not by lawyers in the courtroom, not by lawyers in argument, but by lawyers who know how to negotiate and to resolve issues for the mutual benefit of all concerned.

Dean Bullock, I was delighted to know of all the work that Howard Law School is doing in dispute resolution, in teaching negotiation.

There is a new phenomenon moving out across this country. Lawyers are learning how to negotiate rather than to try cases and waste dollars. School children are learning how to resolve their disputes without knives and guns and fists. Employers are learning how to resolve employer/employee disputes. It is happening and I would urge you to use the skills you can develop in this law school and to apply them as you go out into practice thinking how do I solve this problem.

I saw it most clearly as a prosecutor. It used to frustrate me when I saw the prosecutor get a conviction, see the person sentenced to jail, know the person had a drug problem, and know that prison didn't have any drug treatment programs, and think, wait a minute, we're not solving this problem. And the public defender would feel like he had won a great victory when he got the defendant off on a motion to dismiss, and yet he knew that defendant was walking out of that courtroom in the grips of a crack addiction that was worse than any prison. And nobody was doing anything about solving the problem.

We tried to develop a drug court that would provide a carrot and stick approach that said, look, you

can go for treatment. We'll work with you. We'll work with you in job training and placement. We'll get you placed. We'll provide support. Or you can suffer the consequences. And it has been an effective program.

But look at how the problem should be solved, not who's going to win the battle in the courtroom.

But as wonderful as the law is, too many Americans do not have access to the law. If we are to make the law the instrument it truly can be, we must make the law real for all Americans. According to the American Bar Association, 80 percent of the poor and the working poor of this country are estimated not to have access to lawyers or to the courtroom. For that group of people in America, the law is worth little more than the paper it's written on. We must devise new means to give people the opportunity to believe in the law and to make it real for all Americans.

What you have done in this law school in terms of developing a spirit that supports pro bono service is again so critically important.

But as you graduate from this law school, as you go to the community where you will have chosen to practice, figure out what you can do to give more people access to the law. Stand up for a legal services program. When you finally find a law firm that's going to hire you --

(Laughter.)

MS. RENO: -- ask them what they do in terms of supporting pro bono services, and if they say nothing, go down to the next law firm. It will be worth it to you, although I know how important a job is.

(Applause.)

MS. RENO: But one of the reasons people don't feel like they have access to the law is that the law is so complicated. Lawyers can use more legalese, more big words, more labels to confuse the issue than any group of people I've ever seen, even almost doctors.

(Laughter.)

MS. RENO: Learn to use small, old words. You can explain it in small words without using these big legal languages. Explain to your clients what the problem was so that they can avoid it for the future. Get rid of the slogans. Get rid of the Roman numerals and talk about the law in the way that people can understand.

But if we are to make the law real for all Americans, we have got to focus as a nation, as law students, as Attorney General on the most under-represented group of Americans and our most precious possession, our children.

As the prosecutor in Miami, I used to focus on our juvenile division because I wanted to do everything I could to give delinquents an opportunity to get off on a

fresh footing. I would pick up the presentence investigation, and as I read the presentence investigation of a 17-year-old that we had just gotten adjudicated an armed robber, I could see five points along the way where we could have intervened in that child's life to have made a difference, to give him a strong and positive future, and to avoid the tragedy of the crime both to the defendant, the victim, and the community. So, we developed a dropout prevention program because we saw a direct correlation between dropouts and delinquency.

But then I realized if we wait until the child is in the sixth grade, he's already falling behind a grade level and beginning to act out for other reasons to attract attention to himself. We had to start earlier. We developed an early intervention program surrounding Head Start.

But at that point the crack epidemic hit in Miami in 1985 and the doctors took me to our public hospital to try to figure out what to do about crack-involved infants and their mothers. They taught me that

the first three years of life are the most formative, that during those three years, the concept of reward and punishment and a conscious is developed, that 50 percent of all learned human response is learned in the first year of life. And I said to myself, what good will all the prisons do 18 years from now if you don't teach the child the difference between right and wrong and help them develop a conscious? What good are all the educational opportunities 15 years from now if they don't receive the basic foundation up front?

