

## Students For America

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In thinking over what to discuss with you today, there are many topics that we might profitably spend our time on. We could talk about national security, and the need to continue to rebuild our military capabilities so that we have a credible defense. Or we could talk about arms control, arms control that is based upon verification and based upon mutuality and equity, so that we can discuss how, under Ronald Reagan, any arms control and any arms agreements are only going to be in the best interests of peace and the best interests of the American people.

Or we could talk about the importance of continuing the Strategic Defense Initiative, which gives us a hope for the future to have an alternative in strategic concepts to mutually assured destruction.

And a topic that I know we don't have to spend much time on from your standpoint — because I know your feelings on it just from talking with a few of you today — but it's the absolute necessity of continuing assistance to the freedom fighters in Nicaragua.

You know, one of the things that all of us want is peace, stability, and democracy in Central America. And there is no doubt in my mind, nor in the President's mind, that the only way we can achieve that is by continuing to maintain the freedom fighters, to assure, first of all, that the government of Nicaragua continues to participate in negotiations aimed at peace and democratization. They wouldn't be there if it wasn't for the freedom fighters. And secondly, that once those agreements are attained, the government lives up to its commitments.

Closer to Washington, we could talk about reforming the budget process, or the balanced budget constitutional amendment, or the line-item veto which is a vital tool for eliminating unnecessary spending.

Or we could talk about reducing the deficit in a manner that does not involve the increasing of taxes.

But today, I thought it would be most appropriate to address another area of concern in which my department, the Department of Justice, has a vital role, and which directly relates to the theme of your conference, "America's Future."

Particularly as your generation becomes a generation of young parents, and as your interest in the future becomes more carefully focused, we will be seeing more and more attention devoted in the coming years to the quality of life in our communities.

And almost every major domestic issue that will have to be dealt with — and many of them we are dealing with today in the Cabinet, and Cabinet councils of which I am a member — such as crime, and drugs, and obscenity, and the AIDS crisis — these involve public health, public safety, or both.

That's why I'd like to talk about them, because the kind of clear thinking that you have demonstrated in foreign affairs, and economic affairs, is equally important to those things that reach out and touch most Americans where they live, in their neighborhoods and in their communities.

Quality of life means more than just having a physical environment. It means having a quality social environment in which people can live their lives in peace and enjoyment; which is why maintaining public health and safety is, after all, the No. 1 domestic responsibility of government at all levels.

It's important to remember this fact because there are some who will try and obscure that issue through a variety of rhetorical smoke screens. Take crime, for example. Most people would say that's a pretty straightforward public-safety issue. But not if you listen to what passes for informed opinion in some circles today.

To many supposed or self-styled experts on crime, it's an economic issue, or it's a sociological issue, or it's a mental-health issue. Some of them make it almost any kind of an issue except a public safety issue. These characteristics of such crime experts betray an obvious bias. Too many of these pundits are looking at crime from the point of view of the criminal, and they think that it all revolves around that aspect of it.

For example, in one major daily newspaper there was an opinion article which recently advocated all sorts of non-prison programs as the appropriate punishment for criminals, even violent criminals. But the most interesting thing in the article — and not all the article was bad, there were some interesting ideas that, in appropriate circumstances, could be applied and should be experimented with — was that none of its recommendations had anything to do with the concept of punishment and incarceration.

As a matter of fact the author eliminated or avoided entirely any discussion as to the effect that the courses of action that he recommended would have on the average law-abiding citizen and the average community.

Too often, discussions of crime in our country have to do with abstractions or generalities. Too seldom do they talk about victims, or talk about the human values, and the human costs that are involved in criminal activity.

And that's one of the reasons I think Students For America, and others like you, who are concerned about dealing effectively with crime, particularly in the area of drugs, appreciate that there is both the supply and the demand side which must be dealt with. That is why we have a two-pronged strategy.

On the one hand, we believe in strong law enforcement through interdiction and investigation, through apprehension of the drug dealers, through international activities, through the seizure and forfeiture of the assets of the drug dealers and the eradication of drugs.

And in parallel with that, we believe in a strong and effective prevention, education and health campaign.

The second point I want to make about drugs is that the attack on this scourge requires a total effort, and that we must have government at the federal, the state and the local level all working together, and we've made major strides in the last few years in achieving that.

But also, we need the major involvement of the private sector, because that's the only way we're going to get drug-free work places, drug-free schools, and ultimately, drug-free communities.

And thirdly, we've got to do two things. We have to change attitudes, and we have to modify behavior, and certainly, we've made some real progress there.

Let me just tell you a little bit about the progress we are making, because too often you have people, particularly people who are opinion-molders in the country, throwing up their hands in despair.

They say with all the drugs coming into this country there's nothing we can do. Some of them even throw caution to the winds and adopt or espouse a philosophy that has never worked in any country where it's been tried, and that is, they want to legalize drugs.

