



Department of Justice

Embargoed for Release
10:00 A.M. CDT
June 13, 1989

REMARKS
BY

THE HONORABLE DICK THORNBURGH
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE

TEXAS POLICE ASSOCIATION
FORT WORTH, TEXAS

JUNE 13, 1989

For all of us here today, law enforcement is not just a profession or a career, but a commitment.

A commitment to faithfully meet the needs of our communities, to protect our neighbors and all the citizens we serve, to uphold the concept of liberty and justice for all that is the foundation of our aspirations for this nation. And a commitment to ensure that first civil right of every American -- the right to be free from fear in our homes, on our streets, and in our communities.

These are commitments which today are being sorely tested. From the officer on patrol, to the prosecutor on the case, to the judge on the bench, all the way to United States Justice Department and the Office of the Attorney General, our commitments to service are being challenged daily by the escalation of not simply crime, but of the complexity of crime, the pervasiveness of crime, the viciousness of crime, and the deadliness of crime.

We are challenged by the vast financial resources of highly organized networks of criminal activity which knit one group with another and another and another to a point where we frequently face not merely local criminal enterprises, but interstate and, all too often, international criminal conglomerates.

We are challenged as well by the death and mayhem spread by the indiscriminate use of weapons designed for killing on a large scale. And we are challenged by the frustration of trying to meet our commitments in the face of what seem to be ever-mounting odds against our success in overcoming them.

These are the stark realities we encounter in our work to meet our commitments to law enforcement. I am not here to try to talk them away or to convince you that things are not as bad as they seem because, as anyone of you can testify, things are every bit that bad and then some.

But as I have not come here to try to disguise the true dimensions of the crime problem we face in this nation, neither have I come to spread gloom, or to say things are going to get worse before they get better, or to say that we should retreat from our commitment, or lower our expectations for waging an ever more effective war against crime, or that we should abandon our hopes for providing the peace and safety we are pledged to deliver to our fellow citizens.

In fact, I have come here to say just the opposite. I have come here to say that from the top down -- from the office of the President in the White House to the office of the chief of police

in the station house -- there is a new resolve in our shared commitment to law enforcement.

That resolve is part of the commitment to a "kinder, gentler" America that President Bush has talked about since taking office. But as I have often said, and as I know the President agrees, to achieve the goal of a kinder gentler nation for all Americans, we are going to have to get rougher and tougher with some Americans -- those who violate our laws and do violence to the domestic tranquility guaranteed by our Constitution.

And that is where our resolve springs from. This administration and the Justice Department of the United States seek to put the criminals on notice: this is the beginning of the end.

Violent crime in this nation will no longer be tolerated. Violent criminals in this nation will no longer be given sympathy. And, to a greater degree than ever before, the punishment meted out by society will fit the crime and be inescapable by the criminal.

The resolve of this administration, in tangible terms, is to be found in the crime package introduced by President Bush last

month. In a simple, unmistakable, and common sense response to violent crime in America, this package says:

- If you commit a crime, you will be caught.
- If you are caught, you will be prosecuted.
- And if you are prosecuted, you will do time.

And that, my friends, can spell the beginning of the end of the murderous violence that grips so many neighborhoods in so many of our cities.

Now I know there are some who are skeptical about the true commitment behind such bold anti-crime statements, particularly when they come out of Washington. But let me assure you, our President, his administration and this Attorney General have every intention of translating our words into meaningful effective action that will be felt on the streets of every community in this nation.

Let me give you a quick overview of the kind of action we're talking about, first, in the area of illegal weapons use.

The President's position can be simply put: our priorities must be focused on dealing with the criminal who uses weapons in the perpetration of criminal offenses. Getting bogged down in definitional debates over what constitutes a "sporting use" or a "hunting use" for a particular type of weapon can only deflect us from what must be our main goal -- to prevent the use of all weapons in criminal activities.

The specific resolve of this administration can be seen in the real, inescapable, crackdown that is at the heart of this effort:

- For use of an illegal weapon in a violent crime or drug felony -- we say double the mandatory penalty from 5 to 10 years.

- For certain other firearms and explosive offenses -- we say allow pre-trial detention of these dangerous criminals.

- For firearm theft -- we are seeking authorization for mandatory minimum sentences.

- We are urging that violent firearms offenses not be plea-bargained away and here, again, seek mandatory minimum sentences.

- And for the gang member, the urban terrorist, the drug lord assassin -- for anyone who arrogantly stalks the streets with an illegal weapon and murders another human being -- we are calling for imposition of the death penalty.

