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Department of Justice

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ADDRESS

OF

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HONORABLE ARNOLD I. BURNS
ASSOCIATE ATTORNEY GENERAL

AT THE

19197
LAW ENFORCEMENT COORDINATING COMMITTEE
TRAINING SEMINAR

NCJRS

JUN 5 1986

ACQUISITIONS

JUNE 5, 1986
12:00 P.M.
BOND COURT HOTEL
CLEVELAND, OHIO

Good afternoon. Thank you so much for your invitation. I am very happy to be back in Cleveland. For a half dozen years, I was privileged to serve as counsel to one of the major corporations headquartered here. I used to come here on a regular basis. I therefore have a basis for comparison. I can see that the city is in flux and that there is a new spirit flourishing here. It is exciting.

I am delighted to have this opportunity to speak to the Law Enforcement Coordinating Committee for the Northern District of Ohio. This is my first meeting with an LECC group. By all reports, you are doing outstanding work. Congratulations to you and congratulations to your U.S. Attorney, Patrick McLaughlin, featured recently as a "Cleanup Hitter in Cleveland" in a cover story of the National Law Journal. Pat has shown superb leadership.

This Administration is a great believer in cooperative law enforcement. Five years ago this summer, on the recommendation of a Task Force on Violent Crime, Attorney General Smith issued an order instructing every United States Attorney to establish an LECC in his or her district. Today I am happy to say, 93 LECCs are in place and these Committees form the basis of cooperative federal, state and local law enforcement efforts.

Last July, Deputy Attorney General Lowell Jensen came to the

Northern District to help you make your LECC more effective. I hope I can offer some provocative and useful thoughts today.

Part of your seminar this morning, I understand, was devoted to criminal hazardous waste enforcement -- a relatively new and very important area of law enforcement. Dumping toxic chemicals and radioactive materials into our land, water and air without regard for either the law or the health and safety of the American public is a serious offense. It is an offense with long-term consequences for the environment -- consequences often reaching far beyond our lifetimes.

We at the Justice Department are proud of our achievements in the past few years in combatting these offenses. In 1982, the Land and Natural Resources Division established for the first time a nationwide program to focus the government's resources on this specialized field. This initiative was complemented by the creation of a Criminal Enforcement Division at the United States Environmental Protection Agency and the hiring of trained, experienced criminal investigators. Since 1982, indictments have been returned against nearly 200 corporations and individuals across a wide geographical base. These are not marginal cases but examples of knowing circumvention of the law's safeguards by those striving to save millions of dollars in compliance costs.

Because the central goal of these cases is to establish accountability of the highest ranking corporate officials responsible for the offense, nearly 70 percent -- or 140 indictments -- have been against high ranking supervisory personnel -- directors, owners and operators, corporate

presidents and vice presidents and managers. Courts are beginning to respond to our efforts by imposing substantial fines and sending offenders to prison.

The task of uncovering and prosecuting these cases is not one we can or should do alone. Unilateral effort by the federal government is not enough. Many states -- notably New Jersey, Maryland, Pennsylvania and Ohio -- have committed resources to prosecuting environmental crimes and have remarkable records of success. Our experience has demonstrated, however, the need across the board for greater coordination and communication with those at the state and local level closest to the problem. This LECC meeting is one of the forums to do just that and we are encouraging the development of programs like this elsewhere. More training -- like the session sponsored by the Justice Department last fall in Miami for federal and state prosecutors -- is a good beginning. This fall the first training program for state and local investigators and technical personnel will take place at the federal law enforcement training center in Glynco, Georgia.

We have also experimented with the cross-designation of state prosecutors and have taken advantage of the recent changes to Rule 6 of the Federal Rules of Criminal Procedure to share grand jury material with state investigators for joint prosecutions. The record so far demonstrates that these approaches work -- and work best when we work together -- so let's all do what we can to continue this spirit of cooperation. There is simply too much work for all of us -- we must combine resources to get the job done.

Let me bring you up-to-date briefly on the activities of one of our most recent initiatives in environmental enforcement, our National Environmental Enforcement Council. The purpose of the Council is to facilitate intergovernmental cooperation and communication -- of the sort your own LECC is designed to foster -- on environmental enforcement issues.

The Council is made up of 24 policy-level federal, state and local environmental enforcement officials -- four district attorneys, four state attorneys general, five United States Attorneys, four heads of state regulatory agencies, three EPA, and four DOJ representatives. So it's broadly based.

