

## KEYNOTE ADDRESS: SUPREME COURT DAY 1994

*Janet Reno\**

[The following is the complete text of the keynote address given by United States Attorney General Janet Reno at Drake University Law School's Supreme Court Day banquet held on March 12, 1994, in the Convention Center, Des Moines, Iowa.]

To all of you at Drake who have made this day so memorable for me, I thank you. For those who have received recognition tonight, I congratulate you and, having listened to the description of your efforts, I see the recognition is well-deserved.

One year ago, I took office quite suddenly and unexpectedly. This year appeared to be the greatest opportunity to serve that any lawyer could ever have. But as you prepare to be inquired of by the Senate Judiciary Committee, your whole life passes before you, in no uncertain terms, and my life has passed before me in this year.

But let's take tonight. Thinking of my experience, it is very clear that we are the sum of the people who have touched our lives—our parents, our professors, our law partners, and judges who gave us encouragement when we faltered along the way, judges who would take the time today to give students the opportunity to show how they could advocate. Just remember, students at Drake, as you proceed into the future, reach out and touch a young lawyer—make a difference, help somebody along the way. It is incredible what people have done to touch my life, and I hope I can do the same in some small measure.

The opportunity to serve the public has instilled in me an even deeper belief that public service is the greatest undertaking a lawyer can make. It is, however, a concern to me as I watch public servants today, and hear others say, "Why would I want to get into politics?" or "Why would I want to get into public service?" It is an extraordinary opportunity, and to the students who graduate—to those who ponder what their future should be—it is an opportunity to serve, to make a difference, to touch people's lives, to prevent an innocent party from being charged, to convict a guilty and dangerous person, to help a person to make a difference in their lives, and to enable somebody to purchase a house. You can reach out and touch people's lives, and truly, truly, make a difference.

You may be worried about what people are going to say about you, or what you are going to see in the morning paper, in terms of headlines. I will share with you what I have on the wall of my office. As Abraham Lincoln said:

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If I were to read everything bad that people said about me I might as well close up this shop, and I intend to do the best I can, the best I know how, and I need to keep doing so until the very end. If the end brings me out all right, what people said won't make too much difference. If the end brings me out wrong, ten angels saying I was right won't make any difference.<sup>1</sup>

I love the law. I have loved it each year more and more because I have seen how it can affect peoples' lives and make an extraordinary difference. But I have been struck this past year by an inscription on the wall of the Justice Building in Washington, D.C. on the East Ninth Avenue side: "The common law is derived from the will of mankind, issuing from the people, framed by mutual competence, and sanctioned by the light of reason."

Ladies and gentlemen, for all of us who care so deeply about the law, we'd better take stock of where we're at, because in too many instances, the law is not issuing from the people—all of the people. In too many instances our transactions and dealings with each other are not framed by mutual competence. In too many instances the law is not sanctioned by the light of reason, but more by hatred or sometimes bigotry.

We, as people who are lawyers who love the law, have a responsibility to return the law to the people. You don't see the law returned to the people as you see a lawsuit dragged out over years, as you see the results of the lawsuit eaten up in expenses and fees and you see the persons left almost worse off than if they hadn't gone to trial in the first place. You don't see the law being returned to the people when you see a welfare mother go out and get a minimum wage job to try to improve her life and then watch her lose welfare benefits so that she's worse off than if she hadn't gone to work in the first place. You don't see the law returned to the people when you watch a prosecutor do her job, see the offender sentenced appropriately by the judge, and then find the dangerous offender out of prison in twenty to thirty percent of the sentence because everybody was doing their job—but we didn't follow this offender. We have not returned the law to the people when we look at our children, born into poverty, without family, without community, without structure around them to give them a chance to grow into strong, constructive, human beings.

We face extraordinary challenges, in this, one of the most exciting times in history. We face an economy that has become a global economy. We face migrations of people around the world. We face technology that gives us tremendous benefits, but also puts huge and extraordinary challenges upon us as we face issues of privacy, and issues of how we relate to each other. With it all we have seen the breakdown in the family—the breakdown in community. Yes, we have a challenge to return the law to the people, to believe in the people, to trust people, and to have faith in them.

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1. Paraphrase of Abraham Lincoln, *quoted in* FRANCIS B. CARPENTER, SIX MONTHS AT THE WHITE HOUSE WITH ABRAHAM LINCOLN. THE STORY OF A PICTURE (New York, Hurd & Houghton 1866) (on file with the *Drake Law Review*).

Too often the law has been developed in these last years as if we didn't believe in people and didn't believe they could do it on their own—that they had to have somebody checking and saying that they could and couldn't do this. We have to believe in people—enough to hold them accountable when they do wrong, and believe in them sufficiently to give them the tools needed to do the job self-sufficiently.

I was struck this morning, by one very poignant statement, as I communicated with people from around Iowa by using the fiber optic system. I believe the statement was from Audubon. When asked what the needs were in that community, a group summed up the problem with one word—apathy.

