



Department of Justice

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ADDRESS

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE JUDGE ADVOCATES ASSOCIATION
PENTAGON CHAPTER OF THE FEDERAL BAR ASSOCIATION
LAW DAY LUNCHEON

12:00 NOON
WEDNESDAY, MAY 1, 1985
WASHINGTON, D.C.

I am pleased and honored to be with you today to commemorate Law Day. This is a day devoted to commemoration of the legal profession and our stewardship of the laws. But more significantly, it is on this day we celebrate the rule of law.

This year, the Federal Bar Association and the Judge Advocates Association join with the American Bar Association to celebrate Law Day with the theme, "Liberty and Justice for All." This theme draws our attention to two upcoming anniversaries of symbolic and real importance to our heritage of freedom: the 100th birthday of the Statue of Liberty next year and the 200th anniversary of the Constitution in 1987. We may rightly be proud of our system, which permits liberty and justice to abound to an extent unmatched anywhere else in the world.

It is particularly appropriate to compare the achievements that we celebrate each year on this day with the values being extolled today behind the Iron Curtain. America celebrates the rule of law, 200 years of guaranteed individual liberty, and 200 years of orderly and democratic transfer of power, while the Soviet Union parades tanks and missiles -- the only source of its authority -- in the streets of Moscow. While we celebrate the symbol of America's welcome to millions of immigrants fleeing poverty and oppression, less enlightened societies glorify a system that must use force of arms to keep its people in.

The Constitution has been rightly praised for its guarantee of the rule of law. Andrew Jackson described the Constitution as "the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace." On the Constitution's centennial, Lord Bryce, the British historian, said that "it ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness in principle with elasticity in details."

Liberty, symbolized by the statue in New York harbor, was the fundamental principle on which the Declaration of Independence was built. Our Constitution has endured to earn its plaudits because it so ably preserved the liberty that always has been the first concern of our people.

In large part, the Constitution's success is due to the realistic assessment of human nature made by the Founding Fathers. They knew first hand the capacity for both virtue and evil that are inherent in people. Madison said that, "To suppose that any form of government will secure liberty or happiness without virtue in the people is a chimerical idea." Yet Jefferson cautioned us to, "let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

As we look upon the Statue of Liberty and the Constitution in 1985, it is useful to consider the fundamental principle around which the latter was designed. The Framers sought to preserve liberty in all of the people while providing them with the tools necessary to prevent the ambition of any of them from becoming ascendant. Madison summed up this dilemma in Federalist No. 51: "A dependence on the people is, no doubt, the primary control on government; but experience has taught mankind the necessity of auxiliary precautions." Thus, while acknowledging the indivisible sovereignty of the people, the Framers were most careful in the establishment of governmental authority, limiting it by divisions and bridling it by restraints. Separation of powers, federalism, limited government, and the Bill of Rights all limit federal authority and attest to the Founding Fathers' world view.

While this system was not the most efficient, it was necessary to preclude the exercise of arbitrary power and to save the people from autocracy. Through the Constitution, the Framers created a democratic framework for a safe and free society in which all could enjoy equally their inalienable rights to life, liberty and the pursuit of happiness. Cicero wrote that "law is the foundation of liberty." Similarly, the Constitution's provision for the rule of law is our guarantee of liberty.

We cannot celebrate 200 and more years of the rule of law without acknowledging the truths that have enabled the rule of

law to endure. Nor can we ignore the threats that exist to the rule of law and the liberty of our people.

Any action, however worthy the actor's motive or beneficial the immediate result, that erodes the "auxiliary precautions" that Madison built into the Constitution erodes the foundation of our liberty. Whenever the Congress or the Executive Branch purports to act as a government of general rather than limited powers, this erosion occurs. Whenever a court accedes to their action by removing the restraints of federalism, it assists in the chipping away of our freedoms. Whenever one branch of government sets itself above the checks and balances of the Constitution by purporting to be the final arbiter of its meaning, it ignores the theory of divided authority upon which the Framers relied. Recognizing these truths, President Reagan has made clear that a central object of his Administration is to work to restore and preserve the Constitution's essential and very necessary checks on federal power, lest the rule of law be in danger of falling victim to the trend of the moment.

As we pay homage to the time-tested values and the historical efficacy of the Constitution and the rule of law, which emanates from it, we must recognize that both concepts support the basic role of government, which is to protect our citizens from external and internal threats to their life and property.