And so I think it's important that we recognize that we are making progress in this country, and that because of the leadership of President Reagan, and Nancy Reagan, we've made real progress in the last seven years.

First of all, through strong enforcement, we're making a record number of arrests of the major traffickers. We are making record seizures of drugs themselves. We are achieving record values in the forfeited assets of the drug criminals, and the proceeds of those seizures are now being sent back to local law-enforcement agencies, and even local school systems to use in drug education. I think there's no better, more appropriate use for the monies that are confiscated from drug dealers, than to use them to take away their market in the future.

And I think many of you have probably seen the newspaper articles, and seen it on television over the past two weeks, that the most recent high-school surveys — talking now about the prevention and education side — show that fewer graduating seniors are using drugs now than just a few years ago. That the overwhelming majority of students, in the 70s and 80 percents, now realize that drugs are hazardous to people's health, and that they cannot, and should not tolerate that kind of behavior.

And for the first time in several years, the amount of cocaine used in high schools is going down instead of up. I believe that's progress.

But it's a curious thing. Even our successes sometimes cause problems. I think most of you know that with our achievements in apprehending and convicting drug criminals, the number of narcotic traffickers serving time in prison for drug-law violations has more than doubled since 1970, and this has caused some difficulties because it is in fact true that there is almost not enough prison space to incarcerate all the criminals who are convicted.

But here, again, is where straight thinking comes into play as opposed to the remedies that some would urge on our policy makers. Some would say that since we are definitely experiencing a shortage of prison space on both the federal and the local level, that the answer to this problem is to put fewer people in jail, or release more criminals early. Well, this, again, goes back to that idea that I was talking about earlier.

That's the idea that forgets about the victim, forgets about the safety of the community. That solution would be like an elementary school where a teacher discovers that half the pupils don't have textbooks, and decides the way to solve the problem is cancelling the class.

It doesn't make sense. The answer, obviously, is to get more textbooks so everybody can have one, and that's really what the answer is, too, in regard to our prison situation today.

We will be making several presentations before the Congress, before the American people in the course of this year, because one of the things that has happened is that we're suffering today from a lack of prison building over two decades. From the late 50s through the 60s, and into the '70s, both at the state and the federal level we simply didn't build prisons because of the more permissive philosophies that were being espoused at that time.

And therefore, over the next 5 to 10 years, our country must make a strong commitment to build more prisons. We can't allow murderers, rapists and robbers to roam our streets just because we don't have cell space available. I am in no way opposed to efforts at rehabilitation. In my criminal justice experience I've worked with a lot of people who have been rehabilitated, and I believe in it. Just as I believe in using alternatives to incarceration where they're appropriate. But there are some criminals who have demonstrated through the viciousness of their crimes, that there is no alternative —which means we must have more prisons.

While we're talking about dangerous criminals, let me speak for a moment about those who have committed the most heinous crimes, those deserving of capital punishment. Here, too, opponents of effective penalties have been able to confuse the discussion by limiting the debate to oftentimes arcane philosophical questions, while ignoring the practical ramifications of the criminal activity on human life and the life of the victims.

We have to cut through this artificial fog, and shift the focus of the debate back to where it really belongs, and that is to public safety and to protecting people from becoming victims.

Just to take one example, a particularly outrageous example: the terrorist killings of Americans abroad. Innocent American citizens who have become victims, some of whom have been members of our armed forces serving overseas, and others who are just tourists on vacation — they have become targets of terrorism simply because they're Americans.

If we, as United States citizens, hope to retain our freedom to travel in safety, then we must both deter those who would commit these barbaric crimes, and incapacitate those who already have.

In other words, our government has a responsibility to you, and your fellow citizens, to fight back and not let American travelers become victims. For this, the death penalty has to be a part of the arsenal we use against those types of criminals in appropriate cases.

Now the President has introduced legislation that would provide proceedings and processes in the law to handle capital punishment for terrorist killings. In many situations we have capital punishment laws on the books today for particular types of crimes, but the procedures have not been added to the laws to utilize capital punishment in accordance with the Supreme Court decisions allowing capital punishment in the 70s. And that's what needs to be done today.

Recent polls show overwhelming support by the people of the United States for capital punishment, often reaching as high as 90-percent of the people surveyed.

And that's why our job, in this administration, and with the support of people like you, is to translate this support from the public into the type of protection that our legislators owe us.

Another area where I think we are going to see increased law-enforcement activity, as we have in the past two years, is in the prosecution of obscenity cases. The American people are becoming increasingly aware that this is not just a question of a person's particular tastes, but rather, that there is a serious public safety and health issue involved as well.

Now make no mistake: I am as firmly opposed as any Attorney General who's ever held this office to censorship, and to any violation of the First Amendment. But that doesn't mean we have to put up with the type of dangerous and degrading material that the Supreme Court itself has said does not enjoy constitutional protections because of the quality, or lack of quality, of the material.

