



Department of Justice

**EMBARGOED FOR RELEASE
UNTIL 1:10 P.M. EST
FRIDAY, SEPTEMBER 30, 1988**

REMARKS BY

**DICK THORNBURGH
ATTORNEY GENERAL OF THE UNITED STATES**

TO

THE PHILADELPHIA BAR ASSOCIATION

**WASHINGTON, D.C
SEPTEMBER 30, 1988**

NOTE: Because Mr. Thornburgh often speaks from notes, the speech as delivered may vary from the text. However, he stands behind this speech as printed.

What a pleasure it is for me to welcome my fellow Pennsylvanians and distinguished members and guests of the Philadelphia Bar Association to Washington today. You have arranged a full, exciting and timely program here in our nation's capital, and I wish you all the best during your stay here.

Many of you are fellow veterans and partners in arms of tough battles over the years for judicial reform and excellence in the administration of justice in our home state, and I am delighted to renew so many acquaintances of long standing during this opportunity to visit with you today.

My presence here, as a recent fugitive from the private practice of law and the world of academia, results from the fact that this summer President Reagan truly made me an offer I couldn't refuse, and I am proud beyond words to serve as the nation's 76th Attorney General in a department for which I have so much respect and affection.

I serve in Washington today as a recidivist of sorts, having put in a stint as head of the Criminal Division of the Justice Department -- what we now refer to as Ed Dennis's job -- in the Administration of President Gerald Ford in the 1970s.

I have become Attorney General of the United States at a time of unprecedented concern -- and well-placed concern, too -- about the problem of narcotics and dangerous drugs. That concern

is accentuated and highlighted by another event, one that happens every four years -- and I don't mean the Olympics -- although the disheartening disqualification of some of the world's finest athletes this month underscores yet again the reach of our concerns about drug abuse.

A great deal has been and is being done about drugs in our nation, but a great deal remains to be done. I would like today to discuss with you both some of our hopes and aspirations, as well as some of our frustrations, in the present state of the war on drugs.

In becoming Attorney General, I have also become Chairman of the National Drug Policy Board. I have found since arriving here that the American people know far less than they should about this board and what it does, including the very fact that it exists.

In a nutshell, the National Drug Policy Board is a panel consisting of all Cabinet secretaries, plus designated staff, that coordinates every aspect of the Administration's anti-drug efforts -- the supply side and the demand side. The Board members brainstorm and plan together, so as to avoid missing opportunities, duplicating efforts, or re-inventing the wheel.

Next Monday marks the first Board meeting that I will chair. The President will attend this one, and together we will review the current drug bills in the Congress and other aspects of our anti-drug efforts. I intend to exert myself to see that a maximum effort is sustained in this important effort even in the face of our preoccupation with the election and the inevitable political distractions it produces.

Now, there has been some good news on the Hill recently for the war on drugs. The House last week passed a drug bill with some very useful provisions in it. Some say it's just election-year grandstanding, but if that's true, then I say thank heaven for election-year grandstanding. The bill gives us a federal death penalty for drug-related murders, a statutory good-faith exception to the exclusionary rule, greater user accountability, and other useful reforms. The Senate is now working on its own version of the bill, and I join with the President in hoping that it acts quickly, and -- of particular importance -- that it retains the House bill's higher appropriations for law enforcement.

For dollars and cents will be an important, if not decisive, element in this battle. Let me tell you what I mean by this.

The House bill's increased funding for U.S. Attorneys comes as a breath of fresh air after the response this Administration has generally gotten from the Hill in the matter of appropriations for anti-drug personnel. Make no mistake, the war on drugs needs human resources, and Congress has not been giving us the appropriations we need to obtain those resources.

We are hearing these days on the campaign trail dramatic calls for beefed-up anti-drug personnel: more DEA agents, more FBI agents, and on and on. I hope those who are speaking this way in public will also communicate the message directly to the Congress. This Administration has gone to the Hill year after year with requests for funds for more employees in our anti-drug efforts. But this has often proven to be one area -- one of the very, very few areas -- in which Congress has exercised budgetary restraint. And it is one of the very, very few areas in which they ought not to have done so.

Here are some of the facts:

--- The U.S. Attorneys, who are responsible for prosecuting federal drug cases, have been funded below the President's budget request level every year for the last seven years;

--- Last year Congress cut the President's fiscal '88 budget request for United States Attorneys by 673 positions, the Federal Bureau of Investigation by 518 positions; and the Drug Enforcement Administration by 20 positions;

--- This year the Congress has effectively cut the President's fiscal '89 budget request for United States Attorneys by 566 positions, for the FBI by 453 positions, and for the DEA by 105 positions. Given that our prosecutors will be required to absorb \$11 million for the fiscal '89 pay raise, staffing will have to be limited to 90 percent of previously authorized levels. So in effect, Congress has already cut U.S. Attorney positions by 10 percent.

--- Finally, Congress has cut \$321 million out of the President's fiscal '89 request for new prisons, providing for only 2 of the 7 new prisons requested; and they cut \$25 million needed for the support of U.S. prisoners in state and local jails.