It is in this context that I would suggest that while broad, long-range trends are of fundamental concern, there is one area of immediate impact where our commitment to the rule of law is meeting its most severe test: the distribution and abuse of narcotics and dangerous drugs. The scope of this problem supercedes virtually all others faced by our legal system today. We estimate that 14,000 tons of marijuana, 75-90 tons of cocaine, and a host of other drugs with a sale value of billions of dollars were sold and consumed last year in the United States. Drug use has affected all aspects of our lives -- the school, the workplace, the government and our family lives -- and has become the most lucrative underworld venture.

Our society has begun to comprehend the enormity of this epidemic and allocate the resources required to address it. In leading the attack on the drug supply networks, the Department of Justice was careful to recognize the limitations on what the federal government can accomplish and to appreciate the proper role and greater resources of the state and local law enforcement agencies.

The federal role in the law enforcement area, and particularly respecting the fight against illegal drugs, is of two types. First, we direct our enforcement efforts at the international and interstate distribution and financing networks, which are beyond the geographic capabilities of local agencies. Second, we assist local law enforcement agencies, which are on

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the front lines of the drug epidemic, so that they can be that much more effective.

We assist local efforts by providing national leadership in the advocacy of sound policies, adequate resources, innovative methods and a mobilized public opinion to fight illegal drugs. Also, we support and assist local law enforcement through such things as centralized collection of research and statistics, training facilities with courses in specialized subjects designed for local law enforcement personnel, and specialized services that would be too costly for each local agency to maintain, such as the laboratory and identification facilities that the FBI provides on a free basis throughout the country.

In addition, we cooperate in joint efforts with local law enforcement. We have formed Law Enforcement Coordinating Committees in nearly every federal district to help local prosecutors and police know and work with each other and with federal attorneys and agents against criminal activities which know no geographic boundaries. This assistance has been appreciated by local agencies, as has the absence of a heavy-handed federal approach. And importantly, these relationships have been most valuable in our efforts to marshal all available resources in the fight against illegal drugs.

Beginning under the leadership of my predecessor, William French Smith, the Department of Justice has greatly improved its

own enforcement efforts against drug traffickers. We have made better use of existing federal resources by bringing the FBI into the fight and by enlisting the assistance of the military in our interdiction efforts. We have added new resources: 1000 agents and 200 Assistant U.S. Attorneys plus support staff comprise our thirteen regional Organized Crime and Drug Enforcement Task Forces. Also, the Department's budget has increased by \$1.2 billion at a time when most agencies were decreasing theirs. Nearly all of that increase has been devoted to law enforcement.

We have enlisted the assistance of state and local law enforcement agencies to an unprecedented degree. Last year, local agencies were involved in a third of our task force investigations and state agencies in 29% of them. With the working relationships that now have been established, and with the recently enacted ability to share forfeiture proceeds with local agencies, we expect this cooperation to grow.

We have made aggressive and innovative use of law enforcement techniques. Over a third of our task force investigations involved undercover operations, while nearly a quarter involved wiretaps and a quarter used the witness security program. We have begun extensive use of the "kingpin" statutes enacted several years earlier: RICO and Continuing Criminal Enterprise offenses. In two years, the task forces alone have charged 389 defendants with RICO offenses, compared to only 84 defendants during the first ten years of the statute. And we have been

making increasing use of forfeiture provisions to take the profit out of drug dealing. Through 1984, the task forces obtained \$219 million through forfeitures, fines and seizures. Auctions of jewelry and luxury residences have received high visibility and good prices, while cars, boats and planes have been put to good use by law enforcement agencies.

Finally, we have established valuable, cooperative relationships with foreign nations. We have conducted highly successful joint efforts with the Italian government against the Mafia and have just convicted the first two Colombian nationals extradited to this country for drug offenses. The cooperation we have received from Italian Prime Minister Craxi and Colombian President Betancourt has set a significant precedent for other countries.

This effort has produced results. 472 task force cases have been brought and just under 5000 defendants have been indicted. Nearly 2000 have already been convicted, with the leaders receiving significant prison terms.

Last week, for example, convicted drug kingpin Robert Reckmeyer was sentenced to 17 years in prison without parole. He confessed to masterminding a decade-long enterprise based out of his brother's Loudoun County farm, which sold nearly 300 tons of marijuana and hashish valued at more than \$100 million. He pled guilty and cooperated with authorities to avoid a possible

sentence of life in prison without the possibility of parole. He forfeited \$2.5 million in assets, including gold, silver, sapphires, emeralds and rubies. The day of reckoning had come; at his sentencing, Reckmeyer acknowledged misusing the talent he had been given by making millions in "evil" profits.