Lawyers have a responsibility not just to win lawsuits or close deals. Lawyers have a challenge and responsibility to give the people of America a sense of hope. We have a responsibility to do what lawyers did a while back—Thomas Jefferson didn't like to practice law, but he knew how to give people a sense of hope and a sense that the law could make a difference. We have to give America the sense that we can, if we join together, if we get rid of the apathy, make things better. Child by child, family by family, neighborhood by neighborhood, and school by school, we can make a difference in the lives of our people if we trust them.

Lawyers have to move beyond their little specialized forum—out of their own profession—to start working with doctors and social workers, police officers and businessmen, people in the private sector, and most of all with citizens. Lawyers must address comprehensive problems and give people a sense there is a future. Lawyers must start talking so that people can understand them. We have to take problems and, in the best tradition of being a lawyer, show people what we can do.

As an example of what lawyers currently do, look to what we have done in the criminal law as we deal with the problems of violence in America. The prosecutor thinks she has won the battle when she gets the conviction; she doesn't think about what happens afterward. The public defender also thinks he has won the day when he gets his client off on a motion to suppress or a motion to dismiss, ignoring the fact that his client may walk out of that courtroom wrapped in a prison worse than any actual bars—in the form of a cocaine addiction. The client doesn't have enough money to get treatment, and that lawyer lets him walk out without doing anything about it.

We must look beyond our roles as prosecutors, defenders, and lawyers, and look at the problem of violence in America as something that we can manage. We have to get rid of the political rhetoric that besieges the discussion of crime; we have to get rid of the thirty-second sound bites; and we have to sit down and talk sense to the American people in ways they can understand. We have to make sure there are enough prisons to house truly dangerous offenders so they don't get out—career criminals should be put away. We have to understand there are many offenders coming back to the community sooner rather than later. It makes no sense for the prosecutors and public defenders to watch a person go to prison, and then see the same person come back to the community without anybody following up to see if the problems that caused the crime in the first place are addressed through job training and placement, drug treatment, and

programs that can give the person a chance to come back to the community with a chance of success.

Today I was so extraordinarily impressed as I heard from small communities, from rural areas, and from major urban areas in Iowa. People in those areas had focused on domestic violence as one of the single most important crime problems in their communities. Domestic violence must be dealt with differently than the violence of a career criminal who's a dangerous offender. Domestic violence must be dealt with not just by lawyers, but by lawyers reaching out to doctors and joining public health with the criminal justice system to make a difference.

The lawyers should begin to work and research with doctors to show how the cycle of violence repeats itself from generation to generation. The child who watches his father beat his mother can come to accept violence as a way of life. We must go to communities and show what can be done if we interrupt this cycle of violence through domestic violence centers, counselors, referrals, domestic violence courts, judges who are sensitive to the issue and don't dismiss it as a minor problem, and police officers who are willing to be involved and to help try to break this cycle of violence.

We must also look at other figures startling in America today. The Center for Disease Control has indeed focused on youth violence as one of the great public health problems in America. Their statistics and their hard research tell an extraordinarily compelling story we're not going to solve by formal litigation—a story we're going to solve by reaching further than litigation. By 1992, there were thirty-seven per hundred thousand deaths for young males in America ages fifteen through twenty-four; seventeen per hundred thousand for young white males; one hundred and fifty-nine per hundred thousand for young black males—a national tragedy that we cannot tolerate.

We're not going to solve this problem just by prisons, just by talk. We need to understand why this happened. The Center for Disease Control has done a good, solid study that shows most of these victims are killed by acquaintances. The perpetrator is usually the same sex, the same race. It usually started from an argument. It usually was not felony-related—this was not a drug gang gone awry. It usually started from alcohol, not drugs, and in one hundred and thirty-seven per hundred thousand of those cases it started with a gun.

If we put our heads together—if lawyers work with doctors and social workers—to address this problem we are going to save lives. Both the victims who are killed and the people who are put away in prison will have their lives saved by programs that can make a difference up front. But as long as lawyers think their forum in the criminal justice system is just in the courtroom—as long as each of us works in our own little world—we are never going to be able to solve the problem. We must convince America that the problem is not whether it should be punishment or prevention—it is not a choice. We've got to look at it in very simple terms—it's punishment *and* prevention.

In another arena lawyers prize their efforts in, civil rights, we watch extraordinary efforts in litigation. We watch people win a wonderful lawsuit giving somebody the right to borrow money. Then we turn around and watch the block in which that borrower seeks to build or seeks to purchase be torn apart by strife. The mother who's trying to raise her children as a single parent is

frustrated by the landlord, but legal services doesn't have enough money to help her. There's nobody willing to provide pro bono service. She can't solve all of the problems that plague her and gets beat down and beat down and beat down. If a lawyer adopted a block, if a law firm adopted a block, and if a company advocated for a block with children and families at risk, think of the difference that we could make. Why doesn't a lawyer adopt a block rather than just litigate one case in court? Why doesn't the lawyer reach out to a community and say "How can I help break through all the problems?"

