



THE HONOURABLE JANET RENO

ADDRESS TO THE AMERICAN BAR ASSOCIATION

TORONTO, ONTARIO, CANADA

AUGUST 3, 1998

---Commencing at 2:25 p.m.

HER HONOUR: Thank you very much. I stood before this Bar Association in New York City during my first year as Attorney General. I told you then that I was proud to be a lawyer in this country. After five years in office, I am prouder than ever before of my colleagues across this land. And what you do for this nation, for its people, for its communities and for the rule of law. I have seen you and your colleagues at work on so many different occasions. Just hearing of Bill Gossett reminded me of the influence that he had on me and how he touched my life. I see so many people in this room who have touched the lives of so many and made their impact felt on this nation. You have made such a difference.

But we now have an opportunity to turn what has been a temporary victory into a lasting contribution for this nation, a contribution that can last for some generations to come. Violent crime is down six years in a row. Juvenile violent crime is down two years in a row. So many people and so many institutions can claim credit, and properly so. But that is not the issue. The issue is how do we make that reduction last? And the greater challenge is how do we end the culture of violence in this nation? Despite our successes, we are still one of the most violent civilized nations in the world. At the door of the Capitol and in the school rooms of this country, we have too often seen the searing tragedy of violence. Gun related violence represents a major threat to the health and safety of all Americans.

In the five years from 1992 to 1996, the city in which we're meeting now, Toronto, experienced exactly a hundred gun homicides. Chicago, an American city of comparable size had 3,063 gun homicides. Every day in America 100 people die from gun related injuries. This rate of mortality is roughly equivalent to that associated with HIV infection, the disease which has been recognized as an epidemic. Thus, reducing the number of injuries and deaths inflicted by others must clearly continue to be a national priority.

Now this nation can respond to the six year reduction in crime as we have done before. We can become complaisant; we can turn to other issues and we can quickly watch it go back up. Or we can renew our efforts to make a lasting difference in this nation. I hope and I believe with all my heart that lawyers will choose the latter course and devote their abilities to solve the knotty problems, to bring people together to advocate for the poor and to end the culture of violence in America.

Ladies and gentlemen, we have an extraordinary opportunity. We have relative prosperity. We have some budget surpluses. We have the know-how. We have a spirit in this country that says we can do it because we have been doing it. And we have seen lawyers at the forefront of all these efforts across this country. Let's not lose this challenge now. We do not have to be the most violent nation in the world.

Let me give you some examples of how lawyers have led the way. Twenty years ago as a prosecutor in Miami, people referred to domestic violence cases as "a domestic", unimportant. The case would be dismissed. Nobody was interested in it and it would go away. Today, because of the work of lawyers across this nation and this association, a domestic in most jurisdictions is something very important. It is a way of ending the cycle of violence. It is way of letting children know that there will be an answer and that violence is not a way of life. This association has been heard in so many forums on this issue. Judges and prosecutors across the country have developed courts and one stop shopping so that victims of domestic violence don't have to go from place to place and fall between the cracks.

I have watched private practitioners serving in pro bono capacities, serving clients who need support and assistance. They are serving on boards. They are directors of shelters. They are making a difference. I have seen the force of lawyers in state legislatures and in Congress and I have seen lawyers lobbying for the passage of the Violence Against Women Act. Lawyers, I can say unequivocally, have done more than any other profession to bring the problem of domestic violence to the fore and to start doing something about it. But we must do more. We must take the opportunities we have with the monies available through the Violence Against Women Act and make sure that courts are established across this country that focus on domestic violence with the tools they need to do something about ending the cycle.

We need to develop a system in this country of full faith and credit for the orders of one court in another state. This has been a difficult problem. But if lawyers put their ingenuity to it, if they can their "can do" hats on, we can develop a system in this country where a protective order in one court can automatically be given credence in another court. And a police officer with modern technology can tap into that order and make it available and real to that victim who for too long had been told, "Sorry, you have to go file suit in this court and get another order because this one isn't valid."

We have got to make sure that we have statistics that are fair and accurate and enable us to plan strategy that can end this violence. We need to focus on children who have observed the violence and make sure that they have counseling, that let's them know, this isn't real. This doesn't have to be.

One of my proudest moments has been to see the President of the American Bar Association standing shoulder to shoulder with the President of the American Medical Association as they deal together with the public health and the criminal justice impact of domestic violence. But that is not the only place that lawyers have led the way.

In 1988, I chaired a Task Force On Substance Abuse. In those days there was no course work in addictionology in any major medical school in this country. Who was leading the way? Lawyers were leading the way in court rooms across this country, as they dealt with the issues of crack and addiction and drug and alcohol abuse. And lawyers, both prosecutors and public defenders, were standing before the courts saying, "Yes, we can treat this. Somehow or another we're going to figure out a way to do it and it can work." As a result, most people in America have seen the benefits of treatment, either through a family member, a neighbour, a fellow employee or someone they knew casually.

In 1989, the judiciary established one drug court in Miami, Florida. Nobody knew what would happen. Today there are over 300 drug courts in this nation and 150 on the planning board. And the DA in Denver can turn to me and say, "This has done as much as anything else to reduce violence in my jurisdiction."

