

## Remarks of Attorney General John Ashcroft

### Fraternal Order of Police 55<sup>th</sup> Biennial National Conference Phoenix, Arizona

August 14, 2001

It is customary for speakers to come before audiences and flatter them. Politicians are notorious for this, which I guess is why they say that come election time, the air is full of speeches or is it the speeches are full of air.

I appreciate the opportunity I have had to work with President Gallegos over the last six months. He has come to meet with me in my office in Washington and I am grateful for his counsel. I look forward to working with your new President, Steve Young. Steve, based on our conversation this morning, I believe it will be a good working relationship. I know you will lead the Grand Lodge well. Your insight will be very important to make sure that our common goal of upholding justice is met. Tom Mayer, thank you for those kind words. I know you, along with the entire Missouri F.O.P. will continue to be helpful in developing sound criminal justice policy. Pasco--Jim, it is great to have this unique opportunity to continue working with you. When I served in the Senate, your leadership and cooperation proved to be fruitful. Your help in passing the Police Survivors' legislation is just one example of our potential when we work together.

I am reminded of the old country barber who was a very good citizen but not the most astute businessman. One day a minister walks in for a haircut and the barber doesn't charge him--he just says, "It's my donation to the church." And the next day the barber finds a dozen gospel tracts and a thank-you note on his doorstep. Then a policeman comes in. And again the barber doesn't charge him--he just says, "It's my donation to the community." And the next day the barber finds a dozen tickets to the policemen's ball and a thank-you note from the policeman on his doorstep. Well, the next day a politician comes in. Again there is no charge--the barber just says, "It's my donation to the country." And when he comes into work the next day the barber finds on his doorstep a dozen more politicians waiting for a free haircut.

Having said that, I must also say that I really do find myself at home with the principles and goals of the Fraternal Order of Police. Your motto--*Jus fidus libertatum* or, "Law is the safeguard of freedom"--captures what I believe is the very essence of justice.

The rule of law makes freedom possible. And freedom is the greatness of America. It's not that Americans are any better or smarter or more talented than other people. If you think we're different from the rest of the world, look around you. We are the rest of the world. The genius of America is that we are privileged to live in a system that rewards whatever talents or brains we have by respecting our freedom. And freedom is respected when the law is enforced--uniformly, impartially, and without regard to race or color or creed.

So what you do is defend freedom--it's as simple as that. And the defense of freedom sometimes comes at great sacrifice. Last year, as a United States Senator I was able to join with a bi-partisan group of Senators to pass legislation expanding educational opportunities for the families of officers who are killed in the line of duty. The help and support of the Fraternal Order of Police was essential to passage of this legislation. The bill was a small measure of the gratitude all Americans should feel for the work of law enforcement, work that is too often taken for granted and too little acknowledged for its risks and demands.

It is an irony of our times that today, just as police departments across the country have achieved great successes in reducing the level of crime, the need to preserve and protect the integrity of our system of justice is greater than ever. When Thomas Jefferson said, "The execution of the laws is more important than the making of them," he touched on a fundamental truth, and one we would do well to heed. How the law is enforced is at least as important as what the law says to begin with. For in the execution of the law lies the people's trust in law enforcement. And if the people don't trust the law they won't participate in law enforcement. Without the help of the people, maintaining a free and open society becomes impossible.

In the past twenty years this idea of law enforcement as the protection of freedom rather than just the arrest and prosecution of individuals has been embraced by many police departments. We have come to realize that when officers get out of their squad cars and walk and talk with members of the community it helps build the trust that's necessary not just to enforce the law, but to create a new quality of life. For when citizens trust law enforcement they begin to participate in law enforcement. They take greater responsibility for their communities, and they trust policemen to use their good judgment and discretion. Greater trust has led not only to tougher law enforcement but better law enforcement. And the citizens who have benefited most are those in poorer communities; those without the resources to move to escape a bad environment; those who have the most at stake in order and lawfulness on the streets on which they live.

And yet in some communities today the need for trust between law enforcement and citizens requires us to do more and work harder. Some Americans do not yet understand the depth of our commitment to be fair and just in the execution of our laws. When trust is anemic, actions are misinterpreted or misconstrued. Tragically, in some cases, charges and counter charges lead to new levels of lawlessness.

Healing this is one of the great challenges that confronts our system of justice--it is a challenge that confronts each of us here today. Healing will not be accomplished by a search for scapegoats, nor villainization. Both we as law enforcement officers and citizens must acknowledge our responsibilities to maintain order and defend freedom. The vast overwhelming majority of law enforcement officers in the United States of America are men and women of integrity, men and women who sacrifice every day for our freedom, men and women who are worthy of our trust and respect.

I also believe that the overwhelming majority of citizens are people of integrity, people who care about their families and their communities; who want to work with law enforcement to see that

they are safe and that they have the opportunity to realize their God-given potential.

Successful law enforcement is a two-way street for the simple reason that trust is a two-way street. Both sides have responsibilities. Freedom is maximized when the integrity of our system is protected by high standards of law enforcement on the one hand, and cooperation and trust from citizens on the other.

We believe that cooperation and trust are also mutual obligations of the Department of Justice and local police departments. So we're taking a new approach to our relations with police departments. We believe there is a reason we are called the Department of Justice, not the Department of Prosecutions.

