



Department of Justice

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"VALUES AND LAW
IN A NEW WORLD ORDER"

AN ADDRESS

BY

DICK THORNBURGH

ATTORNEY GENERAL OF THE UNITED STATES

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It is an honor to address this fine gathering of present and future lawyers and community leaders. The devotion to the law which we share this evening has, I believe, much relevance to the uplifting events in the Persian Gulf over these past few weeks. We have just been through a magnificent legal proof that "the rule of law" -- as President Bush has said -- "not the law of the jungle, governs the conduct of nations." But what brought us through the Gulf War was not only international adherence to the rule of law, but our belief in American values. So I thought it might be appropriate to offer to you tonight some observations about the relationship between our laws and our values -- since, under the responsibilities of the office I hold, I have seen how deeply each affects the other.

Sometimes we think of laws and values as the same. They're related, but they're not the same. We establish laws to codify certain rules and standards that allow us to live together peacefully as a free people. But it's our values that inspire our laws -- not our laws that establish our values. Laws tell us what we must do. Values summon us to what we should do.

With that distinction in mind, I would like to talk to you tonight about values in the context of what we do at the Department of Justice, about how they impact upon our responsibility for law enforcement throughout this nation.

There is, to be sure, a lot of law-making going on in Washington, in state capitals, and in city halls across the nation. But I suggest tonight that we look beyond what the laws are and what we are told we must do. I suggest the need to polish up, to refurbish and indeed to treasure those values which are such an important part of our heritage as a nation and our strength as a member of the world community.

Let us look at just three areas where we have important law enforcement responsibilities today. And let me try to explain, in each instance, how the values of our society constitute a vital overlay upon our laws.

I.

One of the major priorities of the Bush Administration is to deal with what the President properly calls the "scourge of drugs." President Bush's strategy to counter drug trafficking and drug abuse is a comprehensive strategy. Within that strategy, law enforcement responsibilities fall to the Department of Justice, and they are enormous.

As was emphasized at our historic Crime Summit in Washington this week, we face a situation today where one half of those persons in federal prisons are there on drug-trafficking

offenses, up from about one fourth only a decade ago. Worse than that -- we also learned -- in many of our major metropolitan areas, as many as 70% of those arrested on non-drug charges are drug-users. Drug trafficking and its inevitable handmaiden of violence today constitute the greatest threat to what I have always called the first civil right of every American -- the right to be free from fear in our homes, on our streets and in our communities.

Meeting this law enforcement challenge, however, is not the whole of the story. In fact, as I told a somewhat surprised audience much like this on the West Coast not long ago, "If we want to lose the war on drugs. . .we can just leave it to law enforcement." Obviously, by this I did not mean to downplay the efforts of those men and women who literally put their lives on the line daily in the drug law enforcement arena. What I did mean to say, however, was that there's much more to the war on drugs than just tough law enforcement.

The war on drugs will ultimately be won, if at all, on the battlefield of values. It won't be won just in the courtroom. It must be won in the classroom, in the workplace, in our houses of worship, in the community, and, most of all, in the family.

We have grown great in this country and around the world through our own unique American values, which -- though ultimately the choice and responsibility of each and every individual -- are first nurtured within the family, and later sustained through our communal institutions. And how well we adhere to such individual values spells out the fateful difference between a drug-free lifestyle and the degradation, and often death, that accompanies a drug-dependent lifestyle.

Again, this is a struggle not over laws but over values. The values of self-respect, of self-reliance, of self-discipline, and, above all, the integrity of the individual mind and spirit functioning as God designed them to function.

The nurturing and transmission of these values is a job for everyone and especially for those of you who are to become the leaders in your own generation. We'll keep up our efforts in law enforcement. We'll do the best we can to put the drug kingpins in jail, to seize their assets and shut down their operations. But unless and until we reduce the appetite for illegal drugs in this country, reduce the demand for drugs that feeds those multi-national crime cartels, we're simply not going to lick this problem, no matter how tough we get.

II.

Let me turn to another example of how laws and values relate one to the other. It's a priority area for the President, and for the Department of Justice. The problem is white-collar crime -- what we sometimes call "crime in the suites" -- and here the public outcry has been loud and vigorous.

You see it today in public concern over savings and loan fraud -- which, despite some initial Congressional delay and funding shortfalls, we are now prosecuting to the full. We have won over 460 convictions -- some carrying sentences of 30 to 40 years -- and cracked down hard on those criminally responsible for the fiasco that virtually destroyed a true American institution.

We have also brought to justice those involved in securities and tax fraud and insider trading -- the Michael Milkens, the Ivan Boeskys, the Drexel Burnham Lamberts -- who are now paying a heavy price for their illegal activities.

Our strong anti-trust effort is designed to retain a competitive environment both here and abroad for American companies, large and small, against predatory business practices and other anti-competitive efforts. And we are concerned about

environmental crime which, if left unchecked, would despoil the very earth that we inhabit.

These white-collar crime prosecutions are not directed, as some would have it, against American business. They are designed to protect the legitimate entrepreneur and the legitimate businessman from those who would violate the law to work their ruin upon competitors and the consumer alike. These types of criminal activities are truly subversive of the values that are embodied in our free market economy, the most successful economy ever in the history of the world.

These rip-off artists affect the credibility of important financial and governmental institutions upon which the vitality of this nation depends. And they create harmful, negative role models for America's young people -- role models which, unlike the entrepreneurs of the Horatio Alger stories, don't represent American aspirations. Instead, they stress the wiles of the fast-buck artists and greed merchants, who put their own material well-being first and foremost, paying little heed to either values or the law. We must see that they pay the price for their wrongdoing. And they are.

