

The National Press Club

2/25/86

Good afternoon. As many of you are aware, this week marks the first anniversary of my swearing in as Attorney General. I remember that day well. In his remarks on that occasion my distinguished predecessor, William French Smith, warned me about some of the hazards of holding this office. He said "Ed, there will be days in this job when you will feel a lot like the captain of the Olympic javelin team, who won the toss, and then elected to receive."

I have to admit there are times it feels that way. But on the whole, the job of Attorney General has been even more challenging, rewarding — and for the record, enjoyable — than expected. One of the things I've enjoyed most have been my exchanges with you, the members of the working press. I am glad that in the last year we've had a perhaps un-precedented number of press conferences and interviews. The administration of justice is a public matter, and we believe it is important that we work together to keep the public informed.

And while I see here today many of the reporters who cover Department of Justice and legal matters on a regular basis, I'd like to pay special notice to a part of the press that has contributed in its own special way to the coverage of the Department's activities. I refer to editorial cartoonists. I've been the subject of their art too many times to count during the last year. But a few favorites do stand out.

Back in August appeared a cartoon featuring Education Secretary Bill Bennett and myself, wearing kettles for helmets and brandishing shields and swords, crying "On, crusaders, against the infidels!"

In November, around the time of some of my remarks on constitutional interpretation, the New Yorker ran a cartoon in which the foreman of a jury was standing in the jury box to read the verdict. The caption said: "We find the defendant guilty, and, what's more, the Founding Fathers and Ed Meese would have found him guilty, too. " I'm honored to be placed in such good company.

But my personal favorite appeared towards the end of the football season. It was drawn by Jim Borgman. In it a somewhat oversized gentlemen is seen bursting into a room. The scales of justice are flying in one direction, a pile of law books in the other. And the caption says simply: "Ed, 'The Refrigerator' Meese."

Well, based on these and other accounts of the last year, I am pleased to report that the First Amendment, and especially freedom of the press, is alive and well.

All things considered, I won't claim that we at the Department of Justice had quite the year that the real Refrigerator and his Chicago Bears just finished. But if I could file my own report, it would lead with what should be considered some important victories in the fields of justice.

Let me talk first about our number one criminal justice priority: the battle against drug trafficking and abuse. Like our predecessors, we are attacking the problem of illegal drugs at the source of supply. But in addition, we are doing something more vital. We are moving to reduce the demand for drugs as well.

Our current anti-drug strategy is designed to raise the cost of doing business in drugs at every turn. This strategy has several elements: First, we destroy illegal drugs at the source. Second, we intercept drug contraband en route to or at the borders of the United States. Third, we identify, investigate, and prosecute drug trafficking organizations. Finally, we use control measures to prevent the diversion of legitimately produced drugs into illegal markets.

We pursue these objectives through law enforcement, regulation, and diplomatic efforts. I've met with heads of state, cabinet ministers and law enforcement officials from many countries, including such nations as Spain, Great Britain, Italy, Switzerland, Austria and Mexico and others during the last year. Based on these discussions I know that international cooperation has never been stronger. It is especially encouraging that major drug-producing nations are taking serious steps to control production.

In the United States we have increased our law enforcement resources, mobilized new resources from the military services, and marshalled all of our efforts more effectively.

Most importantly, the battle against narcotics has been characterized by unprecedented cooperation and teamwork among federal, state and local law enforcement agencies. Interdiction, investigations and eradication programs have emphasized joint and coordinated operations involving all levels of government.

This administration has emphasized interagency as well as intergovernmental cooperation. We have brought together the U.S. attorneys, the FBI, the DEA, the Coast Guard, Customs Service and the Criminal Investigation Division of the IRS. Together we have compiled an outstanding enforcement record. Statistics as of January of 1986 show that the work of the regional organized Crime and Drug Enforcement Task Forces has resulted in the indictment of over 7700 major traffickers during the three years these groups have been in existence.

One of the most effective new techniques against narcotics barons is taking the profit out of their illicit businesses through the asset forfeiture process. In 1985 our task forces seized 164.5 million dollars in non-drug assets: 49.5 million in cash and 115 million in property. Thanks to the Comprehensive Crime Control Act of 1984, we are now able to share the proceeds of these asset forfeitures with local law enforcement agencies.

Clearly these tough enforcement policies are getting results. During 1985 federal drug arrests increased about 20 percent. Arrests of major traffickers increased 40 percent.

However, as we have learned through sad experience, the war against drug abuse will never be won until we reduce the demand for illegal drugs.