And then they took me to the nursery, and you could begin to see the difference. Nobody was prepared for this epidemic. There were crack-involved babies that could not be sent home. There was no place else to send them. People were scrambling to arrange for foster care, and some of these babies had not been held or talked to except when changed and fed. After six weeks, they were not beginning to respond with human emotion. But across the way, there would be a child with severe birth defects but with parents with her around the clock and she was beginning to respond through the tubes and through her crippling effects with human emotions.

We have got to start at the beginning, and whether we be the great corporate lawyer, the child advocate, the juvenile court judge, the Attorney General, the Howard law student, we have all got to figure out how we can reweave the fabric of community around children and families at risk and ensure for them true access to the law. We've got to go back to our communities and see what we can do to make a difference.

I'm so pleased at the fact that you're volunteering and that you've adopted some schools, as I

understand it, because when I came to Washington, I thought I'm leaving my home. It seems so strange. I'm going to have to get used to a new community, and Eleanor Holmes Norton almost immediately said, I've got the school for you to adopt. You can adopt Raymond Elementary. So, I go out there as regularly as I can and it has been a wonderfully rewarding experience.

Again, all of us can make a difference, but we have to look at the whole picture rather than to become too specialized. We've got to make sure that parents know how to be good parents. We've got to make sure that it's as important in this nation to collect child support as it is to collect income tax and that we do as good a job of the one as the other.

(Applause.)

MS. RENO: We've got to make sure that our children have proper preventative medical care. Something is wrong with the nation that says to a person who's 70 years old, with Medicare you can get an operation that will extend your life expectancy by three years, and yet we turn to the child of a working poor person and say, you can't get preventative medical care because your father makes too much money to be eligible for Medicaid and he doesn't have insurance. We have got to give that child a chance to grow in a strong and healthy way.

Now, you're going to have to learn how to be persuasive because some people will be saying, you're just being goody two shoes. Say that for every dollar invested in prenatal care, you save \$3 down the line. For every dollar invested in preventative medical care for our young people, you're going to be saving millions of dollars in tertiary complicated care that has to come after the crisis has occurred.

Let us focus on educare. Times have changed in this nation and yet we haven't kept up with it. If those first three years of life are so important and yet both parents or single parents are having to work, we've got to make sure that there's safe, constructive educare for all our children in our law firms, in our businesses, in our universities. We've got to ensure that our children are supervised.

But then we've got to focus on our educational system. Just think of the challenges in this day and time. Probably the greatest burst of human knowledge in the last 100 years -- and our schools are trying to keep up with it, but there's something wrong with a nation that pays its football players in the six-digit figures and pays its school teachers what we pay them. We've got to change it.

(Applause.)

MS. RENO: But school is fine, but there are too many children in the second, the third, and the fourth

grade walking out of the school, walking home to an unsupervised home because both parents or a single parent is working to try to make ends meet and to give that child a future. We've got to develop more constructive programs after school and in the evening. Each one of us can make a difference on that score, whether it be the community police officer, the Howard University law student serving as a mentor. Each one of us can make a difference.

There is so much that we can do if we just look at the problem in a common sense way and work together. Children are so tough. They can survive almost anything if they're given half a fighting chance. I think the great challenge for this nation in these next years is to give our children their rights, give them half a fighting chance and they will do so well.

But in the process of doing that, you've got to remember the most important possession you will ever have: your family, whether it be your parents, your children, a loved one. I remember my afternoons after school and in the evening. My mother worked in the home. My father worked downtown. My mother taught us how to play baseball, to appreciate Beethoven's symphony, to bake sponge cake. She taught us how to play fair. She punished us, sometimes too fiercely.

(Laughter.)

MS. RENO: And she loved us with all her heart. There is no child care in the world that will ever be the substitute for what that lady was in our lives.

Yet, I watch the young lawyers in the Department of Justice or at my office at home struggle to get breakfast on the table, the children dressed and off to school. They try a case all day. They interview witnesses up till 7 o'clock. They get home, get dinner on the table, the children bathed, the homework done. They run errands on Saturdays, go to church on Sunday, start preparing for trial Sunday night, and the time vanishes. They're going to be grown before you know it.