Take the issue of child pornography. More and more research shows that the children who are being exploited are suffering real psychological, and, in many cases, physical harm. Their health and safety, not the supposed rights of the sexually perverted, should be our main concern.

As most of you know, the Pornography Commission, despite being maligned during the entire time it was working, came out with a remarkably effective and balanced report which is now being implemented through the Justice Department, via an 11-point plan that the President promulgated, which covers both legislation and executive action by this Administration.

That's an excellent start. But in discussing crime and drugs, and prisons, and capital punishment, or obscenity, it's always important to remember that arguments over these issues will be moot if we do not also insure there is truth in the courtroom.

Now by truth in the courtroom, I'm talking about the basic function of our judicial system to determine if a crime has been committed, and to identify, accurately, the culprit. After all, that's why we have a criminal justice system in the first place.

As you are no doubt aware, however, there are others who view the criminal justice system more as a game, where the goal is not to find out if someone has actually committed a crime, but, rather, to perform legal gymnastics through the use of loopholes in the law.

One glaring example of this is the court-created exclusionary rule. This relatively new rule in our legal history — it really has only been in existence over the past quarter century of our 200 years of existence — it is not required by the Constitution, and it often prevents juries and judges, the triers of fact, from viewing reliable truth-determining evidence of the commission of a crime, simply because it is claimed that a police officer made a procedural mistake.

The problem with the exclusionary rule — and I know there are a number of you who either are in law school, or plan to go to law school — it's one that I think you ought to take up because too seldom do the law schools really pay attention to this difficulty. But under the exclusionary rule, the punishment for whatever has gone wrong is inflicted upon the wrong people. Under this rule it's the public that's punished, and the public safety that's jeopardized.

The criminal may be allowed to go free, to prey upon the public once again, not because he or she is innocent, but because a key piece of evidence was withheld from the jury because of a technicality.

Again, I want you to make no mistake: there is no way we can or should condone improper police conduct, and the abolition or modification of the exclusionary rule is not an excuse for allowing police officers to do things that are improper or wrong.

But truthful evidence should not be excluded if its admission will enhance the search for truth. Instead, if an officer makes a mistake, he or she should be disciplined, but the public should not be punished because of a mistake made by a police person.

If the issue of truth in the courtroom cries out for a little clarity, so too does the current discussion about AIDS.

AIDS occupies a tremendous amount of the time of the Cabinet right now because of the tremendous danger that it poses to the people of the United States. Unfortunately, some advocates have been successful in portraying AIDS as primarily a civil rights or a privacy issue.

As I've said in the past, though, AIDS is, first and foremost, a public-health issue, and it has to be recognized as such. While we certainly have to be concerned and have compassion for those suffering from AIDS — and, indeed, I think every person would have that kind of concern — it is equally important that we take the necessary measures to protect our communities against the threats posed by this disease.

In the Justice Department we've adopted during the past year a 4-point balanced program to deal with this problem.

We've expanded our AIDS testing and counseling of federal prisoners. We believe we have to take every step possible to insure that both prisoners and prison employees avoid being victimized by this virus, and also to lessen the risk to communities to which these prisoners eventually return after they complete their terms in jail.

We've established a research and information program to assist police officers in avoiding the risk of the disease. And likewise, the Immigration and Naturalization Service requires AIDS testing for all immigrants, refugees, and legalization applicants, so that those testing positive can be denied entry into the country in appropriate cases.

It's important, I think, that when you have something that comes upon us, as AIDS has, that we avoid any sort of hysteria.

But we also have to recognize that it is a danger to our country and our communities, and until we find a cure, our policy decisions regarding this disease must be based, in great part, on the public health and safety aspects so that clear thinking, in terms of protecting the public, will again prevail.

There's kind of an analogy here to something that happened in the years immediately before World War II. We have to avoid, in this case, learning the hard lesson that France, for example, learned in World War II. Before that war, there was an inflexible commitment to a fixed defense, which was called the Maginot Line.

Because of this inflexibility the lives of many young people were destroyed, and so, too, in the battle against AIDS, we cannot risk the health of innocent people simply to appease the ideological rigidities of a few.

Well, before I close, let me say, again, how honored I am that you have selected me as your Man of the Year. To know that I shall be joining illustrious past recipients such as my good friend and Cabinet colleague, Bill Bennett, gives me great satisfaction and pride.

Awards such as this also mean a great deal when the organization giving the award is as vibrant and active as Students For America. Your organization, as I said earlier, has become a bright beacon of sanity and clear thinking in the life of our universities.

In this day, when too often the halls of the academy remain one of the last isolated bastions of unadorned liberalism, it is comforting to know that there will be groups like Students For America providing an influence to insure intellectual honesty and lively debate, a debate that is extended to include all views, not just a few.

I ask you to maintain your valuable perspective on the future of America, and to proclaim it on our campuses, and in our communities, and I wish you good luck in all of your endeavors.

Thank you.