The Council deals with a wide range of issues. For example:

- how to focus more enforcement activity at the local level;
- criminal and civil enforcement training opportunities;
- results of joint FBI/EPA criminal investigation efforts; and
- means for a greater flow of federal grand jury information to state personnel.

The Council has also devoted considerable attention to the review of civil issues such as federal facility enforcement, Superfund reauthorization and ongoing Clean Water Act enforcement efforts.

In conjunction with the work of the Council, a National Environmental Enforcement Journal, whose first edition has just rolled off the press, will report on all important environmental enforcement matters nationwide. Significant case decisions, new

filings, penalties, and consent orders from federal, state and local sources will be included. The goals of the Journal are to help environmental enforcement attorneys stay abreast of the latest developments and to improve coordination and communication among all levels of government on environmental enforcement matters.

The Council has been a great success. So much so that we're now asking our United States Attorneys' offices in each district to set up LECC Subcommittees on environmental enforcement. These environmental subcommittees will follow the model of existing subcommittees on violent crime, property crime and so forth. So far, the response has been overwhelmingly positive and we plan to work with all interested U.S. Attorney's offices to assist in establishing subcommittees.

Environmental enforcement is an important and rapidly expanding area of the law. And the Northern District, with its growing reputation for being on the cutting edge, will want to get involved, I'm sure.

I'd like to turn your attention now to another subject of tremendous importance, to an idea -- a bold idea -- that is waiting for a champion, indeed, many champions. That idea is to change the point of view, the attitude, the mindset of the American people. The task is to persuade over 200 million Americans that they can live without -- and live much better without -- marijuana, cocaine, heroin, LSD, amphetamines, PCP and a host of other outlaw chemicals.

Make no mistake about it, we in the Justice Department will

continue to enforce the drug laws with unflinching determination. It's our number-one, criminal-justice priority, just as it is yours here in the Northern District of Ohio.

We will go for the jugular of the drug supplier. We will strike hard at foreign drug sources with the cooperation of other governments. We will eradicate marijuana at home. We will interdict drug shipments destined for our markets. We will investigate and prosecute, convict and incarcerate drug criminals. And we will confiscate the tools and profits of drug crime.

But if we do all these things -- and nothing more -- we'll be in the position of the little Dutch boy running up and down the dike plugging the holes with his fingers. We may stop some leaks but we will never stem the tide.

We are in the process of changing direction in the way we think about the drug problem. We are attacking on the demand side, as well as on the supply side.

Whether we succeed in the long run is going to depend upon the American people themselves. No amount of law enforcement will ever be sufficient to eliminate the scourge of drugs from our society as long as our citizens, particularly our young people, choose to use drugs. As President Reagan put it so well, "No matter how effective we are against the pushers and the drug smugglers, it still comes down to our young people making the right choice. The choice that keeps them free of drugs."

But how do we win the war on the demand side? The answer is education. We must get out there on the front lines and bring

the message home that drugs are not glamorous, not cool and not healthy.

A campaign for drug education across this nation will be required. But it must be -- absolutely must be -- a grassroots movement if it is to succeed.

Those in positions near the top of our government from President Reagan on down can provide leadership.

We in this Administration are determined, we are dedicated, we are committed, to fight the war against drugs. We will continue providing leadership for it. As with the musician, we must have your help if we are to succeed. Ours must be a great national partnership; a great collaboration. Unless those of you in positions of leadership closer to the American people decide that you're going to carry the message into your own communities -- into its homes, its schools and its places of work -- then we, in Washington, might as well be herding grasshoppers. It's up to all of us. America can be a junkyard for junkies and potheads or a nation with the resolve to say no to drugs and yes to the American dream.

Our attitudes and appetites can change. The evidence is all around us. Just look at America's new health consciousness, for example. With new evidence rolling in almost weekly about the perils of high-fat, high-cholesterol dining, more and more Americans are changing their dietary habits. Even that great American institution, the fast food joint, is offering "lite" entrees along with the traditional double cheeseburger. And consumption trends in the alcohol and tobacco industries are

equally revealing. As word of the health hazards presented by these old vices has seeped into the public's consciousness, the demand for them has measurably weakened.