When you go to the law firm looking for the job, when you go to the Department of Justice, ask the place you're seeking a job, what do you do about families? What do you do about flex time? What do you do about maternal and paternal leave? What do you do to put families first in your law firm?

(Applause.)

MS. RENO: Getting James Joseph Richardson set free was professionally probably the most rewarding thing I've ever done, but one of the most rewarding things I've done otherwise is to become the legal guardian of 15-year-old twins, a boy and a girl. The girl was in love and I've learned an awful lot about raising children in the last 12 years. It takes hard work, love, and an awful lot of luck, but when I put that young lady on the plane to

send her to college and when I went to see her graduate three years hence cum laude and on each occasion she threw her arms around my neck and said, thank you, I couldn't have done it without you, that's as rewarding as anything else.

As you enjoy the great and wonderful benefits of this law school, as you prepare for a career in the law, always remember, put your family first. Put first the people you love.

Thank you.

(Applause.)

QUESTION: What are the goals that you plan to accomplish after you leave the Office of Attorney General?

And my second question is, what do you think we can do individually as law students and as future lawyers and as the profession as a whole to improve the image of lawyers?

MS. RENO: I take each day a day at a time. I'm like Scarlet O'Hara, and when I have to think of what else I'm going to do, I'll think about that tomorrow.

(Laughter.)

MS. RENO: My goals generally speaking will be to continue for the rest of my life to use the law as much as I possibly can to serve others, to resolve conflicts, to solve problems, to bring peace, and to end division and bigotry and hatred.

How will I do that? I swore during law school that I'd never be a prosecutors because I thought prosecutors were more interested in securing convictions than seeking justice. My predecessor, when he offered me a job, said, you can come do something about that, and I discovered that prosecutors can best protect the innocent by not charging them. So, I don't know what I will do for the rest of my life except to try to use the law the right way.

Secondly, I think I've outlined some of the things. I think for a long time when I graduated from law school in 1963, people were interested. Oh, I've got a job with a Wall Street law firm. I'm going to be making X dollars. I'm going to be living in this big house. I met some of the people that I went to law school with. I never made near as much money as they did, but they're envious of the time I've had in public service and my opportunity to contribute.

Think about the law as a problem solver. Think about how you help people and not the dollars that you make is one good way to do it. You can be so much more effective rather than being an uncivil, boorish lawyer in the courtroom or in a negotiation setting. You can be far more effective and get a lot more done by being pleasant, thoughtful, and reasonable. With those challenges and knowing what I know about this law school and what you all

are doing, you're going to make a major contribution to improving the image of the lawyer.

QUESTION: Good afternoon, ma'am.

This summer the Antiterrorism Act that was passed in Congress included a provision which limited habeas corpus review to a single year. Do you think that that's going to affect cases like the one that you talked about at the beginning of your speech involving people who are on death row and we have questions about their conviction, whether or not they were guilty of the crime that they're charged with?

MS. RENO: It would not affect that particular case because habeas was not the tool by which we did. It was a courageous Governor of Florida who appointed me. I just went back, used the law the right way, used Florida's procedures the right way. So, it would not have affected that.

I have concerns about that provision and I want to work with all concerned to try to do everything I can to prevent that injustice. One of my colleagues, one of my former law partners and a person whom I admire a great deal, Sandy Dalenbert, the past President of the ABA, engaged in pro bono representation of a person on death row, and it frightens me. Just the mere thought of a person who might be innocent going to death is something that is very important that we -- we know it could happen, it may have happened, and we have got to do everything we can to prevent it from happening.

So I have some concerns, but I am hopeful that the law will be construed to ensure prompt resolution of cases, but prompt, thorough, and fair resolution of cases, and provide for the opportunity, should new evidence be developed, that can ensure that innocent people are properly protected.

QUESTION: Hello. I wondered whether you think that looking into the possibility of an Equal Education Amendment would be a worthwhile and prudent investment of time?