Lawyers have led the way and we can continue to lead the way to make a difference. In sentencing offenders to treatment rather than prison, these drug courts take a problem solving, collaborative approach to reduce crime and substance abuse. The judges in these courts have been bold enough to rethink traditional roles and to work with other law enforcement and social service professionals in solving the problems of their communities. These are judges that know when to come down hard on somebody and when to give them a figurative pat on the back, when to give them another chance and when to send them to prison. These programs can work if we rethink and use our sense of innovation to make the judiciary responsive to the true problems this nation faces.

But again, the success of this common sense concept is due to the innovation and the commitment of lawyers like you. We have got to do more. We have got to develop a system for providing treatment to people who demand it and need it. Today there are too many waiting lists for people who can't get treatment because they can't afford it. And yet we have a situation where if someone drove drunk up a highway tonight, north of Washington, plowed into a car, killed three people and broke his two arms, his two arms would be set tonight in a public hospital somewhere in the Washington/Baltimore area. He would get treatment. But the person pleading for treatment may not get it.

Let's use the creativity in this room to develop systems of delivery that can make a difference. Let us develop comprehensive community justice programs that provide justice within neighbourhoods and responsiveness to community problems. Let's develop prevention programs that work. Together we can end the culture of violence in this nation. But we will not achieve that goal until we help America understand that guns kill and that every day in America, one hundred people die from gun related injuries. They don't have to. Toronto is not as violent as Chicago. Canada is not as violent as America. We don't have to be that violent. Let us create a new frontier for lawyers to show again what they can do.

I commend the House of Delegates for taking up the proposed Resolution 10-E, supporting a comprehensive end to gun violence in schools. It is absolutely essential that we implement comprehensive strategies for addressing violence, one which includes tough prosecution at the federal and state levels, but which also provide for strong prevention and intervention programs. The proposed resolution recognizes that to successfully reduce firearm injuries and fatalities, we must fit all the pieces of the puzzle together.

Lawyers can lead the way in doing that and I suggest one basic principle. There can be very few people in the United States who disagree with the proposition that no one should possess a gun unless they know how to safely and lawfully use it and evidence a willingness and a capacity to do so. Let us implement that precept. Let us implement that across every state in this nation so we have some understanding that children who are unsupervised should not have access to weapons. People with mental illness in certain circumstances should not have access. People under a protective order should not have access. Let us use the law to make sense of this problem that generates such violence in this nation.

We must implement school based conflict resolution and peer mediation programs that teach young country in terms of such dispute resolution efforts was a program in the San Antonio schools led by the Young Lawyers Association, again an example of lawyers reaching out into their communities to make a difference. We need to teach these young people that guns kill and maim for life. We need to teach these young people that television and gratuitous violence is not real, that guns really do kill. They are not status symbols. They are not glamorous and they are not the right way to resolve conflicts. But we have more to do about guns. For its not just in the schools.

I urge you to look beyond the schools and remember the headlines of your newspaper or the six o'clock news which has too often in these last ten years talked about the child gunned down by a drive-by shooting, by children killed in the streets, by people killed by violence and guns. We have got to make sure that our approach to guns is universal. It includes a federal, state and local effort, a partnership that can truly make a difference. But again, we see that one of the innovative and successful programs started in one of the communities of this nation was a product of lawyers thinking.

One impressive example of this type of innovation is the Juvenile Gun Court in Birmingham, Alabama. A family court judge there, Judge Sandra Storm, collaborated with police, prosecutors, probation officers and others to create a court program that sends a message to juvenile offenders that when they are found in possession of a gun, there will be swift, sure and firm consequences. We have seen the same collaborative problem solving approach in Boston, Minneapolis, Baltimore, the East Bay Public Safety Corridor of California and in other towns and cities across the nation.

Boston is a classic example of the state DA and a US attorney working together to make sure that all cases are appropriately prosecuted, but they are doing more. They are working with judges to understand how we can intervene with children who have been the victims or observers of violence to make a difference in their lives and to let them know that it doesn't have to be.

The bottom line is that lawyers can change our country's attitude about guns. We can do so much to end gun violence. And if we really work hard at it and if we continue to be committed, we can end the culture of violence in this nation. But there is one further aspect that must be explored as we consider this. Lawyers have done so much to protect the innocent, to protect the rights of accused, to give people a sense that they can make a difference in their lives, that they have a voice, that they have a power and that they simply are not just a number. But there are too many young people, too many people who feel disenfranchised, left out, powerless, unable to chart their course, and to make a difference. We must make sure that our profession does everything it possibly can to make sure that everyone in our country is represented in appropriate occasions and we must do everything possible to see that the indigent have an appropriate legal defense.

I have seen the case of the man prosecuted and convicted and sentenced to death for the poisoning death of his seven children. I was asked by the Governor to go to another jurisdiction in the state to reinvestigate the case. I told the court that he should be set free. And for as long as I live, I will remember looking over my shoulder in that old court house and watching that man walk out free for the first time. We cannot let the law make mistakes. And if they are made, we must all rally to correct them. I am so proud to be a lawyer in the United States and I am so proud to be a member of this association and to see what you have done in Eastern Europe, on the streets of America and in our court houses. I salute you all.

Certified Correct:

Carol Denman, CSR