Prevention and education campaigns are starting to reach more and more of our citizens, particularly young people. Obviously our nation has had great leadership in this work through the efforts of First Lady Nancy Reagan. The National Partnership Against Drug and Alcohol Abuse and the Sports Drug Awareness Program are just two examples of over 8000 organizations and activities devoted to this purpose.

To combat cocaine abuse, and all forms of drug addiction, our best weapon is the truth. And so we are finding creative new ways for bringing the truth about drugs to young people.

Recently, New York Police Commissioner Benjamin Ward and I visited a group of sixth-graders at P.S. 335 in the Bedford-Stuyvesant section of Brooklyn. There we observed a classroom demonstration of the city's new "School Program to Educate and Control Drug Abuse,"

or SPECDA. The program includes a film and a specially designed "team teaching" curriculum taught by police officers and Board of Education drug counselors.

We are taking the profits out of drugs through forfeiture, and using them to profit our children through education.

I'm convinced that through the combined approach of strong enforcement and effective education, we can make major progress against drug trafficking and drug abuse.

Over the past year, however, it has been not only in the area of drugs that the Department has pursued a new, aggressive enforcement policy.

We had a number of significant prosecutions and convictions in the area of economic and white collar crime. First of all, of course, there was the E.F. Hutton case. I realize that there was some uninformed criticism about the results in that case. But it should be remembered that the Hutton case involved a novel and massive prosecution in which provisions of the Comprehensive Crime Control Act were used successfully for the first time. \$2.5 million in fines were imposed. The entire cost of the prosecution was recovered. Most importantly, the resolution of the case speeded restitution to those damaged by Hutton's activities. We sent a clear message to the corporate world that the Department would move vigorously against such crimes.

But Hutton isn't the whole story. Other major cases against bank fraud, government procurement fraud, stock manipulation and maritime fraud brought convictions and strong sentences.

Overall the increased vigor in the Department's efforts against economic crime is documented by the fact that such prosecutions now constitute 24 percent of all federal prosecutions.

An equally important component was the administration's 8-bill Anti-Fraud Enforcement legislative initiative, introduced last September.

Related to both the war on drugs and the war on economic crime is our continuing campaign against organized crime. In the past year we've had several major successes. We have obtained the convictions of a number of important organized crime figures. Moreover, at the moment several major trials involving organized crime figures are going on around the country, particularly in New York, where major figures from all the so-called "5 families" are on trial in federal court.

Our ability to fight organized crime received a boost with the use of one of the recently enacted provisions of the Administration's Crime Control Package. These provisions allow prosecutors to impound the proceeds derived from illegal activities, and have become a vital tool in our efforts against organized criminal enterprises.

1985, sadly, was a year that reminded us that organized criminal activity directed against Americans is also a world-wide problem. I speak, of course, about the scourge of international terrorism. From the murders of Americans by terrorists in El Salvador, to the hijacking of TWA flight 847, to the brutal slaying of Leon Klinghoffer aboard the Achille Lauro, we have seen its grizzly results too many times.

The President has made clear that there will be no giving in to terrorist demands. And, in the dramatic interception of the plane carrying the Achille Lauro hijackers, we demonstrated our readiness to take action against these international criminals.

During the past year I have met with my counterparts from a number of countries to explore ways we can jointly battle terrorism. Additionally, the Department of Justice has demonstrated through the issuance of arrest warrants for terrorists that we are prepared to use all the legal means at our disposal against these criminals.

I would like to add how pleased I am over the recent 92-to-0 vote in the Senate in favor of legislation that will expand U.S. criminal jurisdiction over terrorist acts committed abroad.

Threats to American lives and security occur within our borders as well as in foreign lands. Several magazines called 1985 "The Year of the Spy." There is no minimizing the damage espionage does to the United States. However, at the same time we are distressed to learn that there are traitors in our midst, we should be grateful that effective investigative and law enforcement efforts are uncovering the spies that menace our national security.

We will do all that is within our power to improve security and to prosecute crime and espionage cases vigorously.

Lest you get the wrong impression, however, our attention was not directed solely to criminal law enforcement. Over the past year we did more than just try to put the bad guys behind bars. In such diverse areas as civil rights, antitrust, and constitutional interpretation, we also made real headway.

In the Civil Rights area the Department gave special attention to racial violence cases, successfully prosecuting nine Ku Klux Klan members in North Carolina and a major neo-Nazi gang in the state of Washington. The Department actively enforced the Voting Rights Act, challenging discrimination against hispanics in Los Angeles. The Civil Rights division obtained more than \$ 5.1 million in back-pay awards to victims of discriminatory employment practices. Overall, we have pursued the goal that has animated the Civil Rights revolution of our generation — the creation of a truly color-blind society. We will not rest until every vestige of racial and ethnic discrimination is removed from our society.