MS. RENO: I'm sorry. I didn't hear the last part of your question.

QUESTION: Would be a worthwhile and prudent investment of our time as researchers.

MS. RENO: How would you describe it? Because I've heard it described in different ways. How would you describe an Equal Education Amendment?

QUESTION: How would I describe it? I would have to spend three years looking into what it would mean.

(Laughter.)

MS. RENO: Here is my concern. I see so many situations where somebody says, well, we'll get a constitutional amendment and fix it. Let me give you an example.

Florida passed a victim's rights amendment, but they didn't provide the monies to go with the constitutional amendment. It said that victims shall have this right, that right, and the other, but it did not add significantly to prosecutors' staff to provide for witness counselors and to provide for restitution processes that could truly enforce it. I think we've got to be very careful when we talk about amendments and talk about the resources that have to go behind them to really make the law mean what it says.

I think the most important thing in education is giving our teachers the resources they need to do the job, freeing them up from bureaucratic restraints, honoring them as some of the most extraordinary people in our communities, and supporting them in every way we can. So, I think we're going to have to look at not just constitutional amendments to ensure equality, but how we get the resources to all our schools.

QUESTION: Good afternoon, ma'am.

I have two questions. On the Antiterrorist Act of 1996 as well included a clause that allowed immigration, INS, officers to block immigrants who are coming into the United States who may have been convicted of a crime 20 years ago or any time in the past. It seems as though the act is being very effective because many immigrants have been caught into this without knowing that the law provided for this. I wonder what is your comment on that and why is that allowed in terms of having the INS using a discretionary authority under that act to effectively separate families.

My second question is, what would it take for your Department to appoint an independent counsel to look into allegations of the CIA involvement in the crack issue?

(Applause.)

MS. RENO: That issue arose in a prior administration, so there would be no basis for an independent counsel. We are pursuing it through the Office of the Inspector General to review everything that the Justice Department might have done during that period of time to ensure that all the facts are made public and appropriate judgments are made.

With respect to the immigration issue, I'm not familiar with -- if you can right afterwards give me some specifics on how the law might have been abused, let me know so that I can follow up with Immigration and Naturalization and find out just what the problem might be.

QUESTION: California just passed an initiative that would allow doctors to recommend marijuana for AIDS patients and cancer patients. I'm wondering, does the Justice Department plan to prosecute doctors who make

those prescriptions?

MS. RENO: Each case will be taken on its case-by-case basis because doctors can currently prescribe the ingredients of marijuana that provide for the appropriate treatment, and the federal law prohibiting it still exists because no medical group has endorsed it as an appropriate means of treatment. What we will do is review each case on a case-by-case basis, look at the evidence, look at the law, look at the circumstances, and enforce it accordingly.

QUESTION: In light of the question that my colleague just asked about the CIA controversy and the investigation that the office is doing, within your investigation what aspects are you looking at regarding the disparity in the sentencing between crack cocaine and powder cocaine and how it relates to --

(Applause.)

MS. RENO: That review is not part of that case because that is a totally different issue that applies generally. The Sentencing Commission is now reviewing the issue with respect to the disparity between crack and powder. I asked the U.S. Attorneys, including Eric Holder, the U.S. Attorney here in the District of Columbia, to address the issue early on.

Their recommendation was that crack had had a disparate impact on community after community across this country and that there should be some disparity, but the 100-to-1 disparity is too great. It is my hope that everybody involved, the administration, the executive branch, Congress, and the Sentencing Commission, will work together to resolve just what disparity should exist considering the impact on the community.

With respect to any form of sentencing differential or disparate treatment, I constantly through our work with the U.S. Attorneys across the country try to review any pattern that might indicate that there is disparate treatment and try to take action to ensure against it.

One of the things that I've tried to do is to make sure that we use the federal resources the right way to go after the truly dangerous offenders, the major traffickers, to handle the cases that will have a real impact on stemming crime. And we continue to review all the facts that we can pull together to ensure that there is no disparate treatment based on race.

(Standing ovation.)

(Whereupon, at 12:53 p.m., the speech was concluded.)