Values -- that's what the effort against white-collar crime is about. Not to overregulate, overreach, or harass, but to

insure that those who embody the true values of the American business system are free themselves from the harassment and compromise of criminal conduct by others.

III.

Finally, in our discussion of values, let me touch upon an area in which there has lately been an unfortunate resurgence of concern. I speak of those hate crimes which run counter to every value upon which this nation was founded. They represent the most profane form of harassment, and by their racial, religious and ethnic violence and intimidation, work to tear apart the very moral fabric of our society.

While there was a considerable amount of debate in the last Congress over what specific form civil rights laws should take, there is one area in which there is no disagreement -- the need for firm and vigorous action in response to hate crimes.

As the President stated to the Joint Session of Congress this week, "We must set the face of this nation against discrimination, bigotry and hate. And eliminate them."

Our Crime Summit reminded us that we face a mounting threat. Reports such as the Anti-Defamation League's "Young and Violent

Report" examine the emergence of new types of hate-virulent organizations. Our recent conviction of so-called "skinheads" in Tulsa, Oklahoma, is but another link in the chain of over 100 successful Justice Department hate crime prosecutions in twenty states in the last two years. From these statistics, it is evident that the problem of hate crimes is widespread, national, and serious. But our commitment of additional resources and our prosecutorial determination has clearly ratcheted up the deterrent effect of the law in this criminal area.

Of all hate crimes, perhaps most profoundly disturbing is violence directly assaulting the sanctity of our courts. That is why it is reassuring that we were able to announce recently the indictment of the individual accused of the mail-bomb murders of a distinguished federal Judge, Robert S. Vance of the Eleventh Circuit Court of Appeals, and a prominent civil rights lawyer, Robert E. Robinson, of Savannah -- acts which besiege the very rule of law upon which we depend for survival.

Whatever their dimensions, there are no bounds within which such crimes can be tolerated. Justice in this nation is a principle based, in my view, on a particular value: the essential goodness of the vast majority of Americans. With the support of that goodness, we in law enforcement will fight against those

with small minds, and even smaller hearts, who fail this most elementary test of human decency.

IV.

We can enforce laws -- that's the business we're in. But we can't enforce values. We can only propound them, as a society. We can teach them, as we do in our houses of worship and in our schools, and should, I believe, even in our law schools. But most of all, we can represent them. And today, we are being called upon to represent American values far beyond our national boundaries -- to other societies whose people welcome our example, such as Eastern Europe, and even the Soviet Union, but also to hostile regimes who mistakenly challenge our belief in, and the strength of, our values.

That was the real miscalculation of Saddam Hussein. He did not believe President Bush when he said that we, as Americans, would not tolerate brutal aggression against an independent state, and that we would fight in furtherance of our values -- even across a distant desert against his entrenched armies. Saddam Hussein did not understand that President Bush meant it when he said we would fight "for a world where the rule of law, not the law of the jungle, governs the conduct of nations."

The Iraqi leader and his military machine have now paid a high price for this miscalculation. It remains to be seen what the Iraqi people will do about so many grotesque mistakes, and the brutal, totalitarian leader who made them. That, as we have said all along, is up to the Iraqis themselves.

But upon us falls the greater obligation to continue to exemplify the values we uphold, and to advocate, to the world at large, adherence to the rule of law. And we are better able to do so when we exemplify the rule of law here at home. Throughout the Gulf War, we obeyed our own Constitution and stood united in our determination, under international law, to lead the coalition to conclusive military victory.

And how clear it now is how our adherence to the rule of law marks us off from that law of the jungle, practiced tooth and claw by Saddam Hussein. Of course, Saddam Hussein got greater backing from his parliament than President Bush did initially from our Congress. All 254 members in Baghdad "voted" unanimously and instantly to keep military possession of Kuwait. In Iraq, it is a crime punishable by death even to joke about Saddam Hussein, let alone vote against him. His early career represents the rise of a torturer, his ascendancy serial executions, and his present survival, continuing barbarity.

In contrast, we continue to exemplify to the world self-governance by free men under the rule of law. And as long ago as the first Federalist paper, the Founding Fathers understood this to be the case. "[I]t seems to have been reserved to the people of this country," wrote Alexander Hamilton, "by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."

President Bush's aspirations for "A New World Order" depend upon just such a distinction, just such a rejection of "accident and force" as misruling influences upon the conduct of international affairs.

And shame on us today if we don't seize every opportunity to export to the world those most precious of our commodities: democracy itself, the rule of law and concern for human rights.

It is for that reason that I return to those items that I mentioned earlier. We simply must conquer those challenges to our values that tend today to dominate our front pages. We must show that we can lead the way to becoming a drug-free nation in a world increasingly concerned about the threat of these illegal

substances. We must verify, validate, and reinvigorate our commitment to the free market economy, in dealing with those on the fringes who would subvert or denigrate it. And we must emphasize anew our commitment to the full observance of the civil rights of all our citizens and our strong determination to use every weapon available to combat the hate merchants who would use violence and intimidation to subvert those rights.

We have important obligations and vast opportunities available to us during these 1990s. Our triumph in Operation Desert Storm has captured the world's attention. If we can continue to bring home to ourselves and to the rest of the world the enduring worth of our American values -- framed by our commitment to the rule of law -- this decade may well turn out to be one of the most exciting, and productive, in which to ever have been alive.