In the realm of antitrust law we stand on the threshold of a new era. Just last week Commerce Secretary Malcolm Baldrige and I announced a major legislative package for improvements in our antitrust laws. The five proposals in this package deal with mergers, treble damages, interlocking directorates, application of antitrust laws beyond our borders, and industries hit by competition from imports. During the last 20 years, advances in economic theory have shown that the antitrust laws should protect consumer welfare and promote economic efficiency. Unfortunately, current antitrust laws have instead been applied at times in a way that inhibits innovative business activities beneficial to consumers.

The Administration is proposing reforms that will greatly benefit American industries, American workers, and American consumers. We hope that Congress will act swiftly on these much needed reforms.

Our antitrust proposal is on the table. There are several other areas of law in need of reexamination and reform, however, where our efforts will be continuing.

In the area of constitutional interpretation we have initiated a healthy and stimulating debate over the meaning and application of our most fundamental law. Such a debate is most

appropriate as we approach the Bicentennial of the Constitution. It is encouraging to see the number of important scholars, lawyers, journalists, and ordinary citizens who have taken a renewed interest in our Constitution and how it is applied.

In several speeches I have stressed the importance of fidelity to our written Constitution. A “jurisprudence of original intention” is not an attempt to bring back some long-ago epoch. It is simply a recognition that the Constitution embodies certain ascertainable principles, and that those basic principles, not the transient social philosophies of the modern age, should guide our application of the Constitution to modern circumstances.

One aspect of the debate on the Constitution that has received special attention is the question of Federalism. As a matter of law, I believe that the Constitution leaves to the states as sovereign political jurisdictions the primary or exclusive power to regulate on a number of questions of state concern. As a matter of policy, the President has clearly stated that the federal government has usurped matters best handled at levels of government closer to the people.

These constitutional and policy issues have been addressed several ways. We have established within the Domestic Policy Council a working Group on Federalism, chaired by the Assistant Attorney General for the Office of Legal Counsel. This group is currently preparing recommendations on how the Department and the federal government generally might achieve the goal of returning decision-making power to the states. Also, at the end of January, 1986 I convened a major conference on Federalism. A dozen scholars joined senior Department and administration officials in exploring the many legal, philosophical, and policy questions raised by this subject.

Like Federalism, Separation of Powers is a basic constitutional principle. The Founding Fathers designed a government of separated powers in order to protect the liberties of all citizens. In the recent District Court opinion on the challenge to the Gramm-Rudman law we have seen a reaffirmation of the important role this principle continues to play in the ordering of our political life.

This Department of Justice has also been very concerned about the issue of religious liberty. The segregation of religious activities and religious persons from full and equal participation in national life is wrong. There should be no discrimination because of religion. Accordingly, we have filed amicus briefs in important Supreme Court cases. In *Witters v. Washington Department of Services for the Blind*, a unanimous Court held that the decision of a blind student to use funds from a state vocational rehabilitation assistance program to underwrite his religious studies at a private Christian college does not violate the Establishment Clause of the First Amendment.

All these things done within the last year are important. They reflect fundamental and enduring ideas about the nature of law and justice.

But personally I have always believed that anniversaries are more a time for looking ahead than for remembering. And so let me look ahead to some future initiatives of the Department.

One will improve statutory interpretation by making clear the president’s understanding of legislation at the time he signs a bill. This will recognize the importance of these Presidential signing statements as legislative history.

We have made arrangements with the leading legal publisher — West Publishing Company — to provide for the regular publication of Presidential signing statements so that they will be more accessible to both the Bench and the Bar. Second, the next year will include a careful examination of improving the search for truth in the courtroom. We have legislation before the Congress concerning the good-faith exception to the exclusionary rule and we will be exploring how past legislation and future case decisions can be utilized to offset the inequities of the Miranda rule.

Additionally, we will continue our efforts for immigration reform, including legislation now before Congress, as well as a review of asylum regulations and procedures.

And, of course, the Justice Department will cooperate with several other Departments and Agencies of the Executive Branch as we carry out the President's mandate to address the importance of strengthening the American family. The Domestic Policy Council of the Cabinet has this as a major priority, and we will deliver our recommendations to the President by the end of 1986.

These new programs and policies, and continued attention to existing priorities, make our job a challenging one. These are large tasks but they are great tasks too.

But that is as it should be. Daniel Webster once said that "justice is the great end of man upon earth." It remains so today for this Administration and this Department of Justice. God willing, during our tenure we will bring that great goal closer to living reality for all Americans.

Thank you.