Moreover, there are 29 judicial nominations still pending in the Senate. And while we hope for early and favorable action on these appointments, there is no assurance that these highly qualified men and women will be confirmed and positioned to fill

crucial vacancies in our federal courts before the Senate adjourns.

What is particularly disturbing to me is that the Justice Department itself is sometimes accused of trying to "cut back" funding for anti-drug work. The fact is, while it's easy enough for Congress to focus on authorizations, when Congress authorizes the money, it still hasn't handed it over to the appropriate government department. That comes only after another process, called appropriation. And when it comes to appropriations -- actually voting us the money we have been "authorized" to have -- it's a different story. Based on actual appropriations for fiscal '89, I must tell you that we are, in fact, necessarily making plans for force reductions, leave cuts, and curtailment of some essential support services.

What does all this mean beyond the dollars and cents? Well, the numbers and the budget jargon don't begin to tell the full story. The full story can be told only in terms that those of us who have served in the criminal justice process can appreciate. It is told in terms of:

--- The law-enforcement officer who has to turn aside a citizen who comes to him with a complaint, saying,

"Sorry, we just don't have enough agents to check that out."

--- The prosecutor who has to tell an agent who has fully investigated a complaint and developed a case, "Sorry, we don't have enough manpower to present this case to the grand jury or to bring it to trial."

--- The judge who has to tell the prosecutor, "Sorry, but with all the judicial vacancies still unfilled, we don't have room on the docket for your case."

--- The judge who, later on, at sentencing, has to forego an appropriate sentence for a convicted drug trafficker because there is no room in a prison or because of insufficient correctional personnel.

This is the real cost of delay and underfunding and it poses a real challenge to Congress to show America who's really tough on drugs. The current drug bills are all very well, and we expect to support them. But all the excellent provisions in them will be of little practical value without adequate funding of basic federal law enforcement activities.

Both presidential candidates want more staffing for the federal anti-drug effort. While my own preference between them is no mystery, they are both right on this score and I would hope that they will proceed arm-in-arm to the Hill to equip us fully to fulfill the Federal responsibility for a true war on drugs. This would exhibit real leadership on a bi-partisan basis to help up get the job done. And I'll go with them!

Next January, one of the two candidates is going to become President, and he's going to have the challenge of trying to get cooperation from the Hill year-round -- not just during the count-down to an election -- so let's start now. Drug traffickers work year-round, and so must we.

Your state and mine has recently been as ravaged as any by the scourge of drugs. Just in the past few months in your city, the cradle of our nation, there has been one small child killed, and another paralyzed from the waist down, caught in cross-fire between drug dealers. Two other youngsters were killed execution-style by Jamaican drug dealers, supposedly for stealing some crack. Their ages were 13 and 14. It's things like this that put the need for a federal death penalty for drug-related murders into perspective.

Putting an end to this kind of destructive insanity is one of my top priorities as Attorney General of this nation. Indeed, this goal seems to be just about everybody's top priority at the moment. But according to the priority it deserves takes resources. It's as simple as that. Talk about your "hard choices": at a time when the deficit is still too high, and taxes ought ideally to be lowered still more, and there are many other worthy programs to fund, fighting drugs will require some hard choices.

Let me leave you with some positive news, however. The war on drugs is not without its successes. For example, the 1987 annual Survey of High School Seniors found cocaine use in that group down for the first time after a long upward trend. The same survey also showed 2.5 percent fewer marijuana users among high school seniors in 1987 as against 1986.

To jump from the schoolyard to the international arena, we have in place a new multi-nation effort called the International Drug Enforcement Conference, or IDEC, a consortium of some 30 North, Central, and South American nations including all the nations of Western Europe participating as observers. Annual meetings of IDEC have been going on since 1983, with the United States represented by our Drug Enforcement Administration.

Last month, the IDEC member nations for the first time carried out mutually coordinated anti-drug projects in this hemisphere. The results of that month of activity were encouraging: 11 tons of cocaine seized, 244 tons of marijuana destroyed, 118,000 cocaine plants and 13 cocaine laboratories destroyed, more than 1,200 arrests made, seven clandestine airstrips destroyed, and \$3.8 million in cash seized, -- but more important than the statistics was the fact that this cooperative effort was even mounted, overcoming barriers of language, culture, geography and topography, not to mention political boundaries and ideological differences. And there will be more to come.

Breakthroughs like these make the wearying day-to-day efforts more bearable. But, as we all know, there is a great deal of wearying day-to-day effort still ahead in the war on drugs.

It will all be worth it, though, when we finally achieve a world where "pot" once again means the vessel in which you cook the family's stew, where "crack" once again means the sound of a baseball hitting a bat, perhaps to drive in a winning run, where "heroin" means Betsy Ross or Molly Pitcher or, yes, Christa McAuliffe and where "coke" is once again the "real thing."

I am proud to be involved in such an effort and invite your full support and assistance.

Thank you very much.