So don't think this effort is a Washington-designed paper tiger. It is a citizen-demanded real tiger, with real claws and very real and very sharp teeth. And it's a comprehensive effort, not limited to enhanced penalties and punishments alone.

In the three other portions of this package there are proposals to make these enhanced penalties and procedures fully credible, to guarantee that their deterrent potential is fully realized through augmenting enforcement and prosecutive efforts and expanding prison capacity.

No longer need the investigator be reluctant to pursue the offender to the maximum for fear of seeing a plea bargain erode his efforts. No longer need the prosecutor be reluctant to prosecute to the fullest extent for fear that a jail term will not be imposed. And no longer need the judge be reluctant to impose that jail term for want of sufficient prison capacity to contain the offender.

Through this type of comprehensive approach, our hopes for an effective assault on crime are no longer to be found somewhere in the far off future, but can, instead, materialize today.

In the case of prison capacity the proposal calls for an additional \$1 billion for federal prison construction in this, the 1990 budget, which, together with construction already authorized will result in a doubling of the prison capacity that existed when this decade began.

This expansion effort also calls for converting unused federal properties for use as federal prisons and for the freeing up of needed prison space by speeding up the deportation of convicted criminal aliens.

The rapid response to meet the provisions of this package can also be seen in initiatives to enhance prosecution efforts.

- Additional funding for detaining and transporting unsentenced prisoners is proposed for the U.S. Marshals.

- A request for a \$40 million funding increase for the judiciary has been made to cover the costs associated with its increased workloads.

- And, most important, proposals to increase funding for our U.S. Attorneys' offices so as to support 1,600 new prosecutors for drug cases, weapons offenses and other priority matters on an expedited basis; and to support 168 new positions in the Justice Department's Criminal Division to also focus on drugs and weapons offenses.

The final item in this agenda for a comprehensive assault on crime is in the area of augmenting our enforcement efforts, which I have saved until last, because it is where each of you can play a most important role in helping the nation reach its goals to greatly reduce violent crime.

The proposal calls, to be sure, for increased manpower at the federal level, for FBI, the Bureau of Alcohol, Tobacco and Firearms and within the U.S. Marshals' Service.

But it also issues a very important new call for establishing a "good faith" exception to the exclusionary rule -- an exception which would allow the admission of evidence in any case where officers carrying out a search and seizure acted with an "objectively reasonable belief" that their conduct conformed with Fourth Amendment requirements. In other words, an exclusionary rule that would fairly protect citizens from unreasonable searches and seizures, but not so tie the hands of

police officers with technicalities, that opportunities for the fair prosecution of criminals are lost because an "i" wasn't dotted or a "t" wasn't crossed.

Those are some of the details of this comprehensive crime package and of the augmented enforcement potential it provides. But, before I close, I want to raise one final important point that is also spelled out in this initiative.

In unveiling this package last month, President Bush said, and I quote: "Our police need more help. And I'm here today to tell you that we're prepared to match rhetoric with resources -- and to call on our cities and states to do the same...I have directed the Attorney General and the Treasury Secretary, working together with state and local enforcement, to launch a comprehensive, coordinated offensive against our nation's most violent criminals."

And that is my final point today. To stress the President's words, "working together with state and local law enforcement." To stress those words in order to impress you with fact that this comprehensive anti-crime effort includes each of you, and to express to you my firm belief that, truly, this is the only way we can achieve success in overcoming the challenges which face us, as men and women committed to the idea and the ideal of peace

and tranquility through law enforcement -- by working together in a cooperative and coordinated offensive.

There is a myth, often played out in crime dramas on television, that federal law enforcement personnel and local law enforcement personnel are oil and water, that they don't mix.

I happen to know differently. Not just as the Attorney General, but based upon my six years as a local federal prosecutor in my hometown of Pittsburgh and my eight years as governor of Pennsylvania during a period when we not only vastly increased our own crime-fighting capability but stepped up cooperative efforts with our federal counterparts as well.

Yes, we are all in the same boat together, trying to get to the same destination. We are all striving to meet the commitment that I spoke of earlier -- the commitment to the people of this nation to provide them with the peace and security they deserve and have every right to expect.

And, whether you carry a federal badge or the badge of the Fort Worth Police Department, you are allied with all the other agents and officers in the field or behind the desks who are trying their best to meet that commitment.

We have the ability to accomplish many things as individuals. But we have the opportunity to accomplish even greater things when we work together. And with the tools we seek through the President's crime bill, those opportunities can finally be turned into action.

Action to allow us to begin meeting our goals -- together -- and action to allow us to fulfill the responsibilities we all share through our commitment to effective law enforcement.

Thank you and may God bless you all in your endeavors.