When the Department of Justice is called in to review police departments, our goal is to fix the problem--not just fix the blame but to fix the problem. From day one, our officials will work with local departments to help them correct the problem--while the investigation is ongoing. We will be up-front about the issues we are considering. We will not play "gotcha" with police departments. Our goal--our paramount goal--is to fix the underlying problem and preserve the integrity of our system of justice.

The Department of Justice recently concluded an agreement with the District of Columbia Metropolitan Police Department that we believe is a positive first step toward implementing this approach.

The District Police Department came to the Department of Justice in 1999 and asked for help to determine if its officers used excessive force in dealing with members of the public. We investigated and we found that, in fact, the District police had in the past engaged in a pattern or practice of excessive force. But while the investigation was still underway we began to work cooperatively with the District to fix the problem. By the time we announced the agreement we were also able to report that the District police had already achieved a significant reduction in the rate at which they use deadly force.

No court orders were involved. No consent decrees were issued. Through hard work and good will on both sides we were able to produce results, not retribution, and accountability instead of acrimony.

As I said, this agreement was a positive first step, a model that we hope and expect to improve on as we move forward in our relations with other police departments. To help insure that we achieve the best possible working relationships with local police, today I am announcing that all future Department of Justice reviews will be required to include consultation with rank-and-file police officers, the Fraternal Order of Police and other local police organizations. No Washington official can substitute for your familiarity with your communities. No policy expert can match the law enforcement experience you gain everyday. You are assets to be utilized, not pawns to be placated, and we welcome your continuing input.

In these cases and others, the principles guiding the Department of Justice are the same:

Cooperation to build trust in our system of justice. Trust eliciting participation in law enforcement. And when the people participate in law enforcement, freedom endures. Recently the Senate confirmed a man to be the next Director of the Federal Bureau of Investigation who understands the necessity of mutual cooperation and trust. President Bush's choice to be the new FBI Director, Robert Mueller, was confirmed by the Senate without a dissenting vote. Bob has had a distinguished career in public service. He served his country in Vietnam, was a U.S. attorney in both San Francisco and Boston, and he earned my trust as acting Deputy Attorney General. He understands the need to work cooperatively with local police because he's been there. He left a prosperous law partnership in Boston to come to Washington, D.C. to work with local police to prosecute murder cases. Bob Mueller merits the trust of law enforcement and he will earn it as Director of the FBI.

And just as this Department will respect the role of local law enforcement, we will not tolerate the absence of respect in law enforcement for the Constitutional rights of all Americans. Judging people on the basis of their race has a uniquely tragic place in American history. No issue leaves a greater stain on the pages of our history books. And no issue poses a greater threat to the people's faith in the just and equal administration of the laws.

Your national president, Gilbert Gallegos, recently wrote to me to communicate the views of the Fraternal Order of Police on various legislative proposals on the subject of racial profiling. I am grateful to have your views on this issue. I'd like to use the final minutes of my time with you today to say a few words in response.

I have always firmly believed that to treat people differently on the basis of their race is a profound moral wrong. It is, as well, a violation of the 14th Amendment to the Constitution guaranteeing the equal protection of the laws. The Fraternal Order of Police is to be commended for its resolution rejecting racial profiling as a law enforcement tactic. The overwhelming majority of men and women in law enforcement are honorable people who perform their duties without regard for the race or ethnicity of the citizens they serve. It is regrettable that the actions of a few individuals have the ability to obscure this fact. It is imperative that we work together to preserve and protect the integrity of our system of law enforcement in the eyes of all Americans.

Earlier this year President Bush asked me to review the nature and extent of racial profiling practices in federal law enforcement. That review is well underway and we anticipate to release a report on its findings early this fall.

The President also directed me to work with the Congress and state and local law enforcement to assess the nature and extent of such practices at the state and local level. I, in turn, have told Congress that the Department of Justice stands ready to support legislation authorizing a study of traffic stop data voluntarily collected by state and local law enforcement officials. If Congress is unable to agree on a bill, the Department of Justice is prepared to move forward with our own study of such data.

As we review the various legislative proposals before Congress, we do so with two important criteria in mind. First, the Department is assessing carefully the breadth of each proposal and any

impact it may have on the fundamental responsibilities of law enforcement. Second, we are mindful of the prospect of increased, unnecessary litigation and any impact of these proposals on federal assistance of critical importance to the states and localities.

I know that you share my determination--and that of the president--to ensure the just and equal administration of the nation's laws. I welcome your active involvement in crafting policies that will build trust in communities. Together we can ensure that there is no place in American law enforcement--or anywhere in America--for judging the guilt or innocence of citizens by the color of their skin. Similarly we must ask every citizen to respect police officers who put their lives on the line daily to defend our freedoms.

Maintaining trust in the rule of law. Protecting our system of justice. Defending freedom and respecting those whose lives and families endure the necessary hardships. This is the great charge--the great trust--of justice in America. Our nation occupies a unique position in the history of mankind. We send a message about the value of freedom that resonates around the world. But democracy and freedom don't mean anything absent justice.

In 1847, at a gathering of lawmakers in Charleston, South Carolina, Daniel Webster raised his glass in a toast. "To the law," Webster said. "It has honored us; may we honor it." As we complete this conference and go back to our states, our towns and our communities, let us offer a similar tribute to the citizens who look to us to protect their rights and defend their freedoms. They have honored us with their trust. May we honor them with justice.