If a lawyer became involved in rebuilding a community, think of the efforts we would save. If a lawyer became involved in reaching out and working with communities to build understanding, think of what we could do to avoid the bigotry and discrimination that produces the need for civil rights actions in the first place. Today I have heard from this remarkable State—from communities large and small—about how people are working to reach out, to build understanding, to teach people how to appreciate their differences, and how people are reaching out to say we will not tolerate hate and we will not tolerate discrimination and bigotry. We can do so much if we do it up front with prevention rather than waiting until we litigate in very narrow forums that fail to achieve our ultimate purposes.

In the area of the civil law, we think we have won the battle when we win a \$100,000 lawsuit or when we win the million dollar verdict. But look at what we are doing. The system is plagued by delay and is totally non-cost effective. We talk in terms of fancy words such as alternative dispute resolution, another lawyer term that could just as easily be called negotiation or "let's make a deal." But what we all forget in utilizing alternative dispute resolution is that we have a marvelous system of litigation. We have designed these wonderful rules. We have more case law than we know what to do with, and committee after committee to aid our decisions.

Yet seventy percent of the poor and the working poor in this country do not have access to lawyers. Consequently the rules, law, case law, forums, and courts mean little more than the paper they're written on to a very substantial portion of the American people. The striking thing is that the number of Americans—particularly single parents raising children—are swelling the ranks of the poor and the working poor; thus, so very many are disenfranchised.

Your theme is: "And Justice for All." How can we talk about being justice for any or all when we recognize that twenty-one percent of the children in America are born into poverty? When children and young people are being killed on the streets of America? When children and young people are being subject to abuse and violence? When children and young people are not receiving the education they need to grow into strong, constructive human beings.

Yet lawyers say: "Oh, don't send me to juvenile court," "I don't know how to handle that child custody problem," "Don't give me that child support problem, get somebody else to do it." We talk a good game, but until lawyers start investing in a legal system that can truly protect the children of America, we will not be providing justice for all. Again, I have watched guardian ad litem who are saints and angels. They spend countless hours of pro bono work in our courts, for one child, then a second child, and then a third child.

There are, however, too many children out there who have no family, no guardian ad litem, no advocate—no one who cares. We all have to work together to give those children a future. We have to become persuasive again. We've got to let people know that we must invest in children up front. If we don't we will never have enough prisons fifteen and twenty years from now to house that child and his colleagues.

We have to let senior citizens know when they say "Look, I did my duty—my son, I sent him to college, I sent my grandson to college; I've done my duty with young people," that his pension won't be worth the paper it's written on unless we have a workforce with skills to fill the jobs that maintain America as a first-rate nation.

We can no longer ignore the fact our system of laws has failed with respect to children. We can do so much if we reach out again to doctors, to child development experts, to teachers, and start constructing a system that makes sense.

We need a system that provides health care for our children. We know how to do something like that. We have developed a Medicare system that can give a seventy year old person an operation that will extend their life expectancy by three years, but we turn to the child of a working poor person and say to that family: "You can't get preventative medical care for your five year old child because you make too much money to be eligible for Medicaid, but you don't have health care benefits."

Lawyers know what to do, and we have to start doing it with respect to our children. As we work with educators we must look at the facts and see what should be done with respect to education. For too many children the world falls away from them in the early years of zero to five—the most formative time in a child's life. What's so magic about K through twelve? Should it be one through twelve? Let's talk and work together to design an educational system that makes sense. We talk about the need for facilities, but has it ever bothered you to drive past a school at four or five o'clock in the afternoon and find it closed? Reach out and start asking questions about whether we can keep our schools open longer to provide resources for at-risk kids in the afternoons and in the evenings?

We as lawyers can do so much. One of the reasons I am so proud to be a lawyer, one of the reasons I love the law so much, is because when there is a crisis and lawyers have their backs up against the wall, they know how to solve crises better than anybody I know. The time has come for lawyers to reach out beyond their narrow forum, beyond their rules, beyond their case law, beyond their courts, and into communities to help American rebuild its community child by child, family by family, school by school.

In the process of helping others we cannot forget our own. It touched me very much to see the families here, to see the parents recognized, and to say to young people here tonight who will be graduating: "You go out, go looking for a law firm or a workplace that will help you put your family and your children first." I've watched so many young people struggle to get breakfast on the table and the children off to school. They try a case all day, finish at six-thirty, interview witnesses until seven-thirty, get home, get dinner on the table, get the children bathed, the homework done. Saturdays they run errands, Sunday they go to church, and Sunday night they start preparing for trial again. They don't

have quality time for their own children. In this day, in this age—with our technology—surely we can practice law, be great lawyers, make a difference in our community, and can still put our children first—remembering they are our most precious possession.