Impressive as our achievements have been, we have, as you know, a long way to go. The networks that were developed over the last decade and more are well entrenched. We have only begun to devote the resources and use the tools needed to compete with these sophisticated, international syndicates. We will, over the next four years, continue to press this fight as our top law enforcement priority.

However, no amount of law enforcement resources against the drug supply will ever truly eliminate the scourge of drugs from our society as long as our citizens, particularly our young people, choose to use drugs. As President Reagan said last year, "no matter how effective we are against the pushers and drug smugglers, it still comes down to our young people making the right choice -- the choice that keeps them free of drugs."

We must attack the drug problem on the demand side as well. We cannot avoid responsibility for how our young people make this choice. Many have resisted peer pressure or emerged from tragic experiences to speak out against drugs -- students, athletes, teachers, movie industry people. The Drug Enforcement

Administration has become much more active in this aspect of the problem; it has joined with high school coaches, police, the NFL and its Players' Association to prevent drug abuse in the schools. Also, the First Lady has focused our attention on the tragedy of drugs; her recent conference of seventeen first ladies made clear that it is not a tragedy that stops at our shores.

Some progress has been made on this front. In the last ten years, the number of high school seniors who use marijuana daily has been halved while a majority now consider regular use harmful and inappropriate behavior. Yet one-third of those seniors use marijuana on at least a monthly basis. Powerful forces in our society continue to encourage the use of drugs. These extend from the glamorization of drugs in the media to drug use by many social, cultural and professional leaders -- the role models of our society.

America's lawyers must accept their responsibility for the tolerance of drug use in our society. I mentioned the 17-year sentence given to drug kingpin Robert Reckmeyer, who distributed \$100 million worth of marijuana and hashish. The Washington Post quoted the lawyer for Reckmeyer's brother and codefendant objected to this "harsh" sentence saying, "They're just hippies from the late '60s and early '70s It's a pretty heavy sentence for marijuana."

I do not hesitate to disagree with this lawyer's view. He fails to understand the moral responsibility borne by drug traffickers and drug users, whatever the drug. In fact, the judge, in sentencing Reckmeyer, stated that his sentence was based in part on the "devastation to the community" caused by the Reckmeyer drug ring. Whether one sells \$100 million worth of drugs or only uses them occasionally, he or she is supporting those who deal in terror, torture and death. Users may think that they are just purchasing pleasure for themselves, but they are also wholesaling misery to millions of people who are oppressed by the drug trafficking. By their very participation, marijuana users are shipping profits to the people who tortured and ultimately executed drug enforcement agent Camarena in Mexico this February.

There are no neutrals in this country's war on drugs. There are no bystanders, not even the lawyers. Everyone in this room who has a child, for example, must feel that uneasy dread that somehow drugs might affect your child or your child's friends. But we must do more than just feel apprehension; we must also act, and we must have an influence on others so that we change, in a sense, the way that some members of society look at the whole problem of drugs.

The responsibility that all of us must bear as lawyers does not preclude the full and effective defense of those charged with drug offenses. On the contrary, our obligation as lawyers -- as

the custodians of the rule of law -- requires that all of us assure that each defendant is effectively represented and that his or her guilt is correctly determined. Further, our duty as heirs of the ordered liberty established by the Founding Fathers commands that the rights and freedoms protected by the Constitution be vigorously defended.

However, all lawyers in this country have an obligation to see that our sacred freedoms are not abused -- that they are not used as a screen behind which the evil of drugs is protected. The cause of liberty is not advanced by extending the legal protections for defendants in the Bill of Rights far beyond that which was intended by the Framers, for the price is the lessened liberty of law abiding citizens. Collectively, lawyers should join our efforts to redress the imbalance between the forces of lawlessness and the right of society to protect itself. On an individual level, we lawyers have an obligation to be suitable role models by declining to use or tolerate the use of illegal drugs. As parents, we must find the time in our busy schedules to provide the guidance and attention our children need.

The American Bar Association's Advisory Commission on Youth, Alcohol and Drug Problems, established by our ABA President John Shepherd, is a valuable step in the fight against illegal drugs. Its attention to treatment and prevention issues as well as to concerns of the legal system is an example of how America's

lawyers can join with government and private citizens from all walks of life to form a partnership against drugs.

In the final analysis, the rule of law is best preserved when our citizens can be assured that they live in a country that prevents the unchecked aggregation of government power, and a community that is both safe and secure, so they can meaningfully enjoy their heritage of freedom.