Now, I ask you, if education can be a catalyst for lower consumption of fat, cholesterol, alcohol and tobacco, why not for marijuana, cocaine, heroin, and the rest? Well, of course it can. But we can't leave that information in a medical journal sitting on some dusty library shelf. Most Americans don't keep the Journal of the American Medical Association on their nightstands. So we must take that message directly to them, especially to young Americans.

As energetic and bright as our young people generally are, they are also impressionable and often poorly informed. Too often, they get the wrong message from their peers and their idols. By honestly portraying the reality of drug dependency, we can remove some of the luster placed on drugs and alcohol by popular culture. With all the facts in mind, I believe that young Americans will begin to take responsibility for their lives by making choices they -- and their country -- can live with. It's in their own interest.

But we must take the message to young America aggressively. And frankly, we've got a lot of competition for their attention. We've got to compete with TV personalities, rock stars, pro-athletes, and, above all, with peer groups. To get through the din of competing voices will require energy, determination and imagination, and, even co-opting our competitors -- using them to get the word out.

The tragedy of many of our past efforts to educate people about the dangers of drug use is that we have neglected the most powerful weapon in our arsenal -- we haven't told the people, and especially young Americans, the truth. That's right, the truth. We exaggerated, we underestimated, we tip-toed around the truth, and it's really no wonder that no one believed us. You tell a kid he'll die if he smokes marijuana. So he takes a toke one day, and he doesn't die. You know what -- your credibility has just been destroyed, and the kid may very well see no harm in doing drugs no matter what else you ever tell him.

So, we must not only seek to educate the public about the dangers of drug abuse but to educate with the truth. The medical research coming from the laboratories proves beyond a doubt that drugs are dangerous, debilitating and disabling.

In the next few months, many of us within the Administration will be speaking out about the dangers of particular types of drugs. We intend to make 1986 a pivotal year in our anti-drug campaign -- a year that will be remembered as the year we got serious about drug demand.

First Lady Nancy Reagan has shown us the way by informing children in kindergarten and elementary school about the dangers of illicit drugs. And her work continues. Less than two weeks ago, for example, she hosted a special "Just Say No to Drugs" Day.

Now joining Mrs. Reagan in her efforts against drug use are Attorney General Meese, Jack Lawn of the Drug Enforcement Administration and others at the Department of Justice.

Not only will we continue to educate students in kindergarten and elementary schools about drug abuse, but we will also broaden our focus to include high school students. Attorney General Meese has asked our 93 U.S. Attorneys, Pat McLaughlin included, to carry the message against drugs into high schools across the country.

Those efforts are already underway in many districts, notably in the District of Columbia, where U.S. Attorney Joe di Genova has already spoken to three high schools. Only two weeks ago, Mr. Meese himself conducted an educational assembly for Langley High School in McLean, Virginia.

Of equal importance are grassroots organizations, organizations like the Boys Clubs of America, which Attorney General Meese and I recently challenged to sign up one million boys and girls to take the pledge to remain drug free. We are working to mobilize responsible adults -- parents, teachers, athletes, entertainers, coaches and civic and community leaders -- to guide young Americans as they face critical decisions.

We at the Justice Department pledge our full support for this effort. You can count on us to do our part. And you can count on support from the private sector as well.

Our objective is simple but bold. We want nothing less than to change the attitude of America's young people. We want kids to say no to drugs. We want it to be acceptable, praiseworthy, even fashionable, to say NO to drugs.

Your help is indispensable. We need you now to be leaders in helping kids in Ohio to say no to drugs.

The War on Drugs will be a long one. We cannot expect a quick victory. Rather we are facing a long-running skirmish that will try our resolve as a nation. We must contend not only with an assault on our borders and our institutions by narcotics traffickers, but with a division within the American public itself. In this respect, the War on Drugs brings to mind another, far graver, much different conflict -- our Civil War -- and one of its greatest figures.

Near the end of the War, when the fall of the Confederacy was at hand, General Grant invited President Lincoln to come down to visit him at his headquarters at City Point on the James River. As they sat that night around the campfire, Lincoln related some of the anecdotes that were his trademark, and then sat in silence, looking into the fire. Grant looked up and said, "Mr. President, did you at any time doubt the final success of our cause?" Straightening in his camp chair, then leaning forward and lifting his hand by way of emphasis, Lincoln replied with great solemnity, "Never, for a moment!"

We will succeed in our war against drugs. I cannot doubt it, never for a moment.

Thank you.